

**Understanding the Role of Empathy in Offenders' Willingness to Participate in Victim-
Offender Mediation**

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Abstract

This study investigates how dispositional and situational empathy influence offenders' willingness to participate in Victim-Offender Mediation (VOM). Using a mixed-methods approach, the study employed a controlled experimental design manipulating perspective-taking as a situational empathy inducer, alongside measuring dispositional empathy. Participants (N = 70) from different backgrounds were randomly assigned to either a perspective-taking or an objective condition. Results indicate that higher levels of dispositional empathy are positively correlated with greater willingness to participate in VOM, supporting previous research. Furthermore, participants exposed to perspective manipulation demonstrated significantly higher willingness compared to those in the objective condition, which highlights the potential role of situational empathy in offenders' openness to participate in VOM. Qualitative analysis revealed several motivations of participants' decisions, emphasizing communication, responsibility-taking, and belief in mediation efficacy. Nevertheless, limitations such as sample size and cultural diversity indicate the need for cautious interpretation and future research improvements. This study contributes to restorative justice literature by clarification of empathy's dual role and by suggesting practical implications for mediation practices and policy development.

Keywords: dispositional empathy, situational empathy, perspective-taking, Victim-Offender Mediation (VOM), restorative justice, willingness to participate

Understanding the Role of Empathy in Offenders' Willingness to Participate in Victim-Offender Mediation

Mediation within the context of restorative justice and criminal settings can play a significant role in the conflict resolution process, that offers a direction towards reconciliation and restoration. Victim offender mediation (VOM) stands out as a form of restorative justice that encourages dialogue between victims and offenders aiming to address the offense and seek solutions based on restorative justice principles (Hansen & Umbreit, 2018). VOM is characterized by its focus on fostering communication between the parties, giving priority to the perspectives and decisions of victims and offenders while trained mediators facilitate dialogue sessions (Hansen & Umbreit, 2018). What differentiates Victim-Offender Mediation from other restorative justice approaches is its provision of a structured and secure opportunity for victims to have a face-to-face meeting with offenders to discuss the crime, its consequences, and plans for restitution under the guidance of a skilled mediator. VOM places emphasis on recognizing and addressing the roles played by both parties in the offence as well as understanding the emotional aspects associated with these roles, rather than solely concentrating on reaching an agreement (Bazemore & Umbreit, 2001).

Victim-offender mediation programs have shown several positive outcomes for both victims and offenders. Research indicates that most mediation sessions lead to agreements on restitution to compensate for the victim's losses suggesting effectiveness in meeting the victim's needs. (Umbreit, Coates, & Vos, 2002). Additionally, victims who took part in mediation express higher satisfaction with the justice system and reduced fear of revictimization compared to those who followed standard court procedures (Umbreit, 1994; Meléndez, 2021; Fulham et al., 2023; Islam et al., 2023). Nevertheless, studies present varying results regarding recidivism rates, with some papers indicating significant but small reductions in general recidivism and highlighting the importance of moderating factors in evaluations of restorative justice programs' effectiveness (Islam et al., 2023; Fulham et al., 2023). Other research highlights the advantages of Victim-Offender mediation in enhancing victim satisfaction, offender accountability, and reduction of the probability of reoffending. Thus, both offenders and victims could benefit from participation in restorative justice practices, being driven by the desire to communicate with the other party, help them, and affect the outcome of the case (Shapland et al., 2007).

Many research studies, on Victim-Offender mediation (VOM) mainly concentrate on the results and the willingness of victims to participate (Lauwaert & Aertsen, 2016; Umbreit, Coates, & Roberts, 2000). However, it is essential to consider that a significant percentage of individuals ranging from 40 to 60 percent decline participation in such programs (Hansen & Umbreit, 2018) before drawing any conclusions regarding the satisfaction associated with Victim-Offender mediation (VOM). Understanding what drives offenders and their willingness to join is vital because mediation cannot take place without both parties' agreement. By gaining insights into why offenders choose to participate in mediation practitioners and policymakers can tailor mediation programs to better address the needs and preferences of both victims and offenders. This insight can lead to the creation of supportive measures that respect the voluntary nature of mediation. For example, addressing obstacles to participation by offering information, about the advantages of mediation and creating a supportive atmosphere may naturally boost offenders' inclination to take part without compromising the voluntary aspect of their decision.

Offenders' readiness to participate, driven by the relational motivations mentioned earlier underscores the significance of empathy, in helping offenders reflect on their actions and cultivate feelings of remorse and accountability. Empathy can be defined as "the capacity to understand and enter into another person's feelings and emotions or to experience something from the other person's point of view" (Colman, 2015), and "a cognitive and emotional understanding of another's experience, resulting in an emotional response that is congruent with a view that others are worthy of compassion and respect and have intrinsic worth" (Barnett & Mann, 2013). Empathy plays a vital role in fostering understanding, perspective-taking and emotional connections between conflicting parties (Klimecki, 2019). In the realm of justice and mediation processes empathy appears crucial for offenders to grasp the consequences of their actions on victims and acknowledge accountability for the offence (Jonas et al., 2022; Bouffard et al., 2017). Furthermore, recognizing the impact of wrongdoing is essential for genuine feelings of regret to arise along with a willingness to make amends, for the harm caused. This underscores why empathy holds importance for offenders during mediation procedures (Meléndez, 2021; Hansen & Umbreit, 2018). Some research indicates that participating in Victim-Offender mediation can enhance offenders' feelings of accountability and compassion for victims (Jonas et al., 2022) while others stress the nature of empathy in the realm of justice arguing that a more thorough exploration of the factors shaping the development of empathy is crucial (Warden, 2019).

The importance of empathy is evident, in the inclusion of empathy-building initiatives in rehabilitation programs for prisoners, who convicted of sexual offenses to decrease the likelihood of reoffending (Jolliffe & Farrington, 2004). While enhancing empathy is commonly seen as crucial in preventing crimes like assault, robbery, and homicide research findings on the empathy levels of offenders remain inconclusive (Jolliffe & Farrington, 2004). Studies have shown inconsistent findings on whether offenders exhibit lower empathy compared to nonoffenders, regardless of empathy's conceptualization as a cognitive or affective construct (Jolliffe & Farrington, 2004). More recent research by van Langen et al. (2014) highlights that cognitive empathy which is the ability to understand perspectives and mental states of others is more strongly associated with offending than affective empathy which is resonating or sharing another person's emotional experience. Their meta-analysis identified moderators influencing both cognitive and affective empathy in relation to offending behaviours.

