

**Victims in Justice: The Effect of
Personal Attributions on Public Perceptions of
Restoration, Reparation and Victim Participation**

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(Bachelor of Criminology in Criminology and Psychology)

This thesis is presented in partial fulfilment of the requirements for the degree of

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I declare that this thesis is my own account of my research and contains as its main content work, which has not previously been submitted for a degree at any tertiary education institution.

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Abstract

Research into public attitudes has continued to convey a crisis of confidence in the traditional retributive-style model of justice, with its effectiveness in dealing with the stakeholders of a crime continually being questioned. Victims are often described as the forgotten party of the criminal justice system; they are considered simply witnesses to an offence committed against the State. It is, therefore, not surprising that researchers have been inspired to search for alternatives to the traditional system. One alternative that has received considerable attention is restorative justice. The current study examined the level of public support for the principles of restorative justice, including the increased participation of victims in the justice system. Further, the study used punitiveness and belief in a just world to assess if personal attributions affect levels of support for restorative justice. The study paints a picture of a far less retributive public than is often portrayed, with respondents indicating high levels of support for strategies that promote reparation and restitution. The slightly punitive sample, whom held relatively high beliefs in a just world, embraced a more restorative orientation towards criminal justice, alluding to a shift in public attitudes. The study argues that greater victim involvement in the justice process is favoured by the public, as are empirically-based models of restorative justice.

In the early development of today's criminal justice system, correction for offenders was predominantly informed by the models of retribution and utilitarianism (Zehr, Mika & Umbreit, 1997). The utilitarian model adopted a forward-looking approach, and believed that punishment for crime should be centred on what was best for society as a whole (Weiner, Graham & Reyna, 1997). The goal was to prevent crime from occurring again, and thus promote public safety, primarily through the deterrent effect of criminal statutes. Utilitarianism was appealing, in part, due to the idea that the punishment for a crime needed to be greater than the possible reward for the offence (Alschuler, 2003). The argument was made that if this level of punishment were met, individuals on a general level would be deterred from committing the crime.

Under the retributive scheme, delinquents were punished on the basis of proportionality through methods such as capital punishment or incarceration (Carlsmith, 2006). Retributivism was regarded as an attractive model of punishment, as its primary assumptions included people as moral agents responsible for their own actions, and a demand for social practices of punishment that acknowledged that agency (Anderson, 1997). During the 1950s and 1960s, an emphasis on human rights saw the decline of retributive types of correction, with claims the theory was barbaric and nothing more than a rationalisation for revenge (Llewellyn & Howse, 1999). As a result, much of the western world and the field of criminology, in particular, advocated for the development of a more rehabilitative scheme (Huang, Braithwaite, Tsutomi, Hosoi & Braithwaite, 2012). This paradigm shift was not without criticism, however, coming under fire from the 'nothing works' school in the mid-1970's, based on the misinterpretation of a literature review by Martinson (1974) and his colleagues (Lipton, Martinson & Wilks, 1975). Research moved from the empirically based

model of rehabilitation to a retributive ‘just deserts’ philosophy, which concerned the injustice of incarcerating people as a form of ‘rehabilitation.’ This school promoted a system that punished offenders in proportion to their crime, while idealising the philosophy ‘wrongdoing deserves punishment’ (Alschuler, 2003).

Numerous academics have argued that the western world is currently experiencing a crisis of confidence in all areas of the criminal justice system (Roberts, 2004; Roberts & Hough, 2005). These low levels of public confidence have led to calls to change the way the system deals with issues of crime and justice, with the public expecting greater respect, support and recognition from the government and the demolition of the unchanging culture of the system itself (Sherman, 2002). In the United States, Sherman (2002) found that more than 80 percent of survey respondents were in favour of “totally revamping the way the (criminal justice) system works” when asked if they were happy with the present system of criminal justice. At a time when the effectiveness of the criminal justice system is being questioned, it is not surprising that alternative approaches began to develop. During the late twentieth century, the concept of restorative justice (RJ) as a new approach to criminal justice arose in response to the punitive actions of the just deserts movement, and the failing utilitarian approach that believed in the power of incarceration to incapacitate and deter offenders (Luna, 2003; Gabbay, 2005). Furthermore, scholars believe that RJ developed out of concerns about the high rates of offender recidivism, victim’s rights, and increasing correctional costs (Gromet & Darley, 2006; Tyler, Sherman, Strang, Barnes & Woods, 2007). Its advocates saw RJ as a favourable alternative to the failing criminal justice system due to its encouragement of victim-offender dialogue, restitution, and reparation (Levrant, Cullen, Fulton & Wozniak, 1999). Rather than defining criminal justice in terms of guilt and retributive punishment, RJ saw the focus

shift to the identification and reparation of the harms caused by crime, offender accountability and responsibility, and the empowerment of victims and communities through engagement in the justice process (Daly, 2002). Since then, RJ has emerged as a truly global phenomenon (Sullivan & Tifft, 2007); restorative programs and policies have been created in most industrialised and many developing nations (Braithwaite, 1999).

Gaining momentum in the 1990s, RJ began to appear in criminal justice systems internationally, with Australia and New Zealand soon becoming leaders in its use as a response to juvenile offending (Daly & Hayes, 2001). The modern variations of RJ developed out of New Zealand, with the passing of the *Children, Young Persons and Their Families Act 1989*; this formalised the process of family group conferencing, during which the stakeholders of a juvenile offence (the young offender, the victim, and their respective families) were encouraged to exchange discourse regarding the offence and any reparation needed (Maxwell & Morris, 2001). As initial reports regarding family group conferencing were favourable, in 1991, a similar pilot program was introduced in Wagga Wagga, New South Wales (Daly & Hayes, 2001). In the decades since, restorative initiatives have been incorporated into all stages of existing criminal justice processes, from policing to prisons and community-based corrective services (Strang, 2001). Most Australian States and Territories had included some form of RJ program for Indigenous offenders by 2010, with its application extending to areas as diverse as conflict resolution in workplaces and schools (Larsen, 2014). Restorative justice, however, has predominately been used as a measure for juvenile justice, often not breaking through to adult offending (Shapland et al., 2006).

Restorative Justice – An Alternative Paradigm?

In regards to the criminal justice system, RJ is often noted as an ‘umbrella concept’ that encompasses a wide variety of programs and practices, with no universally acclaimed definition (Shapland et al., 2006). The concept of RJ as an ‘alternative’ or ‘opposition’ to the current retributive-style criminal justice system has become a ‘permanent fixture’ in the field (Daly, 2000). While this view is advocated by many RJ supporters, recent literature has suggested that the divide may not be so clear-cut and the dichotomy may over-simplify the issues. The retributive-restorative disparity builds upon the rehabilitative-retributive contrast that preceded it (Bazemore and Umbreit, 1995). While definitions of RJ as an approach to criminal justice differ, it aims to shift the focus of the justice process from purely punitive and punishment-driven to restorative and reparative (or healing) in nature (Braithwaite & Strang, 2001). This shift is accomplished by emphasising the participation of each of the three stakeholders of a crime - the victim (or secondary victims), the offender, and the community that allowed the offence to occur - while minimising the role of the State as a key player (Zehr & Mika, 2003; Van Ness & Strong, 2013).

Restoration or reparation? Integral to understanding RJ, the concepts of restoration and reparation are recent additions to criminal justice, with Daly and Proietti-Scifioni (2011) noting some overlap in their use. Simply put, restoration refers to the underlying goal of RJ to “put right the harm” caused by crime and anti-social behaviour (Bazemore & Schiff, 2004). Restoration addresses emotional and material losses, damaged relationships, safety and the self-respect of victims and each of the stakeholders (Hoyle, 2012). Reparation is often viewed as a subsidiary action,

used to assist the victim in moving towards a pre-offence state, by repairing the damage or harm caused by the offence (Daly & Proietti-Scifoni, 2011). Reparative actions can include payments of compensation or restitution, the punishment of those responsible for the damage, an apology, imposing steps to prevent the event from occurring again, or “any other forms of satisfaction” (Brownlie, 2003, p. 442). Reparation can take many forms but typically can be described as either material or symbolic, although the two forms often overlap. Material reparation describes something concrete to repair the damage of a specific harm or to provide compensation for the losses associated with harm, and often covers the primary costs of an offence or the most direct harm caused (Johnstone & Van Ness, 2007). While material reparation is central to enabling a victim to deal with an offence, symbolic reparation can be just as important. Strang (2004) notes that the majority of victims want some form of symbolic reparation before any kind of material restitution. An apology or a sincere expression of remorse are the primary forms of symbolic reparation, followed by acceptance of responsibility by the offender, and donation of time to help the victim (Shapland, et al., 2006).

