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An investigation of compensation source, trait empathy, satisfaction with outcome and forgiveness in the criminal context.

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Abstract

Victims of criminal transgressions can receive compensation from various sources including government agencies, compensation orders instructing offenders to pay compensation, and as a result of victim-offender reconciliation programs. This study examined the effects of source of compensation on victim forgiveness and satisfaction with outcome. The relationship between trait empathy and forgiveness in various compensatory contexts was also examined. Seventy-five participants ($M=33.67$ years, $SD=14.28$) read a scenario describing a non-violent property crime and were randomly assigned to no compensation, government compensation, forced offender compensation, or voluntary offender compensation outcome conditions. Participants receiving compensation were more satisfied with the outcome than those who did not. A condition main effect indicated that participants who received voluntary offender compensation were significantly more forgiving than participants in the remaining conditions; however, a significant Condition X Empathy interaction indicated that participants with high and low trait empathy reacted differently to some compensation conditions. Conciliatory gestures by offenders appear to facilitate forgiveness in victims primarily when they are voluntary. Whether some compensatory procedures are more beneficial than others is contingent upon the aims of restorative justice.

An investigation of compensation source, trait empathy, satisfaction with outcome and forgiveness in the criminal context.

With increased recognition of the rights of victims of crime, restorative justice procedures, which aim to return circumstances to how they were prior to a transgression, have become increasingly popular within the justice system (Shapland, 1984; Smith & Hillenbrand, 1997). Compensation, that is, the provision of money to victims to replace what was lost, to cover injuries and to make amends for inconvenience resulting from a crime, is one such restorative justice procedure (Peachey, 1989).

Victims can receive compensation through a variety of avenues developed over the last few decades, including government funded compensation agencies and compensation orders. The latter involves commissioning offenders to pay compensation to their victims as part of their punishment (Fattah, 1997; Shapland, 1984). A further avenue resulting in compensation is victim-offender reconciliation programs, in which victims and offenders come together to discuss the reasons for and impact of the crime. These programs often result in an agreement between the victim and the offender about how much compensation the latter should pay the former (Umbreit, 1994). Although the offender's participation in such programs is often encouraged, this process can be seen as the most voluntary one resulting in offenders paying compensation to their victims. Since offenders' involvement in different compensation processes is likely to be perceived by victims in different ways, the current study investigated the link between source of compensation and victims' responses to offenders. Of particular interest was victims' willingness to forgive an offender and their satisfaction with the outcome of the legal process.

Forgiveness refers to the victim of an injury overcoming feelings of anger and revenge towards the offender, even though the offender's actions were very hurtful to the victim (Enright et al., 1991; McCullough, Pargament, & Thoresen, 2000).

Forgiveness may benefit both the offender and the victim. For victims, forgiveness can promote emotional stability and reduce anxiety or depression experienced as a result of the transgression (Hope, 1987; McCullough, Pargament, et al., 2000). In addition, forgiveness can reduce a victim's desire to harm the offender (McCullough, 2001; McCullough, Worthington, & Rachal, 1997). It is also argued that reintegration of offenders into society is improved if they are aware of being forgiven by their victims (Fattah, 1997).

In order to forgive, a victim must change how he or she perceives the offender; and this change in perceptions can be influenced by an offender's behaviour after a transgression. For example, if an offender apologises or acknowledges guilt, it can indicate to the victim that the offender is remorseful and it can help promote forgiveness and restore the relationship (McCullough, 1997; Peachey, 1989). Theorists have also speculated that, within criminal contexts, compensation for victims by offenders may help to change victims' perceptions and promote forgiveness (Peachey; Sells & Hargrave, 1998).

To date, research has not examined the effect that compensation originating from different sources (e.g., from the offender versus an external agency) may have on victim forgiveness. However, one study has explored the effects of compensation on satisfaction with outcome in a business context (DeCarufel, 1981). Male students received an injustice and were assigned to one of four outcomes: the offender was not punished, the offender was punished, compensation was provided for the victim from an

external source, or an external source forced the offender to provide compensation. Victims were most satisfied with the outcome when the compensation was forced from the offender and moderately satisfied when compensated by an outside agency. The non-compensation conditions produced low satisfaction. DeCarufel did not examine the effect of an offender voluntarily compensating the victim or the effect of different forms of compensation on *forgiveness*.