The cognitive process of perspective-taking, a crucial component of empathy, holds significant implications for affective processes, as explained by Martinez et al. (2014). Perspective-taking process allows individuals to "imaginatively dwell" within another person's view, by triggering feelings of empathic concern towards them. Martinez et al. (2014) posit that empathic concern in the aftermath of moral transgressions, in turn, motivates guilt-proneness—an affective process linked to remorse and reparatory action. Therefore, through the manipulation of perspective-taking in this study, we seek to identify whether and how increased empathic responses among offenders may influence their willingness to participate in victim-offender mediation, thus contributing to a deeper understanding of restorative justice processes.

Empathy encompasses both dispositional and situational dimensions, each influencing individuals' responses, and behaviours in interpersonal interactions (Zhou et al., 2021; Davis, 1980). Dispositional empathy, or trait empathy, represents a stable characteristic of an individual's disposition to experience empathic responses towards others. This includes a general tendency to resonate with another person's emotions, understand their thoughts and feelings, and respond when it is possible (Oliveira-Silva & Gonçalves, 2011). For instance, individuals with high trait empathy are consistently compassionate and are likely to show understanding and supportive behaviour across various situations.

On the other hand, situational empathy involves immediate responding in the moment to specific triggers. These responses are greatly influenced by the situation's context, emotions and the levels of arousal brought on by that situation (Zhou et al., 2021). For instance, a person may experience a wave of empathy upon witnessing someone, in distress prompting emotional and helpful reactions like offering comfort or help. However, experiencing empathy does not always guarantee prosocial behaviour due to different obstacles and resistance towards experiencing empathy. Factors like stress, time constraints or perceived dangers can hinder responses in individuals who would typically show empathy. Additionally, personal prejudices, stereotypes or past negative encounters with groups or individuals can also interfere with reactions (Hodges & Biswas-Diener, 2007). Experiencing emotional overload may lead one to avoid empathy as a shield, against strain (Eisenberg & Eggum, 2009) while cognitive biases and perceived threats can impede engaging empathetically (Decety & Cowell, 2014).

To enhance situational empathy among offenders, perspective-taking manipulations can be employed. By encouraging offenders to adopt the perspective of their victims, these manipulations aim to trigger immediate empathic responses that reflect situational empathy. This method is in line with Oliveira-Silva & Gonçalves's (2011) concept of empathy, where understanding another's experience and responding with appropriate prosocial behaviour is the focus. Nevertheless, other research suggests that offenders' willingness to engage in perspective-taking, aimed at fostering situational empathy, can vary significantly. While perspective-taking interventions are designed to encourage offenders to empathize with their victims, not all offenders may be receptive or willing to adopt this perspective voluntarily (Pierce et al., 2015; Batson et al., 1997). Factors such as the nature of the offense, the relationship between the offender and victim, and the offender's level of remorse or denial play crucial roles in determining the effectiveness of perspective-taking interventions (Jonas et al., 2022; Vachon & Lynam, 2016).

Within the context of restorative justice and mediation, empathy is vital for offenders to comprehend the impact of their actions on victims and to take responsibility for their behaviour (Jonas et al., 2022; Bouffard et al., 2017). Moreover, understanding the harm caused by an offense is crucial for fostering genuine remorse and a willingness to repair the harm done, making empathy an essential objective for offenders in the process of mediation (Meléndez, 2021; Hansen & Umbreit, 2018). However, while individuals with higher trait empathy may exhibit greater compassion in general, the specific situational context can

modulate their empathic responses (Zhou et al., 2021). Understanding the interplay between dispositional and situational empathy is therefore crucial for comprehending how offenders' empathic responses influence their willingness to engage in Victim-Offender Mediation (VOM).

This thesis aims to investigate the relationship between situational and dispositional levels of empathy and perpetrators' openness to mediation. Specifically, by examining how both trait empathy (dispositional) and empathy triggered by specific situations (situational) influence offenders' willingness to engage in victim-offender mediation, this research aims to provide insights into key factors that may facilitate or hinder the initiation of mediation sessions among offenders.

Through the application of scales and mechanisms described in existing literature, this thesis aims to offer insights into the role of empathy in the initiation of victim-offender mediation. Specifically, we predict that higher levels of dispositional empathy and scores will be positively correlated with willingness to participate in VOM. Additionally, participants subjected to instructions to take the perspective of their victims are expected to demonstrate greater willingness to participate in VOM than participants who are asked to take the objective standpoint. This study employs both quantitative scales and qualitative exploratory analysis. Quantitative methods assess dispositional and situational empathy levels and their relationship to mediation openness. While qualitative analysis explores factors influencing mediation willingness. Thus, the central research question guiding this inquiry is: How do situational and dispositional levels of empathy predict perpetrators' openness to mediation?

Hypotheses

H1: Higher levels of dispositional empathy will positively correlate with offenders' willingness to participate in victim-offender mediation.

H2: Offenders instructed to take the perspective of their victims will show greater willingness to participate in victim-offender mediation compared to those instructed to take an objective standpoint.

Method

Design

The study employed a design with two continuous (measured) independent factors and one between-groups factor Perspective-Taking that was experimentally manipulated.

Participants were randomly assigned to one of two conditions of this manipulation: the experimental (Perspective Manipulation condition) or the control (Objective condition), with each condition comprising 35 participants. The first continuous independent variable was dispositional empathy, and the second continuous independent variable was dispositional perspective-taking ability. The experimental manipulation involved a perspective-taking manipulation that increased situational empathy. The dependent variable was the participants' willingness to participate in mediation.

Participants

A total of 89 participants initially took part in the study. After cleaning the data and excluding 16 participants who answered 1 or 2 on the honesty/seriousness question, as well as 3 participants who left questions unanswered, 19 participants were excluded, leaving a total of 70 participants in the study. The mean age of the respondents was 24.47 years. The participants primarily came from Ukraine (24%), Kazakhstan (11%), Russia (9%), Germany (9%), and the Netherlands (7%). The gender distribution was 34 males, 32 females, and 4 people who preferred not to disclose their gender. Each experimental condition included 35 participants.