Defining restorative justice. As already stated, RJ as an approach to crime is essentially a very different concept from that of the current retributive-style system. Expressed in a wide variety of programs and processes, RJ aims to repair the harm that has been caused, not only to the victim, but also to the community and even to the offender themselves (Daly, 2002). Under RJ, crime is not defined in terms of the State or the law, but in terms of the harm caused to people by an offence through a violation of people and interpersonal relationships (Zehr & Mika, 2003). It has been described as a ‘holistic’ approach, as it allows for the direct involvement of those people affected by a crime (Braithwaite, 2002). As mentioned above, RJ is hard to define due

to its incorporation of a variety of practices at different stages of the criminal justice process. As a practice, it encompasses processes to divert offenders from court prosecution, actions used simultaneously with the court, and interactions between the three stakeholders at all stages of the criminal justice process (arrest, pre-sentence, post-sentence and prison release; Larsen, 2014). While playing a role in the criminal matters in both juvenile and adult systems, RJ is also used in a range of civil proceedings, including child protection and disputes in family welfare. For the majority of legal contexts, however, RJ processes are only used when the offender has pleaded guilty or admitted to committing an offence (Daly & Hayes, 2001).

One of the most universally accepted definitions of the concept of RJ comes from Marshall, who highlighted its inclusive nature. He defined RJ as “a process whereby the 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, 1996, p. 37). Stemming from this definition is the democratic ideal of RJ: its fundamental nature is that the parties involved in the offence decide what should happen to repair the damage that has been caused. A simple way to understand the idea of RJ, however, is to compare it with the traditional ‘courtroom’ forms of justice (Daly & Hayes, 2001). Typically, the current form of criminal justice views a crime as a violation against the State defined by the breaking of a law and the obligatory establishment of guilt (Umbreit, 1989). Unlike the criminal justice system, RJ highlights the role of the victim, emphasises the participation of all stakeholders, gives laypersons and legal actors decision making powers, and it permits and encourages discourse between all the parties involved (Zehr & Mika, 2003). RJ stresses the importance of reconciliation between the stakeholders and encourages the

offender to take accountability, accept responsibility, and express remorse, often in the form of a written or verbal apology (Zehr, Mika & Umbreit, 1997).

Victim-offender mediation. As previously stated, RJ practices are designed to facilitate an interaction between the victim and offender to create a dialogue that permits articulation of liabilities and obligations, as well as allowing decisions to be made in regards to sentencing and reparation (Umbreit, Coates & Vos, 2000). Models of RJ can be divided into three categories: conferences, sentencing circles, and victim-offender mediation (Latimer, Dowden & Muise, 2005). While distinct in their practices, the fundamental principles employed in each model remain similar. These programs can be implemented at any stage in the criminal justice process, not simply as a diversionary technique during sentencing (Latimer, Dowden & Muise, 2005). Victim-offender mediation is the most common form of RJ, with its use becoming more popular in most Australian states.

Currently in Western Australia, victim-offender mediation is made available to an offender after guilt has been established, but before sentencing. A referral for mediation can be given by the presiding magistrate and is followed by an interview with a trained mediator to assess the offender's eligibility for mediation (Department of Corrective Services, 2010). Once the offender agrees to participate, the victim is contacted and asked if they would like to take part in a mediation session, either face-to-face or through a "shuttle" process whereby the mediator goes back and forth between the two parties. During a face-to-face mediation session, victims are given the opportunity to ask questions of the offender and express concern about the impact of the offence, and the offender can offer an explanation for their crime. A mediation session is considered successful if an agreement is reached between the two parties. This agreement is usually based on the offender attempting to make amends for their

actions and could include an apology, return of property, monetary or symbolic reparation, or payment of the victim's out-of-pocket expenses (Department of Corrective Services, 2010). An account of the mediation session is recorded by the mediator and is included in a written report given to the presiding magistrate for consideration at sentencing.

Aside from negotiating mutually acceptable forms of reparation, the goals of mediation tend to centre around communication between the victim and offender (Umbreit, 1993). Mediation aims to provide a structured environment in which both victims and offenders can communicate relatively freely and ask questions of one another, in the hope of achieving a better understanding of the offence that has been committed and the harm caused (Umbreit, Coates & Vos, 2004). Additionally, mediation often provides both parties with a common account of the offence, and its antecedents that may have led to its occurrence (Umbreit, 1993). Through mediation, victims of an offence are given the opportunity to directly take part in the resolution of their grievance, leading to feelings of empowerment (Zehr & Mika, 2003). A sense of victim empowerment may also be achieved through the confrontation of their offender. Being able to express negative affect and 'demand' offender accountability can often lead to closure and aid in reducing the harm caused by the offence (Shenk, 2001).

A tool for reducing recidivism? High rates of reoffending remain an undesirable effect of the punitive-style criminal justice system (Monterosso, 2007). In spite of the already high levels of incarceration, crime rates continue to remain high, with policy makers and the public alike calling for more prisons (Cullen, Fisher & Applegate, 2000). The research suggests, however, that prisons themselves are a leading factor in the increased rates of recidivism (Cullen, Jonson & Nagin, 2011).

The prison environment can have a criminogenic effect conducive to increasing crime, with studies showing that its harsh environment increases the likelihood of post-release criminal activity (Drago, Galbiati & Vertova, 2011). Post-modern punishment schemes are focused on the protection of the public rather than on offender treatment, made increasingly popular by the mass media, and add fuel to the community's expectation of harsher and more extreme approaches to crime (Monterosso, 2007). As Umbreit (1998) suggests, if harsher punishments and increased incarceration rates were an effective response to ever-increasing recidivism rates, countries like the United States should be inherently safer places to live.

As such, it is not surprising that much of the research regarding RJ principles has focused on the claim that it is an effective tool for reducing recidivism. Latimer, Dowden and Muise (2005) conducted a meta-analysis of 22 studies that were published over the preceding 25 years. The authors studied 32 tests examining the effectiveness of RJ in reducing recidivism, with the majority of tests (72 percent) showing a positive outcome for RJ, with an effect size of 0.07. Therefore, on average, the group of offenders who had participated in RJ had a seven percent reduction in the rate of recidivism than those in the comparison group. The authors, however, did not match the participants in the treatment and comparison groups on factors that are known to be relevant to offending (e.g. criminal history or age), which raises doubts about the legitimacy of their claims. Sherman and Strang (2007) directed a similar study, reviewing studies published between 1986 and 2005. Unlike Latimer, et al., (2005), in an effort to legitimise their findings, the authors attempted to match participants in the treatment and comparison groups on factors that may have led to reoffending. The study showed that RJ practices work differently on different groups of people. For example, a small sample of Indigenous Australians underwent face-to-

face restorative practices and it appeared to have caused higher rates of reoffending in comparison to a criminal justice control group (Sherman & Strang, 2007).

Furthermore, the study showed that RJ was more successful in reducing (or not increasing) repeat violent offending than the traditional court system, contrary to conventional findings.

Support for the ability of RJ to effectively reduce recidivism has been found throughout the western world. In an effort to advance child and adult safety and strengthen family bonds, Pennell and Burford (2000) attempted to examine the effectiveness of restorative practices in reducing ‘mother/wife violence’ and child maltreatment in the Canadian province of Newfoundland and Labrador. The study constructed the ‘Child Protection Events Checklist’ to compare rates of violence and maltreatment before and after families participated in RJ. The authors noted that the instances of mother/wife violence and the number of child protection ‘events’ decreased after participation in RJ compared to rates in the comparison group which actually increased. In the UK, Miers et al. (2001) examined currently operating restorative conferencing programs. The authors compared 153 offenders who were participating in restorative practices to 79 offenders who were referred to the RJ program but declined to participate. After controlling for prior risk of offending for the group of offenders participating in RJ, the study showed that rates of recidivism were reduced, compared to that of the comparison group. As acknowledged by the authors themselves, however, those offenders who refused to participate in the restorative programs may have been at a higher risk of recidivism due to neutralisations or other reasons, than those who voluntarily took part (Miers et al., 2001).

Victim Participation. Advocates for RJ consistently suggest that victims benefit more from restorative practices, such as face-to-face mediation and conferences, than the traditional criminal justice system. RJ posits that crime is fundamentally a violation of people and therefore places the victim at the forefront of its processes, with the aim of righting any wrongs created by an offence (Zehr & Mika, 2003). The needs of the victim for information, validation, safety, restitution, reparation and support are the starting points in the RJ process. Victim recovery through healing, redress and vindication is pertinent, and is often achieved through encouraging amends with the offender in the form of reparation and habilitation (Latimer, Dowden & Muise, 2005). Thought to be beneficial to the victims' mental wellbeing, the process of justice includes opportunities for an exchange of information and dialogue between the victim and the offender. This, in turn, increases the prospect of an apology, an explanation of the crime, and even forgiveness, which can aid the victim in achieving closure whilst also increasing the likelihood of a 'just outcome' (Choi & Severson, 2009).

