

The Impact of Restorative Justice on the Development of Guilt, Shame, and Empathy among Offenders

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Abstract

Restorative justice as a philosophy consistently highlights the importance of dialogue among the offender, the victim, and the community as a significant component of repairing the harm done. However, without understanding whether or not offenders are developing the emotions of guilt, shame, and empathy which are necessary for reconciliation, the healing dialogue may be misguided. The present study utilizes a panel design approach with the primary goal of examining the effect of a Missouri Department of Corrections Restorative Justice Program—Victim Impact Training (VIT) on the emotional development of guilt, shame, and empathy among offenders. The MANCOVA results show no overall significant differences in VIT participant's pre- and post-test scores on their development of guilt, shame, and empathy. However, regression analysis results indicate significant relationships between shame and empathy among offenders. Results also indicate significant differences among gender, age, and race on guilt, shame, and empathy. These findings and their implications are discussed.

Key Words: restorative justice, rehabilitation, victim impact panel, guilt, shame, empathy

INTRODUCTION

Crime victims throughout the last two decades have gained the attention of academe, laymen, and policymakers within the criminal justice system. This level of interest has led to controversial policies that have allowed for the development of victim advocate groups, victim-centered programs, initiatives that increase efforts for restitution, and, more recently, an emphasis on victim impact training panels (C' de'Baca et al., 2001; Erez, 1994, 2000; Fors & Rojek, 1997; Henderson, 1985; Hillenbrand, 1990; Kelly, 1990). Although the objectives of victim impact training may vary, the ultimate goal is to have an "intense and emotional impact" (C' de'Baca et al., 2001, p. 615) on the offender, with the hope that these types of training programs will contribute to the goals of the criminal justice process: retribution, rehabilitation,

deterrence, and maintaining social order (Henderson, 1985). Therefore, the purpose of this study is to examine if victim impact training (VIT) programs are having the desired emotional impact on offenders.

Victim Impact Training: Theoretical Framework and Evaluations

Theoretical rationales for the victim impact training (VIT) approach can be found in the restorative justice movement that emerged in the 1990s (Rojek, Coverdill, & Fors, 2003). Rationale for VIT can also be found in discussions by Braithwaite (1989) and Cohen (1985) who both discuss the ideas of inclusionary modes of social control and community shaming. Much of this theoretical approach is derived from the fact that the current criminal justice system is offender-focused, so much so, that it has all but ignored the victim. Currently, offenses committed in the United States are not crimes against persons, but are crimes against the state. This approach, although grounded in the ideas of the social contract, limits if not completely eliminates the role of the victim. The restorative justice model postulates that this approach is to the detriment of the criminal justice system and asserts that crime is a social interaction that impacts not only the state but the victim, the offender, and the community. Therefore, an approach that draws on inclusion versus the status quo of exclusion is more appropriate.

Over the last two decades, researchers, policymakers, and practitioners have begun to incorporate the concept of restorative justice into their decision-making template for punishing offenders. Conceptually, restorative justice has been defined as a normative theory of criminal justice that has taken on the characteristics of a reform movement. The primary focus of many restorative justice programs are to provide the offender, the victim, and the community at large the opportunity to engage in a reparative dialogue that encourages forgiveness and seeks to heal the harm done or resolve the conflict among parties (Dzur, 2003).

As noted in the definition, the goal of restorative justice is to create conditions whereby the victim or representatives can dialogue with offenders in order to repair the harm or resolve the conflict. This is what Cohen (1985) and Braithwaite (1989) assert when they discuss exclusionary versus inclusionary modes of social control. The basis of this distinction hinges on how the state utilizes the formal criminal justice process to condemn and punish offenders for their crimes. Braithwaite asserts that this approach isolates the offender from the community and interrupts the necessary reparative process. Thus, Braithwaite argues for a more inclusionary social control mechanism which entails a community shaming process. The community shaming process according to Braithwaite (1989) will do more to reintegrate the offender back into the community, which will ultimately prove to be a more effective social control instrument in comparison to the current disintegrative approaches. This approach generates questions on how best to reintegrate the offender back into the community and, at the same time, heal the harm caused by the offense and prevent its recurrence (Morris, 2002; Rojek et al., 2003).

According to restorative justice researchers, the best way to heal the harm done and prevent its recurrence is through the use conferences (Dzur, 2003), victim impact panels (Rojek et al., 2003), victim impact statements (Erez, 1994, 2000; Erez, Roeger, & Morgan, 1997), and victim impact training (Jackson & Bonnacker, 2006)—all of which have been reported as being effective at contributing to the reparative process among the victim, offender, and community and at reducing the recidivism rate of offenders (Umbreit, Coates, & Vos, 2002; Rodriguez, 2005; Wemmers & Cyr, 2005). By establishing a dialogue among the victim, offender, and the com-

munity, offenders are made aware that their criminal activity not only impacts the victim, but also impacts the entire community. Further, through this dialogue, individual victims as well as the community can begin their healing process and ultimately move forward with their lives. Also, through dialogue, victims by having the opportunity to present their feelings of loss to the offender can possibly generate the emotional responses of guilt or shame within the offender (Dzur, 2003; Gilligan, 2003; Mehrabian & Epstein, 1972; Lutwak et al., 2001; Smith-Cunnie & Parilla, 2001; Takagi & Shank, 2004; Rodriguez, 2005; Tangney, 1991; Wemmers & Cyr, 2005). This emotional development of guilt or shame among offenders is important, because according to Tangney and Dearing (2002) it is the key to generating a dialogue of healing. Individuals who exhibit guilt as an emotion are more likely to express empathy and move towards healing a wrong. Whereas individuals who exhibit shame are more likely to not be empathic and are more likely to avoid dealing with the event, thus hindering the healing process (further conceptual differences between guilt and shame are made at a later point in the paper).