Participants were recruited through social media platforms such as Instagram, WhatsApp, and Telegram, through both group postings and direct messages within the researchers' personal and professional networks. They were informed about the study's purpose and provided with a link to access the survey on the Qualtrics platform.

Materials

Independent and Dependent Variables

Dispositional Empathy. Participants were first asked to answer a survey that included items from Mehrabian and Epstein's (1972) Questionnaire Measure of Emotional Empathy (QMEE), which consisted of 33 items rated on a 9-point scale (-4 = very strong disagreement to +4 = very strong agreement) divided into 7 subscales. Out of the original 33 items from QMEE, only 23 items were included in the analysis (see Appendix). Items 3, 4, 6, 7, 8, 11, 12, 17, 24, and 33 were excluded from the original scale because of low factor loadings shown in the original paper and because of the irrelevance of some of them. The original paper presented subscales, but not all items were categorized into these subscales.

Therefore, a factor analysis was conducted, and the factors were named based on the meanings of the questions.

The overall Measure of Sampling Adequacy (MSA) for the Empathy scale was 0.8, suggesting good sampling adequacy. Bartlett's Sphericity test was significant ($p < .001$), confirming the factorability of the data.

Factor 1, named "Emotional Detachment and Cynicism," includes items 2, 5, 7, 8, 13, 14, 19 and 21 and captures detachment from and cynicism towards others' emotions and a lack of emotional involvement, explaining 16.6% of the variance. Factor 2, "Emotional Reactivity," is comprised of items 3, 4, 9, 15 and 16 and it reflects susceptibility to emotional contagion and being easily affected by others' emotional states, accounting for 16.3% of the variance. Factor 3, "Empathic Concern," includes items 1, 10, 11, 18, 20 and 22 and represents deep emotional involvement and concern for others' distress, explaining 15.3% of the variance. Factor 4, "Emotional Stability," is comprised of items 6, 12, 17 and 23 and it indicates the ability to remain emotionally stable and unaffected by others' emotional states, contributing 7.7% of the variance. The analysis showed a cumulative variance of 55.9%, with the first three factors explaining most of the variance.

Eigenvalues for the empathy scales were as follows: 8.35, 2.53, 2.05, and 1.61, corresponding to the four identified factors. These eigenvalues indicate the relative importance of each factor in explaining the variance within the empathy scale.

Reliability testing using Classical Test Theory indicated high internal consistency for the Empathy scale, with a Cronbach's alpha of 0.904. Further analysis suggested that removing specific items could slightly improve reliability.

For the Empathy subscales, reliability testing yielded that all Cronbach's alpha values were sufficient ($\alpha=0.86$, $\alpha=0.82$, $\alpha=0.84$, $\alpha=0.63$: Subscales 1, 2, 3, 4 respectively).

Perspective-Taking Ability. Participants' perspective-taking efforts were measured using the Perspective Taking Distress subscale of the Interpersonal Reactivity Index (IRI) by Davis (1980). This subscale assesses the tendency to spontaneously adopt the psychological point of view of others in everyday life.

Principal Component Analysis (PCA) for the Perspective Taking Distress scale revealed two distinct factors with SS loadings of 9.481 for Factor 1 and 7.184 for Factor 2,

accounting for 23.1% and 17.5% of the variance respectively, with a cumulative variance of 40.6%.

The reliability of the Perspective Taking Distress scale was 0.43 and although it had a low reliability, the overall reliability of the combined Perspective Taking Distress and Empathy scales was 0.9 and therefore no items were removed from the scale.

The overall Measure of Sampling Adequacy (MSA) for the Perspective Taking/Distress scale was 0.85, indicating excellent sampling adequacy. Bartlett's Sphericity test was also significant ($p < .001$).

Experimental Manipulation of Situational Empathy (Perspective Manipulation). Participants were then randomly assigned to one of two conditions: the experimental (Imagine-other condition) or the control (Objective condition). In both conditions, were first asked to describe a situation in which they hurt someone or did something wrong in an open text box (see Appendix)

In the experimental condition, participants were then given the following instruction: *"Now, please, take a moment to imagine how the person or people you harmed felt about the situation you described and how it affected their life. Put yourself in their shoes and consider the emotions they may have experienced, as well as any consequences or impacts the incident may have had on them. Reflect on their perspective for a minute before proceeding."* In the control condition, participants were instructed as follows: *"Now, please, take a moment to consider the situation you described from the most objective standpoint possible. Avoid focusing on emotions or personal feelings, and instead, try to view the incident solely from an objective, detached perspective. Please take a minute to adopt this objective stance before proceeding."*

Additionally, clarifying question about the consequences/ impact was asked to give the participants the opportunity to share any additional details that they find important. This question was followed by the text box where respondents could enter the text (see Appendix).

Manipulation Check of Perspective-Taking. To verify the effectiveness of the experimental manipulation, participants were asked:

"After describing the situation in the previous block of this survey, please indicate the extent to which you tried to imagine the feelings of the person you have harmed and the

consequences and impacts they may have experienced, using a scale ranging from 1 (not at all) to 7 (very much)."

Analysis of the manipulation check demonstrated the success of the experimental conditions. Participants in the Objective condition group scored significantly lower on the manipulation check compared to those in the Perspective Manipulation group, with an estimate of -2.2 (SE = 0.332, $p < .001$). This significant difference indicates that the experimental manipulation was successful in altering the intended variables. The mean score for the Perspective Manipulation group was significantly higher than that of the Objective condition group. Specifically, the mean score for the Objective condition group was 5.37, while the adjusted mean for the Perspective Manipulation group, factoring in the negative estimate for the Objective condition group, was approximately 3.17.

Willingness to Participate in Victim-Offender Mediation. Finally, participants' willingness to participate in mediation was assessed using a 7-point Likert scale (from 1= would not want to participate at all to 7= would fully agree to participate). The question was presented as follows:

"Victim-Offender Mediation (VOM) is a process where the victim of a crime and the person who committed the harm have the opportunity to meet and discuss the impact of the offense, their needs, and how to move forward. It is aimed at providing a platform for dialogue, understanding, and potential resolution. VOM sessions are facilitated by a trained and impartial mediator who guides the process and ensures that both parties have an equal opportunity to express themselves.

