Lead Article

From Parallel to Intersecting Narratives in Cases of Sexual Assault

Qualitative Health Research
22(3) 291–303

DOI: 10.1177/1090820X11430948
http://qhr.sagepub.com
SAGE

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Abstract

Restorative justice alternatives to criminal justice are designed to balance the needs of victims, offenders, families, friends, and the community at large to achieve social justice, repair of victims, and deterrence of crime. In the model we evaluated from RESTORE (Responsibility and Equity for Sexual Transgressions Offering a Restorative Experience), each offender and victim received individual services and met in guided conferencing to mutually determine reparative actions for the offender. At the exit meeting, the offender, as the responsible person, read a written apology to the survivor/victim. In this article, we analyze the expression of empathy in the apology, in which the initial mitigation of responsibility in early documents was replaced by acknowledgment of harm to the survivor/victim and acceptance of responsibility for the assault. Those accused of felony rape and those targeting a visible person in cases of misdemeanor indecent exposure expressed greater regret and remorse than offenders of indecent exposure with an indeterminate victim.

Keywords

empathy; interpretive methods; language / linguistics; lived experience; program evaluation; recovery; violence, against women; vulnerable populations

Sexual assault has received increasing attention in the past decade, particularly for those who are most vulnerable according to age, socioeconomic status, and their lack of information on legal definitions of "sexual violence" and what constitutes appropriate legal action (Bradley, Yeater, & O'Donohue, 2009; Jejeebhoy, Shah, & Thapa, 2005; O'Donohue, Yeater, & Fanetti, 2003). Public and academic attention to sex crimes has increasingly led to institutional initiatives and community programs on behalf of survivors/victims of sexual assault, especially for individuals who had, in the past, little recourse except the legal system. We conducted an evaluation of an alternative justice program in the southwestern United States through textual analysis of apology letters prepared by offenders who successfully completed the program. We present an interpretive assessment of the expression of empathy that appeared in these letters prepared for the respective survivor/victims according to language used by the offender as the responsible person. Empathy is considered basic to most all forms of apology. The process by which an offender makes a formal apology (Dignan et al., 2007; Rodogno, 2008) begins with formal censure of the act that caused harm (Braithewaite, 2002, 2006; McAlinden, 2005, 2006). In the model we describe, it included but was not limited to the reparative activities that led to the formal written apology.

In this article, we use *survivor/victim* (SV) to refer to an individual assaulted by a *responsible person* (RP). We match gender pronouns for cases of felony sexual assault, in which each RP was male and each SV was female. We mix pronouns for misdemeanor indecent exposure; some survivor/victims were male security guards staffing a video camera, the rest included three women and one man targeted in a public setting. The program plan was reviewed and approved by the Institutional Review Board at the University of Arizona, where program documents and staff were housed. Trained as a medical anthropologist with experience in narrative analysis, first author Keith Bletzer interviewed program staff before conducting a secondary analysis of the program documents. Trained as a clinical psychologist, second author Mary Koss served as the principal investigator for the duration of the program and supervised the secondary analysis.

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Empathy

Empathy is generally defined as the capacity to participate in another's feelings, ideas, or narrated experience, which generates "some degree of shared feeling" (Hollan & Throop, 2008, p. 386; see also Hollan, 2008, pp. 476-477). Interaction is considered necessary but not sufficient to assure that each party can achieve a level of understanding through engaged "emotional attunement" (Hollan, 2008). These expectations for sharing everyday empathy differ from situations in which violence has occurred (Maibom, 2009). We are interested in the development of empathy which enables the RP to express remorse and regret through the written formal apology, whereby he takes responsibility for the harm that he caused the SV. Offenders typically described the incident in intake documents with mitigating language that denied and neutralized their actions. Language evolved in later documents to "perspective taking" on their harmful behavior, and the sharing of their "empathic concern" (Jackson, 2009; Kirmayer, 2008) with the survivor/victims in the apologies.

In psychology, empathy is associated with self-esteem, shame, and guilt. All three are conceptually and mutually influential (Maibom, 2009; Marshall, Marshall, Serran, & O'Brien, 2009). Self-esteem (self-efficacy) includes capacity and willingness to change for the better, and is generally stable over time. Shame is negative self-appraisal, wherein an action is perceived to have been inappropriate. Its presence can lead to denial and lessen responsibility, which inhibits behavioral capacity to make amends, whereas a sense of guilt is usually specific to action that leads one to believe in one's potential to change (McAlinden, 2005). Guilt is other-oriented and can benefit a person by triggering concern and reparative actions, whereas shame can overwhelm and lead to self-focused efforts to relieve the intrapersonal distress (Marshall et al., 2009).

As a criminal justice construct, empathy is defined as the capacity to recognize another's emotions by nonverbal cues and verbal intonations, the ability to replicate similar feelings, and a decision to not act in ways understood to be harmful (Burke, 2001; Jackson, 2009; Varker, Devilly, Ward, & Beech, 2008). We are more concerned with the later expression of empathy, after initial contact with the SV through sexual assault. As we adapt the term for this analysis, empathy begins with perspective taking, sparked by reparative actions, wherein the RP starts to understand the viewpoint of the SV. This leads to recognition of the harm he caused her, and results in interpersonal concern that situates her suffering in relation to his actions. Sincere empathy takes time to develop (Ickes, Marangoni, & Garcia, 1996) before it can resonate with understanding another person's pain (Hollan, 2008). At the extreme, this iterative process might go beyond empathetic concern to reach a level of personal distress (Jackson).

A lapse in time might delay empathy in a therapeutic setting in cases of severe trauma (Kirmayer, 2008), or when therapeutic contact is sporadic, owing to institutional practices that take place along a temporal trajectory (Throop, 2008, 2010). Both conditions, we propose, parallel the restricted contact between the RP and the SV that is limited to guided conferencing in RESTORE (Responsibility and Equity for Sexual Transgressions Offering a Restorative Experience), the program we evaluated. Unlike everyday dialogue or therapeutic counseling, guided conferencing generates a unique situation. Activated at program onset, the goal of guided conferencing is to generate mutually determined reparation, whereby the outcome will benefit both parties through development of perspective taking by the RP and empathetic concern for the SV. Coupled to the completed reparation and therapy received by the RP, introspection of past actions is enhanced (Choi & Severson, 2009; Daly & Curtis-Fawley, 2006). The outcome is a formal apology presented to the SV and to the community at the exit meeting.

Researchers generally agree that sex offenders do not differ from nonoffenders in their capacity for empathy toward other individuals. For the responsible person in a case of sexual assault, empathy is possible with women in general, but is typically missing for the victim (Buschman, Wilcox, Spreen, Marshall, & Bogaerts, 2008; Fernandez & Marshall, 2003; Marshall & Moulden, 2001) among adult offenders (Marshall et al., 2009) and juvenile offenders (Varker & Devilly, 2007; Varker et al., 2008). This inclination to ignore one's own victim raises challenges to rehabilitation (Hanson, 2003; Marshall et al., 2009; Regehr & Glancy, 2001; Regehr & Gutheil, 2002). Despite occasional claims of poor prognosis and little effect in reducing repeat offenses (Wastell, Cairns, & Hawood, 2009; cf. Maibom, 2009), most research on sex offenders (e.g., Marshall et al., 2009) and intervention summaries (e.g., Hanson, Bourgon, Helmus, & Hodgson, 2009; Lösel & Schmucker, 2005; Marshall et al., 2005) show moderate results for reducing reoffending after carefully designed treatment.