Victim satisfaction. The benefits for victims, and offenders alike, are often related to issues regarding procedural justice. Victims are more likely to be satisfied with the outcomes of their legal disputes when they feel that the process has been fair and that the procedure has allowed them to be 'heard' (Gromet & Darley, 2006). Following proceedings in the criminal justice system, victim satisfaction tends to decrease rapidly, but seems to remain high months after participation in RJ programs (Latimer, Dowden & Muise, 2005). Sherman and Strang (2007) suggest that when victims meet with their offenders voluntarily, they are able to obtain short-term mental health benefits through the reduction of post-traumatic stress symptoms (PTSS). By reducing mental health strain, victims may also reduce their long-term risk of coronary

heart disease (seen in military veterans with PTSS), which in turn, reduces health care costs. Maxwell, Kingi, Robertson, Morris and Cunningham (2004) evaluated victims in New Zealand immediately after they had participated in a RJ conference. The study showed that most of the victims surveyed appeared 'fairly satisfied' when asked about features of the RJ conference. Eighty-seven percent of the conference victims were satisfied with the amount of information they were provided with prior to the start of the conference, while 90 percent reported feeling that they were treated with respect, and 71 percent indicated that their needs had been met by the conference process.

In 2009 and 2010, the New Zealand Ministry of Justice commissioned a telephone survey of 418 victims who had participated in restorative conferences. Of the total number invited, 154 victims agreed to take part. Similar to the findings of Maxwell and colleagues, 82 percent of victims reported being 'fairly' or 'very' satisfied with their participation in the restorative conferences. Eighty percent of victims surveyed said that would recommend RJ to other people in a similar situation. The researchers noted that four factors appeared to be the most related to overall levels of victim satisfaction: an observation of fairness and equality; the observation that the victim's questions and concerns were taken seriously; the completion of an 'outcome plan'; and follow-up contact made by the facilitator to the victim (Ministry of Justice New Zealand, 2011).

It is difficult to draw a legitimate conclusion that victims in RJ have higher levels of satisfaction than those who are dealt with in court as there are very few studies that have made a comparison between the two systems. The small number of studies that have done so, however, provide a promising outlook for restorative practices. Most recently, Gal and Moyal (2011) evaluated the satisfaction levels of 232 victims who were taking part in the RJ program 'Reintegrative Shaming

Experiments' (RISE) in Canberra, with 166 being allocated to each condition: RJ or court. Victims in the restorative condition reported significantly higher levels of satisfaction than those victims in the court condition. Interestingly, the authors noted that the differences between the levels of satisfaction were more pronounced for adult victims than for juvenile victims. The research showed that those victims who had juvenile offenders and were allocated to the RJ condition had lower levels of satisfaction than those who were allocated to the court condition. These results were somewhat similar to those found across the country by Beven, Hall, Froyland, Steels and Goulding (2005). The researchers interviewed 166 offenders and victims who had participated either in a restorative community group conferencing program or in the conventional court system in Perth, Western Australia. Thirty-six offenders and their victims who willingly participated in the RJ program were compared with 47 offenders and their victims whose cases were dealt with in the traditional court system. The results show that victims had higher levels of satisfaction with their level of participation during the restorative process compared to those in the court system. Victims also reported having a significantly better understanding of the offenders' feelings and having significantly more positive feelings towards the offenders in the restorative condition. Additionally, the authors found victims in the community conferencing program had significantly greater levels of satisfaction with the amount of input they had during the process, compared to those who were being dealt with in the court.

In Pennsylvania, McCold (2003) randomly assigned 148 cases either into a victim-mediation program or to a court process in an attempt to examine victim satisfaction. Due to a number of victims and offenders declining to participate in mediation, half the cases involving property offences and two-thirds of violent

offences had to be dealt with in a court, leaving the researcher to create a third condition, aptly labelled the 'declines'. Victims in the restorative condition were found to have higher levels of satisfaction (96 percent) with the process, compared to 79 percent of victims in the court conditions and 73 percent in the decline group. Victims in the mediation condition also reported feeling that the process they had participated in was 'fair' at a higher rate (96 percent) than the court (79 percent) and the decline condition (81 percent).

Understanding Public Attitudes

Attitudes to the traditional criminal justice system. The criminal justice system, and crime itself, attracts more public attention than any other subject (Roberts & Hough, 2005). Due to a multitude of public opinion surveys, it is known that while public interest in crime remains at high levels, the knowledge of the general public in regards to crime and the criminal justice system is quite low (Dowler, 2003). This creates an issue, as public attitudes are dependent on public knowledge. Hutton (2005) reports findings from a public opinion survey that highlight this paradox. Scottish participants were asked to indicate their level of interest in criminal justice, with 88 percent reporting they were 'fairly' or 'very interested' in the issue. When asked to report on their level of knowledge on the subject, however, over half of the participants acknowledged that they knew very little about the court and prison systems. Due to the similarity between the Scottish and Australian justice systems, it is likely that attitudes towards criminal justice are alike across the two jurisdictions. It appears that most people tend to follow criminal cases that are covered by the mass media very closely, and then feel confident enough to make judgements not only about guilt and innocence, but also in regard to how the system should be run and what changes need to be made (Dowler, 2003).

Numerous public opinion surveys have been conducted over recent years asking participants to indicate their levels of confidence or trust in the criminal justice system. Many of these surveys, in a number of jurisdictions, have shown low levels of public confidence in the criminal justice system, especially when compared other public institutions, such as education and healthcare systems (Roberts, 2004). As previously mentioned, Sherman (2002) found that a high proportion of the United States public were in favour of “revamping the [criminal justice] system”. The desire for radical change expressed by the public in much of the research simply reflects the lack of confidence in how the current criminal justice system functions.

In another example, Hough and Roberts (2004) conducted a review of international public opinion surveys and found that residents in the United States and Britain tend to indicate less confidence in their criminal justice system than in other public jurisdictions. Similar to Roberts, the study showed that most people within developed nations have little accurate knowledge of the criminal justice system and its function, particularly in regards to their respective court systems. Additionally, the authors note that, internationally, the public appear to have the highest amount of confidence in police, and are more critical towards the court system than any other branch of criminal justice, most likely as a result of the low levels of public knowledge. This, in turn, creates unrealistic expectations and undermines confidence in the system, not aided by the media’s portrayal of wrongful convictions, failed prosecutions and lenient sentences. The study suggests that due to findings showing higher levels of confidence in the criminal justice system at a local level, the news and media coverage of ‘national responses’ to crime play an integral role in affecting the public’s opinion.

Attitudes to restorative justice.

Public knowledge. Traditional, or what could be referred to as ‘conservative’ attitudes towards criminal justice are often seen as an hindrance to the growth of RJ (Huang, Braithwaite, Tsutomi, Hosoi & Braithwaite, 2012). The state of public attitudes towards restorative justice must therefore be considered within the context of public knowledge. Although restorative justice has profound historical roots, community knowledge is generally poor, and it is unlikely that many members of the public are familiar with the most recent restorative initiatives (Roberts & Stalans, 2004). Alternatives to incarceration and punitive action that are more closely related to restorative justice, such as community service, victim-offender mediation, sentencing circles, and restorative conferencing, tend to be overlooked or poorly understood by the public. The lack of familiarity surrounding restorative justice may impede upon public acceptance of the model. For example, Doble and Green (2000) conducted a study asking residents in Vermont if they were aware of three restorative justice programmes that were available in their state: reparative boards, diversion programs, and prison furloughs. The responses received indicated that public awareness was variable: only 11 percent of their sample were aware of the existence of reparative boards, while 61 percent knew of diversion programs and prison furloughs. Similar variability was shown in the results of the 1996 British Crime Survey. Participants in England and Wales were asked to identify the sentencing options that were available to courts in their area. Over 65 percent of respondents were aware of community service as a sanction, whereas only 16 percent were able to identify compensation as a sentencing option (Hough & Roberts, 1998).

Public support for restorative justice. As the concept of RJ becomes more prevalent, so does the need to ascertain the level of public support surrounding its primary principles. The strong “get tough” rhetoric that tends to dominate most Western political campaigns (Chevigny, 2003) suggests that there is little to no support for restorative justice among the community. There is growing evidence, however, to suggest that the public are far less vindictive than once thought, and may be far more inclined to support the basic restorative justice principles, especially when applied to juvenile offenders and non-violent property offences (Umbreit, 1998).