Although there is little research that examines VITs specifically, current literature is replete with empirical research on the many restorative justice models, programs, and practices that incorporate victim panel formats. For example, Umbreit and his colleagues (2002) in a review of 63 empirical studies evaluating the impact of restorative justice conferencing found that, overall, both victims and offenders who participated in mediation programs were satisfied with the program. Their report also found that the recidivism rates of offenders who participated in victim panels were consistently and significantly lower than the rates of offenders who did not participate in the program. Similar findings were reported by Rodriguez (2005) who, after examining the process of selecting offenders to participate in restorative programs, found that community and individual characteristics are important predictors of restorative justice program placement. Rodriguez concluded that those who participated and completed the programs were less likely to recidivate in comparison to those who did not participate in the program. Other research has examined whether or not mediation, which is a significant component of the restorative justice model, can be therapeutic for crime victims (Wemmers & Cyr, 2005). Wemmer and Cyr's findings indicate that, although many victims were afraid to confront offenders, procedural justice can facilitate healing. According to Dzur (2003) it is through this healing process that forgiveness and reintegration can begin.

Although the findings by Umbreit and colleagues, Wemmer and Cyr, and Rodriguez are supportive of the restorative justice models, other research has found the impact of the restorative model approach to be minimal at best. For example, Shinar and Compton (1995) in their study of DWI (driving while intoxicated) offenders found that offenders attending the victim impact panel programs demonstrated a higher average of violations and crashes in comparison to the control group (i.e., non-participants). Similar results were found in a study by C' de Baca et al. (2001), who examined the effectiveness of victim impact panels on reducing recidivism among drunk drivers, in which no significant difference was found (see also Polacsek et al., 2001; Wheeler et al., 2004). By contrast, Sprang and Compton (1998), Fors and Rojek (1997), and Rojek, Coverdill, and Fors (2003) all examined the effect of victim impact panels on DWI offenders and found that program participants were less likely to recidivate, which is consistent with the majority of the studies conducted on restorative model programs.

Despite the empirical support found in the literature, the restorative justice model is not without its critics. For example, Takagi and Shank (2004) point out that although Braithwaite and other theorists' arguments for the restorative model are compelling, they fail to acknowl-

edge the impact of societal structures. According to Takagi and Shank (2004), "Braithwaite does not discuss the issue of power, who holds it, how it is exercised, or how it is channeled into certain dominant structures, especially in class/race/gender relations of domination and subordination" (p. 158). Also, while many of the restorative justice programs focus on rebuilding the relationship between the offender and the community, restorative justice programs are all but absent from minority communities (Takagi & Shank, 2004). Further, despite restorative justice models' strong emphasis on guilt, shame, and empathy, out of the 100 projects reviewed by the University of Minnesota's Center for Restorative Justice, not one empirically focused on the relationship among these variables or examined whether or not offenders were developing these emotional responses (Umbreit et al., 2002). Thus, the goal of this paper is to examine if the Missouri Department of Corrections restorative practice VIT programs are generating the desired emotional responses (guilt, shame, and empathy).

Victim Impact Training

The Victim Impact Training class is an educational program designed to teach offenders about the human consequences of crime. Offenders are taught how crime affects the victim and the victim's family, friends, and community, and how it affects them and their own families, friends, and communities. Specific modules address property crimes, sexual assault, domestic violence, child abuse and neglect, elder abuse and neglect, drunk driving, drug-related crimes, gang violence, and homicide. Victim impact classes have been adapted for both adult and juvenile offenders in diversion, probation, prison, pre-release, detention, and parole supervised settings. A key element of the classes is the direct involvement of victims (not necessarily the victim of the offenders participating in the VIT program) and victim service providers. They tell their personal stories of being victimized or of helping victims to reconstruct their lives after a traumatic crime. Parents and relatives of incarcerated offenders and community representatives, such as insurance adjusters, may also speak to the class. Offenders are encouraged to enter into a dialogue with the guest speakers. Some programs utilize an indirect reparation approach in which the offender and victim are in contact about the same type of offense (Tutt, 2007). For example, many VIT programs integrate victim impact panels, composed of three to four victims of the particular type of crime being examined, into the curriculum. When the panel format is used, the class participants may ask questions at the end of the presentation, but usually do not engage in discussion with the victim presenters. The goals of the training program are to: (1) teach offenders about the effects of trauma victimization; (2) increase offenders' awareness of the negative impact of their crime on their victims and the community; (3) encourage offenders to accept responsibility for their harmful actions; (4) provide a forum for victims and victim service providers to educate offenders about their harmful behavior, with the hope of preventing a future re-offending; and (5) to build linkages between criminal and juvenile justice agencies. Underlying these goals is an attempt to generate the emotional responses of guilt, shame, and remorse (Stutz, 1994).

Conceptualizing Guilt, Shame, and Empathy

The conceptualization and causal relationship of guilt, shame, and empathy have received varying amounts of attention from a variety of disciplines. For example, researchers from the field of psychology have defined guilt as a response to the violation of internal norms (Harris, 2003; Harris, Walgrave, & Braithwaite, 2004; Tangney, 1991). When individuals are aware of

their own personal norm violation, they are also more likely to make some attempt to repair the wrong (Kugler & Warren, 1992; Leith & Baumeister, 1998; Tangney, 1991). As stated by Leith and Baumeister (1998), “guilt stimulates people to counteract the bad consequences of their actions, for example, by confessing, by apologizing, or by making amends” (p. 3). Thus, individuals who have the emotional response of guilt are more likely to emotionally relate to the victim (i.e., feel empathy) and are more likely to develop a need to repair the wrong (Tangney, 1991).

Conversely, when individuals’ attention is externally focused, they are more likely to develop shame. Shame, unlike guilt, often forces individuals to run and hide or avoid situations that force them to confront their wrong-doings (Tangney, 1991). When individuals are shamed, they are more likely to develop feelings of failure and avoidance and develop other behaviors that may lead to further transgressions. Thus, “shame involves critical, painful scrutiny of the self as a whole, and the resultant distress may inhibit any simple or pragmatic effort to deal with the immediate situation” (Leith & Baumeister, 1998, p. 3-4). Shame-prone individuals in comparison to guilt-prone individuals may be more apt to respond with an avoidance reaction (denial of victim), in lieu of an empathic response (Tangney, 1991). Consequently, shame is not likely to produce the pro-social and relationship-enhancing responses that are attributed to guilt. In short, shame-prone individuals are less likely to develop empathy for victims in comparison to guilt-prone individuals.