Investigators of empathy for sex offenders generally have relied on protocols requiring an ability to read. More unusual are video vignettes and audiotaped narratives (Hanson, 2003) and polygraph testing (Simons, Wurtele, & Heil, 2002). These forms of experimental scenarios can be faulted for lacking comparability with lived experience, which is the basis for generating real-world empathy. In RESTORE, as the final phase of reparative activities, the RP was faced with the reality of writing a formal apology letter to his own victim. This letter was read at the exit meeting 12 months after both participants enrolled in the program. Before analyzing these apology

letters, we review the basic principles and practices of restorative justice (RJ) that were followed in constructing RESTORE as an RJ-grounded model.

Constructing RESTORE as Restorative Justice

Sometimes called a "bottom-up social movement" that is based on its community-driven focus (Braithewaite, 2002, p. 563), restorative justice is increasingly being considered to fulfill the service needs of women who have experienced sexual assault, and community expectations for social justice in relation to offenders and survivor/victims (Bouhours & Daly, 2007; Daly 2006b; Hopkins & Koss, 2005; Koss & Achilles, 2008). Given the increased interest in nonadversarial models as alternatives to criminal justice, private sector organizations have sponsored initiatives to work with criminal justice in the public sector, including case referral for psychological counseling, and pro bono advice on legal and nonlegal recourses, among other services. RJ programs for adult cases of sexual assault, however, are rare. Those currently or previously active are/were grounded in the principles of social justice, with mechanisms to repair harm to the SV through reparation and the formal apology by the RP. The more genuine the reparative experience, the greater the likelihood the offense will not be repeated (Curtis-Fawley & Daly, 2005; Hopkins & Koss).

RJ models for adult sexual assault are informed by principles of mutual decision making through conferencing, minimization of harm to the SV, and monitoring by volunteer experts who convene as a community board (Koss, 2009; Koss & Achilles, 2008). In RESTORE, the mutual determination of an appropriate redress plan empowered the SV by providing autonomy, which was taken from her through the sexual assault. Reparative activities emphasized repairing harm and bringing together each participant with his or her social support network to restrengthen these bonds (Petrucci, 2002), encouraged personal growth through self-reflection by the RP (Auburn, 2005) and validation of the SV (Koss), and affirmed the need to maintain a safe and supportive community (Banyard et al., 2010; Zehr & Toews, 2004).

The demonstration program whose documents we analyzed was the first of several that have adopted RJ principles and conferencing practices for sexual offenses. Programs exist for adults in both South Africa and Denmark, with a replication and extension of the present program in New Zealand and a broader program for juveniles in Australia that accepts some sexual assault referrals. The emphasis in the present program was conferencing that brought the RP and the SV together under conditions conducive to consensual decision making. Designed to occur at the beginning of the process, guided conferencing was structured as the main occasion when the SV and RP could meet face to face. SV attendance was encouraged at the conference and optional at the exit meeting. For the offender as RP, attendance was required at the guided conference and the exit meeting, quarterly meetings with the volunteer community board, and monthly meetings with program staff. RP progress was reviewed at board meetings. For all occasions on which both participants were present, care was taken to assure the safety and comfort of the SV. Family members and/or friends of the SV and/or the RP could attend the conference, and any or all could attend the quarterly board meetings. Following the respective conference, a few survivor/victims chose to attend some of these later meetings, but most did not. For rare instances when the SV chose to attend an exit meeting or a board meeting, the conferencing model was carefully orchestrated.

Adherence to RJ began with the referral, "opting in" by both participants, enrollment by consent, and the freedom to withdraw that continued to the conference and ended with the exit meeting. An impact statement from the SV was encouraged for the conference, and a written apology by the RP was mandatory at the exit meeting. Each SV received a copy of her respective RP's formal apology. If she opted to not attend the conference, a family member or prearranged volunteer served as surrogate SV. Prepared over time, often in multiple drafts, and presented by the RP to the SV, this "letter of reflection and clarification" (formal apology) was a culmination of 12 months of reflection through reparative activities, therapeutic counseling, and interactive review of progress by the board of volunteer experts. Although it was not encouraged, many responsible persons verbally apologized to the SV at the initial conference, which generally was the one and only time that they met face to face. Given the program policy of confidentiality through no note taking or audiotaping, basic conferencing data were obtained through a checklist, whereby an observer recorded whether the RP provided an apology and if the SV appeared to accept and/or forgive the RP. In RESTORE, the foundational philosophy was that verbal apology required time for transformation into a written apology over the 12 months the RP was enrolled in the program.

Conferencing

Informed by principles of reflexivity and assisted by staff and volunteers experienced in sexual assault and victim advocacy, conferencing is a means of enacting respectful support for the SV through an opportunity to participate in consensual determination of reparative activities appropriate for the RP (Cook, 2006; Daly, 2006a; Harris, Walgrave, & Braithwaite, 2004; Koss, 2009). Through the monitored performance of reparation in RESTORE,

the RP earned the right to reflect and to clarify his harmful actions by writing a formal apology and reading it at the exit meeting.

Conferences took place in a nameless, one-story brick building at the university sponsoring RESTORE. The site was located at the edge of the university, next to campus police, and was accessible to local streets outside student traffic. The conference provided a safe environment for both the SV and RP to meet under equitable circumstances, and the opportunity for local experts to offer counsel and discuss issues of sexual assault with those attending the conference. Both the program director and each conference facilitator (of whom there were eight over the course of the program) received extended training by national experts on effective RJ conferencing. Conference facilitators were compensated by a per-meeting stipend, whereas the director was an employee of RESTORE.

Program policy stipulated no contact between the SV and RP except at the sanctioned conference and at monthly meetings. "Back-stage" arrangements "cast" the conference (Dignan et al., 2007): the program director predetermined the number permitted to attend and the time of arrival, and arranged the location of preconference waiting space and participant seating. Two facilitators, the program director, and the observer/volunteers arrived before the participants. Supporters of the SV and the RP arrived separately. The SV group arrived first to avoid any real or imagined nonsupervised contact with the RP's group. When the RP group arrived, they were escorted directly to assigned seats in the conference room. The SV and her supporters were then escorted from a side room to their assigned seats in the conference room.

When all were seated, "Do Not Disturb" signs were posted on lobby and conference room doors. Everyone was on equal footing, and seated at a conference table that served as a lower-body barrier, which was deemed integral to the comfort of the SV. The absence of separate galleries, which are common in courtrooms, reduced a sense of hierarchy, such as a jury box for jurists or the bench for a trial judge. The oval-shaped table created a professional ambience for guided conferencing face to face. Although being next door to the office for campus police instilled a sense of neutral safety with accessible armed response (Dignan et al., 2007), no intervention by security was ever required. To continue the orchestration of SV comfort zones, the RP group left first. Assured of privacy and autonomy, the SV and her supporters often remained to decompress from the experience and discuss among themselves what had taken place. Staff members recalled that these informal and nonscheduled interactions were typically animated; conversations were reflective, and individual emotions were positively toned.