There has been very little research conducted regarding the public’s support for RJ and its principles, however, the research there indicates that public support is, in fact, strong. Pranis and Umbreit (1992) conducted a public opinion survey in Minnesota that challenges conventional thoughts regarding public opinion in relation to crime and punishment. A demographically and geographically probability-based sample of 825 adults, reflecting the state’s population, were asked to imagine their house had been broken into and to choose a sentence for the repeat offender. Respondents had the choice to impose a sentence of either four months on probation and four months in prison, or four months on probation and a repayment of \$1200. Almost three out of four participants indicated that the offender having to pay a form of restitution to a victim was more important than a prison sentence. The researchers also found that four out of five people favoured spending on education, job training, and community programs, rather than spending relating directly to prisons. The study shows that there is significant support for restorative programs, such as victim-offender mediation. Four out of five respondents showed interest in participating in face-to-face victim-offender mediation sessions with an offender, with the participants indicating a greater concern for the underlying issues surrounding restitution and

prevention strategies than for retributive ideals. Their research suggests that holding an offender accountable for their offences through mediation was more important to people than the idea of proportionate imprisonment.

Research has also demonstrated that the public tend to attribute less blame towards offenders of minor transgressions who have apologised and expressed remorse for their actions, leading to a reduction in the severity of punishment the public would assign to offenders (Darby & Sclenker, 1989). For example, offenders who had admitted guilt in vehicular homicide cases, and appeared remorseful, were given shorter prison sentences by participants in public surveys (Robinson, Smith-Lovin & Tsoudis, 1994; Scher & Darley, 1997). Similarly, Kleinke, Wallis and Stalder (1992) demonstrated that an expression of remorse resulted in the imposition of lighter sentences in rape cases. A study conducted in Germany also found that apologies influenced participants' assignment of punishment for battery and property crimes (Hommers, 1991). In 2002, Bilz found that participants were more willing to recommend victim-offender mediation to others if the offender had expressed remorse for his action in the case of theft and stalking convictions.

In 2009, Lee directed a telephone survey of 333 adult Hong Kong residents in an endeavour to determine the level of public support for the implementation of RJ type practices to deal with juvenile offenders. Before asking respondents questions directly relating to RJ, Lee first attempted to establish their level of understanding of Hong Kong's juvenile justice system. Lee established that less than half of the sample was able to answer questions about juvenile crime knowledge correctly, indicating that, on average understanding of the system was not great. The participants were then given a brief explanation about RJ and its principles before being asked to indicate their level of support for the implementation in of RJ in the juvenile justice system. A

strong majority (88.9 percent) of respondents were found to be in support of adopting RJ methods into juvenile justice. Interestingly, the research showed that, while the general public largely have inadequate knowledge of juvenile justice issues they are supportive of RJ principles.

Huang, Braithwaite, Tsutomi, Hosi and Braithwaite (2011) also used telephone surveys to examine the public's support for RJ. The study involved participants from both Japan ($n = 1,544$) and Australia ($n = 1,967$). After the ideas behind RJ were briefly described, participants were asked to imagine themselves in the shoes of the three stakeholders of a RJ process: the offender, the victim, and the community. The participants were then asked if they would support a RJ process from each of the three perspectives on a five-point Likert scale. The researchers found that Japanese respondents were more in favour of participation in RJ by all of the stakeholders (they rated the item 3.45), and were more able to see the benefits of RJ (rated 3.73) than Australian respondents were (rated 3.31 and 3.62, respectively). Furthermore, the study showed that Japanese participants were more in favour of punishments as just deserts, and as punishment being a tool for reducing crime in the future than Australians. The authors noted that on average, Australians appeared to be more pessimistic towards most kinds of justice than their Japanese counterparts were (Huang et al., 2011).

In the same year, the Prison Reform Trust conducted a series of telephone interviews to attempt to elicit the public's opinion on dealing with property offences and effective ways to prevent future crime and disturbances. The Trust commissioned a random selection of 1000 UK residents using a telephone omnibus, and found high levels of community support for some of the key principles of RJ. The study found a high level of public support (94 percent) for offenders being required to do unpaid

community work in an attempt to repair the damage they had caused, with eight out of 10 participants ‘strongly agreeing’ with the measure. Additionally, a large majority of respondents (88 percent) were in favour of victims of property offences being given the opportunity to inform their offenders of the harm that had been caused.

Furthermore, a large proportion of participants (71 percent) were in favour of including the victim in the process of deciding how best the offender can make amends and repair the damage and hurt caused, with half ‘strongly agreeing’ with the measure. Moore (2012) administered a similar survey to that of the Prison Reform Trust on a randomly selected sample of 2,530 New South Wales residents. While the majority of the survey was identical to that given to UK participants, three additional items were added in relation to assault offences. Like the previous study, the findings demonstrated that there was a high level of community support for restorative justice. There were significantly higher levels of public support for offenders being required to do unpaid community work for the cases involving property offences (66.4 percent ‘strongly agreed’) than for those involving assault (56.9 percent ‘strongly agreed’). Interestingly, in cases of assault, there were higher levels of public support for enhancing victim participation, both in regard to informing the offender of the damage caused (61 percent ‘strongly agreed’) and in being able to participate in discussions on how the offender can make amends (45 percent), compared to that of the cases of property offences (52.7 percent and 40.8 percent, respectively).

Public support for the victim. As previously mentioned, RJ initiatives aim to include each of the stakeholders in the justice process, with a large focus on encouraging the involvement of victims of crime. While much of the research has focused on other elements of RJ, studies have shown high levels of public support for the increased level of participation by victims in the justice system.

Smith, Sloan and Ward (1990) interviewed 203 adults to examine the levels of public support for victims' rights legislation in Alabama. The research found widespread support for each of the five types of legislation put forward, providing evidence towards the idea of victim participation within the justice system. Over 90 percent of the total sample agreed that victims should be given the right to be notified of upcoming release and have input at parole hearings. Further, more than 80 percent of participants agreed or strongly agreed that victims should have the right of input during sentencing, and the right to accompany the prosecutor throughout the trial. Interestingly, victims were significantly more likely to receive support on the above items than were general members of the public (twice as likely), adding to the idea of public support for a victim's right to participate in the justice system (Smith, et al., 1990).

In 1994, the MRL Research Group (1995) was commissioned by the New Zealand Department of Justice to examine the public's perceptions towards RJ. Sixteen focus groups were used to discuss attitudes towards the current justice system, and ideas about what an ideal justice system would be comprised of. Participants were then briefed on the concept of RJ and given the opportunity to discuss it in full, and were asked their opinions about specific aspects. Victims' rights in all RJ processes were continuously referred to throughout the discussions. Participants believed that victim participation in the outcomes of cases and expression of victim's feelings were important and positive aspects of RJ. All the participants agreed that RJ would change the position of the victim (MRL Research Group, 1995). More recently, Kaukinen and Colavecchia (1999) used a telephone survey to study the perceptions of 10,385 participants in Canada. The aim of their research was to examine the factors that may influence the public's perception of the courts, which included treatment of both the

victims and the accused. The study found that 49.1 percent of the sample perceived the courts as not providing an acceptable standard of help to victims of crime.

Furthermore, those respondents who had been victimised were more likely to rate the courts as doing a “poor job” at providing help to victims of crime and the strategies implemented were not effective (Kaukinen & Colavecchia, 1999).

Factors Affecting Public Attitudes

Punitiveness. When people in Western nations are asked to consider criminal justice, they tend to think about prisons, courts and the police – all components of the adversarial system, popular among governments and policy makers, due to its punitive and deterrent aims (Roberts & Hough, 2002). Over the last few decades, most westernised jurisdictions have experienced a ‘punitive turn’ (Hutton, 2005). Simply put, punitiveness is referred to as an attitude towards punishment that includes retributive ideals, incapacitation, and a lack of concern for the rehabilitative capabilities of an offender (Mackey & Courtright, 2000). Two of the leading indicators of this observation are the politicisation of crime, criminal justice, punishment and “tough on crime” laws, and the incidence of rising prison populations, even in European regions that have historically experienced low incarceration rates (O’Donnel, 2004; Pakes, 2004). As a result, punitive penal policies are on the rise in the United States, Britain, Canada, and Australia. Given that many of these policies are thought to develop from public demand for harsher punishment, it is integral to differentiate between the punitive attitudes of the public and those of the criminal justice system itself (Roberts & Indermaur, 2007). According to Roberts and Hough (2005), approximately only one in 20 Australians are in some way involved in the criminal justice system, meaning that the majority of people derive their “knowledge” about the system based on information presented through the media. It is argued that

the public's punitive attitudes may have originated from the belief that crime rates are at an all-time high and that courts are too lenient (Gelb, 2008).