Voluntary compensation from the offender is likely to be the most effective form of compensation for fostering forgiveness. Actions that are seen by an observer as being of an actor's own will (i.e., voluntary) rather than forced are more likely to be attributed to the internal characteristics of the actor (Jones & Davis, 1965). Hence, voluntary compensation is likely to result in the victim seeing the offender as more remorseful and deserving of forgiveness.

In addition to actions of the offender, characteristics of the victim, such as a proneness to empathise, may also influence forgiveness. Empathy can be defined as the reaction of one individual to the observed experiences of another person; both cognitive and affective responses to that person's internal states are involved (Hoffman, 1984). Empathic understanding has been shown to play a mediating role between apology and forgiveness and having an empathic personality, that is high trait empathy, appears to increase a victim's proneness to forgive (Emmons, 2000; Enright et al., 1991; McCullough, 1997). Therefore, trait empathy is likely to predict forgiveness in criminal contexts.

The aim of the current study was to explore the specific influence of different forms of compensation. To this end a scenario, in which participants imagined themselves as the victim, was devised. Scenarios were designed to simulate four

possible victim compensation outcomes: no compensation, external compensation provided by a government agency; forced offender compensation; and voluntary offender compensation. The study addressed three questions: (1) what is the effect of varying the source (or type) of compensation on victim reports of *satisfaction* with the outcome of the legal process; (2) what is the effect of source of compensation on victims' willingness to *forgive* the offender; and (3) does trait empathy of a victim play a role in willingness to forgive an offender either as a main effect or by acting as a moderator of victim responses to different forms of compensation?

Method

Participants

Seventy-five adults (48 female, 27 male) aged 18 to 67 ($M=33.7$ years, $SD=14.3$) took part, representing a variety of occupations (25% students, 15% administrative; 9% retail; 8% education; 5% each finance, labourers, and information technology) and education levels (14.7% less than high school degree; 24% high school degree; 60% university degree). Forty-three percent were Anglo (Australian, New Zealand or United Kingdom)-Australian; 49.4% European (non-UK)-Australian; 5.3% Asian-Australian; and 2.7% other.

Materials

Participants received a questionnaire and reply-paid envelope. They were asked to complete each page of the questionnaire in order, as follows. Participants first answered demographic questions and indicated if they had been a victim of a property offence.

Crime scenario – Part 1. Participants were asked to imagine themselves as the victim in a scenario in which, having spent two years saving money, the victim was robbed of \$5,000 (just withdrawn from the bank), which was for a long-planned overseas trip. The crime was reported and the offender caught, but the victim could not go on the trip and was very disappointed.

Pre-test questions. Participants were asked to reflect on their feelings as the victim, and to rate the seriousness and the hurtfulness of the crime scenario from 1 (not at all) to 5 (extremely). A single item with good construct validity (Subkoviak et al., 1995), assessing Pre-test Forgiveness, asked to what extent the participant would forgive the perpetrator. These measures were included to ensure that random assignment of participants to condition resulted in groups equivalent in their responses to the initial crime scenario.

Scenario - Part 2. Participants were then asked to again imagine themselves as the victim, this time six months after the theft had occurred. The scenario stated that the offender was found guilty, and since it was his first offence, he received a suspended sentence. Participants were randomly assigned to one of four types of added scenario information: *no compensation condition*, in which there was no mention of compensation; *external compensation condition*, in which \$6,000 compensation was received from the Crimes Compensation Tribunal; *forced offender compensation condition (forced compensation)*, in which the offender paid \$6000 compensation by order of the judge as part of his sentencing; *voluntary offender compensation condition (voluntary compensation)*, in which the offender voluntarily paid \$6,000 compensation.