In the field of criminal justice, shame has followed a different but related path of conceptualization. One of the well-known pieces of work on shame and crime is that of Braithwaite (1989). Braithwaite explores the role of shame in societies that are more communal and argues that if individuals commit acts that are considered crimes in their community, reintegrative shaming in comparison to disintegrative shaming (i.e., stigmatizing) is more effective at preventing further transgressions. According to Braithwaite, reintegrative shaming is shaming that occurs with the attempt to not only chastise the offender, but it also has the goal of forgiveness and acceptance of the individual back into the community. This is done not only to help the individual but also to repair the relationship among the victim, offender and the community. By contrast, disintegrative shaming is a shaming process that does more to ostracize and embarrass the offender, without the goal of repairing the relationship among the victim, offender, and community (Braithwaite, 1989). Braithwaite’s work has made significant contributions to the restorative justice model and has been the catalyst for many research programs that evaluate both theoretically and empirically the role of restorative conferences, victim impact panels, and victim-offender mediation.

Recently, Braithwaite’s definition of shaming and the relationships among guilt, shame, and empathy has been challenged due to its inconsistency with more contemporary research on the conceptualization of guilt and shame and their impact on empathy development (Harris et al., 2004). According to Harris et al. (2004), guilt and shame are not distinguishable from each other and have been conceptualized by the authors as “guilt-shame.” Further, they argue that individuals must first develop empathy in order to experience “guilt-shame.” This conceptualization and ordering of variables is contrary to empirical research that has demonstrated that the concepts are in fact different and should not be used interchangeably and with literature that argues that guilt-prone individuals in comparison to shame-prone individuals are more likely to develop an empathetic response (i.e., individuals can emotionally see themselves in the victim’s situation) (Ferguson & Crowley, 1997b; Leith & Baumeister, 1998; Lutwak et al., 2001; Tangney, 1990, 1991; Tangney et al., 1992; Tangney & Dearing 2002).

The concept of empathy along with guilt and shame has also been plagued with issues of conceptualization and empirical measurement. Pepinsky (1998) in his examination of the role of empathy in offender rehabilitation emphatically argues that empathy, in comparison to punitive measures, is a much more effective approach to rehabilitation. Without empathy (the ability to view yourself in the situation), offenders will not be able to truly understand the impact of their behavior nor be able to develop the impetus to repair their relationship with the victim or the community. Although Pepinsky's argument is logical, it relies heavily on anecdotal examples for support.

Others have taken a more empirical approach to examining the role of empathy in offender rehabilitation. For example, Tangney (1991) examined the relationship among guilt-proneness, shame-proneness, and the empathetic response and found that negative empathy was significantly correlated with shame and positively correlated with guilt. These results support the argument that guilt (particularly constructive guilt) is more likely to develop an empathetic response which is considered necessary for the repairing and healing of both intra- and interpersonal relationships. On the other hand, shame is more likely to lead to avoidance, thus impeding the necessary healing and repairing of intra- and interpersonal relationships. These results have also been found among research studies examining empathy development among adult sex offenders (McAlinden, 2005; Tierney & McCabe, 2001).

Similar to the debates over conceptualization of shame and guilt, there is debate over the conceptualization of empathy (Fisk & Taylor, 1991; Harris, 2003; Mehrabian & Epstein, 1972; Pepinsky, 1998; Tangney, 1991). For example, Davis (1983) points out that despite its common use in everyday language, empathy is not easily defined. Davis proposes four basic dimensions of empathy. The first dimension is fantasy. Within this dimension, individuals are viewed as being able to transpose (imaginatively) themselves into feelings and actions of a fictional character. The second dimension is perspective taking, which is defined as the ability to place oneself into another's situation and comprehend his or her experiences. The third dimension is empathetic concern. From this perspective individuals are viewed as being concerned about the welfare of others and are able to share the pain of their adversity. The final dimension is personal distress, which is defined as the anxiety that one develops upon hearing or learning of the suffering or distress of another. Although Davis (1983) identified more than one type of empathy, many researchers have adopted the "perspective taking" dimension as a common definition of empathy (Leith & Baumeister, 1998; Tangney, 1991). Following precedence, for the purpose of this study empathy will be conceptualized consistent with Davis's (1983) perspective taking dimension which emphasizes a shared emotional response between an observer and stimulus person. This definition requires that the individual possesses the cognitive ability to take another person's perspective into consideration and have the cognitive ability to accurately read cues regarding another person's particular emotional experience (see also Tangney, 1991).

Despite the debate over conceptualization, researchers have continually suggested that in order to develop a thorough understanding of the restorative justice programs' impact on offender behavior, empirical and theoretical examination of the development of emotional responses (i.e., guilt, shame, and empathy) among offenders is necessary (Kelly, 1990; Lutwak et al., 2001; Rodriguez, 2005; Rojek et al., 2003; Umbreit et al., 2002). Therefore, it is the goal of this study to examine not only the relationships among the three variables, but specifically examine the impact of guilt and shame on the development of empathy among offenders who have participated in a VIT program.

DESIGN AND METHODOLOGY

VIT/ICVC Program

Beginning in 1999, the Missouri Department of Corrections implemented a victim impact training program called the “Impact of Crime on Victims Classes (ICVC).” This ICVC program is based on a program developed by the California Youth Authority (California Youth Authority, 2008). The target audiences of ICVC classes in the community are young adult felony offenders and offenders who have demonstrated a need for this type of program who are on probation or parole. Offenders are selected for the classes primarily through referrals by the court and probation and parole officers. Classes held in the community (classes are also held in institutions) are taught by corrections staff or private vendors. The classes meet for two hours weekly for ten weeks during which several types of crimes are addressed. Program topics addressed include: Property Offenses, Drugs and Society, Domestic Violence, Child Maltreatment, Assault, Sexual Assault, Drunk Driving, Robbery, and Homicide. The material is presented by the use of text, videotaped victim stories, and guest victim speakers.¹ When guest victim speakers participate, the program resembles the *Victims as Leaders* model, which allows for victims’ voices to be represented through other victims or victim advocate groups without the victims and the offenders meeting face-to-face. This model has been described as giving victims’ voices authenticity and allows victims the opportunity to have a significant impact on offenders’ behavior and on the dialogue of healing (Shaheed, 2006).