The concept of punitiveness is multidimensional in nature, measuring attitudes about retribution, duration and severity of sentencing, prisons and types of offenders (Mackey and Courtright, 2000). Therefore, it requires a multidimensional test (MDT), incorporating a large number of variables concerning a variety of criminal justice sectors, to be measured adequately (Hamilton, 2014). Among the research literature, there appears to be a high level of homogeneity in terms of the measurement of punitiveness. Some studies appear to rely solely on the use of imprisonment rates to determine levels of punitiveness (Cavadino & Dignan, 2006), while others choose to focus on the use of the death penalty (Kury & Ferdinand, 1999), mandatory sentencing (Pratt, Brown. Brown, Hallsworth & Morrison, 2005), or sex offender notification policies (Brown, 2008). This focus on singular measures is problematic as it only partially represents the concept of punitiveness (Hamilton, 2014). Thus, the most reliable measures of punitiveness are those that can be considered multidimensional, as they have high levels of internal validity and test a variety of variables that may contribute to punitive attitudes (Hamilton, 2014).

The most seemingly persistent finding among public opinion research, that encompasses an aspect of punitiveness itself, is the belief that prison sentences are too lenient. In a recent review of public opinion surveys Roberts, Crutcher and Verbrugge (2007) found that 74 percent of survey participants thought the sentencing practices in Canada were too lenient. Similarly, in the 2003/2004 British Crime Survey, 79 percent of participants reported feeling that sentencing in their jurisdiction was too lenient (Allen, Komy, Lovbakke & Roy, 2005). Participants in a nationwide survey in the United States revealed that 67 percent of participants thought the courts did not deal

harshly enough with offenders (Pastore & Maguire, 2003). In an Australian study, 70 percent of respondents to the 2003 Australian Survey of Social Attitudes believed that people who broke the law should get harsher penalties (Indermaur & Roberts, 2005). These findings have been replicated consistently internationally over a number of decades and indicate that approximately two thirds of the general public express dissatisfaction with the criminal justice system (Innes, 1993; Hough & Roberts, 1998; Hutton, 2005; Roberts, Crutcher & Verbrugge, 2007).

Public opinion, however, is inherently complex and contradictory. There is a multitude of research to the contrary, showing that people are generally less punitive than originally thought, and may be less punitive than they themselves believe. Studies have found that when people are presented with more information and specific questions relating to the structure of the criminal justice system, their attitudes appear less punitive (Doob & Roberts, 1988). Doob and Roberts note that in one Canadian survey, when given information on the overcrowding of prisons and asked what should be done about it, 70 percent of participants chose to invest money into developing alternatives to imprisonment (such as restitution and community orders), rather than spending money on building more prisons.

Research has begun to demonstrate that prior knowledge of techniques relating to restorative justice can lead to less punitive attitudes. A study involving the British Crime survey asked respondents to sentence a repeat offender who had been convicted of the burglary of a home. Half of the participants were given a full list of the available sentencing options, both punitive and restorative, while the second group were asked to sentence the offender without being made aware of any options. Of those participants who were made aware of the sentencing options, 44 percent

favoured the option of reparation in the form of compensation, compared to 22 percent of those without sentencing options (Hough & Roberts, 1998).

There is now a general consensus that those who would be thought of as the most punitive, people who identify as victims of crime, are actually no more punitive than those who do not identify as victims of crime. In her study, Gelb (2011) used *t* tests to determine whether victims had different levels of punitiveness than non-victims. No significant differences were found between victims and non-victims. Furthermore, there is evidence to suggest that victims of crime may be less punitive than non-victims. Spratt & Doob (1997) found that from their sample of 10,385, victims of assault and sexual assault were less punitive than non-victims. A study conducted in 2006 provides more recent evidence of less punitive attitudes in victims. The study showed that 62 percent of respondents, all of whom were victims of crime, reported that imprisonment would not stop-reoffending and believed that community services would act as a barrier to recidivism (ICM Research, 2006).

Belief in a just world. As demonstrated above, social scientists are constantly trying to understand the reasons behind people's attitudes towards social issues and public policy. A relatively small area of research has focused on the idea that people's attitudes may be affected by their belief in a just society. First coined by Lerner (1965), the 'just world hypothesis' proposes a psychological explanation for justice-driven actions. The hypothesis states that people need to believe in, and are motivated by, a world in which they perceive as just: a world where people are thought to 'get what they deserve and deserve what they get' (Dalbert, 2009). This idea allows society to feel as though they can determine and control their own fate, as the world is seen as a relatively predictable place. The belief in a just world has been said to serve important adaptive functions as the belief enables people to deal with the social

environment as though it were stable and orderly (Hunt, 2000). It is because of this that people are often motivated to defend their belief in a just world when it is perceived to have been threatened by injustices, often in an attempt to restore justice in reality (Dalbert, 2009). If this justice cannot be restored, people attempt to restore the justice cognitively, a process known as “assimilation of justice”, by re-evaluating their cognitive beliefs. The literature suggests that people tend to validate personal just world beliefs more so than they do general beliefs in a just world (Furnham, 2003). The literature notes that personal belief in a just world is a better predictor of ‘adaptive outcomes’, for example, subjective wellbeing; whereas, general beliefs are a better predictor of ‘harsh social attitudes’ (Otto & Dalbert, 2005).

Within the area of criminal justice, belief in a just world has received a relatively small amount of attention. As stated previously, individuals confronted by something they perceive as unjust may be motivated to defend their belief in a just world. Lerner and Simons (1966) note that, when given the opportunity to bring justice to innocent victims in the form of compensation, and thus restore reality, nearly all people will choose to do so; however, if people are not in a position to adequately secure compensation for the victim, they may begin to defend their just world beliefs in psychological terms. For example, people may provide characterological attributions about the victim, by reasoning that their circumstances are deserved, and likely punishment for bad character that they have shown (Dalbert, 2009). Similarly, people may blame the victim for having inflicted their circumstances on themselves, in the form of behavioural attributions.

Research into victimology has found that victims with high levels of belief in a just world are likely to be more motivated to defend their beliefs. This is done by making internal attributions concerning negative outcomes, thereby maintaining their

subjective wellbeing (Dalbert & Filke, 2007). Belief in a just world acts as a “contract” in regards to the consequences of behaviour (i.e. people get what they deserve and deserve what they get (Lerner & Miller, 1978). When victimisation occurs out of no apparent fault of the victim’s own, this contract is broken and belief in a just world decreases, as there is no reason for the suffering. Levels of belief in a just world after victimisation have been suggested to depend on the victim’s reactions to the offence. Studies have shown that if victims blame the offence on the behaviour instead of on their own personal characteristics, belief in a just world can be maintained as the event becomes more controllable (Janoff-Bulman, 1979).

The effect of socio-demographics on punitiveness and belief in a just world. An important field of research within these two areas, is that of exploring sociodemographic variables that are able to determine a person’s level of punitiveness, and their likelihood of believing in a just world. In 1988, Walker, Collins and Wilson examined the relationship between sociodemographic data and sentencing preferences within Australia. The authors noted that levels punitiveness increased with lower socioeconomic status and education levels, and with increased age. Kelly and Braithwaite (1990) conducted an Australian study into predictors of support for the death penalty and levels of punitiveness. The authors found that women and those with higher levels of education were the least supportive of the death penalty, however there was no difference found concerning age. Similarly, Applegate, Cullen and Fisher (2002) showed that females were more likely to be in favour of offender treatment and less supportive of harsher punishment than their male counterparts were. Furthermore, Kury & Ferdinand (1999) note that males are more likely to be in favour of the death penalty than women. Higher levels of education have been consistently associated with lower levels of punitive attitudes, with punitiveness declining as years of

education increase (Indermaur & Roberts, 2005; Roberts & Indermaur, 2007). Recent research into individual differences has revealed that political orientation and levels of education are the most relevant sociodemographic predictors in predicting punitiveness (Hogan, Chircos & Gertz, 2005; Dowler, 2003). In the United States, Republicans and Conservatives are consistently found to be more punitive than those considered left wing (Roberts & Indermaur, 2007).

There is very little empirical evidence into who believes in a just world or how just world beliefs are distributed in the larger society. Research has indicated that race or ethnicity is the one of the most important factor in shaping a person's beliefs about equality and justice in society, particularly in the United States (Hunt, 1996). There is also evidence to suggest that a relationship exists between socioeconomic status and perception of justice and equality, also known as the "underdog thesis" (Robinson & Bell, 1978). It has been noted that those members of society of a lower socioeconomic status tend to view the 'status-quo as less legitimate' than those of a higher status. Consequently, those within the higher socioeconomic group are more likely to believe in a just world (Smith, & Green, 1984; Umberson, 1993). Research by Benson (1992), however, presents conflicting results. In a study of 283 adults from Northern Island, Benson found that in a model that also included gender, income, and education levels, age was the only sociodemographic variable that significantly predicted people's belief in a just world.

More recently, Hunt (2000) conducted telephone interviews with 2,628 respondents in the Southern California area, comparing the beliefs of African Americans, Latinos and 'whites'. The study showed significant differences between race and ethnicity, with African Americans reporting the weakest beliefs in a just world, and Latinos reporting the strongest. Significant differences were also found

between socioeconomic status groups and gender, with the greatest support for just world beliefs shown among men from low socioeconomic areas. In light of these findings, it would seem that past research has produced mixed results in regards to socioeconomic variables and their ability to predict levels of belief in a just world and warrants further investigation.