Post-test questions: A measure of forgiveness was constructed based on 16 affective and cognitive items from the *Enright Forgiveness Inventory (EFI)* (Enright et al., 1991) which has very high internal consistency ($\alpha=.93-.98$) and good construct validity (Subkoviak et al., 1995) and the *Transgression-Related Interpersonal Motivations (TRIM)* Revenge scale (McCullough et al., 1997, 1998; McCullough, Hoyt, & Rachal, 2000; Subkoviak et al., 1995). Examples of items from the affective and cognitive subscales of the EFI include “I would feel good will for him” and “I would think he is a good person” respectively. An example from the Revenge scale of the TRIM is “I would want to get even.” In this study, the EFI and TRIM-revenge scales were highly correlated (.60 to .78), and, when combined, an $\alpha=.93$ and high item-total correlations (.45–.76) supported their use as a single scale. All items were measured on

a 6-point Likert scale (1=strongly disagree, 6=strongly agree) and combined to obtain a posttest forgiveness score. The possible range of scores was from 21-126, with higher scores indicating higher forgiveness.

Post-test questions: Overall Satisfaction, based on DeCarufel (1981), was the total of two items rated from 1 (not at all) to 7 (completely satisfied) asking “Overall, how satisfied”: “... do you feel with the outcome six months following the theft?” and “... are you with the fairness of the outcome?” The items intercorrelated .85. Participants in the compensation conditions also rated “how satisfied are you with the amount of compensation received?” and “...with the source of compensation?” Several items assessed the scenario manipulations: “If you were the victim, how compensated would you feel?”; and for participants in compensation receiving groups only, “How voluntarily do you believe the offender provided the compensation?” Several items explored participants’ views of the offender: “How likely is it that the offender is remorseful for his actions?”, “...learnt from his actions?” and “... suffered for his crime?” rated from 1 (not at all likely) to 7 (completely likely). It was also asked, “How likely is it that you would feel that your situation has been restored?”

Interpersonal Reactivity Index (IRI). The two subscales of the IRI, which best assess affective and cognitive aspects of trait empathy (Leith & Baumeister, 1998), were used: Empathic Concern (EC) and Perspective Taking (PT). Examples of items from the EC and PT subscales include “I have tender, concerned feelings for people less fortunate than me” and “I sometimes try to understand my friends better by imagining how things look from their perspective” respectively. Construct validity and reliability have been demonstrated, with test-retest correlations over a two month period ranging from .61 to .81, and reliability coefficients ranging from $\alpha = .70$ to $\alpha = .78$ (Davis, 1980, 1983, 1994). For this study PT and EC were summed to form a total Empathy score, yielding a very good $\alpha = .83$ (item-total correlations = .28–.65).

Procedure

University ethics approval was obtained. Participants were obtained through a social network/snowball method and returned questionnaires by mail. A pilot sample ($n=15$) who completed the questionnaire, rated the scenarios (from 1=not at all to 7=completely) as clear ($M=6.13$, $SD=1.19$); and realistic ($M=5.13$, $SD=1.41$). A final sample size of 75 resulted from a 64% return rate and two questionnaires having been dropped due to substantial missing data.

Results

Preliminary analyses

ANOVAs examining pre-test scores across conditions indicated that no variables needed to be controlled for in subsequent analyses. Furthermore, the frequency of males and females and the mean age of participants in each condition were not significantly different, with $\chi^2(3, N = 75) = 3.35, p = .34$ and $F(3, 71) = .02, p = .99$, respectively. In the manipulation checks, the no compensation group reported feeling significantly less compensated than groups receiving compensation, $F(3, 71) = 16.45, p = .0001$, and the voluntary compensation group rated the offender's actions as more voluntary than the other two compensation groups, $F(2, 52) = 16.81, p = .0001$.

Main analyses

Means and *SDs* of the scores for each condition are shown in Table 1. A one way ANOVA with Overall Satisfaction as the dependent variable revealed a significant Condition effect, $F(3, 71) = 21.04, p = .0001$, with the no compensation condition having significantly lower satisfaction than the other conditions, which did not differ significantly from each other (Student Neuman-Keuls post-hocs). ANOVAs examining condition effects on satisfaction with *source of* and *amount of* compensation, indicated

compensation conditions did not differ, with $F(2, 52) = .777, p = .47$ and $F(2, 52) = 2.66, p = .079$, respectively.