Additional Information:

- *Cost: Participation is free.*
- *Initiation: It can start by either party or through referral.*
- *Confidentiality: Discussions are private.*
- *Legal: Participation is voluntary and doesn't affect legal proceedings.*

Please indicate your willingness to participate in Victim-Offender Mediation with the person you have described harming in the previous section. Use the scale below to rate your willingness: 1 (would not want to participate at all) to 7 (would fully agree to participate)."

Procedure

Participants were recruited via social media platforms and accessed the survey through a link to the survey on Qualtrics platform. Upon entering the survey, participants first read an informed consent form that explained the study's purpose, procedures, potential risks, and benefits. Participants indicated their consent to participate by clicking "Agree" before proceeding with the survey. The study received ethical approval from the BMS Ethics Committee of Twente University, under the domain of Humanities and Social Sciences (HSS), ensuring that all procedures adhered to ethical guidelines.

After providing informed consent, participants were randomly assigned to either the control or experimental condition. In both conditions, they first responded to items from the Questionnaire Measure of Emotional Empathy (QMEE) and completed the Perspective Taking Distress subscale of the Interpersonal Reactivity Index (IRI) to measure their affective empathy and perspective-taking abilities. Next, participants described an unresolved situation in which they had hurt someone or done something wrong, providing details about the incident and those involved.

In the experimental condition, participants were then instructed to imagine how the person/ people they harmed felt, how the incident affected them etc. While in the control condition, participants were instructed to take the most objective perspective possible when thinking about the incident/ situation they described. To check whether the manipulation was effective, participants answered a manipulation check question about the extent to which they tried to imagine the feelings of the person they harmed. Finally, participants indicated their willingness to participate in Victim-Offender Mediation (VOM) with the person they had described harming.

Throughout the survey, data collection was conducted anonymously, with no identifiable information collected from participants. Upon completion, participants were debriefed about the study's purpose and thanked for their participation.

Data analysis was conducted using RStudio to examine the differences between the two conditions in terms of emotional empathy, perspective-taking abilities, personal distress, and willingness to participate in mediation.

Results

Descriptive statistics

The descriptive statistics and correlation matrix for the key variables in the study are presented in Table 1. The mean scores for Empathy, Perspective-Taking (PT), Manipulation Check, and Willingness to participate in Victim-Offender Mediation (VOM) indicate that the participants generally exhibited moderate to high levels of these constructs. Empathy and Perspective-Taking showed a significant positive correlation ($r = 0.24$, $p < 0.05$), suggesting that individuals with higher empathy levels also tend to have greater perspective-taking abilities. Furthermore, Perspective-Taking abilities were significantly correlated with Willingness to participate in VOM ($r = 0.23$, $p < 0.05$), indicating that those who are better at perspective-taking are more inclined to engage in mediation.

Descriptive Statistics and Correlation Matrix

Table 1: Descriptive Statistics and Correlation Matrix

Variable	Mean	SD	Emp	PT	MCheck	Wlgns
Empathy	4.91	0.58	–	0.24*	0.07	0.17
PT	3.00	0.38	0.24*	–	0.21	0.23*
Manipulation Check	4.36	1.52	0.07	0.21	–	0.62***
Willingness	4.26	1.74	0.17	0.23*	0.62***	–

Note: Descriptive statistics and correlation matrix for Empathy, PT (Perspective Taking), MCheck (Manipulation Check), and Willingness (Wlgns). Significance levels are indicated by * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Hypotheses testing

To investigate the hypotheses regarding willingness to participate in victim-offender mediation (VOM), we examined the influence of individual empathy levels and perspective-taking conditions. Specifically, we predicted that higher levels of dispositional empathy and participation in the perspective-taking condition would positively correlate with willingness to engage in VOM.

In our analysis, the dependent variable was the participants' willingness to participate in VOM. The independent variables included the Perspective (control vs. perspective-taking), average empathy scores, and average perspective-taking scores.

In order to assess the influence of overall empathy on willingness to participate, we calculated an average empathy score and included it in a linear model along with the Perspective-taking vs. Objective condition. The results indicated significant effects for both variables. Participants in the Objective condition were less willing to participate (estimate = -

1.17, SE = 0.39, $p = 0.004$), while higher average empathy scores were associated with increased willingness to participate (estimate = 0.89, SE = 0.24, $p < 0.001$).

Subscale Analysis

Next, the examination of how specific empathy subscales influenced participants' willingness to participate in VOM was performed. The empathy subscales included Emotional Detachment and Cynicism, Emotional Reactivity, Empathic Concern, and Emotional Stability.

When including the empathy subscales in the model, the group condition (Perspective-taking vs. Objective) remained significant (estimate = -1.14, SE = 0.40, $p = 0.006$). Although none of the empathy subscales showed a statistically significant effect individually, they demonstrated different tendencies. Emotional Detachment and Cynicism had a positive estimate of 0.356 (SE = 0.22, $p = 0.116$), suggesting a potential but non-significant increase in the outcome measure. Emotional Reactivity had an estimate of 0.16 (SE = 0.19, $p = 0.394$), indicating a weak and non-significant relationship. Empathic Concern approached significance with an estimate of 0.334 (SE = 0.18, $p = 0.069$), hinting at a possible positive association that warrants further investigation. Emotional Stability had a near-zero estimate of 0.007 (SE = 0.17, $p = 0.965$), showing no meaningful relationship. These results suggest that while the overall group condition significantly affects the outcome, the individual empathy subscales do not have a significant impact on their own, although some subscales show trends that could be explored in future research.

Linear Model Testing for Interaction Effects

Linear model analysis was conducted to explore the interaction effects on participants' willingness to participate in mediation, considering the combined influence of group condition, average empathy, and average perspective-taking. Specifically, the model tested interaction terms between the group condition (Objective vs. Perspective Manipulation) and the centred scales for average empathy and average perspective taking.

The results indicated that none of the interaction effects reached statistical significance. The intercept of the model was estimated at 4.54 (SE = 0.30, $p < 0.001$). The effect of being in the Objective condition group was estimated at -0.62 (SE = 0.44, $p = 0.166$), suggesting a trend towards lower willingness to participate in VOM compared to the Perspective Manipulation group. Average empathy had an estimate of 0.58 (SE = 0.32, $p =$

0.073), and average perspective-taking had an estimate of -0.17 (SE = 0.81, $p = 0.835$), neither of which were significant.

