

**Examining the Impact of Reoffending after Victim-Offender Mediation on the Public's Opinion on
Restorative Justice**

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Abstract

Nowadays, there is an increasing prevalence of alternative punishment methods to crime, such as restorative justice. The opinion of the public is of great importance to investigate, since lawmakers rely on the public in the form of norms, morals, and opinions. An important aspect of the public opinion towards restorative justice is the effectiveness of the approach and specifically whether a reoffense of an offender changes the opinion towards restorative justice. The present study investigated elements of the public opinion towards restorative justice before and after reading about a reoffense of an offender that was committed following a restorative justice intervention. Five factors were investigated, namely the respondents perception of leniency towards restorative justice, one's orientation towards restorative justice, trust in legal authorities, confidence in sentencing, and attitude towards feminism. First, it was hypothesized that perceptions towards restorative justice become more lenient after reading about reoffending. Further, it was expected that restorative justice would be perceived as more lenient compared to retributive justice, especially in men. Further, it was expected that high trust in legal authorities, confidence in sentencing, and a high attitude towards feminism would be related to a more favorable sight of restorative justice. Lastly, it was suspected that one's orientation towards restorative justice changed negatively after being confronted with an offender who reoffended after a restorative justice intervention.

In the present study, a questionnaire vignette survey was conducted on a sample of participants ($N=102$). Participants received a newspaper article of a case of gendered violence which was solved through victim-offender mediation. Participants further received a follow-up newspaper article of the same offender reoffending in another gendered violence case. Before and after the scenarios the five factors were measured.

It was found that participants perceived restorative justice as more lenient after reading about reoffending, which was in line with the expectations. There were however, no gender differences for this finding. Further, it was

found that a high trust in legal authorities predicts participants orientation towards restorative justice, which was partly expected. Moreover, it was found that participants orientation towards retributive justice increased after they read about reoffending following a restorative justice intervention. Additionally, feminism was found to not explain participants orientation towards restorative justice, but towards retributive justice after reading about reoffending following a restorative justice intervention. However, it was found that scores on the feminism scale explain the orientation towards restorative justice before reading about reoffending.

It can be concluded that certain factors influence how the public perceives restorative justice. The present study is important, because of the value of the public's opinion for the criminal justice system. The findings of this study can be utilized academically and in practice. One application of the results is that knowledge should be spread about restorative justice to the public. Additionally, there is more research necessary into the effects of reoffending towards public opinions of restorative justice.

Keywords: Restorative Justice, Reoffending, public opinion, leniency, feminism, initial opinion, trust in legal authorities, confidence in sentencing

1. Introduction

The act of wrongdoing or committing a crime is quite prevalent in society and is usually punished. With regards to the punishment of wrongdoing, there are different processes. Two of those processes are the retributive justice process and the restorative justice process. Retributive justice is defined as the distribution of a negative resource, such as imprisonment proportionally to the valence of an offence, which is determined by the law (Sabbagh & Schmitt, 2016). Determinative to retributive justice is the fair sanction of a response, such as punishment to transgressions from social norms, like the act of committing a crime (Sabbagh & Schmitt, 2016). However, in recent years, there has been increased interest, application, and use of restorative justice, such as victim-offender mediations within the criminal justice system (Wood & Suzuki, 2016; Dussich, & Schellenberg, 2010; Groenhuijsen, 2010). Restorative justice is defined as “a process whereby all parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future.”(Marshall, 1960 as cited in Addidle, 2013).

The main difference between these two processes is the notion of understanding of the concept of crime. In restorative justice, crimes are seen as a social conflict, since the act of committing a crime goes against and disrupts the conventional social norms of society (Groenhuisen, 2011). In addition to this, Zehr (1990) differentiated that crime in retributive justice is seen as a “violation of the state, defined by lawbreaking and guilt” (p.180), whereas crime in restorative justice is defined as a “violation of people and relationships” (Zehr, 1990 as cited in Gavrielides (2015), p.181). This shows that retributive justice has a focus on denouncing and legally charging the offender with a punishment, whereas restorative justice aims to acknowledge the injury to the victim

that the offender caused and to let the offender make amends collectively, so that the harm that was done to the victim can be repaired (Zehr, 1990).

1.1. Characteristics of Restorative Justice and Victim-Offender Mediation (VOM)

In restorative justice all parties come together voluntarily to collectively try to repair the harm done by the offence, which presupposes that victims and offenders get all needed information and are able to express their emotions as well as discuss underlying problems leading to the offence (Sharpe, 1998). Sharpe (1998) proposed key principles of restorative justice, namely that full participation by all parties and consensus should be made sure of and full and direct accountability of the offender should be sought. Furthermore, Sharpe (1998) mentioned that restorative justice is aimed at reconciliation of the victim and the offender, reintegration of both into society, and seeks to strengthen the community to prevent further harm. In addition, restorative justice processes also involve victims as active participants to shape the outcome, resulting in higher satisfaction rates (Van Ness et al., 2001). Restorative justice can take form in different approaches such as victim-offender mediation (VOM), peacemaking circles, or conferences. Current criminal law systems mainly employ conferencing and VOM. VOM can be defined as a meeting between the victim and the offender, which is mediated by a third party that helps the aforementioned parties to resolve their differences actively, collectively, and voluntarily (Marshall & Merry, 1990; (Groenhuijsen, 2000). VOM has proven to be highly effective; Bradshaw et al. (2006) mention that several studies show high satisfaction and perceived fairness rates of victims and offenders (Umbreit, et. al. 2001; Umbreit, 1989). Nugent et al.(2001) found that VOM participants reoffended less and if they reoffended, they did so with less severe crimes (Latimer & Kleinrecht, 2002; Braithwaite, 1999; Marshall, 1990).

1.2 Public Opinion About Restorative Justice Processes

Society is constantly evolving, and social acceptances, norms, and needs always change, which results in differing perceptions. Tyler (2009) has argued that the legal system is in need of respect from the public and thus

represents the public's moral principles and norms. In recent years, the public had shown dissatisfaction and dramatically plummeted support with and confidence in the current use of retributive justice (Carlsmith & Darley, 2008; Strang & Sherman, 2014; Jones et al., 2008; Roberts et. al.,2003; Smart Justice, 2010; Warner et.al., 2011). In opposition to this, attitudes on alternatives to alternative criminal justice processes, such as restorative justice processes were found to be mainly positive (Pali & Pelikan, 2010). Considering the public's dissatisfied view of retributive justice processes, it could be that nowadays, there has been a shift in the public norms and morals concerning the perceptions of crimes. It might be that the victim and their needs have become focal, which could mean that due to changing needs of the public, retributive justice could be seen as outdated. This might be due to retributive justice as no longer fitting the needs of the ever-evolving society, and hence restorative justice, which focuses on the victim, offender and other stakeholders and their needs, could be seen as more fitting. There has been criticism on retributive justice, such as inadequate rehabilitation and lack of programs. Additionally, Sherman and Strang (2007), as well as Van Ness and Heetderks Strong (2014) argued that there has been a mentality shift in society. Society nowadays thinks differently about connections and interdependencies between all involved parties in a criminal offence. The interconnectedness between the victim, the offender and society is not acknowledged in the retributive justice system. Based on this argumentation, there seems to be a need for restorative justice as a different way of responding to crime than the current one.

Despite various guidelines, standards, and training programs there are public critiques, and concerns about restorative justice, partly also because of restorative justice as being a newer approach than retributive justice (Daly & Stubbs,2006; Acorn, 2004, Busch 2002, Cavanagh, et. al., 2001, Coker (1999; 2002; 2006), Frederick & Liza, 2003, Goel, 2000, Herman, 2005, McGillivray &, Comaskey, 1999, and Stubbs, 1997;2002). Previous research mentioned that the concerns might be caused by perceived problems, such as unnoticed power differences, safety concerns, fear of manipulations by offenders or bystanders, and concerns of too lenient outcomes (Curtis-Faley, & Daly, 2005; Zehr, 2015). Concluding, a study by Kingi (2008) found that support for restorative justice is generally

split, with 30% of the public completely supporting restorative justice, 38% supporting restorative justice with conditions, and 29% of participants reporting that they are completely against it.

The public's uncertainty towards this approach in combination with the increased use of this approach, makes it of great importance to investigate the public perception of restorative justice. Another reason for the importance of researching public opinion of restorative justice is that law enforcers to a large part rely on the public for their support, active cooperation, and confidence, for which it is of utmost importance that the public is fully informed (Mackenzie et.al., 2012; Roberts & Stalans, 2004). Likewise, Roberts and Stalans (2004) identified that due to restorative justice being an alternative to conventional criminal justice practices, public opinion serves as an additional dimension for evaluation or as a social barometer that measures the satisfaction of the public towards criminal justice processes (Flanagan, 1996; Adrianessen & Aertsen, 2014).

Since the public has concerns regarding the leniency of restorative justice and might perceive it as too lenient, it might be interesting to examine what the effects are when an offender reoffends following a participation in restorative justice process, such as VOM. When VOM will be used more in the criminal justice system it can be suggested that someone might reoffend after participating in this process. Although restorative justice might reduce the risk of reoffending more compared to the retributive justice system, there still remains a risk of reoffending. A key aim of the criminal law system is to reduce recidivism and to promote reconciliation. Public opinion towards recidivism is split; On the one hand there is stigma and stereotypes towards the rehabilitation of offenders, such as fixed notions or perceptions of a threat to society or danger coming of the rehabilitated offender (Roberts, & White, 1986), whereas on the other hand, there is public support for the rehabilitation of offenders (Coop, 2019) as well as reconciliation encouragements within the prison system (Espherian, 2010). The question is how detrimental is a re-offense after restorative justice for the public's opinion of justice, their confidence and trust of legal authorities? This paper will examine this. In addition, this research will focus on how feminism is related to justice orientations.

1.3 Leniency Perception

The distinction between retributive justice and restorative justice gives an insight already into how it may be perceived in terms of leniency. Leniency in this research can be defined as a perception of a more merciful, lessened or more tolerant, punishing of misconduct. (Zipay et.al, 2020).

Currently, several different forms of punishments for crimes are employed. For example, restrictions can be imposed, such as contact bans or place bans. This form of punishment is perceived as lenient compared to harder sentences such as imprisonment (Dawson, 2005). Gelb (2011) has found that for sub-groups of offenders, such as offenders with a mental illness, alternatives to imprisonment, for example treatment or psychiatric institutions were found more appropriate than imprisonment. Lastly, incarcerations are another sentencing method, which is generally perceived as severe, especially life sentences as most severe, with probations and parole as less severe (Gelb, 2011; Herzog, 2008). Restorative justice has been generally perceived as more lenient, soft and the “easy way out” compared to retributive types of punishments (Tsui, 2014, p.655, 1.9). This point, of restorative justice often being perceived as mild and soft is also strengthened by Clark (2014), Verracchia (2009), as well as Bazemore and Maruna (2009) who found that critics and people unfamiliar with restorative justice argue that restorative justice would be on the soft end. Fattah (1998, as cited in Walgrave, 1998) found that restorative justice is being perceived as soft justice, as well as restorative justice as not sending a strong enough message of the wrongness and seriousness of the crime.

