Running Head: APOLOGY IN VICTIM-OFFENDER MEDIATION

Dhami, M. K. (2012). Offer and acceptance of apology in victim-offender mediation. *Critical Criminology: An International Journal*, 20, 45-60.

Offer and Acceptance of Apology in Victim-Offender Mediation

Mandeep K. Dhami, PhD

University of Cambridge*

Send correspondence to:

Mandeep K. Dhami
Department of Psychology
University of Surrey
Guildford, Surrey
GU2 7XH
UK

E-mail: m.dhami@surrey.ac.uk

Acknowledgements

The present research was funded by a grant from the British Academy to the author. I would like to thank Karen Souza for her research assistance. I am also grateful for co-operation of the co-ordinator and staff of Southwark Mediation Centre: Dave Walker, Lee Bosky, Gillian Walters, Elena Noel, Mel Bruce, Nicola Pocock and Amanda Stewart. *The author is now at the University of Surrey.

Abstract

Past research on restorative justice (RJ) has highlighted the importance of apology for both victims and offenders and the prevalence of apology during the RJ process. The present study moves this work further by examining the nature of the apologies that are offered during victim-offender mediation, as well as the individual-, case-, and mediation-level factors that can affect the offer and acceptance of apology. In addition, we measure the implications that the offer and acceptance of apology can have on satisfaction with the mediation outcome. We conducted a content analysis of 57 records of mediations occurring between 2008-2010 at a UK mediation centre. Perpetrators said “I’m sorry” in over one-third of cases, and full apologies were offered in nearly one-fifth of cases. Apologies were accepted in over 90% of cases, although forgiveness was much less common. The offer of apology was most closely associated with the type of incident/offence, and number of previous mediations in a case. There was also some support for the relationship between the offer of apology and victim age, perpetrator gender, formal sanction, and the number of participants attending the mediation meeting. None of the factors studied were associated with the acceptance of apology. The offer of apology was associated with satisfaction with the mediation outcome, and in all of the cases where the apology was accepted, the victim was satisfied with the mediation outcome. The findings thus shed light on the role that apology can play in the effectiveness of the RJ.

Offer and Acceptance of Apology in Victim-Offender Mediation

Restorative justice (RJ) responses to crime have been adopted throughout the world (see Miers, 2001).¹ These approaches represent a radical departure from the traditional response to crime where crime is considered an offense against the State, that uses agents of the criminal justice system to establish guilt and exact retribution and punishment against the offender, while the victim's needs are largely overlooked. From a RJ perspective, crime is considered a conflict between individuals that results in harm to victims, communities and offenders, and so these parties are also involved in responding to it (Zehr & Mika, 1998). RJ programs are often run by community volunteers and charities (Dhami & Joy, 2007), and refer to a variety of practices including victim-offender mediation and family-group conferencing (see Sharpe, 1998).² These bring the conflicting parties together and aim to involve them in a voluntary, respectful, two-way, dialogue, with the goal of negotiating a mutually agreeable resolution to repair the harm caused, and start on the path towards reconciliation, healing, forgiveness, rehabilitation, and reintegration. In particular, this provides offenders an opportunity to apologize to the victim, and provides victims an opportunity to accept the offender's apology (Poulson, 2003; Sherman et al., 2005).

Apology in RJ

Indeed, for some, apology is at the centre of the restorative process: "Without the core sequence [apology and forgiveness], the path towards settlement is strewn with impediments, whatever settlement is reached does not decrease the tension level in the room and leaves the participants with a feeling of arbitrariness and dissatisfaction" (Retzinger & Scheff, 1996, p. 317). This view appears to be shared by victims and offenders. For example, in a series of early studies evaluating victim-offender mediation programs in Canada, the U.S. and England, Umbreit and his colleagues consistently found that the vast majority of victims and offenders (i.e., over 70%) rated receiving and offering an apology, respectively, as *important*

(Umbreit, 1995; Umbreit & Coates, 1992; Umbreit & Roberts, 1996). Furthermore, they often cited the opportunity to receive and offer an apology, respectively, as one of the main reasons that they chose to participate in the RJ process.

Accordingly, research has revealed that one of the common outcomes of the RJ process is an apology. For example, in their evaluation of seven RJ programs in England, Miers et al. (2001) found that the most common outcome of a face-to-face meeting was a direct apology. Similarly, relayed oral or written apologies were common in indirect mediation where victims chose not to meet offenders. In their review of a Canadian RJ program, Bonta, Wallace-Capretta and Rooney (1998) found that 22 out of 25 victims who had a face-to-face meeting with their offender received a verbal apology. Approximately a quarter of the whole sample of victims were sent a written apology from offenders. More recently, in their review of three RJ schemes running in England, Shapland et al. (2006) found that most offenders and victims thought an apology might be forthcoming, and in around 90% of cases the offender did apologise.

The offer and acceptance of apology may be essential for the restoration of both parties (but see Stubbs, 2007). For example, victims may be better able to recover from the emotional and psychological effects of crime, while offenders may reconcile damaged relationships, thus improving their prospects of reintegration into the community. Although there is a growing body of research on apology in RJ, much of the past literature focuses on its prevalence (for an exception, see Choi & Severson, 2009).