The Current Study

In regards to the criminal justice system, public opinion research has tended to focus on specific topical and controversial issues, for example, the leniency of prison sentences, parole, and policing (Zamble & Kalm, 1990). In recent years, the scope of criminal justice research and the attention of policy makers has shifted to public reactions to crime on a more general level, with fear of crime and public confidence generating a considerable amount of interest (Roberts, 2001). As shown above, the literature indicates that the public is becoming increasingly critical of the current criminal justice system, losing confidence in its ability to deal with offenders and the perceived rise in crime rates. It is, therefore, logical for research to be conducted into areas that may serve as an “alternative” to the system or aid in increasing the public’s confidence in the treatment of offenders.

Due to its focus on the identification of the harm caused to all three stakeholders of a crime, reparation, offender responsibility, and victim empowerment, RJ offers a shift in justice that may be vital to restoring faith in the criminal justice system (Zehr & Mika, 2003; VanNess & Strong, 2013). Restorative justice may provide an innovative and important ‘alternative’ to dealing with crime, offenders and victims that has the potential to impact criminological theory and public policy. Zehr (1990) argues that a move towards RJ requires a change in the way the public views

the justice system. Much of the empirical research conducted into RJ has focused on it as a tool for reducing recidivism, helping juvenile offenders, and its direct benefits to victims of crime. Only a small portion of the literature, however, is based around public opinion on RJ as a concept, its effectiveness and what it means for victims. From the research, it is difficult to draw valid conclusions as to which system is more effective as there are very few studies that have made a comparison between the traditional justice system and restorative justice.

Study aims. In light of this, the current study has attempted to address this deficit in the research by comparing the traditional style justice system to one that incorporates a restorative approach. The study aimed to compare levels of punitiveness and just world belief between victims and non-victims to assess the effect these personal attributions may have on support for RJ. Further, the study aimed to establish whether the public supports RJ and its principles, including the perceptions of victim participation within the two systems. Additionally, the current study aimed to assess the effect that the public's level of punitiveness and belief in a just world had on their perceptions of RJ and victim participation.

Factors affecting victims of crime.

Punitiveness. As mentioned, there is now a consensus that victims of crime are no more punitive than those who have not been victimised (Gelb, 2011). Further, there is evidence to suggest that victims of crime may hold less punitive attitudes than non-victims (Sprott & Doob, 2007). On the basis of this, and in attempt to provide further evidence, the current study hypothesised that victims of crime would have significantly lower punitiveness scores than non-victims.

Belief in a just world. The idea of belief in a just world has received little attention in regards to criminal justice research. From the review of the literature conducted above, however, it was hypothesised that victims of crime would have significantly lower levels of personal, general, and overall BJW than non-victims.

Public support for restorative justice. From the public opinion research that has been conducted into RJ, it is clear that support for a more restorative approach has been established. Consistent with these findings, the current study hypothesised that respondents would significantly prefer RJ compared to the traditional criminal justice system (CJS), including supporting the principles surrounding greater victim participation in a restorative setting.

Factors affecting support for restorative justice.

Punitiveness. A common belief amongst policy makers is that of a punitive public; one that needs their government to appear “tough on crime” by imposing harsher punishments for offenders (Pakes, 2004; Hutton, 2005). As previously mentioned, however, a considerable amount of evidence has been shown to argue the contrary. A large amount of the research has shown, that when given facts about a case or sentencing options, the public will tend to take less punitive action, leading researchers to believe that “tough on crime” laws may no longer be a necessity (Hough & Roberts, 1998). For these reasons and in order to gain a deeper understanding of the results, it was also hypothesised that respondents with low punitiveness levels would prefer RJ over those with high punitiveness levels, and those with high punitiveness levels would prefer the CJS compared to those with low levels.

Belief in a just world. As there is limited research into BJW in relation to crime and justice, the current study aimed to examine the effects, if any, that levels of personal, general and overall BJW would have on preference for RJ. The scope of the limited research suggests that people will try and bring justice to innocent victims when given the opportunity; the higher their belief in a just world, the more likely they are to attribute external reasons for victimisation (Lerner & Simmons, 1966). In light of this, the current study expected to find that those respondents with high levels of BJW to prefer RJ at a higher rate than those respondents with lower levels of just world belief.

As public opinion is key to change, the current study aims to strengthen the empirical evidence around this area of research, and to add to the idea of public support for alternative, restorative measures working in the criminal justice system.

Method

Participants

The overall sample size of collected data was 265, giving a final response rate of 13.25%. These participants and their suburbs were selected using a probability-based stratified sampling method (to assure representation of population subgroups as suggested by Groves, et al., 2009). Three Perth suburbs were chosen for the hand delivery of 2000 surveys (667 to the two most populated suburbs and 666 to the least most populated suburb) in August 2014. From the overall sample, 120 participants responded from Cambridge (45.28%), followed by 89 from Bassendean (33.58%) and 49 from Coodanup (18.49%), with seven respondent's suburbs unknown (2.64%). Due to insufficient completion, one returned survey was unable to be included in the analysis. Of the total returned sample, 54% (143) respondents received the RJ version of the survey, while 46% (122) received the traditional CJS survey. Women made up the largest proportion of respondents at a rate of 55.10% (146), compared to men at 44.90% (119). This bias was shown throughout each of the suburbs, with 52.50% of respondents being female in Cambridge, 59.60% in Bassendean, and 51.00% in Coodanup.

The mean age of respondents was 56.75 years of age ($SD = 15.04$), ranging from 18 to 96 years. The ages of respondents varied slightly across the three suburbs, with Coodanup having the oldest average respondents ($M = 61.55$, $SD = 13.47$), followed by Cambridge ($M = 57.29$, $SD = 14.35$) and Bassendean ($M = 53.25$, $SD = 16.24$). These figures were high compared to data provided by the ABS (2013b), which shows that the average age in Australia in June 2013 was 37.27. Over half of all respondents reported having levels of education higher than the completion of high

school. Out of 263 (99.20%) respondents to answer the question, 21.90% (58) had completed post-secondary school education only, 26.80% (71) reported attaining a bachelor's degree only, while 20.80% (55) reported having completed some kind of post-graduate study. Of the sample, 13.60% (36) of respondents had completed high school only, 14.30% (38) had completed part high school only (year 10 equivalent), and 1.90% (5) had completed primary school only. As expected, education levels were higher in the area of higher SES, with 65% (78) of the Cambridge sample completing some form of university degree, compared to 47.20% (42) in Bassendean and 6.10% (3) in Coodanup.

Of the 93.60% (248) of responses to the question, the mean political preference, on a scale from one (strongly left) to 10 (strongly right), was 5.37 ($SD = 2.06$), suggesting an even distribution among the sample. From the 262 (98.90%) responses to the question of ethnicity, 92.37% (242) respondents were Caucasian, 1.53% (4) Asian, 1.15% (3) Indian, 0.76% (2) Aboriginal/Torres Strait Islander, 0.76% (2) Maori, with 2.67% (7) identifying as 'other'. As only 6.87% of all respondents identified as an ethnicity other than 'Caucasian', it was decided to exclude this variable from all further analyses.

From the sample, 74.30% (197) reported being victims of crime, compared to 24.90% (66) who reported being non-victims, the distribution of which differs considerably between the suburbs. Respondents in Bassendean reported being victims of crime at a rate of 78.70%, while respondents in Coodanup reported a rate of 77.60%, and 70% in Cambridge. Of these victims of crime, 50.90% (135) of respondents reported being victims of property offences only, 5.70% (15) of personal offences only, and 17.40% (46) as victims of both property and personal offences. These figures are very high in comparison to data provided by the ABS. In the 12

months prior to 2012-13, no more than 6.30% of Australians were victims of any type of 'household crime' and no more than 3.10% of Australians reported being victims of any type of personal crime (ABS, 2013c). Again, this number differed considerably throughout the suburbs, with Cambridge respondents reporting the highest level of property offences only at 58.30%, compared to 44.90% in Bassendean and 44.90% in Coodanup. Respondents in Coodanup reported the highest level of personal offences only at 10.20%, followed by Bassendean at 6.70% and Cambridge at 2.50%. Interestingly, Bassendean reported having the highest level of victimisation for both property and personal offences at 25.80%, compared to that of Coodanup (22.40%) and Cambridge (9.20%).

Materials

Each of the survey packs included a one page information letter explaining the details of the survey and asking residents to participate (see Appendix A), one of the two types of surveys (see Appendix B and Appendix C), and a reply-paid envelope. A follow-up letter was delivered approximately two weeks later thanking those residents who had already responded and asking those who had not to do so (see Appendix D).

