

Empathy for the Devil: The Nature and Nurture of Revenge

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THE PRIMARY TASK of justice is to manage emotions (Sherman 2003). The primary emotion for justice to manage is the desire for revenge. Whether justice can manage, or even 'cure' that desire depends on whether we see vengefulness as a product of nature, nurture, or both. The view that vengefulness is an emotional response 'hard-wired' into all human beings suggests the hypothesis that justice can only reflect that emotion, rather than trying to cure it. The view that vengefulness, like all emotions, is highly dependent on social context suggests that justice could indeed cure vengefulness through emotionally intelligent responses to crime.

Whether we think vengefulness is 'natural' (Diamond 2008) therefore matters greatly for the ways in which justice treats revenge. The idea that revenge is an innate, cross-cultural constant can provide moral and social support for its excesses, even by justice itself. At worst, torture of suspected terrorists, mandatory prison for minor crimes, long prison sentences for possessing small amounts of drugs: these and other forms of social vengeance are often described by their advocates as 'inevitable' or 'inescapable'. At best, defining vengefulness as an 'instinct' may suggest that attempts to manage it are 'impossible' (Goldschmidt 2008). The consequence of this intellectual position may be defeatism and abandonment of investments in finding better means of peacekeeping. It may also discourage further testing of its own hypothesis.

The idea that revenge is highly subject to 'nurture', or life experience and social context, in contrast, suggests a potentially fruitful line of empirically testing innovations that might reduce the harm of revenge. Our own version

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of that hypothesis is that vengefulness can be dissipated by justice rituals that foster a victim's empathy for the 'devil': the easily demonised person or persons who caused a victim to suffer harm.

This chapter explores our hypothesis and its intellectual context. It begins with a brief review of the status of vengefulness as an emotion. It then considers recent work in anthropology and neuroscience suggesting that vengefulness is a biologically inevitable emotion; we find these claims excessive and unsupported by a systematic treatment of the evidence. The core of the paper presents results from our own experiments showing transformations of that emotion among victims of serious crime, making it anything but inevitable. Our evidence suggests that justice can transform revenge into empathy, and often sympathy, for the very 'devils' who have harmed us. This transformation can produce enormous benefits for victims, criminals and society. Our conclusion is that emotionally intelligent justice would devote far more effort to the nurturance of 'antidotes' to revenge than common law justice does at present.

I. WHETHER VENGEFULNESS IS AN EMOTION: DOES IT MATTER?

The empirical core of any definition is comprised of a list of phenomena that the definition includes. The definition of 'emotion' is especially linked to lists of the phenomena it includes, since the word covers such a gamut. Equally wide is the range of scholarly frameworks for the content and structure of various lists on offer over the past 3000 years. Several lists distinguish between primary and secondary emotions, while at least one version invokes three levels (Parrot 2001). Thus it seems necessary to begin this paper by asking whether the desire for revenge is a distinct emotion, and whether it matters to the debate about its causes and control.

At least since Aristotle, scholars have described revenge not as an emotion, but as an act prompted by other emotions. Just as lust is an emotion leading to an act (of sexual intercourse), Aristotle saw anger as the emotion underlying revenge. Revenge was the act of harming; anger was the emotion that proximately caused the harm. The question then becomes whether the *desire* to commit an act of revenge—what we may distinguish from anger in general by calling it the distinct emotion of 'vengefulness'—may be seen as a unique kind of emotional state, one distinct from anger. Increasingly, that state is seen as an emotion distinct from anger.

The anthropologist Jared Diamond (2008) recently put the case this way:

We regularly ignore the fact that the thirst for vengeance is among the strongest of human emotions. It ranks with love, anger, grief, and fear, about which we talk incessantly. Modern state societies permit and encourage us to express our love, anger, grief, and fear, but not our thirst for vengeance. We grow up being taught that such feelings are primitive, something to be ashamed of and to transcend.

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One way to read this view is that revenge has been intentionally left off the list of emotions as part of a socially constructed effort to make unacceptable the 'thirst for vengeance', or vengefulness. Another way to read it is that there are vital distinctions between vengefulness and other types of emotions that require us to study vengefulness as a separate phenomenon. We agree. As we suggest here, those distinctions may include a focus on specific events, low visibility, and a longer time-frame.

A. Focus on Specific Events

While vengefulness may be prompted by, or correlated with, a variety of emotions, it is arguably an extremely specific subset of one or more of those emotions. Anger, for example, or even rage can be quite general in its causes and focus. But the emotion of vengefulness is typically caused by and focused on a specific act or pattern of acts that has 'done wrong' to the person who feels vengeful. Thus a father who wants to kill the murderer of his daughter is not just angry or enraged; he is focused on a specific act by a specific person for which he desires to inflict retaliation. A Palestinian suicide bomber is not just angry about the condition of Palestinians; she is focused specifically on a pattern of acts by the nation of Israel for which she wants to seek revenge. The war veteran husband of an apparent lover of Dylan Thomas who shoots at Thomas' house is not just 'shell-shocked,' but vengeful: focused on Thomas taking both love and money from him (BBC Films 2008).

B. Low Visibility

People do not always make visible an emotional state of vengefulness. They may not feel or display anger in any other aspects of their lives, such as traffic jams or domestic quarrels. On most days, they may not even feel angry for a minute. An 'anger management' class might therefore be completely irrelevant to the emotion they feel. Yet their emotion of vengefulness may lie beneath the surface, like an underground river, flowing steadily over time until some future point where it may break out in plain view. Suicide bombers may plan for years until they have their chance to wreak revenge for a terrible wrong done to their family, appearing normal and well-controlled throughout that time (Pape 2005).