Parallel Narratives

From program entry to closure, the RP prepared documents that increasingly moved closer to taking responsibility. On program intake forms, most RPs made diluted allusions to their responsibility in the assault that were not revealed in their statements to the police; otherwise, the absence of accepting responsibility was noticeable. In contrast, expressions of responsibility appeared when the RPs considered the impact of their actions on the SVs, and formally apologized through the written letters at the exit meetings. The impact statements prepared by the SVs for the conferences were focused on the trauma they experienced from their respective assault. When self-identity is involved, variations in narrative life stories are expected to occur (Wortham, 2001). We call these variations in participant texts "narratives of expectancy wishes" and "narratives of emergent responsibility." She (SV) describes how she wants to be treated, and over time he (RP) begins to take responsibility for his actions. The impact statement by the SV and the apology letter from the RP parallel an ideal in two-party conversation to validate another persons' experience without damaging their self-esteem (de Waal, 2009; Yin, 2002). A schematic framework for these parallel narratives in sexual assault (adapted from Ehrlich, 2001) reveals the harm caused to the SV and the expression of remorse and regret by the RP, based on the concept of reintegrative shaming developed by Braithewaite (2002, 2006; see also McAlinden, 2005), as follows: "You caused me harm; I was hurt by you" (impact statement from the SV at the conference); "I caused you harm; my actions hurt you" (apology letter by the RP at the exit meeting).

Narratives of emergent responsibility mark an agent of action and its object. They are plausible from the RP position. In contrast, narratives of expectancy wishes by the SV focus on her trauma, and center the impact statement that is intended to guide determination of reparation. Survivor/victims mixed passive with active voice, wondering if their respective RPs were fully aware of how they wished to be treated, whereas the RPs, in their intake documents, generally relied on mitigating language to obscure and evade personal responsibility. Early documents by each, then, followed parallel trajectories. These trajectories continued their separate paths except when the SV and the RP met through the guided conference.

The intent of the program was to increase RP awareness of harm to the SV. The exit meeting was the culmination, at which trajectories of the two participants converged for the last time. Program effectiveness was assessed through textual analysis of the formal written apology, according to the development of perspective taking that was expected to result in empathetic concern toward the SV. After closure took place through the exit

meeting, participant paths separated. The SV regained strength through mutual decision making that emphasized the importance of her involvement in deciding the offender's reparation (Myers, 2010). Both participants gained from their respective personal therapy.

Methods

Cases referred from the city and county legal systems included felony sexual assault ($n = 40$) and misdemeanor indecent exposure ($n = 26$). Of 66 referrals over the 2.5 years the program was active, 20 cases were enrolled. The high rate of attrition stemmed from a personal choice among some referred cases to "opt out," as well as an inability to locate referred individuals. The SV was always given the first opportunity to choose to avoid any semblance of coercion, which might be construed if the RP had first choice. Each consented case enrolled one RP and one SV. After four responsible persons left the program through voluntary withdrawal or were "exited" by the staff and community board because of nonadherence to program policies, 32 persons (16 paired cases; 80%) remained to finish the program.

To evaluate the program's effectiveness through textual analysis, we examined written documents from/about the RP and the SV in completed cases. Primary documents were impact statements from the SVs and letters of clarification and responsibility from the RPs. A full set of these matched documents was not available. Given a program policy of prioritizing choice and not imposing on participants, some RPs preferred that the original apology letter be sent to the SV without retaining a copy in program files. In many instances SVs spoke spontaneously, without preparing a written impact statement. A few impact statements were written by a family member, such as mother or sister, or the volunteer surrogate, when an SV did not attend. A large proportion of the survivor/victims in cases of indecent exposure were male security guards; one wrote an impact statement. Other data sources included utilization summaries, police reports, intake forms, coordinators' appraisals, and the conference quality-control observational matrix.

We draw on techniques from discourse analysis to examine the expression of apology in written RP statements, and compare these with their earlier statements and/or documents from the corresponding SVs. Analytic methods were adapted from life story construction (e.g., Wortham, 2001), concept frames (e.g., Marshall et al., 2009), and conversational analysis (e.g., Agha, 2007; Norrick, 2000) to examine emerging empathy for the SV by the RP. Our analysis focused on the prepared text rather than taped interviews. Reflective text can reveal intrapersonal truths (Hobbs, 2003) for exploring expression of sentiment often obscured in conversation (Furman, 2005). Textual documents differ from speech that is extracted by reactive research measures, elicited by police interviews, taped during court deposition, or structured by courtroom tactics.

Initial RESTORE documents were focused on the incident. Participants limited comments to the events as they perceived them, which were articulated in terms of victimization (SV) and mutual blame (RP). Hence, their texts fell outside models of spoken narrative (Linde, 1993; Norrick, 2000). Preconference texts from the RPs and SVs utilized statements of actions and counter actions that led to and became sexual assaults. These included descriptions of the incident for intake, at time of enrollment, and police reports generated before referrals to the program. Although optional, the impact statements by the SVs were intended to be the main conference documents, and the mandatory RP apologies were the main exit meeting documents. Each document embodied introspective participant reflections at different points in time. As self-reflections rather than factual reports, the impact statements and apology letters varied by what each person chose to write. They contrasted with the intake descriptions and other preenrollment documents prepared by police officers and program staff as chronicles of the event that emphasized temporal behavioral sequences.

Case Materials

We present statements that link apology to harm acknowledgment and responsibility acceptance. Cases of sexual assault and indecent exposure vary in expression of remorse and regret. The sexual assault cases are strong in the expression of both empathetic concern and perspective taking, whereas the cases of indecent exposure are stronger on perspective taking than empathetic concern.

We present all of the RP apology letters and the available corresponding documents from the SVs or other persons. Each letter contains an explanation of regret by the RP for the assault and his statement of remorse for having hurt the SV. The letters were short—usually less than 30 typed lines. Statements providing the apology generally came near the ends of the letters, and often included an everyday convention (typically "I am sorry") intensified by one or more magnitude enhancers ("very sorry," "truly sorry," and "so sorry"). The harm and trauma experienced by the SVs are illustrated by impact statements available from six cases. In five cases, these statements were written by the respective SV and, in the sixth, by the SV surrogate. We first present six cases with both sets of documents, with sexual assault being discussed before indecent exposure.

The first case involved sexual assault of a female friend, where no prior sexual relationship had existed:

> I understand now the bottom line is my actions hurt you and others. We were drinking a lot and you could not consent to anything. I can't express how sorry I am for the pain that I caused you. . . . I don't expect you to forgive me but I do want you to know how sorry I am.

The corresponding impact statement was written by a community volunteer (at 55 lines, one of the longest):

> Because you violated her . . . she doubts her sense of control. . . . The reaction to sexual assault varies. . . . One thing is certain, they [victims] will carry it . . . the rest of their lives.

The next case involved a therapist who took advantage of the doctor–patient relationship:

> I am guilty of having abused you. . . . I betrayed your trust. . . . This offense has led to so much intense pain for so many people. . . . To cause this much pain to so many people has caused me much shame, guilt and regret. . . . In closing, I want to express how deeply sorry I am for my offensive, hurtful behavior toward you.