Apology has been explored in legal contexts including both criminal and civil law (e.g., Cohen, 2002; 2009; Petrucci, 2002; Robbennolt, 2003; 2006; Shuman, 2000; Taft, 2000). In an empirical study, Robbennolt (2003) compared experimental participants' responses to apologies in a mock injury case. It was found that when offenders accepted responsibility (rather than only expressing sympathy or not offering an apology), participants

were more likely to accept a settlement offer. When the offender accepted responsibility, he/she was perceived as having better conduct, experiencing more regret, being more moral, and being more likely to be careful in the future. Participants also expressed more sympathy and less anger towards the offender, more willingness to forgive, and expected less damage to their future relationship with the offender. A follow-up study supported the idea that apologies can promote settlement by altering the injured parties' perceptions of the situation and the offender (Robbennolt, 2006).

However, there is a significant difference between the conditions under which an apology may be offered and accepted in RJ versus legal contexts. In RJ, the interaction is guided by a neutral, trained third-party called a facilitator, and the opportunity for discussion is extended to the supporters of victims and offenders as well as affected members of the community and concerned professionals. Thus, in RJ, victims and offenders control the process of offer and acceptance of apology. An apology, however, may not always be offered, or it may be offered under certain conditions. When an apology is offered, it may be partial or full. Victims may accept the apology fully, conditionally, or reject it.

Past Research on Apology

Research (largely conducted outside the RJ or legal context) has addressed the nature of apology. Beyond, the simple “I’m sorry”, apologies may be *full* (also called sincere or genuine) or *partial*. Several researchers have attempted to identify or study the components of apology (e.g., Blecher, 2011; Goffman, 1971; Scher & Darley, 1997; Schmitt, Gollwitzer, Forster, & Montada, 2004; Schlenker & Darby, 1981). Generally, a full apology involves: (1) admitting responsibility for the behaviour and outcomes, (2) acknowledging the harm done and that it was wrong, (3) expressing regret or remorse for the harm done, (4) offering to repair the harm or make amends, and (5) promising not to repeat the behaviour in the future and to work toward good relations (i.e., forbearance). Some of these components of apology

may be inter-linked. For instance, Schmitt et al. (2004) found that when reparation is offered, it implies admitting responsibility, acknowledging harm, and expressing remorse.

Evidence suggests that apologies are more likely to be offered under certain conditions. For instance, apologies are more elaborate under conditions of greater harm and offender responsibility (Schlenker & Darby, 1981). When an apology is offered, it can have multiple effects such as reducing aggression towards the offender, increasing positive impressions of the offender, and mitigation of unpleasant emotions experienced by the recipient (Ohbuchi, Kameda, & Agarie, 1989). An expression of remorse, offer of forbearance or reparation have equal effects on perceptions of the appropriateness and apologetic nature of the offender's response, and expectations of maintaining a relationship with the offender (Scher & Darley, 1997).

Apologies congruent with the victim's self-construals are more likely to be accepted (Fehr & Gelfand, 2010). Rejection of apology is more likely under conditions of high offender responsibility and severity of harm (Bennett & Earwaker, 1994). Perceptions of the victim are more positive when he/she accepts an apology, regardless of the convincingness of the apology, and the relationship between the victim and offender is perceived to be less damaged when the apology is accepted (Bennett & Dewberry, 1994). Forgiveness is unrelated to the victim's gender or age, and more likely to be affected by situational factors (see Fehr, Gelfand, & Nag, 2010). The likelihood of forgiveness is increased with the knowledge that an apology was motivated by guilt and shame, rather than pity for the victim, which reduces forgiveness (Hareli & Eisikovits, 2006). Finally, receiving forgiveness can reduce reoffending (Wallace, Exline, & Baumeister, 2008).

In sum, although researchers have highlighted the importance and prevalence of apology in RJ, there is little empirical research on the nature of the apologies offered in this context or the acceptance of apology. In addition, although past research on apology

generally has examined the role of various antecedents and consequences of the offer and acceptance of apology, the factors studied do not include all those relevant to the RJ context (e.g., the number of participants present in mediation). The past research also typically involves non-criminal behaviours described in hypothetical scenarios to which mock victims or offenders must respond. Thus, in the present study we conducted a comprehensive examination of the role of apology in RJ using real cases.

Present Study

The main goals of the study were to investigate the *offer* and *acceptance* of apology in victim-offender mediation. In particular, we aimed to examine: (1) the *prevalence* and *nature* of the offer and acceptance of apology; (2) the *antecedents* of the offer and acceptance of apology; and (3) the *effects* of the offer and acceptance of apology. We were interested in answering questions such as: How elaborate are the apologies offered during mediation? Are apologies more likely to be offered in certain types of cases? Do apologies increase victims' satisfaction with the mediation?

Method

Sample

The study involved the analysis of cases that had undergone mediation at the Southwark Mediation Centre (SMC) from 2008 to 2010. SMC was established in 1986 and so is one of the oldest mediation centres in Europe, and the longest running in the UK. It is a charity that is based in south London, and deals primarily with hate crimes, neighbour disputes and anti-social behaviour. SMC also trains peer mediators in schools. SMC takes referrals from the (Public) Housing Department, Southwark Anti-Social Behaviour Unit, Hate Crime Unit, and Police, as well as other agencies. Mediations may be conducted directly, face-to-face or indirectly (and translators are provided where needed). The work of SMC has

been recognised by the residents of the area, the police, local government, and the media, as well as the UK Parliament.

Given the time it would take to retrieve the case records, code the relevant variables (see below), and transcribe the qualitative data, it was agreed with SMC that each of their six mediators would collate data on no more than 10 cases (i.e., 60 maximum). Based on 2009 figures, it was estimated SMC would receive approximately 180 referrals in 2010, and approximately half of these (i.e., 90) would be mediated in that year. The present study involved a 3-month time-frame for data collection, and so only 23 mediated cases would have been potentially available for analysis. Therefore, we also sampled around an equal number of cases in the past two years (i.e., from 2008 and 2009). In total, data was collected on 57 representative, mediated cases.