C. Long Time Frame

Low visibility of vengefulness about specific events enables vengefulness to last over a long time frame. In contrast to the immediate flash of anger in a

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bar-room brawl, which could have dissipated by the next day, vengefulness may last a lifetime. Writers of memoirs may use their books to 'get back' at their enemies decades after the harm was done. These characteristics of vengefulness differentiate it from most definitions of emotions that stress the moment-by-moment character of most feelings. Vengefulness can apparently survive this normally situational and transitory nature of other emotions. It may fall into a larger class of 'long-term' emotions, such as parental and marital love, that cannot be measured by facial expressions (Ekman 2007) or existing biological measurements, at least until a critical moment in which an act representing that emotion erupts. Diamond (2008) quotes his octogenarian father-in-law as saying about the murder of his own mother a half-century earlier, during World War II: 'Every day, still, before going to sleep, I think of my mother's death.'

There is also anthropological evidence that the long-term emotion of vengefulness can be culturally induced and maintained by teaching or exemplary action. Feeling vengeful about the acts of enemies of your in-group that occurred well before you were born may be a subset of the broader emotion of hate (see Scheff, in this volume). But because such feelings can focus on specific acts and relationships (eg, 'You killed my father's brother: prepare to die'), there is every reason to think of it as an emotion *sui generis* that differs from more generalised, or short-term and situational, forms of hatred.

D. Why It Matters—But Not Too Much

How we define our terms matters for the study of emotions more broadly, and the study of justice in particular. Our aim is not to split hairs in the classification of emotions, but to advance the emotional insights, or empathy, of people who impose justice on behalf of the state: police, prosecutors, judges, and correctional officials (Sherman 2003). The development of emotional intelligence arguably begins by recognising one's own emotions (Goleman 1995), using them to build 'empathy'. Empathy is defined not as an emotion but as a capacity for insight and understanding of the emotions of others. Pinpointing the thirst for revenge as an 'emotion' is therefore a short cut for helping millions of officials to understand the core idea of emotionally intelligent justice: that a rule of law works best when it sees justice as a peacekeeping mediator of emotion-driven conflicts among citizens, rather than as the morally driven expression of the emotions (including vengefulness) of the state on behalf of society.

That said, it may not matter much whether officials see revenge as an emotion, an attitude, a 'risk' or a 'risk factor'. Our goal is to show the fundamental nature of revenge as an *issue* in justice, one that justice officials must consider in any rational attempt to reduce harm. Calling it an emotion

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is simply a heuristic device to help assess the consequences of justice decisions—and innovations in justice processes.

It may matter more if defining revenge as an emotion means that the state accepts uncritically its duty to inflict it, or that the state must 'inevitably' assume the duty to exact revenge that individuals desire but have yielded to the state under a social contract. If individuals can find ways to respond to crime without vengeance, so can the state, regardless of individual or social sentiments in favour of vengeance. As we argue in the next section, describing revenge as an emotion does not require that we accept it as an incurable human malady.

II. WHETHER RESEARCH CAN 'PROVE' REVENGE IS HARD-WIRED

Rapid advances in biology have fostered intrusions into academic turf long dominated by social scientists. Yet it is anthropologists who have most baldly stated the case for nature over nurture in the causation and malleability of vengeful behaviour. Their work converges with the neuroscience of locating various emotion centres in the brain, suggesting that victims may find revenge is reinforced by a feeling of pleasure. Neither work is informed by field data from the criminology of justice processes. Neither body of work can sustain the burden of 'proof' that they imply, at least not within the framework of modern science.

A. Revenge An Instinct: An Anthropological View

The Pulitzer Prize-winning polymath Jared Diamond, author of *Guns, Germs and Steel*, has done extensive fieldwork in New Guinea for decades. Based in part on that work, he recently wrote that there is a

terrible personal price that law-abiding citizens pay for leaving vengeance to the state ... In order to induce us to do so, state societies and their associated religions and moral codes teach us that seeking revenge is bad. But, while acting on vengeful feelings clearly needs to be discouraged, acknowledging them should be not merely permitted but encouraged. To a close relative or friend of someone who has been killed or seriously wronged, and to the victims of harm themselves, those feelings are natural and powerful. (Diamond 2008).

These comments followed a case study of how one of his informants found great satisfaction in organising revenge for the killing of his uncle in an inter-tribal battle. His description shows that the informant drew great satisfaction from the crippling of his uncle's killer. Diamond then contrasts this satisfaction with the lifelong pain of his father-in-law, who decided not to kill the killer of his own mother at the end of World War II in Poland, despite the chance to do so without legal consequences. His conclusion is

that vengeance is [universally] satisfying. His implication is that it is a basic human need that must be addressed, by such means as allowing survivors to watch killers be executed.

His report attracted comment from many colleagues, including anthropologist Walter Goldschmidt (2008), who characterised vengefulness as a 'basic human instinct'. While Goldschmidt notes a long history of systems in various cultures for controlling that instinct through tribute, he concludes that any attempt at curbing vengeance at the nation-state level is 'impossible'. One could even draw that conclusion about intra-state crime, such as gang killings, from Diamond's subtitle: 'What can tribal societies tell us about our need to get even?' Diamond, moreover, gives no consideration to the idea of reconciliation, nor even Hannah Arendt's (1958) rationalist argument for forgiveness: that it relieves the victim of a lifelong burden of vengefulness. Instead of considering any of the anthropology of peacemaking and apology, he signs up to the retributivist agenda of 'victims' rights' to tell courts what they have suffered, but not to have victims talk directly to offenders.

The take-away message from a compelling article like Diamond's is that because we are all hard-wired for revenge, we should not expect to succeed in tampering with that biological destiny. We may socially restrain vengefulness by brute force, but there is no way we can escape the emotions themselves. They are as essential as breathing. Neither tribesmen in New Guinea nor Europeans at war can avoid this powerful instinct, so realism requires that we simply channel its expression—not change it.