The interaction between the Objective condition group and average empathy was estimated at 0.30 (SE = 0.43, $p = 0.484$), indicating a lack of significant interaction effect. Similarly, the interaction between the Objective condition group and average perspective-taking had an estimate of -0.33 (SE = 1.22, $p = 0.785$), also showing no significant interaction effect. The interaction between average empathy and average perspective-taking had an estimate of 1.03 (SE = 0.71, $p = 0.153$). However, all interaction effects were non-significant ($Bs < -1.74$, $ps > 0.05$).

Factors Influencing the Decision

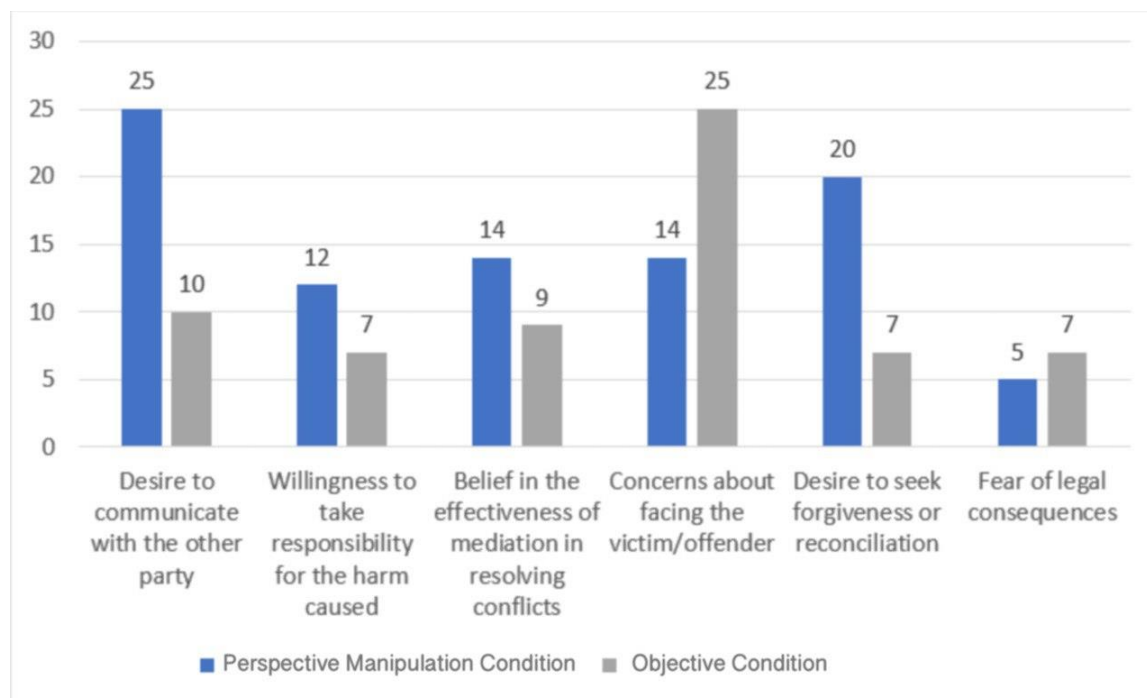
To understand the motivations behind participants' willingness to participate in Victim-Offender Mediation (VOM), analyses were performed to identify the key factors influencing their decisions and how these factors differed between the Perspective-taking and Objective condition groups.

Participants' decisions to engage in mediation were influenced by several key motivations. Among the participants, 50% (35 participants) expressed a desire to communicate with the other party. Additionally, 27.1% (19 participants) showed a willingness to take responsibility for the harm caused, and 32.9% (23 participants) believed in the effectiveness of mediation in resolving conflicts. Concerns about facing the victim or offender were reported by 55.7% (39 participants), while 38.6% (27 participants) sought forgiveness or reconciliation. Lastly, 17.1% (12 participants) feared legal consequences.

Figure 1 illustrates the factors influencing participants' decisions to participate in Victim-Offender Mediation (VOM) across the Perspective-taking and Objective condition groups. It highlights notable differences between these conditions, particularly in motivations related to interpersonal dynamics. Participants in the Perspective-taking condition showed a stronger inclination towards desiring communication with the other party compared to those in the Objective condition. Similarly, the Perspective-taking condition exhibited a higher willingness to take responsibility for the harm caused and a greater belief in the effectiveness of mediation in resolving conflicts. In contrast, concerns about facing the victim or offender were more pronounced in the Objective condition group compared to the Perspective-taking condition.

Figure 1

Factors Influencing Participants' Decisions to Participate in Victim-Offender Mediation across the Perspective-taking and Objective Condition Groups



Qualitative Analyses on Open Questions

Qualitative analysis was conducted on participants' responses to open-ended questions about their experiences of transgressions. These responses were analysed to identify common themes and the type of transgressions reported. The analysis involved coding the responses and categorizing them into distinct themes. The coding process involved reading through all the responses, identifying recurring themes, and assigning codes to these themes. The themes were then quantified to determine the prevalence of each type of impact among the participants.