The leniency perception of restorative justice could become enhanced in a case where an offender reoffended after a restorative justice intervention, such as VOM. This could be explained by the phenomenon of a self-fulfilling prophecy. A self-fulfilling prophecy can be defined as “a false definition of a situation evoking a new behaviour, which makes the originally false conception come true.” (Merton, 1948, p195). So far, there has not been literature on this in the notion of restorative justice. However, it can be suggested that if one initially has an attitude of restorative justice as lenient, this could become strengthened when getting information on recidivism,

due to the fact that one could perceive the recidivism as proof for one's initial opinion of restorative justice as lenient. Thus, due to restorative justice processes being seen as a more soft practice than retributive justice processes, reoffending after a crime that has been solved by VOM might enhance one's perception of the leniency of restorative justice. This leads to the following hypothesis: *The perception of restorative justice becomes more lenient in comparison to the perception of retributive justice after reading about reoffending in a case that was solved by means of Victim-Offender Mediation (Hypothesis 1).*

In line with the above, it could be that there is a difference in gender and the leniency perception of restorative justice. Gilligan (1982) found that there is a difference between gender in the way that people make decisions and reason morally. Men and women respond to and conceptualize situations differently based on different moral orientations, namely according to a "care dimension" and a "justice dimension" (Gilligan, 1982). A justice dimension is attributed to men and focuses on assigning blame, guilt, and punishment. A care dimension, which is attributed to women, focuses on empathy and the preservation of relationships. Gilligan (1982) explains that women, due to their "care dimension" give more attention to extenuating circumstances than men and are therefore more lenient. Therefore it is expected that: *Men generally perceive restorative justice as more lenient than retributive justice, compared to women (Hypothesis 1b).*

1.4 Orientation Towards Restorative And Retributive Justice

The second concept of interest for this research is people's initial opinion towards restorative or retributive justice. Initial opinions are created through a process of attitude formation. Daly (2001) showed that how one responds to crime can be distinguished into two attitudes. The first attitude is "the attitude of hostility towards the lawbreaker" and the other is "the reconstructive attitude". The attitude of hostility towards the lawbreaker is related to attribution of exclusion, retribution, and repression towards the offender, in which the offender is seen as an enemy (Daly, 2001). The reconstructive attitude describes the process of understanding the cause, determining

responsibility to create results for the future (Daly, 2001). This shows that individuals have an underlying attitude to how they respond to crime, which may be subject to change. Furthermore, attitudes and perceptions are also formed and impacted by experiences and perceived benefits of restorative justice (De Keijser, et. al., 2002). In addition to this, Okimoto et.al. (2012) found that if one has a retributive orientation, justice is seen as an assertion against the offender. However, if one has a restorative orientation, justice is then a about reaching a new consensus about the violated shared values (De Keijser, et. al., 2002).

There has not been much literature on how information about a reoffense influences people's orientation towards justice. However, it can be argued that since research shows that the public has been dissatisfied with the retributive justice system over the last years (Carlsmith & Darley, 2008; Strang & Sherman, 2014) as well as the high crime rates, this could also be the case for restorative justice. This might be due to the public's attribution of their initial attitudes, orientation and dissatisfaction towards retributive justice onto restorative justice. Thus, it could be that if the public gets information that someone reoffends following a case that was solved by means of restorative justice in a similar case, the public could become more dissatisfied with restorative justice processes, such as VOM. This argument could also be enhanced by the aforementioned that attitudes are impacted by experiences, hence the experience of recidivism following a restorative justice intervention, might lead to a lower attitude/ orientation towards restorative justice. Therefore, the public might get a lower orientation towards restorative justice. This leads to the following hypothesis: *Participants' orientation towards restorative justice becomes lower after reading about reoffending in a case solved by means of VOM. (Hypothesis 2).*

1.5 Trust In Legal Authorities And Confidence in Sentencing Of The Criminal Justice System

A third and fourth factor of interest in this research is the trust that individuals have in legal authorities and their confidence in the sentencing. Trust towards law enforcement was defined by Jackson et al. (2013), as the belief that law enforcement officers are able and willing to do their jobs in terms of their intentions, abilities

competencies, and shared motivations. For individuals to trust legal authorities, organizations and institutions need to establish and show their trustworthiness and the authority to govern. This increases public compliance and cooperation with law enforcement and legal authorities (Jackson, et. al., 2013; Tyler, 2006a, 2006b, 2011a; Tyler & Jackson, 2013).

The trust in legal authorities also depends on how one perceives the criminal justice system; either as a public service system aiming at helping and prevention or as a state-sponsored agent of violence focused on fair use of power (Jackson, et. al., 2013). Trust towards legal authorities is based on the public attitudes towards the competence, predictability, and motives of legal authorities (Luhmann 1979; Hardin 2006; Wenzel, et.al., 2008). De Keijser et al. (2002) have identified two attitudes towards justice. The punitive attitude focuses on punishing and the penal attitude focuses on the function of punishment. It was found that having a punitive attitude leads to a less favorable view of restorative justice, due to the perception of low trust towards the criminal justice system (De Keijser, et. al., 2002). This would suggest that one's attitude towards crime and justice, as well as the amount of trust one has towards the criminal justice system and its working affects one's positioning towards criminal justice processes, such as retributive or restorative justice. It could be argued that, if one perceives the justice system favorably and thus has a higher trust in the criminal justice system and its system of operating, one would then due to the high trust, be favorable towards restorative justice. This argumentation leads to Hypothesis 3: *Participants with a higher trust in legal authorities and higher confidence towards sentencing have a stronger orientation towards restorative justice. (Hypothesis 3).*

1.6 Feminism

A final factor under investigation in this paper the public's attitude towards feminism. Most literature on feminism and restorative justice has mainly focused on gendered violence, domestic abuse, and sex offenses (Stubbs, 2002; Hopkins, & Koss, 2005; Van Wormer, 2009; Daly, & Stubbs, 2006; Ptacek, 2009). In this paper, the

focus is on cultural feminism, which focuses on the claim that traditional judicial institutions are masculinist and further notes that women are not inherently different from men. The main aspect of cultural feminism is that certain traits have cultural notions of masculinity or femininity. For example, Daly (2002) noted that restorative justice is sometimes perceived as a more feminine practice compared to the more “masculine” practice of retributive justice, due to restorative justice’s higher focus on relationships and not punishment. In line with this, Heidensohn (1996) argued that restorative justice would be a more women-centred approach due to the emphasis on caring and personal relationships, which he attributed to female traits. Due to restorative justice being perceived as a more feminine practice, this could mean that restorative justice might be perceived as more lenient and merciful than retributive justice.

Masculine traits are often valued by legal institutions, whereas female traits are devalued (Hopkins & Koos, 2005). For a justice system to be feminist, it should have a focus on how crimes damage relationships, instead of focusing on the wrong to the state as in traditional criminal justice processes (Hopkins & Koss, 2005). This lays down the groundwork for the conflict that feminists have with the retributive system. Restorative justice practices empower victims to “communicate loudly and clearly that they were serious” (Fisher & Rose, 1995, p.77). Further, it empowers women to receive external validation as well as a public record of the crime, which, in turn, enhances their feelings of power and control. (Stubbs, 2008). Likewise, van Wormer (2009) reported that victims of sex offenses and domestic violence are dissatisfied with the offender-oriented practices of retributive justice. Satisfaction would increase through restorative justice processes, which are solution-focused and give marginalized people a voice (Van Wormer, 2009). This leads to the following Hypothesis: *Participants with a higher score on feminism will have a higher orientation towards restorative justice and a lower orientation towards retributive justice. (Hypothesis 4).*

This Research

In the present study an online questionnaire vignette survey was created in order to examine the above hypotheses. The vignette concerned a fictional gendered violence case which was resolved by means of restorative justice. A second vignette was given after the first, which stated that the same offender from the previous gendered violence case reoffended in a similar manner following the restorative justice intervention. Figure 1 below, depicts the expected relationship between the variables under investigation.

2. Methods

2.1. Design

A within-group study design was employed utilizing a questionnaire survey. There were five independent variables, namely feminism, trust in legal authorities, confidence in sentencing, leniency perception, and initial orientation towards restorative and retributive justice. The survey had a pre-post design, meaning that all the scales of the five independent variables were employed before the scenario, which took the form of two consecutive newspaper articles. After the scenario, the scales of four factors, except feminism were shown again. Feminism, trust in legal authorities, confidence in sentencing, gender and information about reoffending were independent variables. Leniency perception and the orientation towards restorative justice and retributive justice were dependent variables. Thus, trust in legal authorities, confidence in sentencing, leniency perception and orientation towards restorative justice and retributive justice were measured before and after receiving information about reoffending after a restorative justice intervention, whereas feminism was measured only once.

feminism, trust in legal authorities, confidence in sentencing

2.2 Participants

The survey was added on the SONA research platform of the University of Twente (UT), from which most participants were acquired. Participants have been compensated with 0.25 credits if they participated via the SONA

portal. Furthermore, the survey was distributed amongst psychology student groups and snowball sampling was used.

In total 104 individuals participated, of which two participants had to be excluded due to the reason that their surveys were not completed. Table 1 below, gives an overview of the participants. Out of the 102 final participants, 70 were female (68.8%) and 28 were male (27.5%). One participant indicated to be transgender (1.0%), two participants were non-binary (2.0%) and one participant indicated that they had another gender (1.0%). The age of participants varied from 18 to 88 ($M= 22.20$). Participants had various nationalities: participants were German (63), Dutch (24), or had other nationalities (15), such as British, American, Romanian, Turkish, or Croatian. Most participants finished high school ($N= 87, 85.3\%$), and ten participants had a bachelor's degree (9.8%). Five participants mentioned that they did not have a high school diploma (4.9%).

Moreover, 34 participants reported that they had been victims of a crime (33.3%) and 78 participants knew someone that had been a victim of a crime (76.5%). Twenty-nine participants mentioned that they had committed a crime themselves (28.4%) and 61 participants knew someone within their social circle that had committed a crime (59.8%). At the end of the survey, a control question was added, namely "Are you already familiar with restorative justice processes. Answer options were either yes or no. 42 (41.2%) of the participants were familiar with the concept of restorative justice before the survey and 60 (58.8%) were not familiar with the concept of restorative justice before the survey.

Table 1. Overview of Participants (N=102)

Variable	Variable	Frequency	%
Sex	Female	70	68.8
	Male	28	27.5
	Transexual	1	1.0

	Non-Binary	2	2.0
	Other	1	1.0
Nationality	German	63	61.8
	Dutch	24	23.5
	Other	15	14.7
Education	Below High School Diploma	5	4.9
	High School Diploma	87	85.3
	Bachelor's Degree	10	9.8
	Master's Degree	0	0
	PhD	0	0
UT Student	Yes	90	88.2
	No	12	11.8
Victim of a crime	Yes	34	33.3
	No	68	66.7
Know someone who has been a victim of a crime	Yes	78	76.5
	No	24	23.5
Committed a crime	Yes	29	28.4
	No	73	71.6
Know someone who	Yes	61	59.8

has committed a crime			
	No	41	40.2

2.2.1. Variables

In total, six scales had been employed. The full scales with all items can be found in Appendix A. Reliability analyses and factor analyses were conducted on the pre-measures of all the scales.