Document Coding Scheme

SMC's record keeping system contains the following forms that are completed for each case: Referral Form, Mediation Agreement, Case Contact History Report, and Client Feedback Evaluation Form. For present purposes, we created a coding scheme called the "Victim-Offender Mediation Case Processing Form" that enabled data collection (collation) from SMC's records on a range of mediation-related variables that addressed the aims of the present study. In order to devise the Form, SMC provided records for six cases to familiarise us with their contents. The final version of the Form was based on feedback and revision from SMC.

The Victim-Offender Mediation Case Processing Form comprised five sections. Section one was called "case information", and collected data on the dates of the offence and referral, the source of the referral, type of incidence, police involvement, number of perpetrators and victims, and summary of harm caused/sustained.

Section two was called “information about the victim(s).” This enabled data collection on the primary victim in terms of his/her gender, age, ethnicity, relationship to perpetrator, and previous victimization. Section three was called “information about the perpetrator(s).” Here, data was collected on the primary perpetrator in terms of his/her gender, age, ethnicity, relationship to victim, and criminal history.

Section four was called “the mediation process.” This allowed data collection on whether the mediation was direct (i.e., face-to-face) or not, number of previous mediations for the case, stage of criminal justice system that mediation occurred, whether and when a sanction had been imposed on the perpetrator, and the number and role of participants at the mediation meeting.

Finally, section five was called “the apology”, and collected data on the offer of apology and acceptance of apology. Specifically, data was collected on the offer of apology from the perpetrator’s perspective in terms of whether he/she said “I’m sorry” to the victim, mode of communication of apology, whether he/she admitted to any wrongdoing, acknowledged the effects of his/her actions on the victim, expressed remorse, and expressed regret for his/her actions, said he/she would “never do it again”, and whether reparation was offered and its nature. Data was also collected on the acceptance of apology from the victim’s perspective in terms of whether he/she accepted the apology that was offered, the stage of the mediation at which it was accepted, whether he/she expressed (dis)satisfaction with the mediation outcome and which aspect this related to, whether forgiveness was offered, and the reason given for not doing so. A final question noted if the mediator encouraged an offer or acceptance of an apology from any of the perpetrators or victims.

The Form allowed collection of data on multiple victims and perpetrators. All of the above items were closed-ended (e.g., type of incident, relationship to perpetrator, role of participants at mediation meeting, and mode of communication of apology). In addition, there

were some qualitative items collecting data on details of the victim's acceptance of apology and reasons for not offering forgiveness.

Data Collection Procedure

The six SMC staff each completed the "Victim-Offender Mediation Case Processing Form" for 10 cases, although 3 cases were deleted due to clerical error. The Form was completed based on information from the SMC's other forms (listed above) that had been filled out at the time of the mediations, and which were contained in each case record. In order to ensure reliability and validity of this process, SMC staff were trained to complete the Form, and the first few Forms they completed were reviewed by the researchers.

Findings

Analysis of Data

Quantitative data was analysed using descriptive statistics, correlational statistics, Chi-Square analyses, *t*-tests, and analyses of variance. Qualitative data was coded into meaningful thematic categories. Below, we first describe the cases and the mediation process, before addressing the main aims of the present study.

Details of Case and Mediation Process

The date of when incidents or disputes began ranged mostly from 1999 to 2010. The date of referral for mediation ranged from 2008 to 2010. The main source of the referral was the public housing department/association in 75.43% of cases. Table 1 presents descriptive statistics on the details of the case, victims and perpetrators, as well as the mediation meeting. The cases could be primarily described as incidents involving disputes (45.61%; e.g., housing, domestic, public nuisance), harassment (21.05%; e.g., related to sexual orientation, disability, race or religion) or a combination of offences (33.33%). The police had been involved in 41.07% of the cases at some point. There was more than one perpetrator in 80.36% of the cases ($M = 2.83$, $SD = 1.50$) and the mean number of victims directly affected

was 1.77 ($SD = 1.12$). The victim was a neighbour or acquaintance of the primary perpetrator in 89.47% of cases. For simplicity, we present the findings pertaining to the primary perpetrator and primary victim.

INSERT TABLE 1 HERE

The primary victim was female in 58.93% of cases. The victim was aged from 17 to 55 in 73.21% of cases, and 56.36% were described as White. There was no previous victimization in 66.07% of cases. In those cases where there was previous victimization, 70.00% was by the same perpetrator as in the present case.

The primary perpetrator was female in 55.36% of cases. The perpetrator was aged from 17 to 55 in 79.63% of cases, and 37.50% were described as Black (with 55.36% described as either White or as immigrants from Eastern Europe/Middle East). The perpetrator did not have a criminal history in 92.50% of cases.

The mediation was face-to-face (direct) in 96.43% of cases.³ The mean number of previous mediations for a case was .36 ($SD = .70$). The mediation took place pre-charge in 98.21% of cases.⁴ A sanction (primarily warning letters) was in effect in 30.36% of cases (primarily ordered before the mediation). On average, there were 2.79 ($SD = 1.24$) participants at the mediation meetings. Only the victim and perpetrator were present at 70.37% of the mediations, and their supporters were also present in 24.07% of mediations.

Offer of Apology

Prevalence and nature. The perpetrator said “I’m sorry” in 35.71% of cases, primarily face-to-face; verbally during the mediation. Table 2 shows the prevalence of different components of an apology that were present in the perpetrators’ response to his/her victim. As can be seen, the acknowledgement of harm was the most prevalent, while the offer of forbearance (i.e., promise not to cause the harm again) was least common. Admitting wrongdoing, expressing remorse and offering reparation were fairly equally common.