The program’s strategy is to change behavior through education and to sensitize offenders to the effect of crime and develop in the offender sensitivity about his or her impact on the victim, the victim’s family, and the community. ICVC classes should increase offender awareness about the cause and effect of his or her actions, develop respect for the rights of others, teach the offender to accept responsibility for his or her actions, and provide victims and victim service providers with a forum to educate offenders about the consequences of their criminal behavior.

Participants

Data for this study was collected from adult probationers being supervised by the Department of Corrections, Board of Probation and Parole, in the Southeast Region of Missouri. Study sites included probation and parole offices located in Farmington and Poplar Bluff, Missouri. Study sites were selected because of their proximity and the availability of ICVC classes provided for their offender populations. It was originally conceived that other counties that had ICVC classes would be used in the study, but these other counties either failed to hold a program, or there was a significant variation in the structure of the program; therefore, it was decided to focus only on the counties that utilized the ICVC program as originally devised by the Missouri Department of Corrections.

1. Although victims participate as guest speakers, they are not necessarily the victims of the offenders in the program. Since victim participation is voluntary, many victims prefer not to participate and prefer for victim advocate groups to represent them in these types of programs.

The participants in the study consisted of two groups of offenders (4-week and 10-week) in Butler and St. Francois, Missouri, counties who were court-ordered to participate in the community ICVC program. The study participants' offenses consisted of a "garden variety" of deviant behavior: failure to pay child support, burglary, DUI, drug violations, robbery, assault, fraud, leaving the scene of an accident, and tampering with a motor vehicle. The initial sample consisted of 45 offenders in the 10-week ICVC classes and 40 offenders in the 4-week ICVC classes. However, due to program attrition, the final sample consisted of 42 offenders ordered to participate in the 10-week ICVC class and 27 offenders in the 4-week ICVC class.² A total of 69 respondents completed the surveys at both pre-test and post-test. The overall attrition rate for the sample was approximately 18%. This attrition rate within the sample can be attributed to parole violations, re-arrest, or failure to complete the class through non-participation (for an overall description of population demographics by pre and post-test see Table 1 on page 13).

Measurements

Independent Variable(s)

Test of Self-Conscious Affect for Socially Deviant (TOSCA-SD). This study utilizes the TOSCA-SD which was developed by Hanson and Tangney (1995) after recognizing the limitations of the TOSCA when applying the instrument to deviant populations. The TOSCA-SD is a revision of the adult TOSCA developed for use with incarcerated respondents, as well as individuals from other "socially deviant" groups (Hanson & Tangney, 1995). Although there is some debate about whether the TOSCA is an appropriate measure of guilt and shame, Tangney (1991) concluded that scenario-based measures (such as the TOSCA) are nevertheless the best currently available measures of guilt and shame proneness (see also Ferguson & Crowley, 1997b). Like the TOSCA, TOSCA-SD employs a scenario-based approach to assess individual differences in shame-proneness and guilt-proneness. The TOSCA-SD consists of 13 scenarios designed primarily to assess the respondent's shame and guilt reactions to each situation. Each scenario is followed by several alternative responses representing brief phenomenological descriptions of shame, guilt, and defensive responses with respect to the specific scenario. Rather than relying on the often misused terms "shame" and "guilt" these TOSCA-SD items represent brief phenomenological descriptions of a shame or guilt experience, as defined in the theoretical, phenomenological, and empirical literatures (Lutwak et al., 2001; Tangney, 1989). The measure is not forced-choice in nature. Respondents were asked to rate on a 4-point Likert scale, their likelihood of responding in each manner indicated, allowing for the possibility that feelings of shame and guilt may co-occur in connection with a given situation. The TOSCA has been shown to have acceptable internal consistency ($\alpha = .76$ and $.66$ for shame and guilt, respectively; Tangney et al., 1992), and maintained this consistency with the current total sample ($.84$ for guilt, $.67$ for negative-self appraisal, and $.38$ for behavioral avoidance). The TOSCA shame and guilt scales have been shown to be correlated in previous studies ($r = .44$;

² Due to a shortage of resources (i.e., personnel to conduct classes) many of the counties in Missouri have accommodated the personnel shortage by offering a 4-week ICVC program. Therefore, the study sample consists of respondents from a 4-week and a 10-week ICVC program. Since this was not included as part of the overall theoretical argument, program type will be treated as a demographic variable and as a covariate within the MANCOVA model.

Tangney, 1990, 1991). TOSCA shame-proneness scores, but not guilt-proneness scores, have been related to a range of psychopathologies (Gilligan, 2003; Tangney, 1990, 1991). Previous studies' internal consistency specifically utilizing the TOSCA-SD reliabilities for the shame (negative self-appraisal and behavioral avoidance) and guilt measures were .89, .81, .74, respectively (Cripps, 1997; Hanson 1996). In a recent study by Jackson and Bonacker (2006) examining guilt, shame, and empathy development among victim impact training participants, the internal consistency for the TOSCA-SD was .85 for guilt, .62 for negative-self appraisal, and .65 for behavioral avoidance measures. The reliability scores for this study on shame sub-scales (negative self-appraisal and behavioral avoidance) and guilt were .84 for guilt, .67 for negative-self appraisal, and .38 for behavioral avoidance. These reliability scores are consistent with previous studies utilizing the TOSCA and the TOSCA-SD (Cripps, 1997; Hanson, 1996; Tangney, 1990, 1991; Tangney et al., 1992).³

Dependent Variable(s)