Feminism. For this scale, the attitudes towards feminism scale by Bryne et al. (2011), was employed. Ten items were used from that scale, from which eight items had to be recoded. Example items of this scale are “Women should not be permitted to hold political offices that hold great responsibility” (recoded) and “Women are basically more unpredictable than men” (recoded). A seven-point Likert Scale was used, which ranged from strongly agree to strongly disagree. Factor analysis concluded that three factors can be identified. Three items were not included in the scale, as they seemed to measure another factor, namely *Competition with Men*. These items were: “Women have the right to compete with men in every sphere of activity.”, “A woman should not expect to go to the same places or have the same freedom of action as a man.”, and “Whether or not they realize it, most women have been exploited by men.”. Of the remaining seven items, all these items loaded high on the first factor *Attitude* (FL’s >.60). This factor had an Eigenvalue of 4.31. Together, these items formed a very reliable scale ($\alpha = .85$).

Trust In Legal Authorities To measure trust in legal authorities a scale by Jackson et al. (2014) was used. This scale had eight items from which two items were recoded. Example items were “Courts make mistakes that let

people go free” (recoded) and “I believe that the police generally have the same sense of right and wrong as I do”. A seven-point Likert scale was used, which ranged from strongly agree to strongly disagree. Three factors were identified from this scale by means of factor analysis. Five items were found to score high on the first factor, *Trust* (FL's >.51). The first factor had an Eigenvalue of 2.62. The items scoring high on this factor formed a very reliable scale ($\alpha = .73$). Therefore, three items which scored high on the second and third factor, *Opinion of Courts* and *Ethnics* respectively, were deleted as they measured *Error and Society Characteristics*. These items measured to what extent “Courts make mistakes that let people go free.”, “I believe that people from different race or ethnic groups who committed a crime are even likely to be found guilty in court” and “Courts protect the interests of the rich and the powerful above those of ordinary people.”.

Confidence in Sentencing

The scale to measure confidence in sentencing, was the “Confidence in sentencing” Scale by Mackenzie et al., (2012). This scale had six items and was adapted to fit this research. A five-point scale was used, which ranged from “Not at all confident” to “very confident”. Example items were “How confident are you that penalties or punishments given to offenders are appropriate?” and “How much confidence do you have in the criminal court to deal with matters fairly?”. Factor analysis showed that there is one factor with an Eigenvalue of 3.93. All items loaded high on this factor (FL's > .60), therefore all six items were included in the scale. This scale had high reliability ($\alpha = .89$).

Justice orientation. To measure the participants' orientation towards restorative and retributive justice, the “Retributive and Restorative Justice Orientations” scale by Okimoto, Wenzel, and Feather (2012) was used. This scale had two dimensions, the retributive justice scale and the restorative justice scale, both orientations were measured with two scales that had six items each. No items were recoded for this scale and a seven-point Likert

scale was used, which ranged from strongly agree to strongly disagree. Example items of this scale are “Justice is served when an offender is penalized.” and “The only way to restore justice is to punish an offender.”. Factor analysis found two factors for both scales. For the retributive justice scale, all items except item 1 scored high on the first factor, *Retributive Orientation*, (FL's=.61). This scale had an Eigenvalue of 2.80. One item “As a matter of fairness, an offender should be penalized”, was deleted. This scale had high reliability (= .79).

For the restorative justice scale, factor analyses showed two factors. All items, except one item scored high on the first factor, *Restorative Orientation* (FL's >.61). This factor had an Eigenvalue of 2.68. Therefore, the item “To restore justice, the offender and the victim need to reaffirm consensus on our values and rules”, was deleted. This scale had a high reliability (= .73).

Perception of Restorative Justice being more lenient than Retributive Justice. To measure leniency perceptions two scales were used. From the first scale, the Leniency in Sentencing by Mackenzie et al. (2012), only one item was used. A seven-point Likert scale was employed for this item. The item was “Restorative justice responses to crime are more lenient towards offenders than retributive justice responses”. This question was added to the “Attitude about leniency”, which was the second scale.

The “Attitude about leniency” scale by Mackenzie, et., al. 2014 was adapted to this research and had five items, from which none were recoded. A seven-point Likert scale was used to measure this construct. For participants to properly answer these scales, an explanation text about restorative justice and retributive justice processes was given. The explanation can be found in Appendix B. Example items were “Restorative justice processes are softer sentences for people that break the law than retributive justice processes.” and “The tougher the retributive sentence than the restorative sentence, the less likely an offender is to commit more crimes”. Factor analysis showed that there were two factors, from which three factors loaded high on the first factor *Leniency Perception* (FL's > .29). This factor had an Eigenvalue of .25. Three other items scored high on the second factor

Effects of Leniency, and were deleted as they did seem to measure another aspect of the construct, content wise.

These three deleted items stated “The tougher the retributive sentence than the restorative sentence, the less likely an offender is to commit more crimes.”, “Rehabilitation after restorative justice processes is not taken seriously by criminals compared to the rehabilitation after retributive justice processes. ” and , “High crime rates are mainly an indication that restorative justice punishments are not severe enough.”. This scale had moderate reliability ($=.59$).

2.3. Materials

The first article described a scenario in which a woman was verbally harassed, physically pushed, and verbally threatened by a man. After the incident, the police had been called and were able to find the offender. The prosecutor of the case offered a victim-offender mediation, to which both parties agreed. The article then further explained what happened during a victim-offender mediation, such as that the victim was able to ask questions and the offender explained their motive. The offender also apologized during the mediation. The article ends with a description of the outcome of the VOM between the victim and the offender, namely that the offender had to pay reparations fines.

The second article described a case in which the same offender reoffended in the same manner. This was done to show that the offender reoffended after a restorative justice intervention. The full newspaper articles can be found in Appendix C.

The articles were not based on previous research. However, a study by Edwards and Haslett (2003) has shown that in most criminal offences, the offender is a male and the victim is a female. Furthermore, statistics by the Centraal Bureau Voor de Statistiek, which is the Dutch office for statistics, have shown that crimes, such as threats and open violence towards persons have become more prevalent in the Netherlands (ref). Therefore, these crimes were chosen to be represented in the newspaper article. In addition, the crimes and the constellation of

victim and offender were chosen to create relatability. For this reason, a newspaper article was chosen as the best fitting method.

2.3. Procedure

Before data collection, ethical approval was obtained by the Ethics Committee of the Faculty for Behavioural, Management and Social Sciences of the University of Twente. After reading the study information, participants gave their informed consent to participate in the survey by clicking the box. The informed consent consisted of information about privacy, withdrawal without consequences, contact information, and a brief description of the research. If participants consented, they were then asked demographic questions regarding their gender, age, nationality, highest finished education, and four questions regarding their experience of crime. The full survey with all items can be found in Appendix A-C. After this, all scales, namely the feminism scale, trust in legal authorities scales, initial opinions towards restorative justice, and leniency perception scales were presented to the participants. Then, the first newspaper article was shown. After reading that, participants received the second newspaper article about the offender reoffending. Following that, the opinions towards restorative justice, leniency perception, and trust in legal authorities scales were administered again. Furthermore, a control question was administered asking if participants were already familiar with restorative justice processes before the study. Moreover, a box in which participants were asked to briefly explain their view of and understanding towards restorative justice processes, was presented to participants. After this, the participants received the end screen of the survey in which they were thanked for their participation and received contact information in case they have remarks or questions. The survey was created in Qualtrics XM.

2.4 Data Analysis

Data analysis was done with SPSS. First, the data was prepared. With this, it is meant that outliers were checked for, as well as the normal distribution of the data. Secondly, the reliability and validity of the scale items were calculated by employing reliability analysis and factor analysis. Thirdly, the hypotheses were tested, using correlation analysis and t-tests. To check for hypotheses 1, 2a, and 3 a paired t-test was used. Hypothesis 2 and 4 were tested by means of regression analysis and an independent samples t-test. Lastly, to test hypothesis 1b an independent samples t-test was employed.

3. Results

3.1 Normality assumption

Firstly, the normality assumption was tested. The histograms for each dependent variable can be found in Appendix D. It was found that the *Trust in Legal Authorities pre*, *Leniency perception pre*, and *post*, *Orientation towards Restorative Justice pre* and *Orientation towards Restorative Justice post*, *Orientation towards Retributive Justice pre* and *Orientation towards Retributive post* were normally distributed. The *Feminism Scale*, *Trust in Legal Authorities post*, *Confidence in Sentencing pre and post*, and the *Leniency Perception post Scales* were found to be slightly skewed to the right. This has no implications for the hypothesis testing, however the light skewedness should be taken into consideration while interpreting the results.

3.2 Descriptives

Table 2 gives an overview of the descriptives of all independent variables. Regarding the *Feminism Scale*, participants scores were high ($M=5.74$, $SD=.87$). For the *Trust in Legal Authorities Scale* and the *Confidence in Sentencing Scale*, participants scored almost the same as in the pre-and the post-test. For the *Leniency Scale*, participants scored higher after the reading about reoffending ($M=5.13$, $SD=.94$) than before reading about reoffending ($M=4.90$, $SD=.86$). Lastly, regarding the *Orientation towards Restorative Justice Scale*, participants

were slightly less favourable towards restorative justice after reading of reoffending after a restorative justice intervention ($M=4.69$, $SD=1.04$) and more favourable towards retributive justice after reading about reoffending ($M=4.46$, $SD=1.23$). Before reading of a reoffense following a restorative justice intervention, participants had a more favorable orientation towards restorative justice ($M= 4.12$, $SD=1.03$) than after ($M=4.69$, $SD=1.04$).

Table 2. Descriptives

	M	SD
1. Feminism	5.74	.87
2. Trust pre	4.22	.95
3. Trust post	4.27	.99
4. Confidence pre	3.24	.83
5. Confidence post	3.20	.82
6. Leniency pre	4.90	.86
7. Leniency post	5.13	.94
8. Orientation Restorative Justice pre	4.74	.92
9. Orientation Restorative Justice post	4.69	1.04
10. Orientation Retributive Justice pre	4.12	1.03
11. Orientation Retributive Justice post	4.46	1.23

3.3 Correlation Matrix

Secondly, a correlation matrix was created to examine how variables were related. The correlation matrix can be seen below in Table 3. *Trust in legal authorities on the pretest* was found to be correlated with confidence in sentencing on the pretest ($r=.66, p= <.001$) as well as with confidence in sentencing on the posttest ($r=.54, p= <.001$). *Trust in legal authorities on the posttest* was also positively correlated with confidence in sentencing on the pretest ($r=.69, p= <.001$) and on the posttest ($r=.61, p= <.001$) indicating that someone with high scores in the *trust in legal authorities scales pre test and post test* also has a high *Confidence in Sentencing* score.