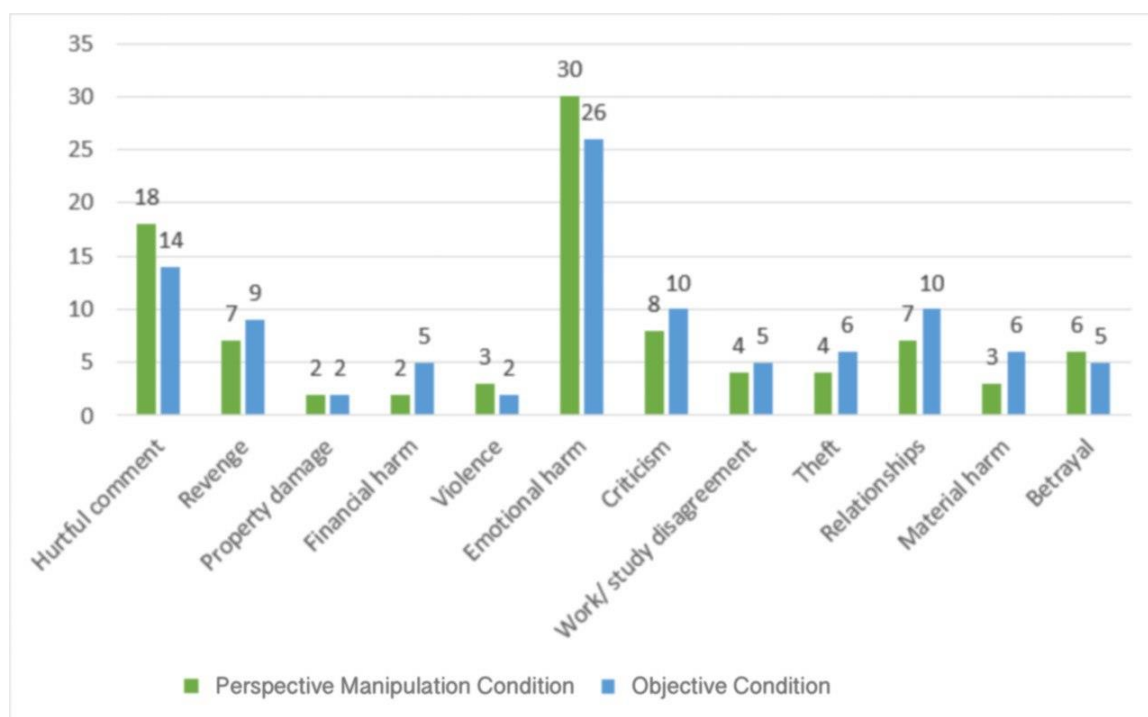
Qualitative analysis revealed common themes in participants' experiences, emphasizing the multifaceted nature of the situations they encountered. Emotional harm was the most frequently reported impact, affecting 84.3% (59 participants) of the sample. Hurtful comments were reported by 47.1% (33 participants), and revenge was mentioned by 24.3% (17 participants). Other reported impacts included property damage (5.7%, 4 participants), financial harm (10%, 7 participants), violence (5.7%, 4 participants), and various forms of

relationship conflict, such as betrayal (17.1%, 12 participants) and theft (14.3%, 10 participants).

Figure 2 illustrates the distribution of themes observed in the Perspective-taking vs. Objective condition. It shows that themes related to emotional harm, hurtful comments, revenge, and other impacts were evenly distributed among both groups.

Figure 2

Distribution of Themes Observed in the Perspective-taking vs. Objective Condition



Discussion

The focus of this research was to investigate how both situational and dispositional types of empathy influence offenders' willingness to participate in mediation. This study aimed to examine the relationship between inherent trait empathy (dispositional) as well as empathy triggered by situations (situational) and offenders' openness to engage in Victim-Offender mediation (VOM). The first hypothesis suggested that higher levels of dispositional empathy would be linked to willingness among offenders to take part in Victim-Offender mediation. Another prediction proposed that offenders who were asked to consider the perspective of the victim would be more open to participating in mediation compared to those who were instructed to be objective.

The results of this study underscored the significance of empathy in shaping offenders' attitudes towards participation in Victim-Offender Mediation. It was observed that dispositional empathy was positively associated with willingness to engage in mediation indicating that individuals with higher levels of empathy are more inclined towards participating in restorative justice processes. This finding aligns with existing research highlighting the role of empathy in fostering understanding and accountability, within restorative justice settings (Jonas et al., 2022).

In terms of situational empathy, participants who underwent the perspective-taking manipulation demonstrated a significant increase in their willingness to engage in mediation compared to those instructed not to take the perspective of the harmed other. This supports the idea that situational empathy fostered through perspective-taking exercises, could temporarily enhance empathy, which could be a valuable insight for the development and design of pre-mediation procedure (Batson et al., 1997). Previous research by Rennison and Dodge (2022) also highlights that perspective-taking can lead to greater emotional engagement and understanding, which are crucial for the mediation process.

However, it is important to consider the circumstances that determine how effectively empathy increases the willingness to engage in mediation. Factors, like the nature of the offense, the relationships between the offender and the victim and past experiences with the justice system can all impact how beneficial empathy exercises could be. For example, a study by Davis et al. (1996) indicates that empathy may be more impactful in situations where the wrongdoer feels responsible and genuinely wants to make amends. Moreover, reluctance to see things from the victim's viewpoint can also affect how effective empathy exercises would be. This resistance could stem from reasons such as wanting to avoid guilt or discomfort. Recent research, by Vescio et al. (2003) discovered that individuals often resist taking perspective of the other when it challenges their self-image or triggers uncomfortable emotions.

The qualitative analysis of participants' responses revealed various emotional and contextual factors influencing their decisions to engage in VOM. The thematic analysis showed that the desire to communicate with the other party and to seek forgiveness were often motivating offenders to participate in mediation, which seems to indicate that restorative justice processes are intertwined with emotional and relational dynamics. This is consistent

with the findings of Choi et al. (2010), who found that offenders are often willing to use mediation as a platform to express remorse and rebuild relationships.

Moreover, the results of the analysis suggest that situational empathy, fostered through perspective-taking exercises, increases motivations related to communication, responsibility, and belief in the effectiveness of mediation. In contrast, participants who were instructed to take an objective perspective expressed more concerns about facing the victim, which could mean that lack of emotional engagement can cause doubts related to confrontation. This aligns with the concept of "empathic failure" discussed by Davis (2019), where lack of empathy can lead to increased anxiety and avoidance in conflict situations.

After analysing these findings, it becomes clear that both dispositional and situational empathy play roles in predicting offenders' willingness to take part in Victim-Offender mediation. While the results do not directly prove that dispositional empathy leads to the understanding of the victim's viewpoint and recognition of the harm done, the qualitative data reveal differences between the Perspective taking and Objective conditions. These distinctions suggest that providing perspective taking instructions could foster offenders' readiness to participate in mediation. However, it is uncertain whether this increased willingness stems from an understanding of the victim's perspective or is influenced by other factors, for instance, social desirability. The findings in Figure 1 indicate an increase in willingness to participate in mediation, but it is not clear whether it happens as a result of a deeper understanding of the victim's perspective. Future studies should explore this further to determine whether the perspective-taking manipulation genuinely induces an understanding of the victim's experience.