B. Can't Get No Satisfaction?: A Neuroscience of Revenge

The implication that revenge is inevitable has also been drawn from several laboratory experiments in neuroscience. These experiments have been published in the leading scientific journals in the world, presumably because of their 'significance' in revealing a fundamental feature of human biology: our satisfaction at achieving revenge against rule-breakers, even at great cost to ourselves (Knutson 2004). The idea of 'altruism' in punishment is prominent in the discussions of these experiments, showing how individuals sacrifice their own interests for the good of the group in making sure that group members obey rules (de Quervain et al 2004). Testing the hypotheses in a laboratory setting, often with positron emission topography (PET) scans or functional magnetic resonance imaging (fMRI) of the brains of people who are making decisions, means the evidence is seen as more compelling, because of the pioneering precision with which the hypotheses can be tested.

In a typical experiment, a small sample (15) of Swiss male students (mean age 25) were asked to interact anonymously in seven trials each of a

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game with an experimenter. In each game, the subject and the experimenter were given 'money units' to invest in ways that would advantage both of them if they cooperated, or neither of them if they did not cooperate, but which would allow one of them to derive more advantage by breaking a rule after cooperation began. The trials systematically assigned violations of trust, and all but one of the 15 subjects trusted the experimenter at least one time. When the trust was violated, the subjects retaliated in the next move. Around this time the brain region called the 'caudate nucleus' was shown to heat up (a sign of greater activity), the same region which heats up when the prospect of a sweet dessert appears. The researchers concluded the following:

Thus, high caudate activation seems to be responsible for a high willingness to punish, which suggests that caudate activation reflects the anticipated satisfaction from punishing defectors. (de Quervain et al 2004:1258)

Thus we might say that a correlation exists between revenge and pleasure: 'revenge is sweet'. What we cannot say, of course, is how long-lasting or satisfying that pleasure may be, or whether even greater pleasure could have been derived from some other alternative. Most of all, we cannot say from correlational evidence alone that the brain is hard-wired to seek vengeance. Similar limitations would apply to most of the recent work in the neuroscience of revenge.

C. Science, Proof and Popper

The larger conceptual problem with demonstrating the causes and immutability of vengefulness is that it is a 'black swan' problem. Each case cited from anthropology or neuroscience may show that, so far, 'all swans are white', as Karl Popper (1959) famously pointed out. Yet this cannot constitute 'proof' that all swans are white, because we have no way to observe all possible swans. All we can say from any accumulation of studies with the same result is that the available evidence fails—at least so far—to disprove the hypothesis of a universal characteristic. So, too, with the 'vengeance is hard-wired' hypothesis: the hypothesis that people always experience vengefulness when they perceive that they have been treated wrongfully can be supported by repeated accounts. Yet contrary evidence that under some circumstances exceptions exist, like black swans, can enrich our understanding that what appears to be universal is in fact only conditional. If we can show that the 'natural' or even universal predisposition to vengefulness can be blocked by socially nurturant interventions, our understanding of vengefulness may become more accurate—as well as more hopeful.

If we were to set out to find conditions under which nurture counteracted nature in the emotional experience of vengefulness, we might not look first

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in a laboratory, as neuroeconomists have done. Nor might we even look in anthropological literature, although the Yale University's Human Relations Area Files are indeed full of evidence falsifying Diamond's conclusion.² Perhaps the best evidence would come from field experiments, dealing with real-life emotions about real-life harm. For whenever we seek research to support externally valid conclusions about modern societies—as both anthropologists and neuroscientists have recently done—it can be argued that field evidence generated in such societies would be more compelling than less direct evidence from laboratories or pre-modern societies.

III. FROM REVENGE TO EMPATHY: EVIDENCE OF TRANSFORMATION

Whether or not victims of crime have a neurologically located 'instinct' for revenge, there is growing evidence that vengefulness itself can be ameliorated. We discovered this phenomenon in our own work almost by accident, when Heather Strang designed the questionnaire for her interviews with victims of crime in our initial face-to-face restorative justice (RJ) experiments in Canberra—and then found large RJ effects in reducing victims' desire for violent revenge (Strang 2002). In our subsequent work, we measured the amelioration of revenge more systematically, and also (Angel 2005) in relation to other victim reactions such as post-traumatic stress symptoms. In eight out of eight tests of the hypothesis, we have found substantially fewer victims expressing a desire for physically violent revenge in the experimental group than in the control group (Sherman et al 2005).

Unlike the neuroscience of revenge to date, our evidence does not come from laboratory experiments with students and games. Rather, the qualitative and quantitative findings summarised below come entirely from randomised controlled trials in field settings with criminal justice agencies and real crime victims. While we did not employ the fMRI tools that some take as the hallmark of real science, we did employ consistent methods of experimentation and outcome measurement. Moreover, we would welcome the addition of fMRI evidence to such tests both to enhance, and be enhanced by, the field experimental designs we have used to study the transformation of vengefulness into other powerful emotions.

These designs have been informed by an explicit attempt to compare an emotionally intelligent justice to what may be called an emotionally neutral form of justice. In every case, the control group of victims was assigned to a conventional form of justice in which victims are not even present at the justice proceeding, let alone allowed to express their emotions. In every case, victims in the experimental group were invited to meet with their

² See www.yale.edu/hraf/ for over 100 examples of societies that use alternatives to vengeance.

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offenders face-to-face, to express their own emotions, and to see first-hand how the offenders responded to what may be a 'contagion' of emotions among all those present in a room, including family and friends of both victims and offenders (see Rossner, in this volume).