Mehrabian Emotional Empathy Scale (MEES). Mehrabian Emotional Empathy Scale (MEES) (Mehrabian & Epstein, 1972) is a measure of general empathy. It contains 33 statements that respondents are required to rate in a range +4 (very strong agreement) to -4 (very strong disagreement). In developing this scale, Mehrabian and Epstein (1972) selected only items that did not correlate with the Marlowe Crowne Social Desirability Scale (Crowne & Marlowe, 1960), to ensure that the scale was not confounded by social desirability. The MEES has been used in previous research on rapists and sex offenders (Tierney & McCabe, 2001) and has demonstrated a reliability alpha of .84. A modified MEES was utilized to measure empathy within this sample. The modified scale in this sample consists of 22-items from the original Mehrabian empathy scale (12 negative and 10 positive)⁴ and unlike the original MEES, which was measured on a scale ranging from +4 (very strong agreement) to -4 (very strong disagreement), the scale for this study was modified and measured on a 4-point Likert scale 1 (very unlikely) to 4 (very likely) of which the negative empathy response items were reverse scored. Despite the changes, the scale still utilizes the primary questions of each dimension from the multidimensional construct. For example, Susceptibility to Emotional Contagion (“The people around me have a great deal of influence on my mood”); Appreciation of the Feelings of Unfamiliar and Distant Others (“Lonely people are probably unfriendly”); Extreme Emotional Responsiveness (“Sometimes the words of a love song can move me deeply”); Tendency to be Moved by Others’ Positive Emotional Experiences (“I like to watch people open presents”); Tendency to be Moved By Others’ Negative Emotional Experiences (“Seeing people cry upsets me”); Sympathetic Tendency (“Little children sometimes cry for no apparent reason”); and Willingness to be in Contact with Others Who Have Problems (“When a friend starts to talk about his problems, I try to steer the conversation to something else”). While the scale sets out to measure emotional components of empathy, it does include a few “cognitive” items such as “I would rather be a social worker than work in a job training center.” Cronbach’s alpha for the

3. Due to the low Cronbach’s alpha level for the Shame Sub-scale Behavioral Avoidance, it will not be included in the final analysis.

4. Modifications of the scale were necessary due to the length of the survey and due to the population being surveyed. The scale has been pre-tested and has demonstrated a consistent Cronbach’s alpha in a previous study utilizing this scale (Jackson and Bonacker, 2006).

empathy scale for the current sample is .78, which is an acceptable alpha and is consistent with previous research utilizing this scale (see Tierney & McCabe, 2001).

Socio-demographic Variables

Beyond the inclusion of theoretically relevant variables, this study controls for several demographic factors including offender ethnicity/race, marital status, prior ICVC participation, first felony, restitution, education, employment, income, program length, and gender. In the final analysis, all demographic variables were treated as dummy variables with the exception of income and education, which were coded as polytomous variables, and age, which remained continuous due to reliability issues in respondents' answers on demographic items (see Table 1, below, for overall percentages by participants and control).

TABLE 1. SAMPLE DESCRIPTION AND FREQUENCY BY PROGRAM LENGTH ($N = 69$)

Variable	Values	Frequency	
		4-Week (n = 42)	10-Week (n = 27)
Gender	1 = Male	30 (71.4%)	17 (62.9%)
	2 = Female	12 (28.6%)	10 (23.8%)
Race	1 = Non-minority	36 (85.7%)	27 (100.0%)
	2 = Minority	6 (14.3%)	0(0.0%)
Prior ICVC	1 = Yes	3 (7.1%)	6 (22.0%)
	2 = No	39 (92.9%)	21 (77.8%)
Restitution	1 = Yes	15 (35.7%)	18 (66.6%)
	2 = No	27 (64.3%)	9 (21.4%)
First Felony	1 = Yes	0 (0.0%)	24 (88.8%)
	2 = No	39 (92.9%)	3 (11.1%)
	Missing	3 (7.1%)	
Education	1 = No HS Diploma	13 (30.9%)	6 (22.2%)
	2 = HS Diploma	10 (23.8%)	15 (55.5%)
	3 = Some College	12 (28.5%)	5 (18.5%)
	4 = College Degree	3 (7.1%)	1 (3.7%)
	Missing	15 (35.7%)	

**TABLE 1. SAMPLE DESCRIPTION AND FREQUENCY BY PROGRAM LENGTH ($N = 69$)
(CONTINUED)**

Variable	Values	Frequency	
		4-Week ($n = 42$)	10-Week ($n = 27$)
Marital Status	1 = Married	13 (30.9%)	5 (18.5%)
	2 = Not Married	29 (69.1%)	22 (81.5%)
Employment	1 = Employed	30 (71.4%)	19 (70.3%)
	2 = Unemployed	12 (28.5%)	8 (29.6%)
Income	1 = Below \$19,000	30 (71.4%)	20 (74.1%)
	2 = \$19,000-29,999	7 (16.7%)	5 (18.5%)
	3 = \$30,000-39,999	3 (7.1%)	1 (3.7%)
	4 = \$40,000-49,999	1 (2.4%)	1 (3.7%)
	5 = More than \$50,000	1 (2.4%)	0 (0.0%)
	Missing		
Age	Years; range 18-66		

Note: $X = 30.42$; $SD = 10.66$

Administration of Instrument

The surveys for the ICVC participants were administered in person by the author or research assistants who visited all of the potential sites after approval had been obtained from the appropriate Missouri State officials. Prior to taking the survey, all participants were informed that their participation was voluntary and that they could choose not to complete the survey or refuse to answer any specific questions. All survey data was numerically coded by using the last four digits of the offender's social security number to ensure that the offender's pre- and post-test were matched.

Participants at the beginning of the ICVC (pre-test) received a booklet that included an informed consent form and a cover sheet with written instructions for completing the survey. ICVC participants were re-tested (post-test) following completion of the class. Upon their participation, the consent form was removed from each packet by the researcher and kept on file at the Missouri Department of Corrections Administration office to ensure anonymity and to ensure that the same respondents who participated at pre-test also participated at post-test.