Further, *Confidence in Sentencing* on the pre test was also positively correlated with *Feminism*, indicating that someone scoring high on the confidence with sentencing scale, also scores high on the attitude towards Feminism scale, ($r=.25, p= <.001$). The same was found for *Confidence in sentencing* on the post test and *Feminism*, ($r=.37, p= <.001$).

Furthermore, *Leniency on the pretest* was found to be negatively correlated with *Feminism*, meaning that someone scoring high on the *Leniency* Scale scores low on the *Feminism* scale ($r=-.19, p= <.001$). In addition, *Leniency on the pretest* is also positively correlated with *Orientation towards Restorative Justice on the pretest*, suggesting that participants with a high perception of *Leniency*, are higher orientated towards restorative justice, ($r=.30, p= <.001$).

The leniency on the pretest was found to be positively correlated with the leniency perception on the post-test ($r=.70, p= <.001$), suggesting that participants with a high score on the leniency scale on the pre-test also score highly on the leniency scale on the post-test.

Furthermore, it was found that the orientation towards restorative justice on the post test was positively correlated with the trust in legal authorities on the pre-test ($r=.23, p<.001$) and trust in legal authorities on the post-test ($r=.34, p<.001$). This indicated that participants that score high on the orientation towards restorative justice on the post-test also score high on the trust in legal authorities scale on the pre- and the post-test. In addition it was found that the orientation towards restorative justice on the post-test was positively correlate with the orientation towards restorative justice on the pre-test ($r=.71, p<.001$).

Moreover, *Orientation towards Retributive Justice* on the pretest was found to be negatively correlated with *Feminism*, indicating that if participants had a high orientation towards restorative justice, they further had a low attitude towards feminism, ($r=-.20, p<.001$). Additionally, the *Orientation towards Retributive Justice on the pretest* was correlated with an orientation towards restorative justice, showing that participants with a high orientation towards retributive justice before reading about reoffending following a restorative justice intervention had a high orientation towards restorative justice, ($r=.47, p<.001$). Moreover, the orientation towards retributive justice on the pretest was found to be negatively correlated with feminism ($r=.20, p<.001$), suggesting that someone scoring high on the *Orientation towards Retributive Justice* scale on the pre-test, scores low on the *Feminism* scale.

Lastly, the *Orientation towards Retributive Justice* on the pre-test was found to be positively correlated with Leniency on the pre-test, meaning that participants with a high orientation towards retributive justice before reading about reoffending following a restorative justice intervention also had a high leniency perception ($r=.72, p<.001$).

Table 3.

Correlation Matrix

Variable	M	SD	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
1.Feminism	5.74	.87	1										
2. Trust in legal authorities pre	4.22	.95	.11	1									
3. Trust in legal authorities post	4.27	.99	.17	.87**	1								
4. Confidence in sentencing pre	3.24	.83	.25*	.66*	.69*	1							
5. Confidence in sentencing post	3.20	.82	.37**	.54**	.61*	.82*	1						
6. Leniency pre	4.90	.86	-.19*	.10	.06	.00	-.00	1					
7. Leniency post	5.13	.94	-.17	.10	.07	.00	.03	.70**	1				
8. Orientation RJ pre	4.74	.92	.06	.16	.16	.00	-.04	.30**	.31*	1			
9. Orientation RJ post	4.69	1.04	.12	.32**	.34*	.15	.15	.08	.12	.71*	1		

10. Orientation Retributive justice pre	4.12	1.03	-.20*	.14	.12	-.09	-.11	.47**	.44*	.41*	.14	1	
11. Orientation retributive justice post	4.46	1.23	-.11	.07	.07	-.07	-.09	.39**	.52*	.31*	.21*	.72*	1

** . Correlation is significant at the 0.1 level (2-tailed).

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

3.3 Hypothesis Testing

For the first hypothesis, the perception of restorative justice becomes more lenient in comparison to the perception of retributive justice after reading about reoffending in a case that was solved by means of VOM, a paired samples t-test was conducted in which the *Leniency* variable was compared before and after the scenario. A significant difference was found between the scores of the leniency perception before ($M=4.90$, $SD= .86$) and after ($M= 5.13$, $SD=.94$) the scenario ($t(101)=-3,33$, $p=.<.001$). This means, that the leniency perception after reading about reoffending following a restorative justice intervention has changed, precisely restorative justice was perceived as more lenient than before. Hypothesis 1 can thus be accepted.

For hypothesis H1b, men perceive restorative justice as more lenient than retributive justice, compared to women, an independent samples t-test was conducted on the pre-measure to investigate if the leniency perception differs by gender. There was a non-significant difference between the scores of the leniency perception of females ($M=4.94$, $SD=.91$) and males ($M=4.77$, $SD=.75$); $t(96)= -.86$, $p= .38$. Hence, hypothesis 1b can be rejected.

To test hypothesis 2, participants' orientation towards restorative justice becomes lower after reading about reoffending in a case solved by means of VOM, a paired-samples t-test was conducted comparing the scores on the

orientation towards restorative justice scale before and after the scenario. A non-significant difference was found between one's *Orientation towards Restorative Justice* before reading the article ($M= 4.74, SD=.92$) and after reading the article ($M= 4.69, SD=1.04$); $t(101)=.70, p= .48$. Therefore, hypothesis 2 can be rejected. In the descriptives table (Table 2.) it was observed that the orientation towards retributive justice was higher on the posttest compared to the pretest. No hypothesis was formulated for this variable, however, we were interested if this difference is significant. A paired samples t-test found a significant difference between one's *Orientation towards Retributive Justice* before reading about reoffending following a restorative justice intervention ($M=4.12, SD=1.03$) and after reading about reoffending following a restorative justice intervention ($M=4.46, SD=1.23$), $t(101)= -4.00, p<.005$) This means that one's retributive orientation increased after reading about a reoffense following a restorative justice intervention. Therefore hypothesis 2 can be rejected.

Hypothesis 3, participants with a higher trust in legal authorities or a higher confidence in sentencing, have a stronger orientation towards restorative justice, was tested by means of a multiple linear regression analysis. Two linear regression analyses were conducted, with *Orientation towards Restorative Justice* prior to and after the scenario, as the dependent variable. *Trust in Legal Authorities* and *Confidence in Sentencing on the pretest and posttest* were used as independent variables. The control variable "Familiarity with restorative justice before participation in the study" was added to the model as well as control variable. Before reading about reoffending following a restorative justice intervention a higher trust in legal authorities and confidence in sentencing did not significantly predict participants' orientation towards restorative justice ($F(1,100)=1.47, p=.16, R^2=.22, R^2_{adjusted}=.02$). Further, after reading about reoffending following a restorative justice intervention, the model showed to be significant ($F(1,100)=5.05, p=.003, R^2=.13, R^2_{adjusted}=.10$). The regression coefficients showed that a stronger trust in legal authorities predicts a higher orientation towards restorative justice ($B=.41, t=3.26, p<.001$). However, confidence in sentencing did not significantly predict participants orientation towards restorative justice

after reading about reoffending following a restorative justice intervention ($B=-.12$, $t= -.79$, $p=. 42$). This means, that only trust in legal authorities significantly predict one's orientation towards restorative justice, but only after reading about reoffending following a restorative justice intervention. Thus, hypothesis 3 can be partly accepted.

Lastly, for hypothesis 4, participants with a higher score on feminism will have a higher orientation towards restorative justice and a lower orientation towards retributive justice another multiple linear regression analysis was calculated to examine if participants that scored higher on the feminism scale have a higher orientation towards restorative justice. *Orientation towards restorative justice* and *Orientation towards Retributive Justice* were set as the dependent variable and *Feminism* as the independent variable. The control variable "*Familiarity*" was added to the model as well.

Feminism did not significantly predict participants' orientation towards restorative justice before reading about reoffending following a restorative justice intervention, as the overall model showed to be non-significant, $F(1,100)=.29$, $p=.74$, $R^2=.006$, $R^2_{adjusted}=.93$. After reading about reoffending following a restorative justice intervention, feminism also did not significantly predict participants' orientation towards restorative justice, $F(1,100)=1.64$, $p=.19$, $R^2=.03$, $R^2_{adjusted}=.01$. This means that feminism does not explain participants' orientation towards restorative justice before and after the scenario.

However, it was found that before reading about reoffending following a restorative justice intervention, the model showed to be significant ($F(1,100)=3.06$, $p=.05$, $R^2=.05$, $R^2_{adjusted}=.03$). The regression coefficients indicated that a higher score on the feminism scale explains participants' lower orientation towards retributive justice before the scenario. ($B=-.24$, $t=-.20$, $p=.03$). This means that feminism significantly predicts one's orientation towards retributive justice before reading about reoffending following a restorative justice intervention. After reading about reoffending following a restorative justice intervention, it was found that feminism did not significantly predict participants' orientation towards retributive justice $F(1,100)=1.93$, $p=.15$, $R^2=.03$,

$R^2_{\text{adjusted}}=.01$. This means that only before the scenario, feminism scores explain participants' orientation towards retributive justice. Hence, hypothesis 4 can be partly accepted.

4. Discussion

The present paper investigated the public opinion towards restorative justice after reading a fictional case that was solved through restorative justice whereafter the offender reoffended in a similar matter. The aim of the present study was to gain an understanding of how restorative justice is perceived by the public in relation to five factors, before and after a an offender reoffended. There were four key findings. First, it was found that respondents perceive restorative justice to be more lenient after reading about reoffending.. Second, it was found that respondents orientation towards retributive justice increased after reading about reoffending following a restorative justice intervention. Third, it was found that trust in legal authorities predicts respondents orientation towards restorative justice, but only after reading about reoffending following a restorative justice intervention. Fourth, it was found that feminism does not explain respondents orientation towards restorative justice, but feminism explains respondents orientation towards retributive justice before reading about reoffending following a restorative justice intervention. TThe key results of this paper show that feminism, confidence in sentencing and trust in legal authorities are partly predictors of how the public perceives restorative justice.

Regarding the leniency perception, it was found that the leniency perception increases after reading about reoffending. This is in line with previous studies. Tsui (2014) has found that restorative justice is generally perceived as “softer” in comparison to retributive justice. In addition, it could be argued that the finding of an increased perception of leniency towards restorative justice following the scenario, could lead to risks regarding one's perception of restorative justice. For example, for the criminal justice system it could be risky if people perceive restorative justice as lenient, as they then could become dissatisfied with this process. This is the case for

some offenses, such as sex offenses or sexual assault offenses, as victims were dissatisfied with the outcomes of restorative justice and perceived them as too lenient and unfitting (Cossins, 2007).

Further, this research also showed that there were no gender differences in the perception of leniency towards restorative justice. This is not in accordance with previous research, as it has been found by Gruber (2012) that female offenders often receive different punishments than male offenders, which might be due to a difference in leniency perception based for example on social attractiveness factors or their previous records (Steward, 1984; Braun & Gollowitzer, 2012; Niehoff, Baul, & Bunch, 1998). Furthermore, Pagnon, Lobnikar, and Anelj (2004) have found that perceptions of leniency differ between genders in their study on police misconduct. So far, there has been no literature on gender differences on leniency in restorative justice, especially on recidivism following restorative justice. For now, however, this research shows that gender might not be a predictor for how lenient restorative justice is being perceived.