When considering the *fullness* of the perpetrators' apologetic response to his/her victim, in 5.66% of cases the response was simply "I'm sorry" and not elaborated upon (i.e., none of the components listed in Table 2 were mentioned). In 41.51% of cases, only one component was present, and this was either admitting wrongdoing or acknowledging harm. In 15.09% of cases, the response contained two components (any two of the five listed in Table 2). Similarly, the response contained three components in 15.09% of cases. Four components were present in the response in 5.66% of cases. Finally, a full apology that contained all five components was offered in 16.98% of cases.

INSERT TABLE 2 HERE

We also conducted analysis to examine the relationship between saying "I'm sorry" and communicating specific components of an apology. Chi-square tests of independence revealed that saying "I'm sorry" was independent of acknowledging harm, $\chi^2(1, 54) = .80, p = .372$. However, saying "I'm sorry" was associated with admitting wrongdoing ($\chi^2[1, 54] = 6.71, p = .010$), expressing remorse ($\chi^2[1, 53] = 27.65, p < .001$), offering forbearance ($\chi^2[1, 54] = 8.15, p = .004$), and offering reparation, $\chi^2(1, 56) = 27.56, p < .001$.

Antecedents. In order to examine the *antecedents* of the offer of apology measured in terms of saying "I'm sorry", we analysed the relationship between saying "I'm sorry" and features of the case (i.e., type of incident, number of perpetrators and number of victims), characteristics of the victims and perpetrators (i.e., gender, age, ethnicity, relationship to each other, and criminal or victimisation history), and features of the mediation meeting (i.e., number of previous mediations, sanction imposed, number of participants, and role of participants). For the most part, there were no statistically significant associations observed between saying "I'm sorry" and the above variables, $ps > .05$.

However, there was a significant association between saying "I'm sorry" and the type of incident/conflict, $\chi^2(4, 56) = 20.70, p < .001$. Here, the perpetrator was more likely to say

“I’m sorry” in cases involving harassment. There was a statistically significant positive correlation of .42 between saying “I’m sorry” and the number of previous mediations in a case, $p < .001$. Finally, there was also a marginally significant association between saying “I’m sorry” and whether a sanction had been imposed, $\chi^2(1, 55) = 3.37, p = .054$. Here, the perpetrator was more likely to say “I’m sorry” in cases where a sanction had not been imposed.

When apology was measured in terms of its fullness (i.e., the number of components listed in Table 2 present in the perpetrator’s response to his/her victim), there were several significant antecedents that were observed.⁵ Cases involving harassment resulted in on average significantly more components of apology ($M = 4.08, SD = 1.08$) than cases involving either disputes/nuisance ($M = 1.52, SD = 4.08$) or a combination of offences ($M = 1.94, SD = 1.70; F[2,52] = 17.46, p < .001$). Male perpetrators offered apologies containing more components ($M = 2.75, SD = 1.59$) than did female perpetrators ($M = 1.83, SD = 1.49; t[51] = -2.17, p = .034$). Victims aged 56 or over were offered apologies containing fewer components ($M = 1.08, SD = .90$) than their 17-55 year-old counterparts ($M = 2.53, SD = 1.73; t[48] = 3.01, p = .004$). There was a significant positive correlation of .39 between the fullness of apology and the number of previous mediations in a case, $p = .005$. Finally, a significant positive of .40 was also found between the fullness of apology and the number of participants attending the mediation meeting, $p = .004$.

There were, however, no significant associations between the fullness of apology and the number of perpetrators or the number of victims, $ps > .05$. There were no significant effects of the victim’s gender, victim’s ethnicity, victim’s victimisation history, perpetrator’s ethnicity, whether a sanction had been imposed, or the participants attending the meeting on the fullness of apology, $ps > .05$.

Effects. With regard to the *effects* of the offer of apology measured in terms of saying “I’m sorry”, there was a marginally statistically significant association between the perpetrator saying “I’m sorry” and the victim expressing (dis)satisfaction with the mediation outcome, $\chi^2(1, 53) = 3.78, p = .052$. Victims were more likely to express dissatisfaction in the absence of an apology. There was a significant association between the perpetrator saying “I’m sorry” and the victim offering forgiveness, $\chi^2(1, 54) = 6.52, p < .001$. The victim was more likely to forgive in the presence of an apology.

When apology was measured in terms of its fullness (i.e., the number of components listed in Table 2 present in the perpetrator’s response to his/her victim), the victim’s (dis)satisfaction was significantly correlated with fullness of the apology such that less elaborate apologies elicited more dissatisfaction, $r = -.34, p = .014$. Similarly, there was a positive correlation of .55 between the fullness of the apology offered by the perpetrator and whether or not the victim offered forgiveness, $p < .001$.

Acceptance of Apology

Prevalence and nature. The victim *accepted* the apology in 91.67% of cases where apology was offered, and this acceptance was provided during mediation in 90.48% of cases. However, the victim offered forgiveness in only 18.52% of cases. The victim’s acceptance of the apology was independent of him/her forgiving the perpetrator, $\chi^2(1, 23) = 1.41, p = .235$.

Some case records contained further qualitative details (i.e., notes written by the facilitator at the time of the meeting). In the 11.29% ($n = 7$) of cases where further details were available on the issue of acceptance it was reported that the victim said he/she had gained a greater understanding of the perpetrator and the situation; recognised how he/she may have contributed to the conflict; believed the apology was genuine and expressed hope/optimism for the future; and expressed a desire to move on/put the past behind him/her.