This section begins by briefly summarising the key features of the four experiments with large subgroups of male and female victims, comprising the eight tests in which we found RJ to transform revenge (Sherman et al 2005). It then presents extensive qualitative evidence on how victims reacted to both the experimental and control conditions. The section concludes with a brief summary and interpretation of the prospective meta-analysis we conducted on the evidence from eight tests of the hypothesis that the thirst for vengeance is transformable, rather than inevitable. While victim forgiveness was by no means the universal result, what we show is that victims developed substantial empathy for their offenders. That insight, in turn, allowed them to replace vengefulness with other emotions that may be far less damaging to victims' health. Finally, as a recent independent evaluation of seven of our experiments concludes (Shapland et al 2008), this highly emotional process also resulted in 27 per cent fewer convictions for new crimes by the offenders in the RJ group than found among control group offenders, over a two-year follow-up period.

A. Experiments in Restorative Justice

Since 1995, we have completed a series of 12 controlled field trials comparing face-to-face restorative justice conferences to conventional criminal justice processes. This section summarises the relevant results of four of those experiments, those in which we were able to seek (although not obtain) detailed interviews with all of the crime victims. Two of these experiments came from our first series of four in Australia in 1995–2000; two came from the second series carried out in three regions of England in 2002–2005, with both of the experiments reported here conducted in London.

Our first series of experiments was carried out in Canberra, the Australian capital. One of the four tests that we include here dealt with property crime committed solely by juvenile offenders (under 18). The second one reported here dealt with violent crimes committed by offenders under the age of 30. All cases were of sufficient seriousness that they would normally have been dealt with in court; in all cases the offender had admitted responsibility for the crime and said they would be willing to accept the experimental treatment if offered (victims were invited to attend but the conference went ahead anyway in the few cases where they did not wish to attend).

In the Australian experiments, arresting police officers referred cases meeting these eligibility criteria to the research team (24 hours a day) for random assignment instructions to one of two treatments. Cases would

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either be prosecuted in court in the usual way, or would be diverted away from court to a face-to-face restorative justice conference. The latter route entailed offenders, their victims and the families and friends of each meeting in the presence of a trained police facilitator to discuss what had happened and what needed to be done to repair the harm caused (Strang 2002).

The second series of randomised experiments included two carried out in London for much more serious offences than the earlier tests in Canberra: robbery and burglary prosecuted in the Crown Courts. Unlike the crimes in Canberra, most of the cases in London resulted in prison sentences. The offenders were all aged over 18. Most had extensive criminal histories. All had pleaded guilty to the offence that had brought them into our study. Because of the seriousness of the offence, they were *all* dealt with in court in the usual way. In addition, *half* of the eligible, consenting group were randomly assigned to attend a restorative justice conference as well. Eligibility in these tests was based on both offender and victim consent—in that order—as well as certain other factors (see Shapland et al 2004, 2006, 2007). These restorative justice events took place while each case had been adjourned, between plea and sentence. The format of the events was very much on the model of the Canberra conferences: both offenders and their victims were invited to attend with their families and friends and to discuss the offence and its consequences, and what the offender could do to make up for the harm endured by the victim.

The four experiments are highly comparable, in the sense that the same Australian trainers conducted the training with all the police officers leading the RJ conferences, in both Canberra and London. The subtle nuances of technique and responsiveness to the emotional progression of the discussion were conveyed in a one-day training session in Canberra, and by a five-day training session in England. Our own observations of about 100 of the RJ conferences on both continents confirm that they were conducted in substantially similar ways, although by no means identically.

These results should therefore be seen as the outcome of socially constructed interaction rituals (Collins 2004) with a range of variable properties inside a highly consistent format. Even when facilitators were consistent in technique, the composition of the persons present, their personalities, and the behaviour in each RJ conference group meant that the RJ conferences varied widely in their capacity to deliver key elements of what Collins (2004 and this volume) describes as 'interaction ritual chains'. As Rossner (2008 and this volume) has shown, these variations are even linked to the future offending behaviour of the criminals in the two Canberra tests: the better the interaction ritual, the less recidivism. And while restorative justice (RJ) conferences were far more emotional—and hence variable—than conventional justice rituals, they were clearly far more emotionally intense and intelligent.

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B. Qualitative Evidence: The Stages of Transformation

This section presents a brief 'experimental ethnography' (Sherman and Strang 2004) of how victims reacted to the two randomly assigned justice processes in our experiments. It uses participants' statements and interviews to document the processes and structure we discerned in the transformation of victim vengefulness over time. It is 'experimental' ethnography, in the sense that it attempts to draw qualitative contrasts between the ways in which victims experience two different processes. We use qualitative evidence (derived from a structured interview designed for quantitative purposes) about the emotional states of similar victims who experienced different kinds of justice. Our purpose is to strengthen and inform inferences of causation about the effects of the kind of justice victims experience on their stated desire for vengeance.

The emotional foundation for this analysis is that victims of crime vary in their emotional reactions to the same kinds of crime. Some of that variability led some victims to refuse to consent to restorative justice altogether, excluding themselves from our experimental samples. For these 'refusing' victims, we can say nothing about the differences with which they might have responded to two different justice processes. Within the samples of consenting victims, however, some interesting differences emerge. Of particular importance is the large difference between Canberra and London victims in their base rates of desire for violent revenge. With a very high victim take-up rate in Canberra (around 90 per cent, for somewhat less serious crimes than our London victims experienced) the base rate for revenge was nearly 40 per cent for violent crime victims in the control group. With a much lower victim take-up rate in London (about 45 per cent, with more serious crimes and criminals than in Canberra), the base rate of vengefulness was only 10 per cent in the control group.

However far these results may be generalised, it is clear that victims vary widely in the attitudes they express in their initial interview with the facilitator who would lead the experiments if they consented. A few victims grant consent and then change their minds, often because family members pressure them not to participate. Yet the desire for revenge can have two-sided effects on victim decisions to accept or refuse restorative justice. Some UK victims (where all offenders were convicted and about to be sentenced) may have been so vengeful that they refused to attend, out of fear their presence might have somehow 'helped' the offender escape properly severe punishment. Others agreed to attend only if promised there would be no formal benefit to the offender.