This case involved three survivor/victims, all of them friends known to each other. One was chosen as "the SV of record," and the other two became the SV support group. In her impact statement for the guided conference, the SV wrote, "I hate what your actions have done to me. I trusted you. . . . You manipulated me." Her comment was similar to that of the other two survivor/victims who came as her support group. Each of these two also emphasized a sense of betrayal: "I am feeling betrayed," and "I am angry you thought so much of yourself and so little of others. . . . I am heartbroken. . . . I am angry about what you did and how you intruded into our lives." The wife of the RP provided a comment of betrayal from a different viewpoint:

> The hurt, the pain I feel in my heart has been most difficult to bear. . . . I am so sorry you chose to do what you did. . . . We have a great deal of work to do, separately and together.

All but one of the four statements was shorter in length than the formal apology.

The next four cases presented are indecent exposure cases. Two cases involved an indeterminate target; that is, a security guard at the surveillance camera witnessed the indecent exposure by the RP. In the first, the RP wrote,

> At that time in my life I was feeling very stressed. . . . I was taking strong medication. . . . I believe that it clouded my judgment. . . . First I want to apologize to you [community board volunteers] for what I did and apologize to Mister [SV].

At the time of enrollment, the RP in this case wrote in his intake statement, "I was fortunate I didn't offend anyone other than the security guard . . . . I've felt that it was a bad choice. . . . I feel sorry and ashamed." The security guard, in his handwritten SV intake statement, wrote, "I feel disgusted. He was gross. I feel violated and worried about customers."

In the second case, the RP wrote of his indecent exposure in a parking lot:

> I am truly sorry for what I did. . . . I have two children that I deeply love. I want their lives to be safe. I need to set the example of what this looks like. . . . It's very hard to accept I committed this offense. I have to avoid cocaine. . . . Nothing but bad things will come from using it ever again.

In his short intake statement, the RP had written, "I feel ashamed for what I did and cannot believe I would put my reputation at risk." The intake statement for this case was written by a volunteer surrogate: "You are given the opportunity to turn very bad decision making into a positive life changing experience . . . . Ask yourself what price everyone around you might have to pay."

The next two cases also involved indecent exposure, but the RPs sought out victims. One incident occurred at a wilderness park, and the other inside a shoe store. In the first, the RP wrote,

> I want to apologize to [SV] and everyone else I hurt. It was not my intent to scare her or hurt her. In fact when I saw she was scared, I became scared also. . . . I am changed. . . I was in a bad place in my life at the time of the incident.

In his intake statement at the time of enrollment, the RP in this case had written, "I am very sorry if I offended her or scared her. This has been a nightmare for me. . . . I am truly sorry." In her impact statement the SV described her feelings about the incident, her experience afterwards, and her wish that the RP might benefit from counseling:

> You probably don't care about my version of the story, but I need you to hear it. . . . I'm still angry after all this time [2 years]. I am angry you found pleasure in my fear. . . . I hope that you get the counseling you need and you find healing, and I am the last person you traumatize.

In the next case, both the female store clerk and her mother attended the conference. In his apology the RP wrote,

> At the time of the incident I was addicted to drugs. . . . As much as I wish I hadn't done what I did, I accept 100% responsibility and tried to do everything in my power to make amends. I feel regret, sorrow and shame about the pain and damage I caused you and your family, to my family and everyone I hurt with my thoughtless and selfish behavior. . . . I understand saying "sorry" can only go so far. . . . Nothing you did had any effect on choices I made that day. . . . I am deeply and regretfully sorry for what I did.

In his intake statement, the RP had written, "I exposed myself because you were alone. . . . I thought that you'd get 'a kick' . . ." The SV, in her handwritten impact statement, wrote, "You took something from me that I can never get back, some sort of innocence. . . . Now I am on constant guard, even at my place of work, even at home among my loved ones, and everywhere I may go." Her mother wrote a lengthy impact statement that revealed her feelings and sense of empathy for her daughter:

> I don't want your apology. . . . You had no shame. . . . That day ruined it all. . . . [She has] nightmares and lost sleep. . . . We women feel what my daughter is going through.

In the final four cases, the SVs wrote no impact statements, whether or not they attended the guided conference. No impact statements were written by the surrogates who attended when the SV was absent. The first two cases involved sexual assault between college students. The first was the longest among the apology letters (96 lines), and the second was among the five shortest, where each comprised less than 15 lines. These first two RPs used repetitive apology conventions to express regret and show remorse:

> Through all the pain I had to endure . . . I hurt [SV]. . . . My intentions that night at my apartment were not premeditated. . . . I realize now that none of that matters. What I did was hurt someone whom I cared for, trusted, even loved. . . . From the bottom of my heart, I never wanted to hurt you, but I did and for that I am so very sorry.

> No matter how many times I say the words, "I'm sorry," nothing will change the hurt I inflicted on you. . . . My rash and imprudent decision to sexually assault you has caused consequences I never dreamed of and changed our lives forever. My actions have caused you and your family to undergo pain and suffering. I am truly sorry for the unnecessary pain I caused you, your family and your friends.

The final two were cases of indecent exposure. The first took place between two men in moving traffic, and the second occurred in a library setting, where the RP targeted a woman who was studying for an exam:

> I was experiencing a great deal of pressure with low self-esteem. . . . This resulted in a lack of caring for myself, my family and you. I am deeply sorry for the fear, inconvenience and uncertainty this incident caused you. Though I can't take back what I did, I can move forward in hope of rebuilding trust from my family, community and you.

> I found out the woman who called the police about me was studying. . . . I'm very sorry that I negatively affected years of hard work on her part with my selfish and thoughtless act.

In sum, empathetic concern and perspective taking were most evident in the four cases of sexual assault and, to a lesser extent, in two cases of indecent exposure. In all six cases, the respective RP wrote to the person who was targeted by his actions (SV). In each case, the SV was a woman. In the three remaining cases of indecent exposure, in which the SVs were male security guards, and a fourth in which the RP exposed himself to another man in moving traffic, the RPs gave contrived reasons for transgression, usually related to taking drugs or medication, or "stress." Each offered no more than a diluted statement of regret, typically without an expression of remorse. The SVs, in contrast, emphasized the aftermath of sexual assault trauma by describing the fear, anxiety, and depression that each had experienced.

In the cases presented, the type of sexual assault was associated with the intensity of remorse. The RPs in rape cases sometimes repeated statements two to four times to express remorse by acknowledging actions that caused the SVs harm, compared to one to two statements for indecent exposure cases with a targeted victim, and none when the victim was a male security guard neither known nor visible to the RP. Apology letters for rape cases resonated with a deepened sense of regret through the magnification of formal apology beyond everyday conventions. Responsible persons in cases of indecent exposure, in contrast, personalized reasons for being "sorry" that they committed the act, such as embarrassment to family or personal stress, without linking the consequences of actions to a real person. Seven RPs offered a statement of remorse and regret early in their letter, whereas three RPs who wrote longer letters (34, 40, and 96 lines) included extended comments before providing a statement of apology near the end of the letter. Although most of the letters were relatively short (half were less than 20 typed lines), the type of offense more than willingness or desire to

write a long letter appeared to have a greater bearing on the style in which empathy was expressed, and how much it was emphasized through language that demonstrated extreme remorse and regret.