Similarly, further details were available regarding the issue of forgiveness in 35.48% ($n = 22$) of cases. Here, it was reported that the victim said he/she did not offer forgiveness because he/she felt more effort was needed from the perpetrator; the perpetrator had not taken responsibility or had blamed another source; the victim was sceptical of the perpetrator's offer of forbearance; the situation had not changed/improved; and the victim thought the perpetrator had acted purposefully. Interestingly, in some cases forgiveness was not offered because the cause of the problem had not been identified or because the victim realised the perpetrator was not at fault.

Antecedents. In order to examine the *antecedents* of the acceptance of apology, we analysed the relationship between the acceptance of apology and features of the case (i.e., type of incident, number of perpetrators and number of victims), characteristics of the victims and perpetrators (i.e., gender, age, ethnicity, relationship to each other, and criminal or victimisation history), and features of the mediation meeting (i.e., number of previous mediations, sanction imposed, number of participants, and role of participants). There were no statistically significant associations observed between the acceptance of apology and the above variables, $ps > .05$. In fact, there was also no significant correlation between the acceptance of apology and the fullness of the apology offered measured in terms of the number of components present, $p > .05$.

Effects. In 88.68% of cases in the sample, the victim said he/she was "satisfied" with the mediation outcome. Finally, with regard to the *effects* of acceptance of apology, in all of the cases where the victim accepted the apology, he/she also expressed satisfaction with the mediation outcome.

Discussion

The present study extends past research on RJ which has rarely examined the role of apology, and when it has done so, typically only focused on the prevalence of apology. We

not only measured the prevalence of apology in victim-offender mediation but also the nature of these apologies, as well as the factors that may impact the offer and acceptance of apology (see also Bolitho, this issue), and how the offer and acceptance may subsequently impact satisfaction with the outcome of mediation. Indeed, the present study also extends past research on apology generally by focusing on both the perspective of the ‘victim’ and the ‘offender.’

Most of the cases in the present study represented long standing disputes and/or harassment that had only recently been referred for mediation. At the time of mediation, the police had been involved in less than half of the cases, and a sanction such as a warning was in place in around one-third of cases. Thus, the mediations occurred either in the absence of any contact with the formal justice system or pre-charge. This means that the mediation process had the opportunity to divert the cases from the formal criminal justice system, although the process would need to be sufficiently powerful to end the repeated cycle of conflict. As discussed below, the offer and acceptance of apology can be a critical mechanism in case resolution.

Offer of Apology

At least one of the five components of apology was present in the perpetrators’ response to his/her victim in the vast majority of cases. The acknowledgement of harm was the most prevalent component. Bolitho (this issue) found less evidence of the young offenders in her sample acknowledging harm. Admitting wrongdoing, expressing remorse and offering reparation were fairly equally common (i.e., each occurred in about one-third of cases). The offer of forbearance was the least common component of apology communicated by the perpetrator. This may reflect the perpetrators’ sincerity and insight given that conflicts were often long standing, and so potentially difficult to avoid altogether in the future. Indeed, elaborate or full apologies (containing some or all components of apology) were relatively

uncommon. It was more common for the perpetrator to either acknowledge harm or admit wrongdoing. Admitting wrongdoing is typically a precursor for attending mediation.

The perpetrator said “I’m sorry” in just over a third of cases. This statement was unrelated to acknowledgement of harm. However, it was associated with the other components of apology (i.e., admitting wrongdoing, expressing remorse, offering reparation, and offering forbearance). Future research should examine if people perceive the components of apology to be implicit in a simple “I’m sorry”. Some past research indicates that components of apology may be inter-linked in this way (Schmitt et al., 2004).

The offer of apology, measured in terms of saying “I’m sorry”, was independent of the personal characteristics of the victims and perpetrators. However, when apology was measured in terms of its fullness (i.e., containing statements of admitting wrongdoing, expressing remorse, offering reparation, and offering forbearance), it was found that male perpetrators offered apologies that contained more components than did female perpetrators, and older victims (i.e., aged 56 or over) received apologies containing fewer components. The finding that males offered more elaborate apologies needs further investigation. To our knowledge, this is the first study examining the effect of victim age on the offer of apology. While the explanation for this effect is unclear, it is of concern given that older victims may fear crime and feel particularly vulnerable to victimisation (e.g., Lindesay, 1991), and a full apology could potentially alleviate these feelings (e.g., Poulson, 2003; Sherman et al., 2005).

Saying “I’m sorry” was significantly associated with the type of incident/conflict (see also Bolitho, this issue), the number of mediations in a case, and the imposition of a sanction in a case. Similarly, the fullness of apology was significantly affected by the type of incident/conflict, the number of mediations, and the number of participants attending mediation. Perpetrators were more likely to say “I’m sorry” and their apologies contained more components in harassment cases. Indeed, apologies may be more forthcoming where

there is a clearer distinction between the victim and perpetrator such as in cases of racial harassment than where the wronged and the wrongdoer are more blurred such as in cases of housing disputes. The number of components in an apology was positively associated with the number of participants attending the mediation meeting. This may partly reflect social pressure on the offender to apologise or an internal pressure to apologise given the nature of the social interaction (see also Blecher, 2011). The likelihood of saying “I’m sorry” and the components of apology increased as the number of mediations in a case increased. Once again, this may partly reflect social pressure. It may also partly reflect the idea that the perpetrator is now ready to apologise, and so suggests that there may be benefits of cases returning to mediation rather than being moved up to the formal justice system. Finally, the fact that a statement of “I’m sorry” was less likely in cases where a sanction had been imposed reinforces beliefs that involvement of the formal justice system can be detrimental to the mediation process.