Yet for most crime victims in both countries, the desire for revenge on their part was often a reason they agreed to confront their offenders in a restorative justice meeting. When offered a chance to meet their offenders,

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victims often said they would welcome a chance to 'let the bastard have a piece of my mind'. Even when victims hesitated to consent, they often explained their hesitation by saying: 'But I couldn't trust myself to be in the same room as him', or: 'I'm too angry to talk about it to her', or: 'If I saw him I wouldn't be able to control myself.' Skilled RJ practitioners then treated these emotions as a reason for, not against, victims meeting their offenders. They encouraged victims to take part in RJ by pointing out to them that the process provides precisely the opportunity they long for to 'tell the offender exactly what you think of her' or 'to explain why you feel so upset and angry'.

Many victims assumed that these powerful emotions must be forever contained because there is no safe or civilised way in which they can be expressed. They were astonished to hear that in RJ meetings shouting and tears are commonplace, and can occur within the boundaries set by the conference facilitator. Victims often feared the strength of their own emotions, and even the chance to release them. Thus the RJ facilitators needed to convince victims of the legitimacy of the prospective meeting, of the legitimacy of their emotions and of the chance that they may openly vent them. Victims had to accept the trustworthiness of the agency and the individual convening the RJ—usually the facilitator who met with them prior to their agreeing to attend. With this preparation, victims almost always managed the venting of the emotions powering the desire for revenge in a way that defused that desire.

Stepping back from the details of the process, what we see appears to be a transformation of vengefulness into empathy. Victims apparently enter an RJ event focused on their own feelings, and leave focused on the state the offender is in—which often strikes them as far more pathetic and tragic than anything they themselves have suffered. Victims start by venting their stories of pain and suffering from the crime. But then they listen as offenders (or offenders' supporters) tell their own stories of life-long misfortunes. The offenders' descriptions of child abuse, victimisation, feckless or drug-addicted parents and other traumas allow victims to peer inside their lives. What they see gives them *empathy*: the capacity to put themselves in the offenders' shoes and to experience the offenders' emotions. That, in turn, may make the emotions of the victim less vengeful, allowing the empathy to create positive emotions of *sympathy* or *pity*, or at least an emotionally neutral state of *acceptance* of events.

The following cases illustrate and unpack the stages in the symbolic interactions by which RJ transforms victims' vengeful emotions into the empathy that fosters a more positive emotional state. The stages include: 1) the *initial discussion* with offenders in the RJ conference, 2) the victim's *explosion of anger* that is often—but not always—vented in the RJ conference, 3) the *offender's shock realisation*, often for the first time, of the consequences of their crime in the face of the victim's moral outrage, and

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4) the transformation of vengefulness to *victim's empathy* engendered by the offender's emotional collapse during the conference, as the first step in the final transformation of anger into pity for the offender.

This final viewpoint of empathy by both parties may include lengthy discussions of the offender's life history, tragedies and traumas. It may include constructive discussions of how the offender can rebuild his life to stop offending. It may even include offers by the victim to assist the offender. No matter what shape it takes, the victims who develop empathy are far more likely to adopt pity or sympathy as their primary emotion about the crime. Once they do that, they do not seem to slip back into anger or a desire for revenge.

RJ Case 1: A London Burglary

Will Riley 'met' Peter Woolf when he discovered Peter burgling his house, in a wealthy suburb of London. The confrontation led to a brutal assault by Peter, with Will putting up a desperate fight. Will's need to defend his property and his family gave him strength he didn't know he possessed to withstand Peter's attack and to ensure his arrest. Will was triumphant in the battle, but he suffered in the aftermath. He soon found that Peter's breach of his home and his sense of security had serious consequences for his mental wellbeing and for his relationship with his wife and daughter. The anger and vengeful emotions he felt were translated into deep depression. It was in this state of mind that he agreed to attend an RJ conference with Peter. He was still depressed the day he sat down in a room at a London prison at the time of their restorative justice conference. As Will describes this encounter:

The criminal walked in, looking sheepish. However, he soon started talking social-work bollocks, parrot fashion. [*Initial discussion*]. I was thinking: 'This is getting nowhere.' Then he looked at me and said: 'When we met' And I lost it. [*Victim explosion*] I said: 'We didn't meet at some cocktail party. You broke into my house and hit me on the head.' And it all came out, everything I was feeling—about how terrible it was not to be able to protect my family. Stuff I hadn't even told my wife. I hadn't really known how I felt until it just came out, like water from a fire hydrant. Afterwards, I was exhausted...³

But it was the effect of his words and those of another of Peter's victims that had the greatest benefit for Peter, as Will says:

Hearing this hit Peter like a bombshell [*Offender's shock*]. We could see that. He was gutted. You don't leave somebody who's in that kind of state, not unless you're a shit, so we spent about 10 minutes talking about how to help him. We

³ *The Sunday Times*, 11 May 2008: www.timesonline.co.uk/tol/news/uk/crime/article3907255.ece.

said we wanted him to write to us every six months and tell us what he was doing. And I told him that if he went back to his old life, he'd be shitting on our goodwill.

He adds:

People think restorative justice sounds easy, but it's not. It's very hard to confront somebody. But I believe you should meet and talk to criminals because that re-empowers you [*Victim empathy*]. And you realise that the crime wasn't personal ... I was so impressed that I got involved in a number of events, talking at seminars and conferences and think-tanks. I often do them with Peter—he's a great guy. People tell us we're being soft on crime. So we've turned our approach on its head: we're saying that this isn't a soft option for criminals—it's good for victims.