Regarding the influence of trust in legal authorities and confidence in sentencing on public opinion it was found in this study that respondents trust in legal authorities predicts their orientation towards restorative justice after reading about reoffending. Prior to reading about reoffending, participants' orientation towards restorative justice was not predicted by their scores on trust in legal authorities and confidence in sentencing. This is consistent with previous research, which has found that trust in legal authorities is a predictive factor of the public attitude regarding the criminal justice system and its workings (Walgrave, et. al., 2019; Brooks, 2014; Brooks, 2006; Edwards, 2012; Indermaur, 2012). In addition, it could be assumed that people who trust the competence, shared motivation, lawfulness, and abilities of law enforcers, are more positive towards restorative justice due to their perceptions of high trust in the legal authorities and their perception of the legitimacy of the retributive justice system. Due to their high trust in the legal authorities they might still be more positive towards restorative justice even when reading about reoffending following a restorative justice intervention.

Likewise, it was found in this research that respondents' retributive orientation increased after reading about reoffending. This is in line with a study by van Prooijen (2009), who has found that independent observers prefer retributive justice when punishing offenders, when they don't have an emotional proximity to the offender. This could indicate that after reading about reoffending following a restorative justice intervention, respondents feel that one should get a tougher punishment. Thus, it might be that the public thinks that offenders should get the opportunity for restorative justice and if that fails then receive a retributive justice approach by a judge.

Lastly, this research showed that feminism does not explain participants' orientation towards restorative justice. However feminism has been found to explain respondents' orientation towards retributive justice before reading about reoffending following a restorative justice intervention. This is in line with previous studies. Proietti-Scifone and Daly (2011), for example have found that feminists were opposed to the application of restorative justice in cases of gendered violence due to fears of safety and power dynamics. Further, Stubbs (2008) reported mixed outcomes for restorative justice practices in cases of violence against indigenous women. Stubbs (2008) additionally, reported that mixed reports and generally negative reports might be due to the fact that restorative justice practices were offered and mediated by white Cis-males. The main concern for negative views on restorative justice was the fear of power balances, victim safety, and facilitators not having the skills to properly address these imbalances and needs of the victims. However, Hopkins and Koss (2005) argue that a victim-centered approach would satisfy cultural feminists. So far there has not been research on feminism and orientations towards restorative justice after an offender reoffended. Therefore, it cannot be confirmed if this finding is consistent or not with previous research. However, it can be said that this finding cannot be generalized due to the survey limitation of an overrepresentation of female university students.

The present paper represented a first attempt to investigate how five variables related to the public's opinion on restorative justice are influenced by a story of reoffending after VOM. There are at least three potential limitations concerning the results of this study. The first limitation is regarding the sample. Most respondents were

female university students. It could be that these students might be biased, for example towards the feminism scale, due to their personal beliefs. Further, it could be that there might be gender differences within certain variables. The under-representability of males and non-university students might create a low generalization of the results of the current paper. Future research should replicate the survey with a more broad and diverse sample. A second potential limitation concerns the survey. Warner, et., al. (2011) has found that giving information on a case leads to participants rating the given penalty as more fitting. It could be that the vignette and the outcome described in the vignette have biased participants into thinking that restorative justice might be the best fitting penalty. In addition, a social desirability bias could have also been elicited by the vignette and the outcome, meaning that participants might have been less critical and would have responded in a socially desirable way. Lastly, a third limitation is regarding the study design. In this study a pre-post study design was utilized, in which the same restorative justice scenario was presented to all participants. For future research it might be interesting to add a retributive justice scenario, next to a restorative justice scenario in order to compare if the scenario has an influence on the responses. In addition, other scenarios and outcomes could be tested. Thus, future research could employ different, experimental, study designs, and for example create several vignettes with different justice processes and different outcomes and then allocate these randomly to participants or consecutively to participants. Another option for future research would be to take this finding into account in their finding, as other options such as videos, VR, or stories all would have the issue of possibly biasing participants. These limitations should be addressed in further research and might have an impact on theoretical and practical implications. A contribution of the present paper is that several questions were raised for future research.

Further research examining the effect of various factors, such as severity/type of the offence or the public knowledge and familiarity with the criminal justice system, on the public opinion, especially following recidivism may help to shed light on the aforementioned conflicting results. Despite those limitations, theoretical and practical implications can be deciphered from the results of this paper. A theoretical implication is that more research is

needed into the effects of recidivism after a restorative justice intervention and its effect on public opinion, due to the fact that there has been little research in this so far as well as due to the fact that in this study mixed results were found. In addition, it would be useful to extend the current findings in the form of replication and investigating different factors, such as the above-mentioned, regarding future research. Furthermore, the factors that resulted in conflicting findings, namely confidence in sentencing, orientation towards restorative justice, and trust in legal authorities should be more extensively researched. A practical implication, based on the current finding that restorative justice is being perceived as more lenient, as well as the finding that following a reoffense orientation towards retributive justice was heightened, is that educational programmes for the public as well as for the criminal justice sector could be given. This could take the form of education training sessions for mediators or advertising of statistics, opinion polls or consultations aimed at the public (Indermaur, 2012). The reason for such trainings would be that it would increase knowledge of restorative justice and could result in a more favourable view. Generally, literature has shown that restorative justice reduces the likelihood of reoffending (Shapland et al. 2008). Further, it was found that restorative justice processes alter offending behaviour, meaning that following a restorative justice approach, the offender changes their behaviour (Jeong, McGarrell, & Hipple, 2012; Hayes, McGee, & Cerrutto, 2011). In addition, information about reoffending should be given, for example that reoffending to some degree always will happen and that it never can be reduced to zero in total. These findings might have an influence on how restorative justice could be perceived. In addition, mediators could be benefiting from such a training as well, by getting to know reasons for public scrutiny or current opinions towards restorative justice. This knowledge is of importance due to the importance that the public is supposed to have in criminal justice processes.

In summary, the present findings contribute to the previous evidence and raise questions for future research. There was clear support for the involvement of perceptions of leniency towards restorative justice and participants' attitude towards feminism as possible predictors for the public opinion of restorative justice and recidivism.

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6. Appendix

6.1. Appendix A - Informed Consent & Scale items

Welcome to this study and thank you for your participation. This survey is about investigating the view of people on different criminal justice processes. In this survey, you will be presented with an article and you will be asked to fill in some questions. In total it will take about 10-15 minutes to fill out the study.

Benefits and Risks of participation

There are no risks affiliated with filling out this study. This study was reviewed and approved by the Faculty of Behavioral, Management and Social Sciences Ethics Committee of the University of Twente. If you are a student of the UT, you will receive Credits for filling out the questionnaire.

Personal Information & Privacy

All data will be handled confidentially and will not be shared. Your participation is completely anonymous. The data acquired in this survey will only be used for research purposes and will be treated confidentially. The data will be archived for two years and afterward will be deleted.

Withdrawal

You can withdraw your participation in this survey at any time without any consequences.

Contact Information

If you have any questions or remarks about this survey, you can contact me, Frederike Hamacher, via f.hamacher@student.utwente.nl. This project is supervised by Jiska Jonas-van Dijk (MSc) (j.jonas-vandijk@utwente.nl) and prof. dr. Sven Zebel (s.zebel@utwente.nl). If you have a question or any other concern about the ethics of this study, you can contact the Ethics Committee of the UT (ethicscommittee-bms@utwente.nl).

Please tick the box below, if you consent to participate in this study.

I have read and understood the study information. I consent voluntarily to participate in this survey. I understand that I can withdraw at any time, without having to give a reason or receive consequences.

First of all, I would like to ask you some demographic questions.

What is your gender?

- Female
- Male
- Transgender
- Non-binary
- Others
- Prefer not to answer

What is your age in years?

- Text box

What is your nationality?

- German
- Dutch
- Other, namely, ...

What is your highest finished education?

- Below High School Diploma
- High School Diploma
- Bachelor Diploma
- Masters Diploma
- Doctoral Degree

Are you a student of the UT?

- Yes
- No

Have you ever been a victim of a crime in your life?

Do you know someone in your social network, who has ever been a victim of a crime in their lives?

Have you ever committed a crime in your life yourself?

Do you know someone in your social network who has ever committed a crime in their lives?

Feminism Scale:

We are interested in your view on men and women. Could you please indicate to what extent you agree with the following statements?

- Women have the right to compete with men in every sphere of activity.
- It is desirable that women be appointed to police forces with the same duties as men.
- A woman should not expect to go to the same places or have the same freedom of action as a man. *
- Women should not be permitted to hold political offices that hold great responsibility. *
- It is all right for women to work, but men will always be the basic breadwinners. *
- One should never trust a woman's account of another woman. *
- Obscene language sounds worse generally coming from a woman than from a man. *
- Women are basically more unpredictable than men. *
- A woman, to be truly womanly, should gracefully accept chivalrous attention from men. *
- Whether or not they realize it, most women have been exploited by men. *

Please answer, these next questions concerning your opinion towards legal authorities and the criminal justice system.

- 1.: Courts make mistakes that let people go free. *
- 2.: Police generally treat people with respect.
- 3.: Courts make fair, impartial decisions based on evidence made available to them.
- 4.: I believe that people from different race or ethnic groups who committed a crime are even likely to be found guilty in court.
- 5.: It is my duty to do what police tell me even if I don't understand it or if I don't agree with it.
- 6.: I believe that the police generally have the same sense of right and wrong as I do.
- 7.: Courts protect the interests of the rich and the powerful above those of ordinary people. *
- 8.: The police make fair, impartial decisions in the cases they deal with.

Confidence in Sentencing Scale:

Please fill in the following questions regarding your confidence in the criminal justice system.

- How much confidence do you have in the criminal courts to have regards for defendants rights
- How much confidence do you have in the criminal courts to have regards for the victims rights
- How much confidence do you have in the criminal court to deal with matters fairly
- How confident are you that penalties or punishments given to offenders are appropriate
- How confident are you that the courts are effective at giving punishments which fit the crime
- How confident are you generally in the courts and the legal system?

Initial Opinions Scale:

Moreover, please answer the questions about your opinion towards justice.

1. As a matter of fairness, an offender should be penalized.
2. To restore justice, the offender and the victim need to reaffirm consensus on our values and rules.
3. Justice is served when an offender is penalized.
4. Only a punishment restores the justice disrupted by an incident.
5. For justice to be reinstated, the affected parties need to achieve agreement about the values violated by an incident.

6. The only way to restore justice is to punish an offender.
7. Without an offender's sincere acknowledgement of having acted inappropriately, the injustice is not completely restored.
8. An offender deserves to be penalized.
9. A sense of justice requires that the offender and the victim develop a shared understanding of the harm done by an incident.
10. For the sake of justice, some degree of suffering has to be inflicted on an offender.
11. Justice is restored when an offender has learnt to endorse the values violated by the incident.
12. For a sense of justice, we all, including the offender and I, need to reaffirm our belief in shared values

Leniency scale:

Restorative justice responses to crime are more lenient towards offenders than retributive justice responses.