Results

Toward Intersecting Narratives

Apology letters and impact statements complemented the expected individualization that was expected to take place in cognitive behavioral therapy (Wortham, 2001, pp. 136-156). Overall, the apology letters contained minimal language depicting mutual actions or a perceived social-sexual hierarchy, and each RP considered real vs. potential outcomes of sexual assault. Conferencing was designed to initiate this process of self-reflection by the RP. The few available impact statements highlighted the personalized postassault trauma of the SVs, with an intensified focus on distress and worry; fear and mistrust of men; distortion in self-image; and difficulty in appearing in public settings and/or going outside their home. Although the letters of subsequent apology were broader, they varied little in how the RPs chose to accept their responsibility. Through this document of closure, most of the RPs sought not to explain or rationalize their behavior—although a few repeated excuses—but rather to articulate remorse and regret for the sexual assault.

Presentation style in the preenrollment police reports and preconference intake forms was matter of fact in describing actions and counter actions ascribed to the "other" person. Each party interpreted the events differently. The use of active voice by the RPs in these documents generally served to allocate blame to the SVs.

In one sexual assault case, for example, the SV used active voice six times for herself (e.g., "I drank," "I woke up") and four times for the RP (e.g., "he moved me," "he continued to have sex"), whereas the RP used active voice five times for himself (e.g., "I touched") and six times for the SV (e.g., "she engaged"). Although this RP wrote more clauses in the active voice, the SV was not always the object (e.g., "I was carrying a cooler," "I stopped for a candy bar," "I find a place . . . "), which dispersed the direction of his actions away from her. One of two "we" clauses was written in active voice by the SV: "We went [to event]," followed by, "I drank." This parallels the corresponding descriptions by the RP ("I attended," "I drank") before a second "we" clause ("We then moved to the bed"). Moving to the bed brought two parties together, creating an asymmetrical situation in which the RP took advantage of the SV; whereas for her, the night started in symmetry, for which she could report "we went" as a couple to an event.

Similar to other apologies, the letter to the SV discussed in the preceding paragraph contained a sense of remorse and regret through the use of emergent responsibility phrases with action verbs that referred to the behavior that caused harm: "No matter how many times I say the words 'I'm sorry' nothing will change the hurt that I inflicted on you. . . . My actions have caused you and your family to undergo pain and suffering." The letter also directed her to act in a particular direction, constructed by the RP: "Please do not allow my mistake to stop you from achieving your dream." The use of "we" clauses was absent from the apology letter. No impact statement was available. Across all of the formal apologies, "we" clauses appeared in only two written letters.

As another example, in one of two indecent exposure cases in which the RP sought out a victim, intake statements reconstructing the incident differed between the RP and the SV:

> RP: I was hiking up the canyon and saw a young lady. She saw me and started hiking in the direction I was going.

> SV: You encountered us [she and her dog] fairly early in our hike. . . . You continued to stay in the area where I was hiking. . . . I tried to create a distance between us and you continued to pursue us.

Reversal in active voice for his actions (he was hiking before he was seeing) and hers (first she was seeing, then she was leaving) was followed by passive voice to indicate that his direction was the same as hers: "She was on one side of the canyon, I was on the other." Each party included paired action clauses in their statements, enhanced by mixing active and passive voice. His words suggested her interest in his presence. She mentioned nothing reflective of flirtation: "You lingered. I started to get uncomfortable as it really hit home that you and I were the only ones in the area." Finally, the SV continued to combine active and passive voice to tell why she reported the incident: "What motivates me. . . . If someone had done this [reported you], maybe I wouldn't have had this experience."

In short, apology letters prepared at the end of the reparation process showed awareness of the harm that the RPs caused the SVs. In the apologies, the RPs used idioms of responsibility, which reinforced benefits from having participated in mutually determined reparation. Acknowledgment of harm was often linked directly to an expression of remorse and regret, which contrasts with preenrollment documents in which the all-too-common stance was responsibility denial and/or victim blaming (Coates & Wade, 2004; Muchoki, 2011). Comparing the

conference impact statements that initiated the process and the formal apologies from the exit meetings, these parallel statements began to intersect with apologies by the RPs. Once a formal apology letter intersected with the incident, the RP moved from rather than showed intent to return to the relationship that was created inappropriately by the incident.

Reparative Reflection Through Text

Responsible persons successfully completing the program differed in temperament and life goals. Attitudinal changes each experienced through the program became evident in the apology letters, compared to earlier documents. Acceptance of responsibility ranged from nonexistent to vague in police reports and intake protocols, whereas it surfaced once the RPs had the opportunity to reflect on the harm caused by their actions.

Temporal junctures in apology letters created a new time frame and signaled that the writers wished to narrate something significant. Sad-experience narratives, in contrast, were sparse in junctures that moved the listener from one time to another (Nelson & Horowitz, 2001). Survivor/victims, in impact statements, clustered descriptions of internal symptoms within an undisclosed present, or left indeterminate the time span of difficulty they experienced, whereas each RP made fluid use of time shifts in seeking to create a convincing apology. Most of the temporal junctures in the texts focused on a specified time (e.g., "second semester of your freshman year"), separated past from present (e.g., "opportunity for a new beginning"; "changed our lives forever"), and described a potential future for each person (e.g., "my second chance in life"; "rest of your life"). Related to the use of temporal junctures, several RPs took the view that the program was a finite process with the potential for closure, which they inferred was possible for both parties. Those who extended this potential for healing to the SVs were generally cases referred for felony rape rather than misdemeanor indecent exposure. The former involved physical contact rather than sensory intrusion with no contact.

When drawing to a close in his apology letter, each respective RP except one included a kind word about RESTORE and commented on participatory benefits. Thankfulness reinforces an attitude of pro-social action (McCullough, Kilpatrick, Emmons, & Larson, 2001). Because most of the RPs could not afford private counseling, the therapy they received often occurred in group settings that included persons who had previously served time in prison. Most likely, each RP recognized how fortunate he was to have avoided incarceration by participating in RESTORE. These texts, prepared at junctures where the RP initiated (conference) and later completed (exit meeting) the program, reveal the effectiveness of mutually chosen reparative activities, conjoined to other program requirements. Although we missed the unspoken period of psychotherapy, during which disclosures were kept confidential regarding the SV's or the RP's actions, we should expect to find evidence of the introspection process to be revealed in the apology letters. As proposed, formal apology requires several months of preparation, and it must benefit the SV by the elimination of harm, reinforced by the language in the apology, and scheduled for formal presentation within a venue of safety.

Individualization of the Apology

Each RP varied in how he constructed the opening sentence of the apology. Several referred to the reparative process they experienced. Some noted the time period for reparation (generally 12 months); some noted the purpose of the apology letter; and a few referred to difficulties they felt they surmounted during completion of the redress plan. Despite the need for language that repairs the harm by removing all traces of memory of the assault, RPs might slip and make comments that return the SVs to that trauma. Referring to the time period since the assault as one of suffering for the RP, for example, is a form of victim mimicry. Without including reference to suffering experienced by the SV, however, the RP is seeking attention. Writing incautiously of the pain he inflicted can "reabuse" (retraumatize), and wishing healing for the SV similar to that which he experienced asks the SV to move toward a particular outcome. Overusing "I" statements can inflate self-importance of the RP by describing life struggles, intrapsychic growth, and pleasure rather than any reparative humility that was gained by voluntarily helping others.

Occasionally RPs emulated the lived trauma experienced by the SVs. Although the expression of empathy can become overpowering, most of the RPs avoided excess. As the creator of the longest letter (four pages), however, one of the RPs took an unusual path in constructing a scenario that was less about the SV than about his own suffering. On his intake form, he constructed the assault with noun replacements: "fact we slept together," "turned into sex," and "how it happened." In his apology letter he used nouns ("incident" and "event") to identify the event. Objectified repetition marks narrative transition (Norrick, 2000).