Will's journey from anger and depression to empathy and resolution are clear to see in his recollection of events. He had not expected very much from the restorative justice meeting—mere curiosity about his offender had brought him along—and the initial discussion he found pedestrian and predictable. It was his own furious reaction to the opportunity the conference presented to confront Peter with the reality of the crime and its consequences that was the 'engine' for Peter's emotional collapse. In the face of Will's moral outrage, Peter realised the full import of his actions. By his own testimony, the pain for Peter was terrible (Woolf 2008), similar in description to the symptoms of post-traumatic stress (Angel 2005). Will recognised that pain and felt immediate empathy, allowing the two to draw together in a common understanding of events and emotions. Six years later, both Will and Peter say they have benefited enormously from the transformation of their emotions in that intensive interaction ritual.

RJ Case 2: A London Robbery⁴

Anthony, his partner Kristy and their young baby were in dire straits financially. They were almost penniless in London, owing to Anthony's work injury and some bad financial choices they had made. On the spur of the moment, Anthony attempted to grab Anne's purse as she walked down the street. He was arrested almost immediately and expressed his remorse right away. Although there was no way at that moment to assess the sincerity of Anthony's feelings, he certainly begged the police to give him the chance to apologise directly to Anne in a restorative justice meeting, even though he

⁴ This case was videotaped in its entirety, and is available for RJ training purposes from the Restorative Justice Consortium in London. The judge who sentenced Anthony said that he decided not to give Anthony a prison term, only because he understood the offence in a completely different way from seeing the conference on tape than from hearing the evidence in court.

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When the RJ conference began, Anthony immediately expressed regret for his actions. He could only repeat saying how sorry he was [*Initial discussion*]. Anne was indifferent to his apologies. Her husband, Terry, became increasingly angry. Terry listened impatiently to Anthony's explanations and excuses for his actions, then *exploded*, telling Anthony that he was a liar who would say anything to escape the consequences of his behaviour. Anthony was *shocked* by Terry's angry words but had no reply. It was Kristy who spoke up at that point. She expressed many of the same emotions as the victims felt, feeling victimised also by her partner's crime and having previously been the victim of a robbery herself (as had Anthony). She described her own anger and agreed with them that there was no possible excuse for his actions. She spoke eloquently for 20 minutes about the state of their relationship, about their child, and about their future if Anthony received a prison sentence for his crime.

As Kristy spoke, Anne and Terry became convinced of the genuineness of Anthony's apology and of the strength of the bond between him and his partner—a bond they recognised as being one of rare strength, that needed to be preserved if this little family was to survive. The opportunity to air all the emotions connected to the crime engendered *victim's empathy* for the offender in the victim and her husband. At this point all the anger and moral outrage that they had felt evaporated. The remainder of the conference was devoted to a discussion of how best the case could be presented in court, and how the family could best cope with whatever happened next. By the end of the conference no trace remained of the anger and vengefulness that Terry had expressed at the outset.

RJ Case 3: A Canberra Assault

Jamie, an eight-year-old Canberra schoolboy, was accosted by a 14-year-old on his way home from school, and knocked unconscious. The reasons for the assault were unclear but it appeared that the offender, Scott, was acting on behalf of another boy who was a renowned bully. Jamie's parents were very upset and completely outraged by the incident, which required an ambulance and hospital treatment. They were all the more outraged when the police suggested that it could be dealt with by a restorative justice conference. They wanted Scott to be punished severely and they could not imagine that sitting down to discuss anything with Scott or his parents would give them the least satisfaction. The conference facilitator suggested that the conference would in fact give them a chance to tell Scott exactly what they thought of him—something that they would certainly be denied if the case went to court. They reluctantly agreed and did not hide their anger when the conference got underway.

Scott was embarrassed to have his parents hear about what happened, and explained that he too felt bullied. In addition he felt ashamed when he realised how young and vulnerable Jamie was and offered an apology to both Jamie and his parents. Jamie's parents realised the genuineness of Scott's remorse and accepted Scott's offer to come to their house and help in their garden. Later, Jamie's mother described the friendship that had developed between the two boys, with Jamie feeling that Scott was his protector against the boy they both feared. She also said how pleased she was the case had been dealt with this way, because it allowed Jamie to see that Scott had had to face the consequences of his actions, and that had made him feel much better about the incident. She added: 'He would never have known that Scott had to pay for what he did if it had gone to court.'

Control Case 1: A Canberra Neighbourhood Feud

What happens to vengefulness when it is processed by conventional criminal justice? Not much good, it appears, at least from our evidence. This Canberra control group case provides some insight. Police were resentful at their time being wasted when they were called to a suburban house to investigate the theft of a child's pet rabbit. The child's parents insisted on their charging their neighbour's 12-year-old daughter, who admitted the offence, so the case was duly dealt with and referred to the RJ experiment. It was randomly assigned to court, where the young offender was given a 'good behaviour bond', a sentence that did nothing except creating a criminal record for a 12-year-old. It was only when the victim and her mother were interviewed later that we learned this case was a mere blip in a long history of tit-for-tat revenge. The parents and extended families of both children had been involved in a neighbourhood feud over many years, the origins of which were unclear. All parties were abusive at every opportunity and made life as unpleasant as possible for each other. Every new incident provoked a renewed desire to 'get back' at the other party. This cycle affected the children of the two families directly, and the parents encouraged them to continue the feud in any way they could. The theft of the rabbit was the daughter's contribution, and she was proud of it. When the victim was asked about the aftermath of the court case she said, 'Amanda keeps saying that she'll steal the rabbit again and bash me up as well, and her parents say it too.' The court process had done nothing to break the cycle.

We cannot know what an RJ conference might have achieved. But we do know that if they had gone to an RJ conference, the parties would have had to confront their actions in a way not required in the courtroom. They would have had to appreciate the harm they were doing to their children, listening to each other and trying to comprehend the other's point of view. The airing of emotions in a safe and neutral environment may well have engendered each side's empathy for the other, and reduced the likelihood

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of future aggression based on the continuing and unresolved desire for revenge.