Measurement and scales. Section one of the survey asked respondents a number of socio-demographic questions which have been reported in the previous section. These demographic variables were chosen based on their relevance in the literature discussed in the introduction.

Punitiveness. The second section of the survey required respondents to complete Mackey and Courtright's (2000) Punitiveness Scale, which aims to measure attitudes towards the constructs of retribution and incapacitation, and attitude towards

offender rehabilitation. The scale used a 10-point Likert-scale, ranging from one – ‘strongly disagree’ to 10 – ‘strongly agree’ to measure 15 items that reflect a person’s level of punitiveness (e.g.: “We are entirely too soft on people convicted of crime”; “To better control the crime problem, more prisons need to be built”; “Using the death penalty helps us to better control crime”). The reliability of this scale has been tested by using the internal consistency of each the individual items and has produced positive results (Cronbachs alpha = .85), with the coefficient being within the ‘respectable to very good range’ according to DeVellis, 2011. A majority of the items included in the punitiveness scale had been used in past research, suggesting sound validity at the construct level (see Cullen, Cullen & Wozniak, 1988; Grasmick & McGill, 1994; McCorker, 1993).

It is important to note that, in the original scale, Mackey and Courtright (2000) used the term “felonies” to describe the type of “serious crime” they were referring to in item 11. In the United States, where the scale originated, the term felony is used to describe a serious crime that is punishable either by imprisonment in excess of one year, or by death (18 U.S. Code § 3559). In Australia, however, the term was abolished under s. 580E of the *Crimes Act 1900* (NSW), and the term “indictable offence” is used as a replacement. As the current study was conducted within an Australian context, and for the purpose of simplicity, the term “felonies” was removed from item 11. It was not replaced with the Australian equivalent or any other term so as to minimise any confusion the public may face due to unfamiliar legal terms.

Belief in a just world. Following this, section three asked respondents to complete Dalbert’s (1999) BJW scale, which measures respondent’s extent of belief in a just world on two scales: personal belief in a just world, and general belief in a just world. The personal BJW scale is designed to measure the belief that, overall, events

in a person's life are just, compared to that of the general BJW scale, designed to measure the belief that the world in general is a just place. The personal BJW scale has seven items ($\alpha = .78$), and uses a 6-point Likert-scale, ranging from one – 'strongly disagree' to six – 'strongly agree' (e.g. "I am usually treated fairly"). The general just world belief scale consists of six items ($\alpha = .67$), and uses a six point Likert-scale, ranging from one – 'strongly disagree' to six – 'strongly agree' (e.g. "I think basically the world is a just place"). Dalbert's scale has been used and retested many times, with similar results emerging, suggesting high levels of validity (see Almeida, Correia & Marinho, 2010; Correria & Dalbert, 2008).

Support for restorative justice. The fourth and final section of the survey asked respondents to read the short vignette about the sentencing of a male juvenile offender, accused of aggravated burglary, and respond to the statements that followed. There were two versions of the vignette presented to the community sample (1000 of each), with one detailing the sentencing of the offender in the traditional criminal justice system, with the other outlining a RJ approach, including the use of victim-offender mediation. Respondents were first asked to rate their level of agreement with four statements using a six point Likert-scale, ranging from one – 'strongly disagree' to six – 'strongly agree'. The statements were developed to assess the community's level of support for RJ: specifically, whether the restorative approach outlined in the vignette was more beneficial to the stakeholders of the crime than the traditional approach (e.g. "This process is fair on the community"). It also aimed to assess the public's opinion on the involvement of the victim in the criminal justice process (e.g. "This process is fair on the victim") and determine to what extent the public approve of a restorative approach (e.g. "This approach is "soft on crime"). These items were modelled from previously mentioned research into public perceptions of RJ (Pranis &

Umbreit, 1992; Umbreit, 1998). Scores for item one were reversed and the scores from each item were collated to create the “Support for Justice Type Scale,” to efficiently measure the public’s level of support for RJ and victim participation in a restorative setting. As the scale items directly related to the two versions of vignette presented above them, the scale had to be considered in regards to the scenario it followed. Therefore, for the purposes of analysis in the current study, the scale measured mostly “support for RJ”, with “support for CJS”.

The reliability of this new scale was tested and produced positive results, with support for RJ having a Cronbach’s alpha level of .77, and support for CJS having an alpha level of .66.

Procedure

After the suburb selection process, the surveys were dropped into the letterboxes of every second house on randomly selected streets. Houses with ‘no junk mail’ (or similar) signs on letterboxes were excluded from the letterbox drop. In the event of a multi-storey or unit complex, again, a survey was delivered in every second letterbox. Residents who wanted to participate in the research were asked to complete the entire questionnaire and return it to Murdoch University Law School via the addressed reply-paid envelope. The telephone number of the head researcher was provided on the information letter, along with that of the Human Research Ethics Committee at Murdoch University, for the purposes of clarification about specific survey questions or queries about the study as a whole. Participants were not advised that an alternate survey was being distributed. All returned survey data remained anonymous.

Half of the accompanying information letters requested the survey be completed by an adult male resident if possible, and the remaining half an adult female, although either could respond if a person of the requested sex was not available. The suburbs were proportionally randomly selected based on socio-economic status (SES; low, medium and high) from the 2011 census data supplied by the Australian Bureau of Statistics (ABS, 2013a). The ABS data ranked Perth suburbs on a scale from one to 10, with one being low SES and 10 being high SES. Suburbs in the Perth Metropolitan area were divided into three levels of socio-economic status based on said data (1-3, 4-7, 8-10), and one suburb from each group was selected at random. The suburbs selected for analysis were Cambridge (high SES), Bassendean (medium SES), and Coodanup (low SES). Four weeks after the initial letterbox drop, in an attempt to increase the response rate, a follow-up letter was delivered to the houses to thank residents for completing the survey and to ask those that had not yet returned it, to do so.

The research study had full approval from the Human Research Ethics Committee at Murdoch University.

Results

Descriptive Statistics

Descriptive statistics for each of the scales are provided in Table 1. The table provides details of the number of respondents (n), means (M) and standard deviations (SD). Examination of the table shows that, from a possible range of 15 to 150, punitiveness had a mean of 86.22. Since the midpoint of 75 would equally divide the distribution, the sample mean indicates a slight trend towards punitive attitudes. The sample mean for personal BJW was relatively high at 30.39, from a possible range of 7 to 42. It fell almost two standard deviations from the midpoint of 21, indicating a tendency for high personal belief in a just world. General BJW had a sample mean of 19.60, out of a possible range of 6 to 36, which was within one standard deviation of the midpoint of 18. This indicates a very slight trend towards high general belief in a just world. The sample mean for overall BJW was 50.42, from a possible range of 13 to 78, which was within two standard deviations of the midpoint of 39, indicating a tendency for higher general belief in a just world. The sample mean for support for RJ was also relatively high at 16.68, from a possible range of 4 to 24, almost one standard deviation from the midpoint of 12. This suggests a tendency for support for RJ among the sample. As shown in Table 2, there were no real differences between the means of males and females for each of the scales. Male respondents were slightly more punitive and held slightly higher levels of just world belief than females.

Additionally, correlations between socio-demographic data, punitiveness, just world belief and support for justice type (RJ and CJS) are presented in Table 3. In total, there were seven correlations that were greater than $r = .3$, all of which were significant at an alpha level of $p < .01$. As levels of punitiveness increased, respondent's level of support for both RJ and CJS decreased. As would be expected,

levels of personal BJW were positively correlated with general BJW and overall BJW, as were levels of general BJW and overall BJW. Levels of punitiveness were also negatively correlated with education; as levels of education increased, punitive attitudes decreased.

Table 1.

Number of Respondents (n), Means (M), and Standard Deviations (SD) for Each Scale

	<i>n</i>	<i>M</i>	<i>SD</i>
Punitiveness	244	86.22	35.78
Personal BJW	235	30.83	6.86
General BJW	235	19.60	5.95
Overall BJW	233	50.42	10.54
Support for RJ	131	16.68	4.86

Table 2.

Number of Respondents (n), Means (M), and Standard Deviations for Victims, Non-Victims, Males and Females for each of the Scales

	Victims			Non-Victims		
	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>
Punitiveness	187	82.58	35.79	56	98.51	33.55
Personal BJW	174	30.39	7.18	60	32.23	5.64
General BJW	174	18.99	6.02	60	21.36	5.49
Overall BJW	172	49.36	10.91	60	53.59	8.80
Support for RJ	102	17.18	5.10	28	15.00	3.50
	Males			Females		
	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>
Punitiveness	110	87.34	34.52	134	85.31	36.89
Personal BJW	105	31.82	7.00	130	30.03	6.67
General BJW	106	20.46	5.89	129	18.89	5.93
Overall BJW	104	52.32	10.44	129	48.89	10.42
Support for RJ	66	16.72	4.39	65	16.72	5.33

Table 3.