His apology detailed losses: "I was scared," and "I was homeless." At times, he mirrored what we might expect from someone who had experienced personal vulnerability from assault. He positioned his suffering as equal to that of a victim (Agha, 2007): loss total in its devastation, "crashing down on top of my family, closest friends, and

me like a tsunami. . . . All I held dear vanished." He described a preincident world that he thoroughly enjoyed ("three years on campus had brought me many great memories. . . . It was the perfect world"), acknowledged postassault demoralization ("I became very depressed . . . I couldn't work; I couldn't sleep, eat, go out, or go to school . . ."), and finally, carefully appraised his transformation through participation in the program:

> Going into my apartment that night I was scared, lonely, and hidden behind a string of lies. . . . After that night, all I had, and all I held dear, vanished. People . . . stopped talking to me. My roommates turned on me. In the blink of an eye I was homeless.

Repetition of "night," a metaphor for depression, reinforces entering and exiting ("going into the night" and "after that night"). Repetition intensifies what a narrator wants to emphasize. In this case, it was benefits he never anticipated but experienced through the program. His like-a-victim approach resembles cross-gender syntactic overlap (Mulac & Lundell, 1994). He demonstrated in his writing a capacity for empathy outside the theorized reaction of hegemonic masculinity used by males to meet most challenges with a show of power (Messerschmidt, 2000). Inner destruction through metaphor—"crashing down," and simile—"like a tsunami," was followed by tension that was unlikely for a true victim of assault, when he wrote that his "perfect world" was impermanent: "it was all a lie." Participation in RESTORE offered him a venue for personal renewal. He willingly took the opportunity and accepted responsibility for an assault that affected another person. No SV used celebratory language, and none called the preassault world "a lie." Instead, statements made by the SVs at enrollment, and those generated later through the impact statements, described the effects of assault in the language of trauma and unsettled self-distress (Wortham, 2001), and in unexpected changes to their personal lifestyle (Hall, 2011).

In sum, each offender who completed the 1-year program accepted responsibility in a manner noticeably different from initial statements they prepared before enrollment, and in some instances in verbal disclosures during enrollment. Preenrollment statements provided to police typically reflected doubt of agency in the assault, denial of harm caused to the SV, and absence of feeling a need to amend or right the wrong. Each RP who accepted the program invitation began with references to responsibility that were diluted at the time of intake, before creating a centralized letter of apology—demonstrating a significant shift in attitude. Most notable were expressions of empathy toward the SV and an acknowledgment of harm he caused to the SV. A few also apologized to family members for embarrassment, and to the community.

Discussion

Despite the novelty of instances in which the survivor/victim of assault and the corresponding responsible person "tell" stories of personal repercussions from the same incident, at different points in time, what is critical in these texts is what they reveal about the process of restorative justice. Because participation was voluntary for the offender and the respective SV, the motive to participate resembles that of someone traumatized who accepts an opportunity to have his or her story heard (De Haene, Grietens, & Verschueren, 2010). Participation in restorative justice has a to-be-determined outcome, set in motion according to the conference, where the redress plan is mutually decided. That 80% of the consented and enrolled cases completed the program speaks to participant fortitude as much as the perceived benefits they received.

The most common dimension in apology letters was a reference to the assault. Unlike previous research on empathy in situations of sexual assault (e.g., Hanson, 2003; Hanson et al., 2009; Hanson & Morton-Bourgon, 2009; Marshall et al., 2009) wherein empathy toward women was present, and feelings of remorse were mild for victims of violence in general but absent for respondent victims, apology letters prepared for RESTORE had a known destination and an intended purpose: to be "heard" by the SV. This encouraged each RP to construct his statement with candor and integrity. Offenders with a direct SV more often expressed clear empathetic concern by acknowledgment of actions that caused harm, whereas those who lacked a specifically targeted SV referred to remorse at having acted through a poor choice of behavior rather than regret for the harm caused to another person.

Each SV stayed in contact with program personnel, even after the RP had completed the exit meeting; none withdrew during the program. Although few attended quarterly community board meetings or the final meeting of closure, each received a copy of the apology letter. By taking the action of nonattendance at the postconference meetings, survivor/victims validated their need for private closure, following key-point decision making that initiated dual-track healing (Myers, 2010) at the guided conference. Absence of the SVs from exit conferences had a bigger impact on the RPs, we believe, than if the SVs were present as listeners to the apologies. Silence can be "a strong way to speak" for those who are marginalized and suffer trauma (De Haene et al., 2010, p. 1671). The SVs were not "used," as can occur in some modalities of criminal justice for rehabilitation of sex offenders. As Katherine Daly (2006b) wrote, based on work related

to juvenile sexual assault, "Victims . . . may never wish to speak with or see an offender again" (p. 357). The SVs in RESTORE participated in mutual determination of reparation before enacting their expectancy wishes that the program would compel the RPs to grow outside the "relationships" inappropriately created through sexual assault.

Limitations of this analysis include a small sample size, owing to difficulties in locating referred persons; disinterest; preference for criminal or civil justice by candidates who opted out after referral; and an occasional formal dismissal or voluntary withdrawal by consented and enrolled participants. Coupled with the small sample was the unavailability of a few documents, owing to SVs availing themselves of the option to not prepare a document, rare requests on the part of RPs to not have a document become part of a program record, and complications owing to shifting institutional sponsors. An analytic strength was review of documents as a series of incident reports that disclosed parallel viewpoints from an offender and corresponding survivor/victim, which later intersected by having the RP apologize for the impact of his actions on the SV.

Providing each person with individualized services best suited to their needs becomes complicated, given constraints on what can be done legally and politically, vs. what should be done therapeutically for clients who lack financial resources or the fortitude to proceed forward. Although establishing safeguards to clients in carefully designed programs has brought us a long way from the past, at the same time, future paths will require restructuring to avoid limitations on investigators who seek to evaluate a program and assess both the short-term and far-reaching outcomes for the SV and the RP. We provide this analysis as a call for comparative designs to assess intended program effectiveness for both the RP and the SV when restorative justice is adapted for cases of sexual assault.

Consistent with feminist views on meeting both the service and health needs of women traumatized by sexual assault, the program we assessed empowered SVs through orchestrated conferencing and mutual decision making on reparation by the RPs, and reintegrated participants by providing individually meaningful benefits through separate paths. The program emphasized harm reduction and RP acceptance of responsibility rather than offender penalization. Taking a position of advocacy for trauma victims that places them in a process of "agency and power" (Hall, 2011, p. 5), we caution that gendered power remains among core determinants of sexual assault. Pro-accountability models with guided conferencing as an alternative to criminal justice can avoid the institutionalized structures of adversarial justice that typically favor men at the same time that they traumatize women, especially in cases of rape (Koss, Bachar, Hopkins, & Carlson, 2004). Restorative justice is an alternative model that emphasizes the needs of offenders and the needs of corresponding survivor/victims (Zehr & Toews, 2004) for most forms of sexual offense. Its principles provide the foundation for effective program practices.