Control Case 2: A Canberra Assault without RJ

Jodie and Melanie had been friends since beginning high school together. They found a flat big enough for them to share with Melanie's baby, and became very close. Melanie then started seeing Jodie's male cousin, who sometimes babysat so that the girls could go out together. One night when Melanie became drunk and disorderly, Jodie became exasperated at her behaviour and threatened to tell her male cousin something bad about Melanie. Melanie became angry and assaulted Jodie quite seriously. Melanie felt badly about her behaviour afterwards and made full admissions of responsibility to the police. But when Melanie sought legal advice she was told that she should plead not guilty in court, on the grounds of self-defence. Jodie was furious about this: she felt betrayed first by Melanie's behaviour and now by her justification for the behaviour. The prosecution dropped the case. Afterwards, Melanie attempted to contact Jodie through a mutual friend. Jodie refused to have anything more to do with her saying 'the trust has been broken'.

This case demonstrates how ineffectually formal prosecution deals with the complex emotions of interpersonal conflict. Jodie felt justifiably aggrieved at her friend's behaviour, but she never had a suitable opportunity to express these emotions. At her interview two months after the case was formally dismissed, Jodie remained as angry as ever. She did not care what the law said about Melanie's actions, she only knew that Melanie had harmed her and betrayed their friendship. In all likelihood that is how Melanie saw the events as well, as evidenced by her attempt to make contact. But the formal processing of this case allowed no way to reach reconciliation. Instead, Jodie expressed an ongoing desire to hurt her former friend.

Control Case 3: A Canberra Burglary Without RJ

Sharon got home from work one afternoon to find that her flat had been broken into and ransacked. She was especially angry to find that her roller blades had been stolen: she didn't earn much money and she had saved long to buy them. She didn't think she would ever be able to afford another pair. The pointless damage that the offender had done to her home made her even more upset. She wanted badly to tell the offender what she thought of him but, as she told the interviewer two months after the incident had been dealt with in court, 'Mostly I wanted an apology for all the mess.'

Sharon had not been told anything about what happened in the court case. Her offender pleaded guilty and she was not needed as a witness, so

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she wasn't there when the offender told the court that he knew what he had done was wrong and that he wanted to apologise for what he had done. It was no agency's or individual's responsibility to convey to Sharon that her offender was remorseful, so she never knew what he said. She did know that he had been dealt with in court, but this did nothing to reduce her stated desire for revenge.

RJ Case 4: Success without Pity in a Canberra Rape and Near-Murder

Restorative justice may also work in more subtle and indirect ways to defuse the desire for vengeance. In Canberra, a man was brutally assaulted and almost killed by an acquaintance he knew through their mutual drug dealer. The assailant had recently been released from prison, where he had been told that his girlfriend had been raped by the assault victim. The assault had been a pure act of revenge for the alleged rape. At the RJ meeting neither party was inclined to compromise or to forgive. The assault victim (and alleged rapist) maintained that the ex-inmate's girlfriend had consented to sexual relations and that he needed financial compensation for his injuries. His assailant maintained that the assault was justified, and that in any case he had no money for compensation.

At the same time, each was aware of the strong possibility of the feud between them continuing. They were very likely to encounter each other in the course of their routine activities, and each was fearful of the eventual outcome. With the help of a clergyman who worked with heroin addicts, the two parties reached an agreement in the RJ conference that was acceptable to both of them. They agreed that each would stay physically distant from the other when going about the area. This agreement addressed their fears of further revenge. At the same time, it gave each of them a face-saving and respectable way to avoid more vengeance.

Five years later, neither party had acquired any subsequent criminal record. This agreement may or may not have reduced the initial visceral desire for revenge, but it did allow the emotional heat to go out of the conflict.

Interpretation: Power, Morality and Hierarchy

One way to interpret the transformational process is by reference to the change in status rankings RJ accomplishes between victims and offenders. A sensitivity to inequality, which may also have some hard-wiring among primates (Brosnan and de Waal 2003), may drive the vengefulness of victims in the aftermath of crime. In a symbolic sense, offenders have demonstrated their power over victims by the completion of the crime. The crime then becomes the symbol of the offender's ability to dominate the victim. This hierarchy remains a symbol of submission until the victim can

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overcome it in some way. One way could be to have the offender suffer the pains of imprisonment, but even that may be unsatisfactory if the offender remains defiant and contemptuous of the justice system.

Another way to relieve the victim from a perceived status inferiority relative to the offender may be even more effective than prison. That way is what RJ often (if not always) accomplishes: an apology by the offender, who thus publicly admits the moral inferiority and blameworthiness of the crime against the victim. It is indeed a symbolic form of what some television news reporters described in 2001 as 'forcing offenders to grovel on their knees to ask the victim for forgiveness'. While no one was forced to grovel in these experiments—or forced to attend RJ conferences at all—most offenders in RJ voluntarily apologised, and most victims said the offenders' apologies were sincere (Sherman et al 2005). This effect was found regardless of any material reparation that may be agreed upon in the RJ conference, which Strang (2002) reports was in any event of lesser interest to most victims in Canberra. Among victims who had experienced RJ, most said that the experience greatly increased their sympathy for the offender, greatly reduced their fear of the offender, and generally made them less fearful of crime in everyday life (Strang et al 2006). All of this may be linked to the transfer of power from the once-dominant offender back into the now-victim, who emerges as the 'top dog' (or at least higher dog) in the relationship of the parties concerned.

Thus the key to transforming powerful emotions of vengefulness into sympathy or pity appears to be the phenomenon of apology and requests for forgiveness. Retzinger and Scheff (1996: 317) have placed this process within a theoretical framework that they call 'symbolic reparation'. They believe that without apologies '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.' It appears that only apologies perceived by the victim as sincere and heartfelt can allow them to relinquish the desire for revenge.