This research emphasizes how both types of empathy influence offenders' decision to take part in Victim-Offender Mediation. It is, nevertheless, important to consider the factors that come in between and impact this connection. Martinez et al. (2014) found that empathy can trigger a series of mental processes that eventually lead to actions aimed at making amends. Their study suggests that perspective-taking promotes empathetic concern, which then activates feelings of guilt. This heightened guilt encourages individuals to take steps towards reparative behaviour, such as participating in mediation. Another study by Tangney et al. (2007) highlights the significance of guilt and shame as motivators for reparative actions, emphasizing the importance of exploring these emotions within restorative justice settings. Although our study did not directly investigate these factors, they might be

crucial for understanding how empathy leads to a willingness to participate in VOM. Therefore, future research should take these aspects into to gain more detailed insight into how empathy supports restorative justice processes.

It's worth noting that while reparative actions and participation in VOM are related they are not always synonymous. Reparative actions encompass a range of behaviours aimed at making things right including apologizing, offering compensation, or participating in community service. While Victim-Offender mediation is a form of restorative justice that involves a structured conversation between the offender and the victim mediated by a third party. While VOM provides a platform for reparative actions, it is not always the primary goal of this process. Thus, the decision to engage in VOM specifically could also be influenced by additional factors, such as perception of mediation effectiveness, willingness to directly confront the victim and the availability of such programs. Future studies should take these variables into account to specify how empathy supports restorative justice processes and differentiate between general reparative actions and the specific choice to participate in VOM.

Policymakers should take the importance of empathy into account when developing policies, since there is a potential to provide better outcomes for both victims and offenders as indicated by previous research (Bouffard et al., 2017; Hansen & Umbreit 2018). However, it is essential to understand why and how empathy impacts offenders' willingness to participate in mediation. Research shows that while empathy enhanced through perspective-taking exercises can increase cooperation in a supportive environment, competitive settings on the contrary may provoke defensive or unethical behaviour (Pierce et al., 2013). Therefore, it is important to be cautious when implementing empathy-building strategies within restorative justice settings. Mediators should undergo training to identify and manage the situational factors influencing offenders' readiness for mediation. These training sessions should focus on understanding psychological substructures of empathy, recognizing potential triggers for defensive reactions, and establishing a supportive and non-competitive atmosphere (Umbreit & Armour, 2010).

This study has several strengths that contribute to its significance. Firstly, it successfully combines both quantitative and qualitative methods, providing more detailed understanding of the factors influencing offenders' willingness to participate in Victim-Offender Mediation (VOM). The use of perspective-taking manipulations offers valuable insights into how situational factors can enhance empathy, a crucial component in the

mediation process. Moreover, the study addresses a gap in the literature by empirically examining the interplay between dispositional and situational empathy in a mediation context, thus providing a foundation for future research. These positive aspects highlight the study's contribution to the field of restorative justice and its potential to inform effective mediation practices.

Despite the findings described above, this study has several limitations. The sample size was relatively small, and it primarily consisted of participants from specific countries (e.g., Ukraine, Kazakhstan, Russia, Germany, and the Netherlands), which may limit the generalizability of the results. Moreover, the study did not explicitly invite participants who were offenders in the sense of having contact with criminal law or judicial authorities, which may affect the applicability of the findings to actual offender populations. The reliance on self-reported measures of empathy and willingness to participate in mediation may also be subject to social desirability bias. Future research should incorporate more objective measures of these constructs, such as behavioural observations or physiological indicators of empathy. Additionally, the study did not account for other factors that may influence offenders' willingness to participate, such as past experiences with the justice system, the relationship with the victim, cultural attitudes towards mediation etc. Most importantly, the study did not explore variables that might explain why and how perspective-taking and empathy lead to greater willingness to participate in mediation, such as guilt as an intermediate factor. Understanding these mechanisms would provide deeper insights into the processes driving offenders' readiness for mediation and help to refine interventions aimed at fostering empathy and perspective-taking.

Furthermore, the experimental manipulation of perspective-taking may not fully capture the complexity of real-world mediation scenarios. Future research should explore more ecologically valid interventions and examine their long-term effects on offenders' behaviour and attitudes towards mediation. Expanding sample diversity and including participants from different backgrounds would improve the generalizability of the findings. Utilizing objective measures of empathy and willingness to participate in mediation, such as behavioural indicators and third-party assessments, could provide more reliable data to explore the processes that influence willingness to participate in VOM.

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Appendix

Understanding the Role Empathy in Offenders' Willingness to Participate in Victim-Offender Mediation Survey

Start of Block: Informed consent

Informed Consent Title: Understanding Perspectives in Victim-Offender Mediation

Researcher: Katerina Saliy

Introduction: You are being invited to participate in a research study aimed at understanding perspectives in victim-offender mediation. Before deciding whether to participate, it is important for you to understand the purpose, procedures, and potential risks and benefits of this study.

Purpose: The purpose of this study is to investigate how different perspectives influence participants' willingness to participate in victim-offender mediation. By understanding these perspectives, we aim to contribute to the development of more effective strategies for promoting restorative justice.

Procedures: If you agree to participate, you will be asked to complete a survey that includes questions about your attitudes, beliefs, and experiences related to victim-offender mediation. The survey will take approximately 40-45 minutes to complete. Your responses will be kept confidential, and no personally identifiable information will be collected.

Potential Risks and Benefits: There are minimal risks associated with participating in this study. Some questions may prompt you to reflect on sensitive topics related to crime and victimization, which could cause discomfort or emotional distress. However, participation is voluntary, and you may choose not to answer any questions that make you uncomfortable. The potential benefits of participating include contributing to research that may improve victim-offender mediation practices in the future.

Confidentiality: Your responses will be kept confidential and will only be accessible to the researcher. No personally identifiable information will be collected, and your individual responses will not be shared with anyone else.

Voluntary Participation: Participation in this study is voluntary, and you have the right to withdraw at any time without penalty. If you choose to withdraw, you may do so by closing the survey before submitting your responses.

Contact Information: If you have any questions or concerns about the study, you may contact the researcher, Katerina Saliy, at k.saliy@student.utwente.nl.

Consent: By clicking the "I agree" button below, you indicate that you have read the information provided above, that your questions have been answered to your satisfaction, and that you voluntarily consent to participate in this research study.