Hypotheses

Using a panel-design research strategy, participants in the study were surveyed at pre-test and post-test and separated into two groups—4-week program participants and 10-week program participants. The primary goal of the study was to examine if offenders in the ICVC program were more likely to develop the emotional responses of guilt, shame, and empathy. Below are the three hypotheses tested within this study:

- H1: Offenders after completing the ICVC class should indicate a significant difference between their pre-test and post-test scores on guilt, shame, and empathy.
- H2: Offenders at post-test who experience higher levels of guilt are more likely to indicate empathy as an emotional response.
- H3: Offenders at post-test who experience higher levels of shame are less likely to indicate empathy as an emotional response.

The research analysis is two-fold. Since hypothesis 1 has multiple dependent variables, a multiple analysis of covariance (MANCOVA) will be utilized to test for any significant differences between offender’s pre- and post-test responses. Hypotheses 2 and 3 only utilize empathy as the dependent variable; thus, a regression model will be utilized to test their assumptions.

RESULTS

Before the analysis, data were prepared to meet the assumptions of this model (that is homogeneity of covariance, normality, and, whenever possible, outliers). Data collected in the pre- and post-test interviews were analyzed using a multiple analysis of covariance (MANCOVA) approach. This approach was chosen because it allows for the testing of two or more dependent variables and for the incorporation of one or more covariates into the analysis (Mertler & Vannatta, 2005). Since it is hypothesized in both current and prior literature that age, race, gender, income, restitution, employment, first felony, prior ICVC participation, and education are inter-correlated with the dependent variables, they were treated as covariates within the MANCOVA model (see Table 2, below, for Pre- and Post-test means and standard deviations of guilt, shame, and empathy scales).

TABLE 2. PRE- AND POST-TEST MEANS AND STANDARD DEVIATIONS OF GUILT, SHAME, AND EMPATHY

Variables	10-Week (n = 42)		4-Week (n = 27)	
	Pre-Test	Post-Test	Pre-Test	Post-Test
Constructive Guilt	X = 43.26	X = 43.91	X = 45.15	X = 45.15
	SD = 7.30	SD = 7.87	SD = 5.67	SD = 5.27
Negative Appraisal	X = 13.90	X = 14.60	X = 12.81	X = 12.55
	SD = 4.02	SD = 4.05	SD = 4.12	SD = 2.65
Empathy	X = 66.93	X = 68.48	X = 64.41	X = 68.22
	SD = 8.79	SD = 8.95	SD = 12.68	SD = 10.27

Note: X = mean; SD = Standard Deviation

Multivariate Analysis of Covariance: Hypothesis 1

A multivariate analysis of covariance was conducted to determine the effect of time (pre- and post-test) and ICVC program type on guilt, shame, and empathy.⁵ MANCOVA results revealed no significant relationship among pre- and post-test responses and the combined dependent variables guilt, shame, and empathy (Pillai's = .036, $F(3,103) = 1.294$, $p = .280$, multivariate $\eta^2 = .036$). However, program type (10-week vs. 4-week) demonstrated a significant relationship on the combined dependent variable shame (Pillai's = .105, $F(3, 103) = 4.029$, $p = .009$). The covariates race (Pillai's = .140, $F(3, 103) = 5.596$, $p = .001$), marital status (Pillai's = .080, $F(3, 103) = 2.984$, $p = .035$), gender (Pillai's = .283, $F(3, 103) = 13.561$, $p = .000$), first felony (Pillai's = .144, $F(3, 103) = 5.775$, $p = .001$), and whether or not the offender participated in an ICVC program before (Pillai's = .173, $F(3, 103) = 7.201$, $p = .000$) all had a significant impact on the combined dependent variables guilt, shame, and empathy.

Analysis of covariance (ANCOVA) was conducted on each dependent variable as a follow-up test to MANCOVA. Race ($F(1, 105) = 11.646$, $p = .001$), marital status ($F(1, 105) = 8.170$, $p = .005$), gender ($F(1, 105) = 34.358$, $p = .000$), first felony ($F(1, 105) = 7.824$, $p = .006$), and program type ($F(1, 105) = 10.133$, $p = .002$) category differences were significant for negative appraisal (shame sub-scale). Gender ($F(1, 105) = 4.274$, $p = .041$) and first felony ($F(1, 105) = 6.340$, $p = .013$) category differences were significant for guilt. Whereas gender ($F(1, 105) = 5.214$, $p = .024$), restitution ($F(1, 105) = 4.816$, $p = .030$) and whether or not the offender participated in an ICVC program before ($F(1, 105) = 13.835$, $p = .000$) category differences were significant for empathy.

Regression Analysis: Hypotheses 2 and 3

In order to examine Hypotheses 2 and 3 a standard multiple regression was conducted to determine the accuracy of the independent variables guilt and shame predicting empathy among offenders. This analysis is unique to offenders' post-test results only. Prior to the regression analysis, a separate variance-covariance matrix for all variables in the model was calculated, using a two-tailed test of significance at the .05 level as the criterion. Bivariate correlations indicated that the relationships between variables were in the predicted directions (See Table 3, opposite). Furthermore, bivariate correlations, variance inflation factors (VIFs), and condition number tests indicated that there were no signs of multicollinearity. Regression results indicate that the overall model significantly predicts empathy $R^2 = .580$, $R^2_{adj} = .458$, $F(13, 45) = 4.755$,

5. Box's Test of Equality of Covariance Matrices was significant ($p = .032$) for MANCOVA testing Hypothesis 1; thus, Pillai's Trace is used for interpreting the homogeneity of the regression slopes and subsequent multivariate test. The first step in interpreting the MANCOVA results is to evaluate the preliminary MANCOVA results that include the Box's Test and the test for homogeneity of regression slopes. If Box's Test is not significant, the Wilks' Lambda statistic must be utilized when interpreting the homogeneity of regression slopes and the subsequent multivariate tests. If the Box's Test is significant, the researcher must use the Pillai's Traces (see Mertler and Vannatta, 2005). The Box's Test of Equality of Covariance Matrices tests the null hypothesis that the variance/covariance matrices in the population are identical across cells. When the F statistics differ within a MANCOVA Pillai's Trace is often used because it is the most powerful and robust F statistic. Thus using Pillai's Trace and not Wilk's Lambda may improve the robustness of the test in the model.