C. Quantitative Evidence

As we have reported elsewhere, this qualitative evidence is not merely anecdotal. It illustrates a remarkably consistent replication of the original findings in eight out of all eight tests with comparable victim data. This statistically significant pattern of findings shows that RJ reduces victim desire for revenge among both male and female victims (Sherman et al 2005: 390). While small sample sizes meant that only one of the effects was statistically significant on its own, the overall sample of 445 victims (219 RJ and 226 controls) shows that those randomly assigned to RJ were on average

75 per cent less likely to report that they desired physical revenge than those randomly assigned to the control group. The test results of the individual experiments ranged from a minimum of RJ-randomised victims being 16 per cent less likely to report vengefulness (among female victims of juvenile property crime in Canberra) than the control group, to a high of 90 per cent less likely (among male victims of violence in Canberra).

The evidence for a theory of transformation of vengefulness into at least a more neutral state extends beyond victim desire to harm offenders. Victims assigned to RJ were, on average, 26 times more likely than controls to receive an apology from their offender, across all eight tests. They were 23 times more likely to say that they had received a sincere apology. Finally, they were almost three times more likely to forgive their offenders than victims assigned to control status. These results are even more impressive when we consider that they are drawn from an 'intention-to-treat' analysis (Pocock 1983), in which the victims assigned to RJ did not always receive an RJ conference because of administrative and other reasons beyond their control. The purpose of this kind of analysis is to ensure that the benefits of random assignment are preserved, and that the influence of selection bias is eliminated. Given how angry a small number of Canberra victims were about their not having received an RJ conference as promised (Strang 2002), it is crucial to recall that even those frustrated victims were analysed as if they had actually received such a conference. Including such victims is a far higher standard to meet than victim surveys of 'completers only', which are far more common in RJ evaluations, and tend to produce even higher levels of victim satisfaction (see Shapland, et al 2007, for examples of both completers only and intention-to-treat analysis).

More recently, an independent evaluation of our London experiments showed that the offenders in those RJ conferences caused substantially less harm than consenting offenders who were randomly assigned to a control group (Shapland et al 2008: 64). While the samples for those two experiments were not powerful enough to show statistically significant differences between RJ and control offenders in the volume of crime they committed, there was a statistically significant difference in the cost of the crime they committed. That difference, in 'value-for-money' terms, was a ratio of 14 to 1: for every £1 invested in restorative justice, the cost of crimes committed by the offenders receiving restorative justice was £14 less than for the offenders in the control group. This means, for example, that people committing burglary may have downshifted to shoplifting, or people committing serious assaults may have committed fewer of them, or some combination of frequency and cost of crime to victims and criminal justice. This may be taken, in the context of this paper, as some evidence that offenders did not become more vengeful themselves as a result of the 'shock' trauma of the RJ conference, or of having their power or rank reduced vis-à-vis the victim. Rather, it may be seen as further evidence of what Strang (2002) has

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called the 'win-win' character of RJ as a response to crime—in contrast to the win-lose character of retributive responses to crime.

IV. CONCLUSION: JUSTICE AND HOPE

The view that vengefulness is heavily shaped by nature is not implausible. But neither is it hopeful. Stressing the biological basis for this emotion may tend to give that basis too much weight, in an empirical sense. Anthropology and neuroscience have made valuable contributions to our understanding of this emotion, but they have been too immodest. Rather than limiting their claims by noting the socially contextual influences on the experience of this emotion, they have tended to ignore the evidence for those factors in order to stress the interesting, though limited, discoveries using the tools of their own disciplines. They have, in particular overlooked the impact of justice as an institution, in its many and diverse forms.

Our evidence on the malleability of vengefulness by restorative justice suggests the need for a far more balanced approach than 'its all nature', or even 'all nurture'. Rather than saying that vengefulness has certain biological bases—full stop—we suggest that all such research be cast in the light of the enormous limitations to biology suggested by contrary evidence. Our evidence is not the only empirical support for the proposition that vengefulness can be cured. One historian of homicide, for example, has noted that while Southern (US) gentlemen leave no insult unavenged, Northern gentlemen have been taught to let no insult even be acknowledged (Butterfield 1995). This hypothesis has even been shown to have biological correlates, as measured by testosterone and cortisol levels in saliva before and after an unprovoked insult—almost no increase in Northern men, compared to large increases in Southern men, all attending the University of Michigan in the late twentieth century (Nisbett and Cohen 1996).

Our concern is that ideas have consequences, and that the conclusion that 'vengeance is biological' may reduce the level of hope a society can maintain for its efforts to achieve justice. The emphasis on nature does not encourage hope; nothing in Diamond's (2008) discussion can be read as offering any hope for a better world. Like Hobbes, Diamond offers a bleak vision of human potential. Yet even in his work on the collapse of civilisations (Diamond 2005), the counterfactual of so many non-collapsed civilisations stands out. Surely the same must be true for vengefulness. That is a fact that should give us all hope for improving the human condition.

Criminologists can foster the social emotion of hope by encouraging a more evidence-based view of the emotion of vengefulness. The causal forces for that emotion, both biological and social, are obviously massive. But that fact alone does not mean they must remain unchallenged. Criminologists are not required to accept either the prevailing doctrines of retributive

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justice, nor the persistence of violence motivated by vengefulness. We are free to hope, to experiment, and to demonstrate alternatives. Whether law professors, newspapers, or politicians will pay any attention in the short run is irrelevant. With hope, all contributions to knowledge may always have a chance to succeed in the long run. This claim is probabilistically true, even if the chemist Max Perutz was not entirely right when he said: 'In science, truth always wins.'

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