1. Restorative justice processes are softer sentences for people that break the law than retributive justice processes.
2. In restorative justice processes, courts are softer on the offender than in retributive justice processes.
3. The tougher the retributive sentence than the restorative sentence, the less likely an offender is to commit more crimes. *
4. Rehabilitation after restorative justice processes is not taken seriously by criminals compared to rehabilitation after retributive justice processes.
5. High crime rates are mainly an indication that restorative justice punishments are not severe enough.
6. The most effective response to criminality is to have higher retributive sentences.

6.2. Appendix B - Explanation Text Leniency Scale

With the following questions we want to examine your view on restorative and retributive justice.

Restorative Justice processes are processes that can be part of the criminal justice system, that have a focus on reconciliation between victims and offenders. The main goal of this conflict-resolution approach is to repair the harm that has been done to the victim. This is often reached by means of a voluntary, constructive dialogue between the victim and offender in presence of a trained mediator. When victim and offender can come to an agreement, this agreement is communicated to the public prosecutor or judge. This agreement is taken into account when deciding which, if any, punishment to impose. Therefore, both the victim and offender are actively involved in this process.

Retributive justice processes, on the other hand, focus on punishing the offenders via the criminal justice system in a way that is proportionate to the severity of the offense. This is often done in a court procedure, in which a public prosecutor decides which punishment should be imposed. The judge decides if the offender is guilty. Victims have no or a passive role in this process.

6.3. Appendix C - Newspaper articles

In the following, you will be presented with a short news article. Please read this article carefully.

“ You’re just a stupid, mental insane little girl, who thinks she is so smart when she is not”, “You belong in a mental hospital” and “ I didn’t care anyway ” were just a few of the statements that were shouted towards Anna M. on the evening of the 13th of September 2021. Anna M., a 20-year-old communications student was running some errands at the Willem Wilminkplein in Enschede, when Kees de J. decided to talk to her. Kees told Anna that he has seen her and felt that he needed to talk to her. The initially casual conversation suddenly turned around, when Kees offered to go to a café nearby, but Anna mentioned that she was not interested.

Kees reacted aggressively towards this. Out of anger, he pushed Anna so hard that she fell to the ground and hit her head. Kees then proceeded to threaten to hit her. Shortly after, Kees ran away. Anna felt fearful, powerless, and unsafe following the incident. After the initial shock, Anna reported the incident to the police.

There was a CCTV camera on the street and with help of bystanders, the police were able to identify the perpetrator and catch him. The criminal prosecutor on the case thought that it might be good for both Kees and Anna to get in contact with each other. Therefore, the criminal prosecutor suggested the option for victim-offender mediation.

Victim-offender mediation is a conflict-resolution process in which both, the offender and the victim meet. This meeting is mediated by a neutral third party, a mediator. The purpose of such a meeting is that the victim is actively involved in the criminal justice process. During this meeting, both parties try to resolve their conflict and attempt to achieve justice. The aim of this meeting is for both parties to reach an agreement on which steps to take in order to repair the harm that the victim has suffered due to the offender.

Both, Anna and Kees agreed to participate in victim-offender mediation. During the mediation, Anna was able to ask questions, regarding the motivation behind the crime. She asked him why he chose her and she was able to explain her feelings after the incident. Further, she was able to explain the effect this incident had had on her further life, such as that she gets anxious if a stranger talks to her or how this affects her relationships with others. Kees was able to explain his side of the story, by mentioning that he could not deal with the rejection as he felt that she played games and did not take him seriously as a man. He said he was sorry for what he did. Further, he explained that he was raised in a harsh environment in which expressions of aggression were very common.

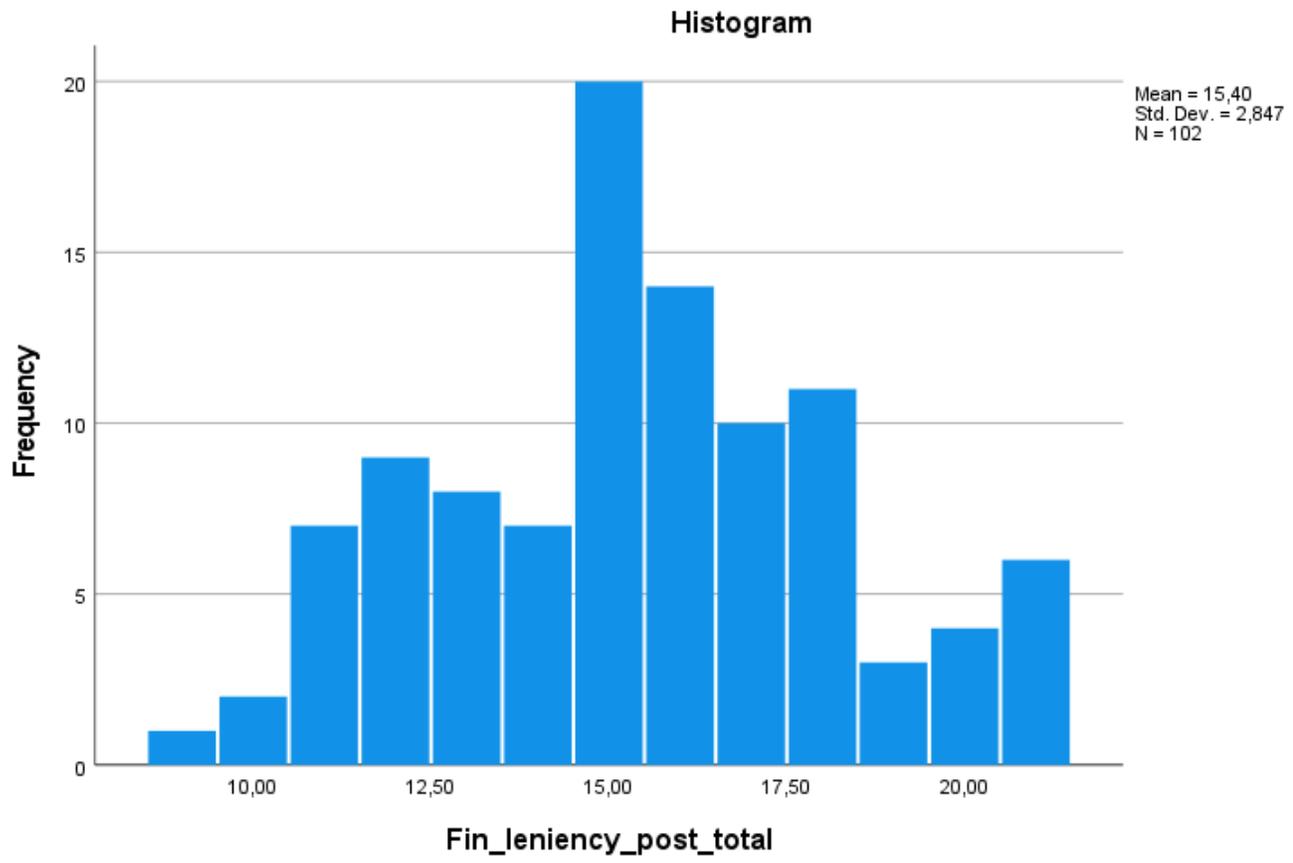
The mediation session ended with a specific plan of financial reparation actions that Kees will have to complete to compensate for the immaterial damage. In addition, they agreed that Kees would not go to the Willem Wilminkplein the coming two years. This agreement was communicated back to the public prosecutor. The public prosecutor felt that the parties resolved the case. Kees did not have to go to court and no additional punishment was imposed by the criminal prosecutor.

Four weeks after this news article was published, a new article appears:

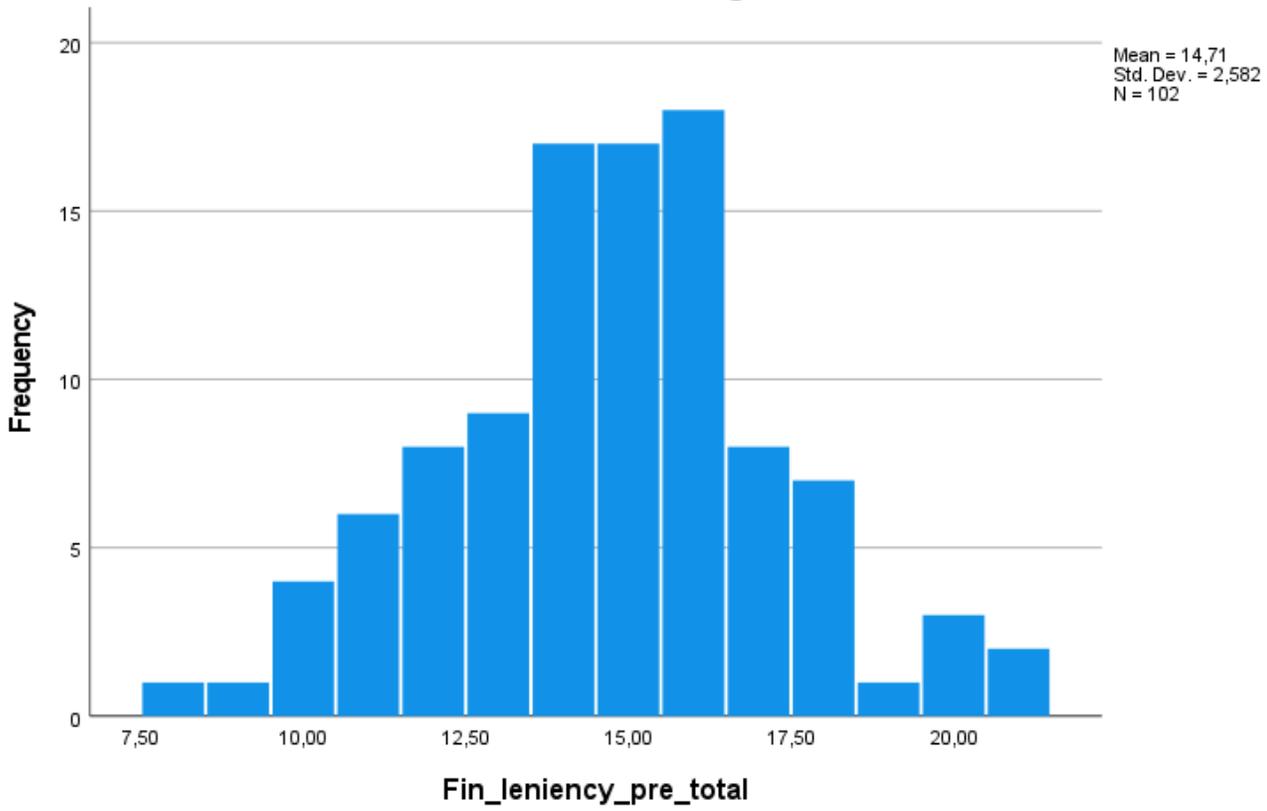
Another woman has been harassed at the Willem Wilminkplein. She was on her way home after a lunch with her colleagues when she was verbally harassed and physically threatened. The perpetrator was a man who was

convicted a few weeks ago for a similar offense. His name is Kees de J. He and the previous victim that he has threatened and harassed had undergone a victim-offender mediation. That time, Kees de J. had to pay reparations fines and had received monitoring actions. For now it is unclear if Kees de J. and his new victim receive the same option to participate in victim-offender mediation.