TABLE 3. BIVARIATE CORRELATION COEFFICIENTS FOR GUILT, SHAME, AND EMPATHY

Variables	Empathy	Negative Self-Appraisal	Guilt	Age	Gender	Education	Restitution	Employed	Prior ICVC	Income	First felony	Pre/post-test	Program Length	Ethnicity	Marital Status
Empathy	1														
Negative Self-Appraisal	** .277)	1													
Guilt	** .561	** .494	1												
Age	* .181	-.030	.166	1											
Gender	** .303	** .479	** .224	.166	1										
Education	* .178	.063	.130	** .283	.169	1									
Restitution	-.140	-.063	-.034	** .221	-.160	.150	1								
Employed	.000	.116	.000	** .263	** .328	-.021	-.032	1							
Prior ICVC	** .259	.091	.009	-.054	.147	.139	.035	-.008	1						
Income level	-.049	*-.171	-.031	.161	**-.233	.159	*.210	-.158	.002	1					
First felony offense	.079	.095	*-.179	-.163	-.085	.080	.081	-.030	.027	.115	1				
Pre-Post-test	.100	.038	.045	.003	.031	.000	.030	-.021	*-.203	.095	.000	1			
Program Length	-.056	*-.219	.083	** .220	.089	-.052	-.048	.054	-.064	-.110	**-.908	.000	1		
Ethnicity	.015	** .229	-.025	-.078	.010	*.206	-.019	-.024	.090	-.065	*.196	.000	**-.247	1	
Marital status	.065	.154	.048	*-.175	.159	*-.198	**-.307	-.076	-.006	**-.356	-.093	.000	.138	*-.168	1

** Correlation is significant at the 0.01 level (2-tailed). * Correlation is significant at the 0.05 level (2-tailed).

$p < .000$. This model accounts for approximately 45.8% of the variance in empathy experienced among offenders within this sample. A summary of regression coefficients is presented in Table 4 [below] and indicates that only three (guilt, age, and prior ICVC participation) of the 13 variables entered into the model significantly contributed to the model.

TABLE 4. COEFFICIENTS FOR REGRESSION MODEL VARIABLES

	B	β	T	p	Bivariate r	Partial r
Shame Neg Self Appraisal	-.400	-.150	-1.013	.317	.307	-.149
Program length	.851	.046	.189	.851	.009	.028
Guilt	.850	.613	5.076	***.000	.615	.603
Age	.205	.232	2.016	*.050	.237	.288
Gender	4.172	.216	1.824	.075	.358	.262
Education	-.881	-.087	-.736	.465	.113	-.109
Restitution	-3.130	-.164	-1.576	.122	-.192	-.229
Employment	-.602	-.028	-.262	.795	.115	-.039
Prior ICVC	4.942	.233	2.37	*.025	.307	.328
Income	-.999	-.123	-1.072	.289	-.193	-.158
First Felony	5.049	.267	1.139	.261	-.005	.167
Ethnicity	1.525	.042	.329	.744	.095	.049
Marital status	-.168	-.008	-.065	.948	.088	-.010

*sig. at .05; **sig. at .01; ***sig. at .001

Limitations of the Study

There are several caveats of this study that should be mentioned. First, the survey is a self-report study and therefore is limited by the well-documented limitations of this type of data collection (e.g., underreporting, exaggeration, incomplete answers, etc.) (for a complete summary of limitations see Mosher, Miethe, & Phillips, 2002). Second, the sample is an available sample of respondents in the ICVC classes who may have been more inclined to complete surveys. Since the survey was completely voluntary, only those respondents who were more inclined to complete the survey participated; thus the ability to generalize conclusions from this sample is limited. Third is the overall sample size and the attrition rate of 18%. In comparison to similar studies that had samples over 100, this sample is smaller primarily due to the attrition within the sample. However, this is not unusual for studies that utilize a panel-design to evaluate programs (Babbie & Maxfield, 2008). Nonetheless, it does have an overall impact on the analysis and results of this study. Therefore, all results from this study should be interpreted with caution.

Results Summary

Overall ICVC participation has no significant impact on the combined independent variables. Further although not included as a theoretical argument, program type does appear to have a significant impact on the combined independent variables shame, guilt, and empathy, more specifically on shame. It appears that offenders in the 4-week program were more likely

to be shame-prone in comparison to the offenders in the 10-week program. These results suggest that shorter ICVC programs are more likely to discourage guilt and enhance shame in the offender. As stated earlier, individuals that experience greater levels of shame after participating in these “restorative like” programs are also less likely to develop reparative behavioral strategies (Jackson & Bonacker, 2006). Hypotheses 2 and 3 were analyzed using multiple regression, and were unique to post-test results only. Overall support was found for Hypothesis 2, which suggested that offenders who experienced more guilt after completing the ICVC course would also be more empathetic. However, the data did not support Hypothesis 3. Based upon the findings of this study, guilt demonstrates a significant impact on empathy among offenders. This indicates that individuals, who are guilt-prone, are also more likely to experience empathy as an emotional response after participating in the ICVC program. These findings are consistent with both prior and current literature (Ferguson & Crowley, 1997b; Jackson & Bonacker, 2006; Leith & Baumeister, 1998; Lutwak et al., 2001; Tangney, 1990, 1991; Tangney et al., 1992). Also of particular interest is the strong significant relationship among gender, program type, guilt, shame, and empathy. The results suggest that females are more likely to benefit from these “restorative like” programs in comparison to their male counterparts. Further, these results suggest that longer programs may be more conducive to generating positive emotional responses among offenders participating in ICVC programs. Thus, the more exposure to programmatic treatment the more likely program managers are to witness positive change in offender’s behavior. These findings are also consistent with prior research (Ferguson & Crowley, 1997b; Jackson & Bonacker, 2006; Leith & Baumeister, 1998; Lutwak et al., 2001; Tangney, 1990, 1991; Tangney et al., 1992; Tangney & Dearing, 2000; Walters, 1999).