- I agree.
- I do not agree and I do not want to participate

End of Block: Informed consent block

Start of Block: Demographics

1. How old are you?

2. What is your gender?

- Male
- Female
- Non-binary / third gender/ non-conforming
- Prefer not to say.

3. Where are you from?

End of Block: Demographics

Start of Block: Questionnaire Measure of Emotional Empathy

In this section, you will be asked to respond to a series of statements that assess your emotional empathy—the ability to understand and share the feelings of others. Please read each statement

when I see
someone's tears.
(21)

I become very
involved when I
watch a movie.
(22)

I often find that
I can remain
cool in spite of
the excitement
around me (23)

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

End of Block: Questionnaire Measure of Emotional Empathy

Start of Block: Perspective Taking Abilities

Please read each statement carefully and indicate the extent to which you agree or disagree with each statement based on your own experiences and feelings. Consider both the situation you described earlier, if applicable, and your general tendencies. There are no right or wrong answers, so please answer honestly.

	Does not describe me well (1)	Does not describe me mostly (2)	Describes me somewhat (3)	Describes me mostly (4)	Describes me very well (5)
1. I sometimes find it difficult to see things from the "other guy's" point of view.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. I try to look at everybody's side of a disagreement before I make a decision.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. I sometimes try to understand my friends better by imagining how things look from their perspective.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. If I'm sure I'm right about something, I don't waste much time listening to other people's arguments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. I believe that there are two sides to every question and try to look at them both.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. When I'm upset at someone, I usually try to "put myself in his shoes" for a while.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. Before criticizing somebody, I try to imagine how I would feel if I were in their place.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. In emergency situations, I feel apprehensive and ill-at-ease.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. I sometimes feel helpless when I am in the middle of a very emotional situation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. When I see someone get hurt, I tend to remain calm.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Being in a tense emotional situation scares me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. I am usually pretty effective in dealing with emergencies.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13. I tend to lose control during emergencies.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. When I see someone who badly needs help in an emergency, I go to pieces.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

End of Block: Perspective Taking Ability

Start of Block: Situation Description

1. Please describe an unresolved situation in which you were involved in an incident where your actions may have negatively impacted another individual or individuals. This could include instances such as conflicts, disputes, or disagreements where you played a role in causing harm or distress to others. Provide details about the nature of the incident, the individuals involved, the context in which it occurred.

* unresolved situation: you did not make up for harm and there was no conflict resolution through discussion, conversation etc.

Important reminder: Your response will be kept confidential, no one is going to have access to the information about your identity. The information that you are going to provide in this text box is only going to be accessible to the researcher for the purposes of this study.

2. In your own words, explain the impact or consequences of the situation on the person who was harmed/offended and on you. How do you believe they were affected by what happened? How were you affected by this situation?

3. Use this space to provide any additional information or context that you feel is relevant to understanding the situation and its aftermath.

End of Block: Situation Description

Start of Block: Perspective Manipulation

Now, please, take a moment to imagine how the person or people you harmed felt about the situation you described and how it affected their life. Put yourself in their shoes and consider the emotions they may have experienced, as well as any consequences or impacts the incident may have had on them. Reflect on their perspective for a minute before proceeding.

End of Block: Perspective Manipulation

Start of Block: Objective condition

Now, please, take a moment to consider the situation you described from the most objective standpoint possible. Avoid focusing on emotions or personal feelings, and instead, try to view the incident solely from an objective, detached perspective. Please take a minute to adopt this objective stance before proceeding.

End of Block: Objective condition

Start of Block: Perspective taking check

After describing the situation in previous block of this survey, please indicate the extent to which you tried to imagine the feelings of the person you have harmed and the consequences and impacts they may have experienced, using a scale ranging from 1 (not at all) to 7 (very much).

1 2 3 4 5 6 7

Drag the slider to indicate ()



End of Block: Perspective taking check

Start of Block: Willingness to participate in VOM

1. **Victim-Offender Mediation (VOM)** is a process where the victim of a crime and the person who committed the harm have the opportunity to meet and discuss the impact of the offense, their needs, and how to move forward. It is aimed at providing a platform for dialogue, understanding, and potential resolution. VOM sessions are facilitated by a trained and impartial mediator who guides the process and ensures that both parties have an equal opportunity to express themselves.

Additional Information:

Cost: Participation is free.

Initiation: It can start by either party or through referral.

Confidentiality: Discussions are private.

Legal: Participation is voluntary and doesn't affect legal proceedings.

Please indicate your willingness to participate in Victim-Offender Mediation with the person you have described harming in the previous section. Use the scale below to rate your willingness: 1 (would not want to participate at all) to 7 (would fully agree to participate).

1 2 3 4 5 6 7

Drag the slider to indicate



2. What factors would influence your decision to participate in Victim-Offender Mediation? (Select all that apply)

- Desire to communicate with the other party.
 - Willingness to take responsibility for the harm caused.
 - Belief in the effectiveness of mediation in resolving conflicts.
 - Concerns about facing the victim/offender.
 - Desire to seek forgiveness or reconciliation.
 - Fear of legal consequences.
 - Other (please specify in the next question)
-

3. Please describe your reasons for being more or less willing to participate in Victim-Offender Mediation (VOM) based on the situation you described earlier. Are there any conditions that would influence your decision?

End of Block: Willingness to participate in VOM.

Start of Block: Seriousness check

Please indicate the extent to which you were serious and honest while participating in this survey.

- Not at all serious/honest
- Slightly serious/honest
- Moderately serious/honest
- Very serious/honest
- Completely serious/honest

End of Block: Seriousness check

Start of Block: Debriefing

Thank you for participating in this survey!

We would like to inform you that during this study, a perspective manipulation was performed. This means that after describing a situation in which you have harmed someone, you were asked to imagine the feelings and perspectives of the person you have harmed, as well as the potential consequences and impacts they may have experienced. This manipulation was conducted to explore its effects on your willingness to participate in Victim-Offender Mediation.

If you have any questions or concerns about the study, please feel free to contact Katerina Saliy at k.saliy@student.utwente.nl. Additionally, if you have experienced any stress or discomfort as a result of participating in this survey, please do not hesitate to reach out so that the researcher can connect you with appropriate support services.

Thank you again for your participation and valuable contribution to this research!

End of Block: Debriefing