6.4. Appendix D - Normality assumption Histograms

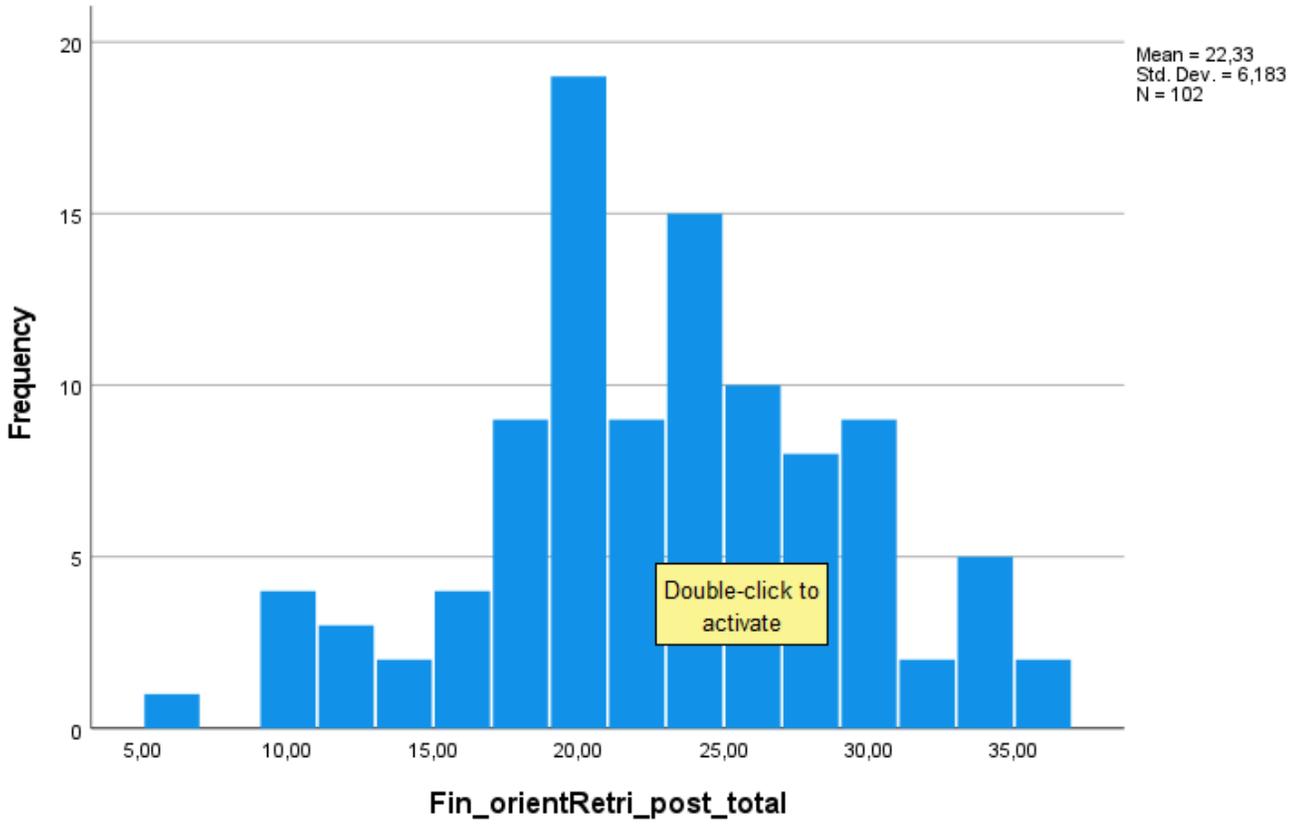


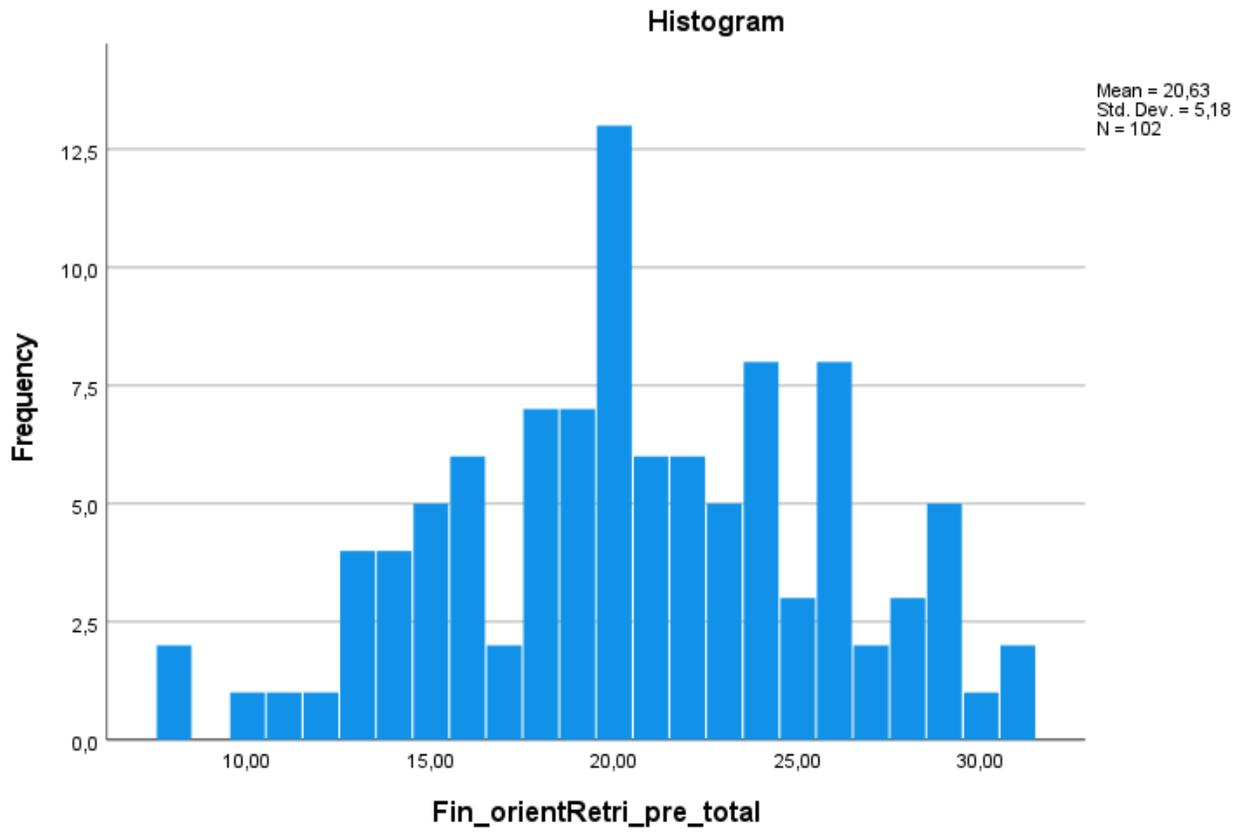
Histogram



Double-click to activate

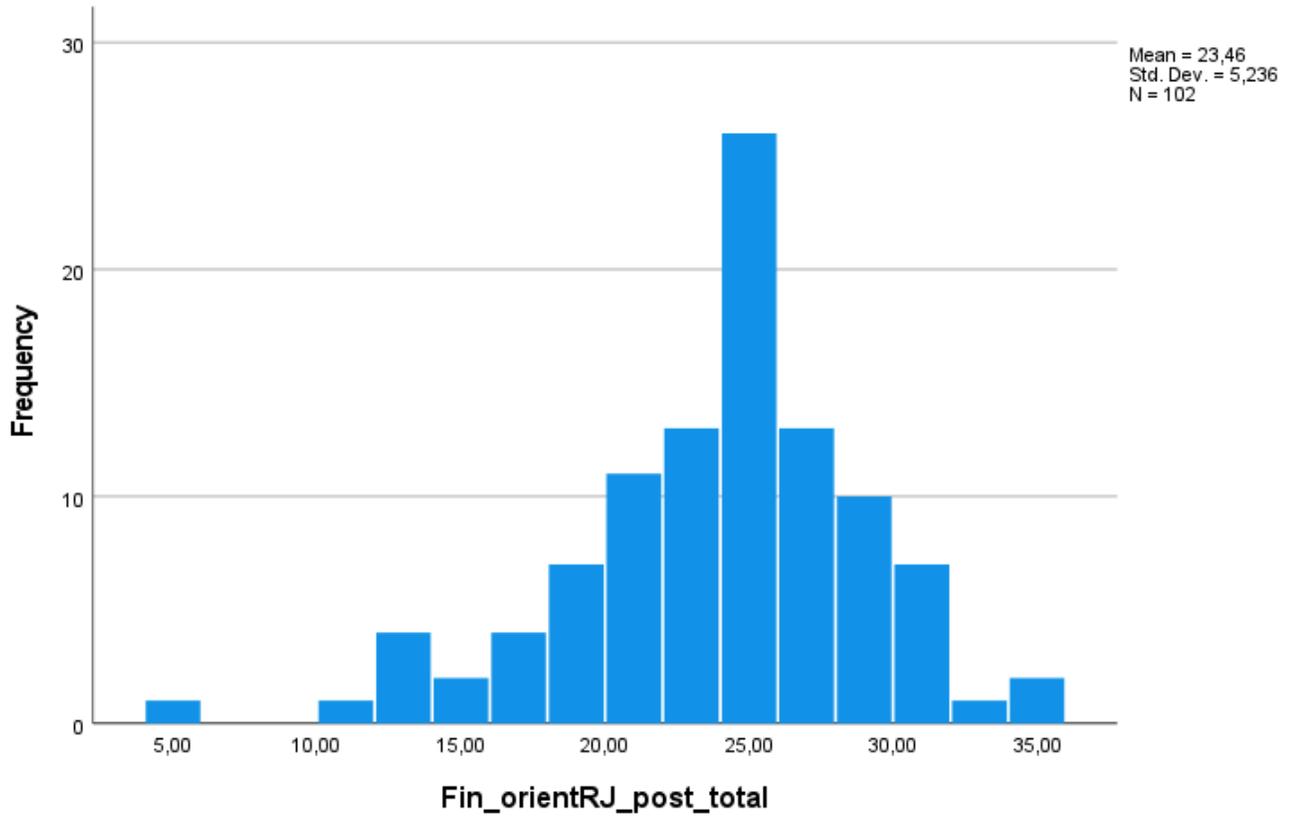
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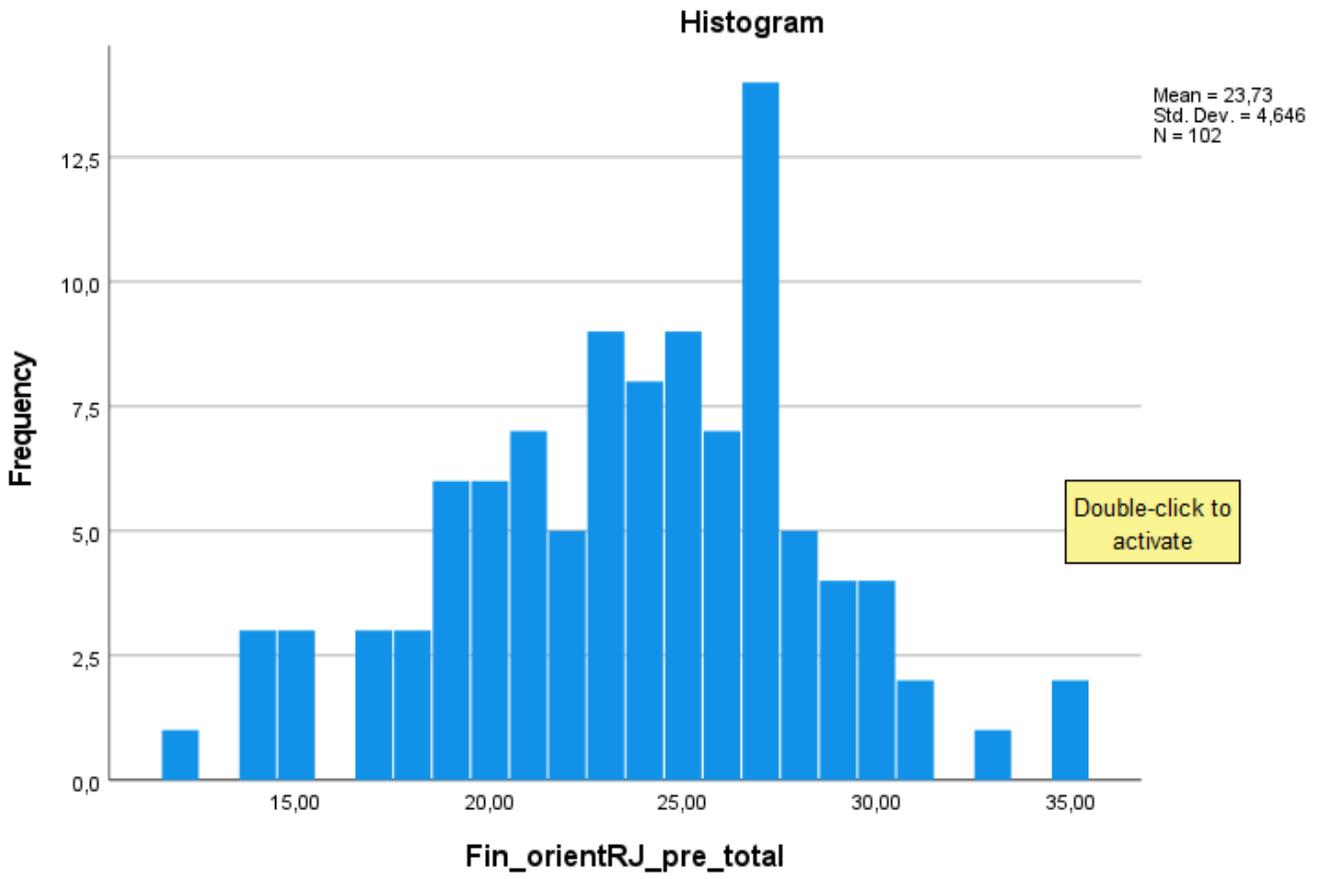