DISCUSSION AND CONCLUSION

The primary goal of this study was to examine if ICVC participation had a significant impact on the emotional development of guilt, shame, and empathy among a sample of offenders. MANCOVA was used to examine Hypothesis 1, and the results indicate that overall there were no significant differences between the ICVC participants’ pre- and post-test responses on the combined dependent variables. However, although not part of the theoretical framework, program type (10-week vs. 4-week) did demonstrate a significant impact on the combined dependent variables. Further, regression analysis results indicate that offenders who are guilt-prone are also more likely to be empathetic. This finding is consistent with previous research which argues that individuals who are guilt-prone are also more likely to be empathetic and are more likely to want to reconcile their transgressions in order to repair any harm done (Ferguson & Crowley, 1997b; Jackson & Bonacker, 2006; Leith & Baumeister, 1998; Lutwak et al., 2001; Tangney, 1990, 1991; Tangney et al., 1992; Tangney & Dearing, 2002). Although reparative behavior or acceptance of responsibility was not measured in this study, the results do suggest that ICVC programs may have—however limited—a significant impact on changing offender emotional responses, and future research should attempt to connect positive emotional responses generated from ICVC participation to acceptance of responsibility measures or other outcome measures that indicate change in offender behavior.

Also, there were significant findings among the covariates and the combined dependent variables. Of particular interest are the results of gender on the offender’s development of emotional responses. The results suggest that female offenders within this study were more likely

to develop guilt as an emotional response, more likely to view themselves negatively, and more likely to develop empathy as an emotional response in comparison to their male counterparts. Further, these findings also indicate that ICVC programs and possibly other community restorative justice/practice programs may prove to be more effective for female offenders than for male offenders who are less likely to develop the emotional responses that are necessary for a dialogue of healing and repairing. These findings are consistent with current research (Ferguson & Crowley, 1997a; Jackson & Bonacker, 2006; Karniol et al., 1998) and suggest that restorative justice/practice programs that emphasize guilt may be more successful at generating empathy.

The findings should also encourage policymakers and program managers to develop individualized programs that are gender specific. Currently, like many other non-custody rehabilitation training programs where males and females are placed in the same classroom and exposed to a narrow educational curriculum, gender issues are not considered as an important factor for programmatic success. This finding has consistently been noted in research that examines rehabilitation programs and gender (Efthim, Kenny, & Mahalik, 2001; Ellis, O'Hara, & Sowers, 2000; Hartwig & Meyers, 2003). For example, Hartwig and Meyers (2003) noted that existing rehabilitation programs are male-oriented and often fail to incorporate a focus on gender issues. Other researchers (Geiger & Fischer, 2005; Wood, May & Grasmick, 2005) have also noted that not only are gender issues important for the development of successful rehabilitation programs, but factors surrounding parenting and marriage for females should also be considered. Therefore, future programming and research should re-examine the impact of gender on restorative justice/practice programs specifically and rehabilitation programs in general.

An additional facet highlighted by the results of this study is the significant finding between program type (4-week vs. 10-week) and the shame sub-scale negative self-appraisal. This finding is of particular interest, primarily due to the fact that participants in the 4-week program were more likely to develop feelings of shame in comparison to offenders in the 10-week program. Due to the length of the program, ICVC instructor's within the 4-week program appear to be focusing on parts of the curriculum that are more likely to increase shame, which is a negative emotion, and thus offenders are less likely to develop guilt, which is necessary for reconciling the harm done and recognizing the victim. Conversely, ICVC instructors in the 10-week program appear to have more time to work with offenders, highlight their shortcomings, and focus on developing the necessary reparative skills within the offender to correct their wrongs. This conclusion suggests that the 4-week ICVC program offered by the State of Missouri Department of Corrections, although necessary due to the lack of resources and time, may not be having the desired impact on offenders as originally intended. Instead, the 10-week program, although challenging for resource management, may be the more appropriate and effective program approach for developing the necessary reparative behaviors among offenders. These results are consistent with previous research that examined the impact of program exposure on lifestyle changes among offenders, in which it was noted that offenders that had more exposure to programmatic efforts were more likely to have better outcomes (Walters, 1999).

In summary, although the findings of this study are interesting, it must be noted that it is difficult to generate specific emotions in human beings. It is often assumed that because people can hold back emotions (e.g., stop themselves from crying, not be angry, etc.), they must also be able to produce them on command. This of course is a false assumption. Restorative justice or restorative-like programs that emphasize directed shame, guilt, or empathy through course curriculum and reduced-sentence incentives must understand that "ordering oneself or

someone else to feel guilty [or shamed] might defeat its point by its very directness” (Green-span, 1995, p. 142). Program managers cannot demand guilt, shame, or empathy, as these are emotions that are instilled over time from childhood to adulthood, and if individuals are not inculcated with these emotions from childhood, they may find emotions understandable but difficult to internalize and turn into action-behavior. Thus, the results of this study appear to generate more issues for future research in this area. For example, although the issue of conceptualization remains a major obstacle for understanding the emotional impact of restorative justice/restorative practice programs in current literature, it appears from this study that this is less of a problem than originally thought. Braithwaite (1989) is arguing for the need of reintegrative shaming, and Tangney (1991), along with other researchers, is arguing for guilt development—specifically constructive guilt. A careful examination of the literature highlights that the differences between these two concepts are minimal at best. In fact, it appears that both camps are discussing the same topic, but sitting at different tables. Future research should do more to bridge the conceptual schism instead of continuing to argue over differences. Also, given the findings and the sample limitations of this study, future research should do more to incorporate emotional responses into the research designs, examining other restorative justice/practice programs in order to explore whether or not these programs are having some cathartic impact on offenders and victims.

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BIOGRAPHICAL SKETCH

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