Empathy scores were split based on mean ($52.2, SD = 8.5$) and median into low (≤ 52) and high groups for forgiveness analyses. A Compensation Condition (4 conditions) X Empathy (High, Low) ANOVA was conducted on Post Forgiveness scores (see Figure 1). A significant Condition main effect, $F(3, 67) = 6.53, p = .001$, indicated greater forgiveness in the voluntary compensation condition than in the other conditions, which did not differ significantly from each other. A significant main effect for Empathy was found, $F(1, 67) = 5.54, p = .022$, in which participants with higher empathy forgave more, and a significant Empathy X Condition interaction effect, $F(3, 67) = 3.37, p = .024$, was also found. Empathy level within condition effects ($\alpha = .025$) revealed that in the external compensation and forced compensation conditions only, mean Post Forgiveness scores were significantly higher in the high (versus low) empathy groups, $F(1, 67) = 8.28, p = .005$ and $F(1, 67) = 6.54, p = .013$ respectively. In the no compensation and voluntary compensation conditions, high and low empathy groups did not differ on Post Forgiveness scores ($p > .42$). Analysis of condition in low empathy participants only, $F(3, 67) = 5.14, p = .003$, revealed that Post Forgiveness was significantly higher in the voluntary compensation condition than in the other conditions, which did not differ from each other. Analysis of condition in high empathy participants, $F(3, 67) = 3.63, p = .017$, revealed significantly less forgiveness in the no compensation than in the voluntary compensation and external compensation conditions, but no differences were found between no compensation and forced compensation or between the voluntary compensation, external compensation and forced compensation conditions.

The offender was rated as more remorseful, $F(3, 71) = 12.13, p = .0001$, and as having learnt from his actions more, $F(3, 71) = 10.95, p = .0001$, in the voluntary compensation group than in the other three groups, which did not significantly differ. The no compensation group had significantly lower ratings on feeling their “situation has been restored” than the three other groups, which did not differ, overall $F(3, 71) = 10.35, p = .0001$. The voluntary compensation group rated the offender as having suffered more than the no compensation group did; other groups did not differ, overall $F(3, 71) = 7.17, p = .0001$.

Discussion

This study examined victims’ responses to differing forms of compensation in the criminal context using a scenario method. In relation to overall satisfaction, as measured by a combination of satisfaction with outcome and fairness, participants were significantly more satisfied when they received compensation than when they received no compensation. The *source* of the compensation (from a government agency, forced from the offender or voluntarily provided by the offender), however, did not affect satisfaction levels. In relation to forgiveness, source of compensation was important as participants were more forgiving when the offender *voluntarily* provided compensation than in the remaining three conditions.

In the condition in which the offender voluntarily provided compensation, participants in the role of victims viewed the offender as most remorseful for his actions and as having learnt from his actions. While the design of this investigation precludes conclusions about whether these perceptions were a *cause* of the forgiveness, the results are consistent with theories that propose that forgiveness is more likely to come about

when a victim perceives some sort of positive internal shift in motivation of the offender (McCullough, 1997).

In relation to the role of trait empathy, findings suggested that trait empathy acted as a moderator, affecting forgiveness levels only in some contexts. In this study, when the offender was clearly acting in a conciliatory manner by volunteering to compensate the victim, participants, in general, were more prone to forgive, even if they did not describe themselves as normally highly empathic individuals. When no compensation was provided and participants were, in general, less satisfied with the outcome of the process, all participants, even those high in empathy, were unlikely to forgive. However, in other contexts, specifically when an external agency provided compensation or the offender was forced to do so, individuals with high trait empathy were more likely to forgive than low empathy individuals. Furthermore, whereas individuals with low trait empathy were significantly more forgiving in the voluntary compensation condition than in the remaining three conditions, for high empathy individuals no significant differences in forgiveness were found between the three compensation conditions, although both the voluntary and external compensation conditions led to higher forgiveness than the no compensation condition. Further research is needed to explore the meaning of these latter findings, examining the circumstances and associated cognitions that are important factors leading to forgiveness in highly empathic individuals.