Despite established practices of utilizing a quantitative process for program evaluation, textual analysis offers another means to evaluate the successes and weaknesses of sexual assault programs such as RESTORE. For example, the strongest evidence of change that took place in the program that we evaluated occurred for the most severe offenses of felony sexual assault referred by the local judicial systems. Textual analysis can allow researchers to unobtrusively reach into documents usually considered inconsequential to identify and highlight the primary features of successful participation in alternative sexual assault programs.

Acknowledgment

We thank the community organizations that collaborated to make this program a reality. We thank the program staff who monitored adherence to principles and practices of restorative justice and offered their ideas to improve the program, and all of the participants who persevered in their endeavors.

Declaration of Conflicting Interests

The authors declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The authors disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: A grant was received from the National Injury Prevention Center, Centers for Disease Control and Prevention (R49/CCR921709-03, "Prevention Program for Perpetrators").

References

Agha, A. (2007). *Language and social relations*. Cambridge, MA: Cambridge University Press.

Auburn, T. (2005). Narrative reflexivity as a repair device for discounting "cognitive distortions" in sex offender treatment. *Discourse and Society*, *16*(5), 697-718. doi:10.1177/0957926505054942

Banyard, V. L., Moynihan, M. M., Walsh, W. A., Cohn, E. S., & Ward, S. (2010). Friends of survivors: The community impact of unwanted sexual experiences. *Journal of Interpersonal Violence*, *25*(2), 242-256. doi:10.1177/0886260509334407

Bouhours, B., & Daly, K. (2007). Youth offenders in court: An analysis of judicial sentencing remarks. *Punishment and Society*, *9*(4), 371-394. doi:10.1177/14624745407080473

Bradley, A. R., Yeater, E. A., & O'Donohue, W. (2009). An evaluation of a mixed-gender sexual assault prevention program. *Journal of Primary Prevention*, *30*(6), 697-715. doi:10.1007/s10935-009-0198-4

Braithewaite, J. (2002). Setting standards for restorative justice. *British Journal of Criminology*, *42*(3), 563-577. doi:10.1093/bjc/42.3.563

Braithewaite, J. (2006). Narrative and "compulsory compassion." *Law and Social Inquiry*, *31*(2), 425-446. doi:10.1111/j.1747-4469.2006.00016.x

Burke, D. M. (2001). Empathy in sexually offending and non-offending adolescent males. *Journal of Interpersonal Violence*, *16*(3), 222-333. doi:10.1177/088626001016003003

Buschman, J., Wilcox, D., Spreen, M., Marshall, B., & Bogaerts, S. (2008). Victim ranking among sex offenders. *Journal of Sexual Aggression*, *14*(1), 45-52. doi:10.1080/13552600701791271

Choi, J. J., & Severson, M. (2009). "What! What kind of apology is this?": The nature of apology in victim offender mediation. *Children and Youth Services Review*, *31*(7), 813-820. doi:10.1016/j.childyouth.2009.03.003

Coates, L., & Wade, A. (2004). Telling it like it isn't: Obscuring perpetrator responsibility for violent crime. *Discourse and Society*, *15*(5), 499-526. doi:10.1177/0957926504045031

Cook, K. (2006). Doing difference and accountability in restorative conferences. *Theoretical Criminology*, *10*(1), 107-124. doi:10.1177/1362480606059988

Curtis-Fawley, S., & Daly, K. (2005). Gendered violence and restorative justice: The views of victim advocates. *Violence against Women*, *11*(5), 603-638. doi:10.1177/1077801205274488

Daly, K. (2006a). Limits of restorative justice. In D. Sullivan & L. Tift (Eds.), *Handbook of restorative justice: A global perspective* (pp. 135-145). New York: Routledge.

Daly, K. (2006b). Restorative justice and sexual assault: An archival study of court and conference cases. *British Journal of Criminology*, *46*(3), 334-356. doi:10.1093/bjc/azi071

Daly, K., & Curtis-Fawley, S. (2006). Restorative justice for victims of sexual assault. In K. Heimer & C. Kruttschmitt (Eds.), *Gender and crime: Patterns of victimization and offending* (pp. 230-265). New York: New York University Press.

De Haene, L., Grietens, H., & Verschueren, K. (2010). Holding harm: Narrative methods in mental health research on refugee trauma. *Qualitative Health Research*, *20*, 1664-1676. doi:10.1177/1049732310376521

de Waal, F. (2009). *The age of empathy: Nature's lessons for a kinder society*. New York: Harmony Books.

Dignan, J., Atkinson, A., Atkinson, H., Howes, M., Johnstone, J., Robinson, G., & Sorsby, A. (2007). Staging restorative justice encounters against a criminal justice backdrop: A dramaturgical analysis. *Criminology and Criminal Justice*, *7*(1), 5-32. doi:10.1177/1748895807072474

Ehrlich, S. (2001). *Representing rape: Language and sexual consent*. London: Routledge.

Fernandez, Y. M., & Marshall, W. L. (2003). Victim empathy, social self-esteem, and psychopathy in rapists. *Sexual Abuse*, *15*(1), 11-26. doi:10.1177/107906320301500102

Furman, R. (2005). Using poetry and written exercises to teach empathy. *Journal of Poetry Therapy*, *18*(2), 103-110. doi:10.1080/088936705001140549

Hall, J. M. (2011). Narrative methods in a study of trauma recovery. *Qualitative Health Research*, *21*, 3-13. doi:10.1177/1049732310377181

Hanson, R. K. (2003). Empathy deficits of sexual offenders: A conceptual model. *Journal of Sexual Aggression*, *9*(1), 13-23. doi:10.1080/1355260031000137031

Hanson, R. K., Bourgon, G., Helmus, L., & Hodgson, S. (2009). The principles of effective correctional treatment also apply to sexual offenders: A meta-analysis. *Criminal Justice and Behavior*, *36*(9), 865-891. doi:10.1177/0093854809338545

Hanson, R. K., & Morton-Bourgon, K. E. (2009). The accuracy of recidivism risk assessments for sexual offenders: A meta-analysis of 118 prediction studies. *Psychological Assessment*, *21*(1), 1-21. doi:10.1037/a0014421

Harris, N., Walgrave, L., & Braithwaite, J. (2004). Emotional dynamics in restorative justice conferences. *Theoretical Criminology*, *8*(2), 191-210. doi:10.1177/1362480604042243

Hobbs, P. (2003). "You must say it for him": Reformulating a witness' testimony on cross-examination at trial. *Text: Interdisciplinary Journal for the Study of Discourse*, *23*(4), 477-511. doi:10.0165-4888/03/0023-0477

Hollan, D. (2008). Being there: On the imaginative aspects of understanding others and being understood. *Ethos*, *16*(4), 475-489. doi:10.1111/j.1548-1352.2008.00028.x

Hollan, D., & Throop, C. J. (2008). Whatever happened to empathy?: An introduction. *Ethos*, *16*(4), 385-401. doi:10.1111/j.1548-1352.2008.00023.x

Hopkins, C. Q., & Koss, M. P. (2005). Incorporating feminist theory and insights into a restorative justice response to sex offenses. *Violence against Women*, *11*(5), 693-723. doi:10.1177/1077801205274570

Ickes, W., Marangoni, C., & Garcia, S. (1996). Studying empathetic accuracy in a clinically relevant context. In W. Ickes (Ed.), *Empathetic accuracy* (pp. 282-310). New York: Guilford Press.