Although there are various potential benefits of the offer of apology to victims, some past research suggests that an apology may not always make victims “feel better” or help “repair the harm” (Blecher, 2011). In the present study, we did not have such measures. However, victims were more likely to be satisfied with the outcome of mediation if the perpetrator said “I’m sorry.” Victims were also more likely to offer forgiveness in such situations. In addition, victims were more likely to be dissatisfied with the mediation outcome if the apology was less elaborate (i.e., containing fewer components listed in Table 2), and they were more likely to offer forgiveness as the apology became more elaborate. Thus, these findings demonstrate a mechanism by which victim-offender mediation may be effective in increasing victim satisfaction and forgiveness – through the *offer* of apology.

Acceptance of Apology

In most cases, the victim accepted the perpetrator's apology. Although our findings are compatible with others showing high apology acceptance rates in the RJ context (Shapland et al., 2006; Sherman et al., 2005), they are also somewhat surprising given the long history of conflict in some of the cases. Bennett and Dewberry (1994) have shown that explicit rejections of apologies are rare, and rather recipients show offense, anger or disapproval. Risen and Gilovich (2007) demonstrate that one explanation for the willingness to accept an apology lies in the 'apology-forgiveness' script which dictates social interaction in such situations. Indeed, recent research suggests that victims in victim-offender mediation may feel pressured to accept an apology even when it is perceived to be insincere, and facilitators are not always aware of this and so do not intervene (Choi & Severson, 2009).

By contrast, forgiveness was much less common (i.e., in less than one-fifth of cases; see also Blecher, 2011). Forgiveness was also unrelated to acceptance of apology. This underscores the crucial distinction between these two responses to apology. It also may reflect the view that forgiveness requires more information about intent and a cancellation of the harm (Girard, Mullet, & Callahan, 2002), more communication of shame and guilt (Hareli & Eisikovits, 2006), and more time (Enright, Freedman, & Rique, 1998; Santelli, Struthers, & Eaton, 2009). Forgiveness may also be difficult if the victim cannot empathise with the offender, lets his/her ego get in the way or wants to maintain the moral high ground (Blecher, 2011). Given the beneficial effects that the offer of forgiveness can have on victims' sense of justice (see Wenzel & Okimoto, 2010) and offenders' reduction in reoffending (Wallace et al., 2008), as well as the detrimental effects that lack of forgiveness can have on offenders' regret in apologising (Exline, Deshea, & Holesman, 2007), it may be worth considering how this response to apology can be facilitated in the RJ process. McCullough, Worthington and Rachal (1997) have demonstrated that forgiveness can be promoted through interventions that induce empathy (see also Takaku, 2001).

Once again, the acceptance of apology was independent of the personal characteristics of the victims and perpetrators. In fact, the acceptance of apology was also unrelated to features of the case and the mediation meeting, as well as the fullness of the apology offered. The latter finding might point to the notion that recipients of an apology perceive its sincerity differently to those offering the apology (Blecher, 2011) or observing it. Regardless, the antecedents of acceptance of apology remain to be determined in the victim-offender mediation context. The small amount of qualitative data that was available indicated that acceptance occurred when the victim believed the apology was genuine. Similarly, one of the reasons that the victim did not offer forgiveness was because the perpetrator had not taken responsibility, and the victim was sceptical of the perpetrator's offer of forbearance.

In most of the cases studied, victims expressed satisfaction with the victim-offender mediation outcome. Such satisfaction was evident in all of the cases where the victim had accepted the perpetrator's apology. This finding demonstrates another mechanism by which mediation may be effective – through the *acceptance* of apology. Future research should also examine the effects of the victim's acceptance of apology on the perpetrator's satisfaction with the mediation outcome.

Limitations and Implications

Although the examination of real victim-offender mediation cases is a strength of the present study (see also Bolitho, this issue), it limited our ability to examine some potential consequences of the offer and acceptance of apology, beyond victim satisfaction with the outcome of RJ. For instance, it would be constructive to know how the offer of apology affected the victim's perceptions of the perpetrator and the conflict, as well as his/her fear of crime. Similarly, it would be useful to understand how the acceptance of apology affected the perpetrator's perceptions, as well as his/her future engagement in criminal/conflict behaviour.

In addition, it would be interesting to learn how both parties judged the fairness of the outcome of their mediation meeting.

Research indicates that RJ programs are generally more effective than the traditional criminal justice system in dealing with crime and victimization (for reviews see e.g., Latimer, Dowden, & Muise, 2001; Miers, 2001; Sherman & Strang, 2007). The findings of the present study highlight the important role that apology may play in the success of RJ.

Finally, it is worth noting that in none of the cases did the mediator (or facilitator) encourage either an offer or acceptance of apology from any of the perpetrators or victims. Indeed, RJ facilitators are expected to remain neutral and to guide, rather than engage in, the process of communication between the parties in mediation (Souza & Dhimi, 2007). Nevertheless, with evidence that the offer and acceptance of apology can lead to beneficial outcomes for both parties in mediation, it might be worth re-considering how facilitators can bring about genuine offers and acceptances of apologies. For instance, Shapland et al. (2006) found that apologies were forthcoming during a pause in the dialogue at a critical point. Bolitho (this issue) found that facilitators in the youth justice conferences she observed sometimes gave offenders subtle prompts to apologise. Giving victims an opportunity to empathise with the offender may in return lead to acceptance and forgiveness (McCullough et al., 1997). Regardless of the strategies used, it is clear that the offer and acceptance of apology are both powerful mechanisms by which the effectiveness of RJ can be increased.