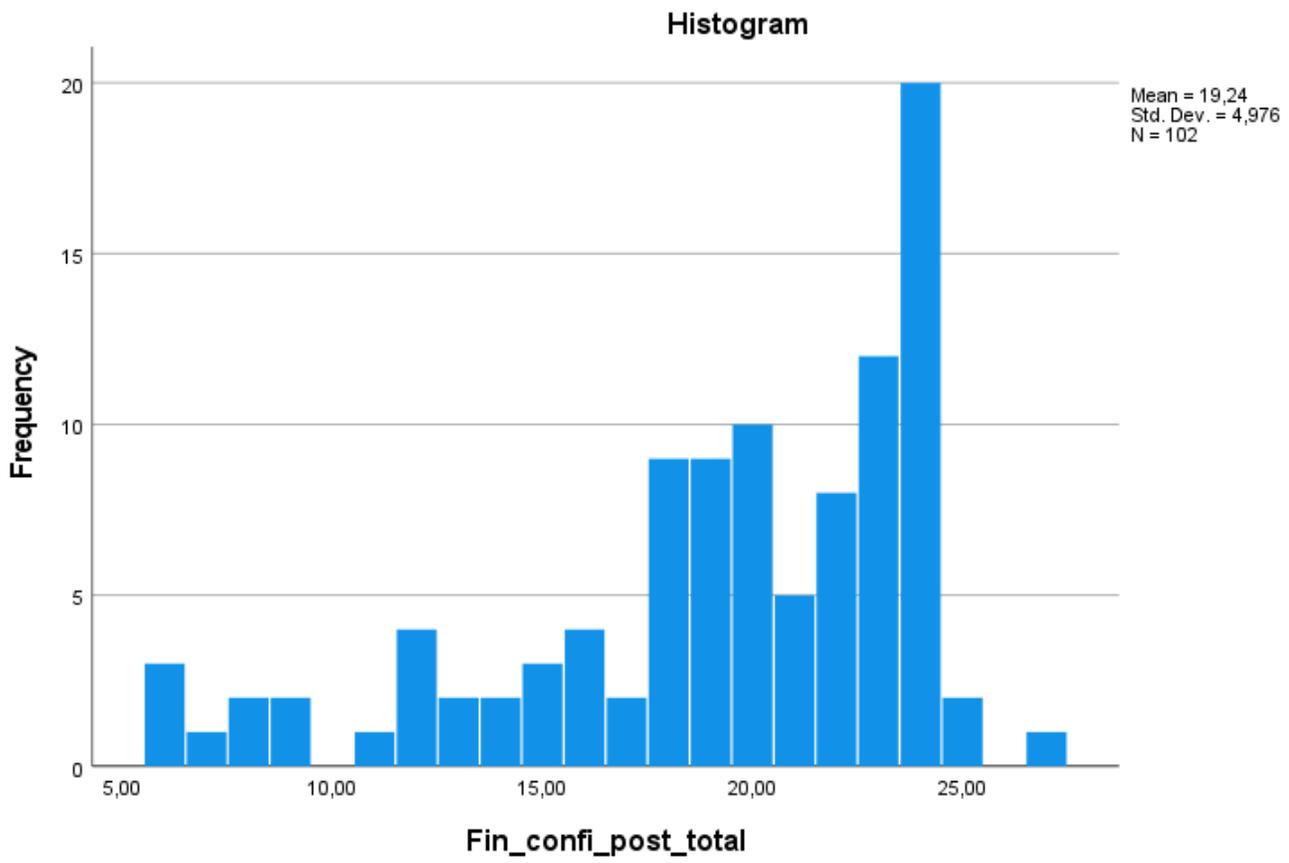


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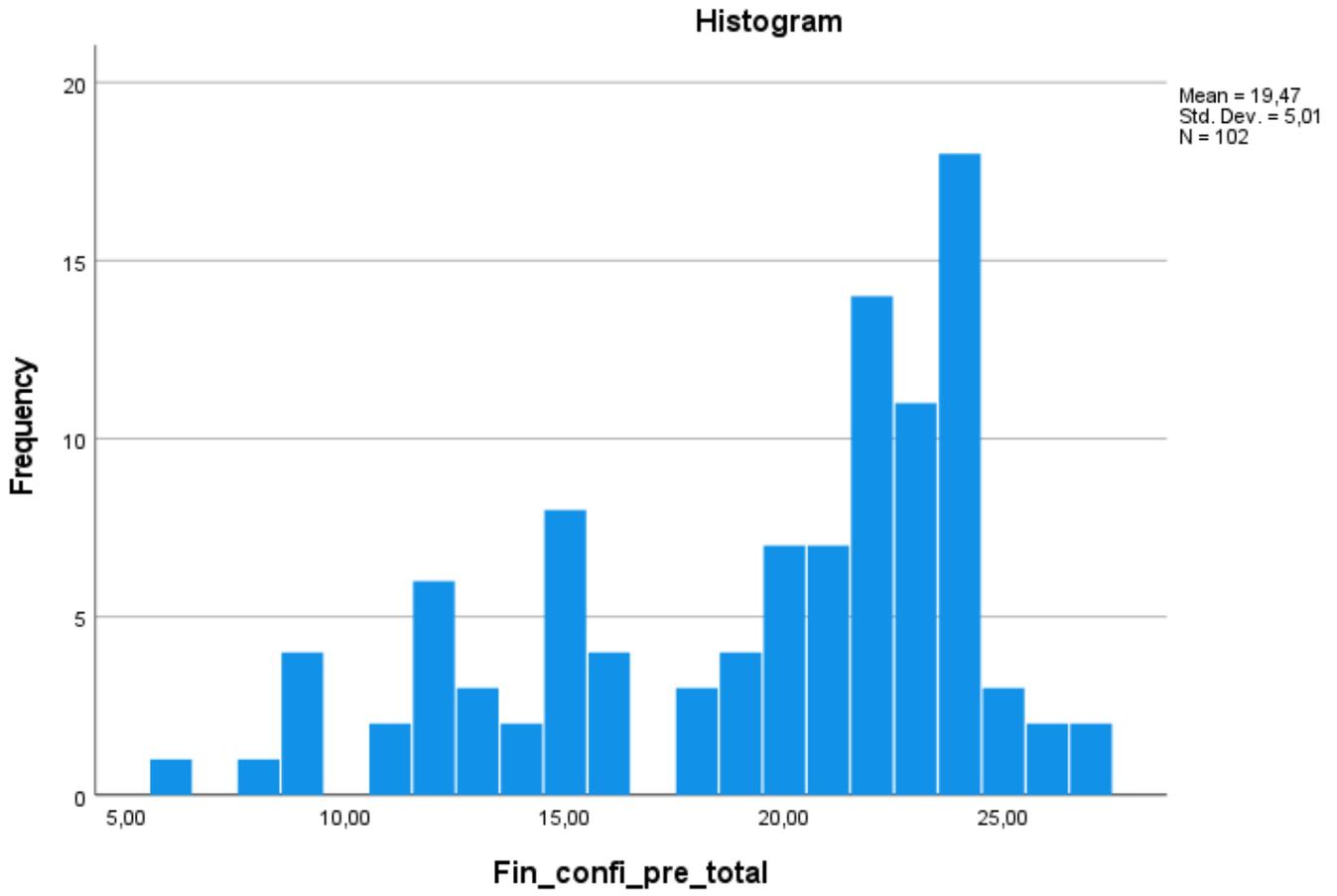
Histogram







De



Fin_trust_post_total