Jackson, A. L. (2009). The impact of restorative justice on the development of guilt, shame, and empathy among participants in a victim impact training program. *Victims and Offenders*, *4*(1), 1-24. doi:10.1080/15564880801938185

Jejeebhoy, S. J., Shah, I., & Thapa, S. (Eds.). (2005). *Sex without consent: Young people in developing countries*. London: Zed Books.

Kirmayer, L. J. (2008). Empathy and alterity in cultural psychiatry. *Ethos*, *16*(4), 457-474. doi:10.1111/j.1548-1352.2008.00027

Koss, M. P. (2009). Feminism, restorative justice, and crimes against women. In J. Ptacek (Ed.), *Restorative justice and crimes against women* (pp. 218-238). New York: Oxford University Press.

Koss, M. P., & Achilles, M. (2008, February). Restorative justice responses to sexual assault. Harrisburg, PA: VAWnet, Applied Research Forum, National Online Resource Center on Violence Against Women. Retrieved from http://www.vawnet.org/advanced-search/summary.php?doc_id=1231&find_type=web_desc_AR

Koss, M. P., Bachar, K. J., Hopkins, C. Q., & Carlson, C. (2004). Expanding a community's justice response to sex crimes through advocacy, prosecutorial, and public health collaboration: Introducing the RESTORE Program. *Journal of Interpersonal Violence*, *19*(12), 1435-1463. doi:10.1177/0886260504269697

Linde, C. (1993). *Life stories: The creation of coherence*. New York: Oxford University Press.

Lösel, F., & Schmucker, M. (2005). The effectiveness of treatment for sexual offenders: A comprehensive meta-analysis. *Journal of Experimental Criminology*, *1*(1), 117-146. doi:10.1007/s11292-004-6466-7

Maibom, H. L. (2009). Feeling for others: Empathy, sympathy, and morality. *Inquiry*, *52*(5), 483-499. doi:10.1080/00201740903302626

Marshall, W. L, Marshall, L. E., Serran, G. A., & O'Brien, M. D. (2009). Self-esteem, shame, cognitive distortions and empathy in sexual offenders: Their integration and treatment implications. *Psychology, Crime and Law*, *15*(2-3), 217-234. doi:10.1080/10683160802190947

Marshall, W. L., & Moulden, H. (2001). Hostility toward women and victim empathy in rapists. *Sexual Abuse*, *13*(4), 249-255. doi:10.1023/A:1017518414946

Marshall, W. L., Ward, T., Mann, R. E., Moulden, H., Fernandez, Y. M., Serran, G., & Marshall, L. E. (2005). Working positively with sex offenders: Maximizing the effectiveness of treatment. *Journal of Interpersonal Violence*, *20*(9), 1096-1114. doi:10.1177/0886260505278514

McAlinden, A.-M. (2005). The use of "shame" with sexual offenders. *British Journal of Criminology*, *45*(3), 373-394. doi:10.1093/bjc/azh095

McAlinden, A.-M. (2006). Managing risk: From regulation to the reintegration of sexual offenders. *Criminology and Criminal Justice*, *6*(2), 197-218. doi:10.1177/1748895806062981

McCullough, M. E., Kilpatrick, S. D., Emmons, R. A., & Larson, D. B. (2001). Is gratitude a moral affect? *Psychological Bulletin*, *127*(2), 249-266. doi:10.1037/0033-2909.127.2.249

Messerschmidt, J. W. (2000). *Nine lives: Adolescent masculinities, the body, and violence*. Boulder, CO: Westview Press.

Muchoki, S. (2011). Vocabulary used by sexual offenders: Meaning and implications. *Culture, Health and Sexuality*, *13*(1), 101-113. doi:10.1080/13691052010503971

Mulac, A., & Lundell, T. L. (1994). Effects of gender-linked language differences in adults' written discourse: Multivariate tests of language effects. *Language and Communication*, *14*(3), 299-309. doi:10.1016/0271-5309(94)90007-8

Myers, W. B. (2010). The placebo as performance: Speaking across the domains of healing. *Qualitative Health Research*, *20*, 1295-1303. doi:10.1177/1049732310370966

Nelson, K. L., & Horowitz, L. M. (2001). Narrative structure in recounted sad memories. *Discourse Processes*, *31*(3), 307-324. doi:10.1207/S15326950dp31-3_5

Norrick, N. R. (2000). *Conversational narrative: Storytelling in everyday talk*. Philadelphia: John Benjamin.

O'Donohue, W., Yeater, E. A., & Fanetti, M. (2003). Rape prevention with college males: The roles of rape myth acceptance, victim empathy, and outcome expectancies. *Journal of Interpersonal Violence*, *18*(5), 513-531. doi:10.1177/0886260503251070

Petrucci, C. J. (2002). Apology in the criminal justice setting: Evidence for including apology as an additional component in the legal system. *Behavioral Sciences and the Law*, *20*(4), 337-362. doi:10.1002/bsl.495

Regehr, C., & Glancy, G. (2001). Empathy and its influence on sexual misconduct. *Trauma, Violence and Abuse*, *2*(2), 142-154. doi:10.1177/1524838001002002003

Regehr, C., & Gutheil, T. (2002). Apology, justice, and trauma recovery. *Journal of the American Academy of Psychiatry and the Law*, *30*(3), 425-430. Retrieved from http://www.jaapl.org/cgi/reprint/30/3/425.pdf

Rodogno, R. (2008). Shame and guilt in restorative justice. *Psychology, Public Policy, and Law*, *14*(2), 142-176. doi:10.1037/a0013474

Simons, D., Wurtele, S. K., & Heil, P. (2002). Childhood victimization and lack of empathy as predictors of sexual offending against women and children. *Journal of Interpersonal Violence*, *17*(12), 1291-1307. doi:10.1177/088626002237857

Throop, C. J. (2008). On the problem of empathy: The case of Yap, Federated States of Micronesia. *Ethos*, *36*(4), 402-426. doi:10.1111/j.1548-1352.2008.00024.x

Throop, C. J. (2010). Latitudes of loss: On the vicissitudes of empathy. *American Ethnologist*, *37*(4), 771-782. doi:10.1111/j.1548-1425.2010.01284.x

Varker, T., & Devilly, G. J. (2007). Types of empathy and adolescent sexual offenders. *Journal of Sexual Aggression*, *13*(2), 139-149. doi:10.1080/13552600701661573

Varker, T., Devilly, G. J., Ward, T., & Beech, A. R. (2008). Empathy and adolescent sexual offenders: A review of the literature. *Aggression and Violent Behavior*, *13*(4), 251-260. doi:10.1016/j.avb.2008.03.06

Wastell, C. A., Cairns, D., & Haywood, H. (2009). Empathy training, sexual offenders, and re-offending. *Journal of Sexual Aggression*, *15*(2), 149-159. doi:10.1080/13552600902792599

Wortham, S. (2001). *Narratives in action: A strategy for research and analysis*. New York: Teachers College Press.

Yin, J., (2002). Telling the truth? A cultural comparison of "facilitating discussion" in American talk. *Discourse Processes*, *33*(3), 235-256. doi:10.1207/S15326950D3303_3

Zehr, H., & Toews, B. (Eds.). (2004). *Critical issues in restorative justice*. Monsey, NY: Criminal Justice Press.

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