References

- Bennett, M., & Dewberry, C. (1994). I've said I'm sorry, haven't I? A study of the identity implications and constraints that apologies create for their recipients. *Current Psychology, 13*, 10-20.
- Bennett, M., & Earwaker, D. (1994). Victims' responses to apologies: The effects of offender responsibility and offense severity. *The Journal of Social Psychology, 134*, 457-464.
- Blecher, N. J. (2011). Sorry justice: Apology in Australian family group conferencing. *Psychiatry, psychology, and law, 18*, 95-116.
- Bonta, J., Wallace-Capretta, S., & Rooney, J. (1998) *Restorative justice: An evaluation of the restorative resolutions project*. (User Report 1998-05). Ottawa: Solicitor General Canada.
- Choi, J. J., & Severson, M. (2009). "What! What kind of apology is this?": The nature of apology in victim offender mediation. *Children and Youth Services Review, 31*, 813-820.
- Cohen, J. R. (2002). Legislating apology: The pros and cons. *University of Cincinnati Law Review, 70*, 819-872.
- Cohen, J. R. (1999). Advising clients to apologize. *Southern California Law Review, 72*, 1009-1069.
- Dhami, M. K. & Joy, P. (2007). Challenges to establishing volunteer run community-based restorative justice programs. *Contemporary Justice Review, 10*, 9-22.
- Enright, R. D., Freedman, S., & Rique, J. (1998). The psychology of interpersonal forgiveness. In R. D. Enright, & J. North (Eds.), *Exploring forgiveness* (pp. 46-62). Madison, WI: The University of Wisconsin Press.

- Exline, J. J., Deshea, L. & Holeman, V. T. (2007). Is apology worth the risk? Predictors, outcomes, and ways to avoid regret. *Journal of Social and Clinical Psychology*, 26, 479-504.
- Fehr, R., & Gelfand, M. J. (2010). When apologies work: How matching apology components to victims' self-construals facilitates forgiveness. *Organisational Behavior and Human Decision Processes*, 113, 37-50.
- Fehr, R., Gelfand, M. J., & Nag, M. (2010). The road to forgiveness: A meta-analytic synthesis of its situational and dispositional correlates. *Psychological Bulletin*, 136, 894-914.
- Girard, M., Mullet, E., & Callahan, S. (2002). Mathematics of forgiveness. *The American Journal of Psychology*, 115, 351-375.
- Goffman, E. (1971). *Relations in public*. New York: Harper Colophon Books.
- Hareli, S., & Eisikovits, Z. (2006). The role of communicating social emotions accompanying apologies in forgiveness. *Motivation and Emotion*, 30, 189-197.
- Latimer, J., Dowden, C., & Muise, D. (2001). *The effectiveness of restorative justice practices: A meta-analysis*. Research and Statistics Division. Ottawa: Department of Justice Canada.
- Lindesay, J. (1991). Fear of crime in the elderly. *International Journal of Geriatric Psychiatry*, 6, 55-56.
- McCullough, M. E., Worthington, E. L., & Rachal, K. C. (1997). Interpersonal forgiving in close relationships. *Journal of Personality and Social Psychology*, 73, 321-336.
- Miers, D. (2001). *An international review of restorative justice*. (Crime Reduction Research Series Paper 10). London: Home Office.

- Miers, D., Maguire, M., Goldie, S., Sharpe, K., Hale, C., et al. (2001). *An exploratory evaluation of restorative justice schemes*. (Crime Reduction Research Series Paper 9). London: Home Office.
- Ohbuchi, K., Kameda, M., & Agarie, N. (1989). Apology as aggression control: Its role in mediating appraisal of and response to harm. *Journal of Personality and Social Psychology*, 56, 219-227.
- Petrucci, C. J. (2002). Apology in the criminal justice setting: Evidence for including apology as an additional component in the legal system. *Behavioral Sciences and the Law*, 20, 337-362.
- Poulson, B. (2003). A third voice: A review of empirical research on the psychological outcomes of restorative justice. *Utah Law Review*, 167-203
- Retzinger, S., & Scheff, T. (1996). *Strategy for community conferences: Emotions and social bonds*. In B. Galaway and J. Hudson (Eds.), *Restorative Justice: International Perspectives* (pp. 315-336). Monsey, NY: Criminal Justice Press.
- Risen, J. L., & Gilovich, T. (2007). Target and observer differences in the acceptance of questionable apologies. *Journal of Personality and Social Psychology*, 92, 418-433.
- Robbennolt, J. K. (2003). Apologies and legal settlement: An empirical examination. *Michigan Law Review*, 102, 460-516.
- Robbennolt, J. K. (2006). Apologies and settlement levers. *Journal of Empirical Legal Studies*, 3, 333-373.
- Santelli, A. G., Struthers, C., W., & Eaton, J. (2009). Fit to forgive: Exploring the interaction between regulatory focus, repentance, and forgiveness. *Journal of Personality and Social Psychology*, 96, 381-394.