The current results indicate that, regardless of the source of compensation, those in the role of victims were more satisfied when compensation was received than when no compensation was received and compensation of any form helped participants (in the role of victims) feel that the situation had been restored. Thus, DeCarufel's (1981)

findings of least satisfaction when participants received no compensation were replicated. The current study, however, did not replicate DeCarufel's findings that participants were more satisfied when compensation was received forcefully from the offender than from an outside agency. These different findings may have resulted from the different contexts in the two studies; DeCarufel's study used a business simulation, so the form of punishment was different and the legal process was not involved. Therefore, future research needs to examine the differential effects of compensation on satisfaction in varied contexts.

These findings have important implications for the aims of restorative justice. If the purpose of restorative justice is simply to make victims feel as though their situation has been restored and that they are satisfied with the outcome after experiencing a crime, then who provides the compensation is irrelevant. In such circumstances, any of the restorative justice procedures, that is government agencies, compensation orders and victim-offender reconciliation programs, would be adequate. However, if the aims of restorative justice are to restore not only the victim's losses, but also to assist the victim in overcoming anger resulting from the transgression and to re-integrate the offender into society, then the source of compensation is important. The current findings suggest that the only restorative justice outcome (of the outcomes simulated in this study) likely to consistently facilitate victim forgiveness of offenders (in victims of all empathy levels) is the offender voluntarily providing compensation. At present, the restorative justice procedure consistent with such an outcome is victim-offender reconciliation programs, in which offenders and victims often come to an agreement about how much compensation or restitution the offender should pay the victim (Umbreit, 1994).

The results indicate, however, that different sorts of victims do respond differently to various types of compensation; therefore, there are advantages of including a variety of types of compensation in the judicial system. Some victims may be highly reluctant to participate in mediation and victim-offender reconciliation programs (Peachey, 1989) or they may fear or wish to avoid contact with offenders (Ostrihanska & Wojcik, 1993). In such cases, compensation orders may be more effective for relaying to the offender messages about the damage and hurt caused, while still satisfying the victim's need for compensation. Similarly, government compensation agencies would still be useful for circumstances in which the offender is unable to pay compensation, for example, if the offender is deceased.

One limitation of the investigation was that participants received the questionnaires via mail; therefore, the environment in which participants completed the questionnaires was not controlled. However, this methodology was chosen to allow for the use of a sample more representative of the general population than a university sample. Another limitation of this study was the use of a hypothetical scenario; therefore, future research is needed on actual victims of crime. However, it should be noted that the scenario method used here has advantages, in particular, that the crime and the legal process were standardised and random allocation occurred. In addition, high ratings of seriousness of the scenario crime and a high proportion (72%) of participants reporting having been victims of property crime in the past suggest that the participants were sufficiently involved in the scenario.

Further research is needed to examine possible interactions among the level of punishment, the offence and offender responses. For example, related to level of punishment, in this study the offender received a suspended sentence, which is a

relatively light punishment. Thus, no strong conclusions can be drawn about the relationship between retributive (punitive) justice and various forms of restorative justice on forgiveness and satisfaction from the current study. Similarly, the study findings need to be replicated on offences of different types, as forgiveness may be extremely difficult for victims of severe and intentional crimes (Boon & Sulsky, 1997) or of violent crimes (Sebba, 1996). Replication is also needed using different types of offenders (e.g., female versus male).

Finally, although voluntary offender compensation resulted in the most forgiveness, mean scores suggested participants were far from completely forgiving. Furthermore, after controlling for pre-test forgiveness, 21% of the variance in post-test forgiveness scores was attributable to condition. While this effect size is large for psychological research (Cohen, 1988), substantial variance remains unaccounted for, suggesting that other factors which may contribute to a victim's decision to forgive an offender need to be further explored.

In conclusion, this is the first study using a randomised, controlled method to combine the restorative justice literature and the forgiveness literature to investigate the effects of the source of compensation on victim forgiveness of offenders. The research found that victim compensation in any of several forms (provided by a government agency, forced from the offender or voluntarily provided by the offender) produced higher satisfaction with the outcome than when no compensation was provided. However, higher forgiveness towards the offender only came about consistently when the offender provided compensation voluntarily. Furthermore, people with high versus low trait empathy differed in how they responded to some forms of compensation. Therefore, there appear to be different processes influencing forgiveness in different

types of victims. Depending on what victims and society view as suitable *aims* of restorative justice, various forms of restorative justice may be optimal in different situations. Future research is needed to explore the factors that influence different types of victims to forgive their offender, and potential effects of forgiving an offender in different contexts for the victim, the offender, and the community.

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Table 1

Means and SDs for Pretest Measures of Seriousness, Hurtfulness and Forgiveness (single item) and Post-test Forgiveness (EFI-TRIM) and Satisfaction with Outcome in the Four Compensation Conditions

		Pre-test	Pre-test	Pre-test	Post-test	Post-test
		Seriousness	Hurtfulness	Forgive	Forgive	Satisfaction
	<i>n</i>	<i>M (SD)</i>				
NoComp	20	3.75 (.85)	4.05 (.83)	2.60 (1.98)	52.05 (17.28)	4.30 (2.78)
ExternalComp	18	3.56 (.98)	3.89 (.90)	2.94 (2.75)	58.72 (17.66)	10.67 (2.57)
ForceComp	18	4.28 (.75)	4.56 (.62)	2.28 (1.53)	51.94 (19.59)	8.61 (3.29)
VolComp	19	3.53 (.51)	3.89 (.74)	3.42 (2.04)	70.42 (10.13)	9.90 (1.94)
Total	75	3.77 (.83)	4.09 (.81)	2.81 (2.81)	58.28 (17.88)	8.28 (3.64)

Note. NoComp = No Compensation, ExternalComp= External Compensation,

ForceComp=Forced Offender Compensation, VolComp=Voluntary Offender Compensation.

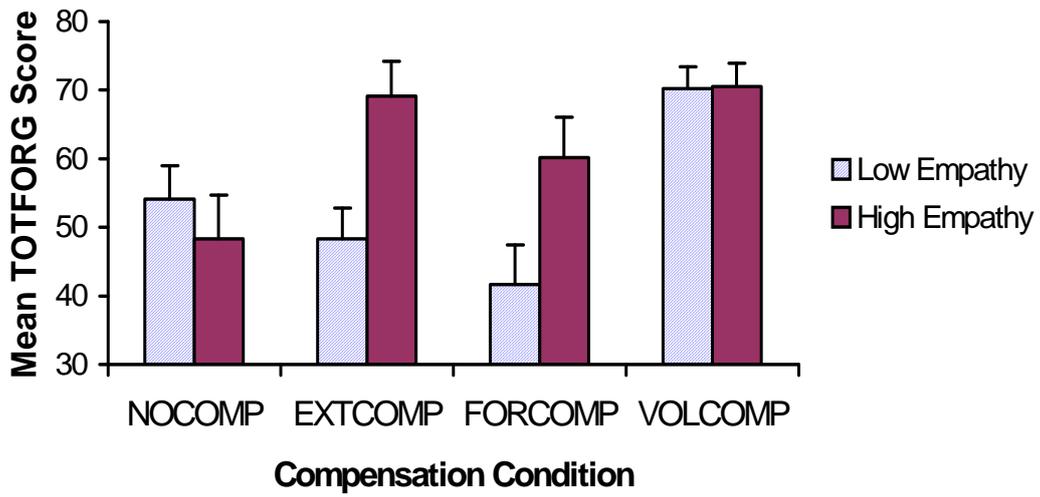


Figure 1

Mean Post Forgiveness scores (+Standard Error) for participants with high and low empathy across conditions (no compensation, external compensation, forced compensation, voluntary compensation).