- Scher, S. J., & Darley, J. M. (1997). How effective are the things people say to apologize? Effects of the realization of the Apology Speech Act. *Journal of Psycholinguistic Research*, 26, 127-140.
- Schlenker, B. R., & Darby, B. W. (1982). The use of apologies in social predicaments. *Social Psychology Quarterly*, 44, 271-278.
- Schmitt, M., Gollwitzer, M., Forster, N., & Montada, L. (2004). Effects of objective and subject account components on forgiving. *The Journal of Social Psychology*, 144, 465-485.
- Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. (2006) *Restorative justice in practice: the second report from the evaluation of three schemes*. The University of Sheffield Centre for Criminological Research Occasional Paper 2.
- Sharpe, S. (1998). *Restorative justice: A vision for healing and change*. Edmonton, Canada: Mediation and Restorative Justice Centre.
- Sherman, L. W., & Strang, H. (2007). *Restorative justice: The evidence*. London: The Smith Institute.
- Sherman, L. W., Strang, H., Angel, C., Woods, D., Barnes, G. C., Bennett, S., & Inkpen, N. (2005). Effects of face-to-face restorative justice on victims of crime in four randomized, controlled trials. *Journal of Experimental Criminology*, 1, 367-395.
- Shuman, D. W. (2000). The role of apology in tort law. *Judicature*, 83, 180-189.
- Souza, K. A., & Dhami, M. K. (2007). Restorative justice volunteers' perceptions of effective facilitators. *British Journal of Community Justice*, 5, 55-61.
- Stubbs, J. (2007). Beyond apology? Domestic violence and critical questions for restorative justice. *Criminology & Criminal Justice*, 7, 169-187.

- Taft, L. (2000). Apology subverted: The commodification of apology. *The Yale Law Journal*, 109, 1135-1160.
- Takaku, S. (2001). The effects of apology and perspective taking on interpersonal forgiveness: A dissonance-attribution model of forgiveness. *The Journal of Social Psychology*, 141, 494-508.
- Umbreit, M. S. (1995). *Mediation of criminal conflict: An assessment of programs in four Canadian provinces*. St. Paul, MN: University of Minnesota.
- Umbreit, M. S., & Coates, R. B. (1992). *Victim offender mediation. An analysis of programs in four states of the U.S.* St. Paul, MN: University of Minnesota.
- Umbreit, M. S., & Roberts, A. W. (1996). *Mediation of criminal conflict in England: An assessment of services in Coventry and Leeds*. St. Paul, MN: University of Minnesota.
- Wallace, H. M., Exline, J. J., & Baumeister, R. F. (2008). Interpersonal consequences of forgiveness: Does forgiveness deter or encourage repeat offenses? *Journal of Experimental Social Psychology*, 44, 453-460.
- Wenzel, M., & Okimoto, T. G. (2010). How acts of forgiveness restore a sense of justice: Addressing status/power and value concerns raised by transgressions. *European Journal of Social Psychology*, 40, 401-417.
- Zehr, H., & Mika, H. (1998). Fundamental concepts of restorative justice. *Contemporary Justice Review*, 1, 47-55.

Endnotes

¹ RJ is not a coherent theoretical framework but refers to a set of principles and practices that are also sometimes referred to as community justice, transformative justice, participatory justice, relational justice, positive justice, and reintegrative justice.

² RJ refers to various practices and the present article focuses on victim-offender mediation in particular, even though this victim-offender mediation program may include supporters of each party.

³ Given that most of the mediations were direct, statistical analyses of the effect of this variable on the antecedents of apology and acceptance were not possible.

⁴ Since most of the mediations occurred pre-charge, statistical analyses of the effect of this variable on the antecedents of apology and acceptance were not possible.

⁵ Statistical analyses could not be computed for the following variables due to the small subgroup sample sizes: Perpetrator's age, relationship between victim and perpetrator, criminal history of perpetrator. In addition, the effect of victim's age excluded the 16 years or under group; the effect of victim's ethnicity excluded the Asian and other groups; and the effect of perpetrator's ethnicity excluded the Asian group.

Table 1. Descriptive Statistics on Case, Victims, Perpetrators, and Mediation Meeting

Variables	%	<i>M</i>	<i>SD</i>
Source of referral			
Self	7.02		
Police	7.02		
Anti-social Behaviour Unit	5.26		
Public Housing Dept	75.43		
Other	5.26		
Incident/Offence			
Dispute/nuisance	45.61		
Harassment	21.05		
Combination of dispute/nuisance, harassment and other crimes	33.33		
Police were involved	41.07		
Perpetrators			
Multiple	80.36		
Number		2.83	1.50
Number of victims		1.77	1.12
Victim Female	58.93		
Victim Age			
Under 16	3.57		
17-55	73.21		
56+	23.21		
Victim Ethnicity			

White	56.36		
Asian	1.82		
Black	29.09		
Other	12.73		
Victim-Perpetrator Relationship			
None	7.02		
Neighbour/acquaintance	89.47		
Friend/partner/related	3.51		
No Previous Victimization	66.07		
Perpetrator Female	55.36		
Perpetrator Age			
Under 16	12.96		
17-55	79.63		
56+	7.41		
Perpetrator Ethnicity			
White	26.79		
Asian	7.14		
Black	37.50		
Other	28.67		
No Criminal History	92.50		
Face-to-face Mediation	96.43		
Number of Prior Mediations		.36	.70
Timing of Mediation			
Pre-charge	98.21		
Post-charge/pre-conviction	1.79		

Sanction in Effect	30.36
--------------------	-------

Number of Participants	2.79	1.24
------------------------	------	------

Participants

Victim & perpetrator	70.37
----------------------	-------

Victim, perpetrator & supporters	24.07
----------------------------------	-------

Victim, perpetrator & professionals	5.56
-------------------------------------	------

Table 2. Components of Apology Offered During Mediation

Component of Apology	Present ($N = 56$)
Admit wrongdoing	33.33
Acknowledge harm	83.33
Express remorse	39.62
Offer forbearance	25.93
Offer reparation	39.29