Correlations Between Key Measures and Demographic Data

	Age	Education	Political Preference	Punitiveness	Personal BJW	General BJW	Overall BJW
Age							
Education	-.358**						
Political Preference	.195**	-.121					
Punitiveness	.205**	-.522**	.245**				
Personal BJW	.054	.044	.082	-.010			
General BJW	.122	-.148*	.146*	.216**	.353**		
Overall BJW	.108	-.051	.142*	.123	.850**	.793**	
Support for RJ	-.162	.144	-.097	-.304**	.245**	.045	.199*
Support for CJS	-.037	.176	-.101	-.547**	.057	-.010	.030

* $p < .05$, ** $p < .01$ (two-tailed)

Factors Affecting Victims of Crime

Before assessing any variables, four independent samples *t* tests were conducted to test for prior differences between the RJ and CJS groups in relation to punitiveness and BJW. All four tests were non-significant, indicating no statistically significant differences between the RJ and CJS groups in their levels of punitiveness, personal BJW, general BJW and overall BJW.

Punitiveness. An independent samples *t* test was used to compare the punitiveness levels of participants who identified as “victims of crime” to the punitiveness levels of those who identified as “non-victims”. As hypothesised, the *t* test was statistically significant, with those who identified as victims of crime reporting significantly lower levels of punitiveness than those who did not (shown in Table 2), $t(241) = -2.96, p = .003$, two-tailed, $d = 0.45$.

Belief in a just world. Three independent samples *t* tests were used to compare levels of belief in a just world (personal, general and overall) between victims of crime and non-victims. Levene’s test was non-significant for general and overall BJW, thus equal variances could be assumed. Levene’s test for personal BJW, however, was significant, therefore equal variances could not be assumed, and the results must be accepted with caution.

As hypothesised the personal BJW *t* test was significant, indicating that victims of crime had significantly lower levels of personal BJW than non-victims, $t(129.26) = -2.02, p = .045$, two-tailed, $d = 0.27$. Similarly, as hypothesised, there was a significant difference found in levels of general BJW, with victims reporting significantly lower levels of general BJW than non-victims, $t(232) = -2.68, p = .008$, two-tailed, $d = 0.40$. Furthermore, the overall BJW *t* test was significant, as

hypothesised, indicating that victims of crime had significantly lower overall BJW than non-victims, $t(230) = -2.71, p = .007$, two-tailed, $d = 0.41$. Descriptive statistics for the comparisons are available in Table 2.

Public Support for Restorative Justice

An independent samples t test was used to compare the average ratings given to the support for justice type scale by respondents in either the RJ or CJS groups. Number of respondents (n), means (M) and standard deviations (SD) are shown in Table 4.

As hypothesised, the t test was significant, with RJ respondents reporting higher ratings for the scenario than CJS respondents, indicating a statistically significant levels of support for the RJ process, $t(241) = 5.55, p < .001$, two-tailed, $d = 0.66$.

Table 4.

Independent Samples t Test Comparing Support for RJ Against Support for CJS

	RJ Scenario			CJS Scenario			t test
	n	M	SD	n	M	SD	
Support for Justice Type	131	16.68	4.86	112	13.27	4.67	5.55

Factors affecting support for restorative justice.

Victimisation. Due to the high number of respondents identifying as victims of crime, a decision was made to focus the research not only on how the general public perceived RJ and victim participation in the justice system, but also on how victims

themselves perceived the justice scenarios and the approaches taken in regard to victim participation and RJ.

An independent samples *t* test was conducted on support for justice type on those respondents who received the RJ survey to assess whether victims of crime supported RJ at a higher rate than non-victims. Levene’s test was significant, thus equal variances could not be assumed and, as such, results should be accepted with caution. The *t* test conducted was significant, indicating that victims of crime rated the RJ process significantly higher than non-victims, $t(62.04) = 2.62$, $p = .011$, two-tailed, $d = 0.45$. The means (*M*) and standard deviation (*SD*) for both victims and non-victims are shown in Table 5.

Table 5.

Independent t Test Comparing Support for RJ Between Victims of Crime and Non-Victims

	Victims			Non-Victims			<i>t</i> test
	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>	
Support for RJ	102	17.18	5.10	28	15.00	3.50	2.62

Punitiveness. To evaluate whether people’s levels of punitiveness affected their support for RJ, a one-way between groups ANOVA was conducted on support for justice type for the RJ group. For the purposes of examination, respondent’s punitiveness scores were divided into three levels: a punitiveness score of 0 to 50 equalled “low”, 51 to 100 equalled “medium,” and 101 to 150 equalled “high”. Levene’s test was non-significant, thus the homogeneity of variances was not violated, $F(2, 88) = 0.97$, $p = .383$.

Contrary to the hypothesis, the F statistic for support for RJ was not significant, indicating no statistically relevant differences in support for RJ among the punitiveness levels, $F(2, 88) = 1.05, p = .353$, two-tailed, $d = 0.02$. Further examination of Table 6, however, reveals that the non-significant ANOVA may have resulted from relatively high levels of support for RJ across each of the punitiveness levels.

As a comparison technique, a one-way between groups ANOVA was conducted to evaluate whether respondent's levels of punitiveness effected their support for the CJS. Assumptions of homogeneity of variances were met for the test, $F(2, 70) = 1.15, p = .323$.

The ANOVA was statistically significant, indicating a statistically relevant difference between the levels of punitiveness, $F(2, 70) = 11.12, p < .001$, two-tailed, $\eta^2 = 0.24$. Tukey's HSD post hoc analyses revealed that, contrary to the hypothesis, those respondents with low punitiveness levels supported the CJS at a significantly higher rate than those with high punitiveness levels ($d = 0.25$), as did those with medium levels ($d = 0.19$). There was no significant difference found between low and medium punitiveness levels ($d = 0.10$). These results and those shown in Table 6 indicate that people with high punitiveness levels do not support the CJS. Further inspection of Table 6 reveals that respondents with high levels of punitiveness showed greater levels of support for RJ than for the CJS.

Table 6.

Descriptive Statistics for Support for Justice Type Responses for Each Level of Punitiveness Between the RJ and CJS Scenarios

		RJ Scenario			CJS Scenario		
		<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>
Support for Justice Type	High	34	15.24	4.97	33	10.76	4.75
	Medium	45	16.64	4.24	27	14.33	3.54
	Low	12	16.92	5.52	13	16.69	3.86

Belief in a just world. Finally, statistical tests were run to examine whether respondent's BJW had an effect on their levels of support for RJ and victim participation in the justice system. Respondent's score for the overall BJW scale were split into three levels for the purposes of analysis: high (53 to 78), medium (27 to 52) and low (0 to 26) levels of overall BJW.

A one-way between groups ANOVA was conducted to examine respondent's levels of support in the RJ group. Assumptions of homogeneity of variances were met, $F(2, 121) = 0.06, p = .941$. Contrary to the hypothesis, the F statistic was non-significant, indicating there were no significant differences between the levels of overall BJW, $F(2, 123) = 1.81, p = .168$, two-tailed, $\eta^2 = 0.03$. Examination of Table 7, however, shows that this non-significant difference may be as a result of support for RJ across all levels.

For comparison, a one-way between groups ANOVA was also run between the levels of BJW on support for the CJS. There was no violation of the assumption of

homogeneity of variances, $F(2, 104) = 0.40, p = .671$. There were no significant differences found between the levels of BJW, $F(2, 106) = 0.54, p = .585$, two-tailed, $\eta^2 = 0.01$. Inspection of the means in Table 7 indicates that respondents showed greater support for RJ at every level of BJW compared to the CJS, especially those with high levels of BJW.

Table 7.

Descriptive Statistics for Responses to Support for Justice Type for Each Level of Overall BJW Between the RJ and CJS Scenarios

		RJ Scenario			CJS Scenario		
		<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>
Support for Justice Type	High	41	17.70	6.18	35	13.89	4.39
	Medium	75	15.93	4.71	63	13.06	4.80
	Low	8	16.75	6.18	9	12.39	3.98

Discussion

The current study aimed to examine how the public perceive the principles associated with RJ in comparison to the traditional criminal justice system, and how these understandings may affect the theory behind, and the practising of, restorative justice. In particular, the research aimed to determine if personal attributions affected the levels of support both victims and non-victims showed for RJ. The study also aimed to assess the public's support for the two systems in relation to the participation of victims in the justice process. Further, it attempted to evaluate whether certain individual attributions, namely punitiveness and BJW, had an effect on the public's level of support for RJ and victim participation within a restorative setting.

Factors Affecting Victims of Crime

Punitiveness. As previously mentioned, a general consensus now exists surrounding the punitiveness, or lack thereof, of victims of crime. It might be expected that those who have been victimised would have higher levels of punitive attitudes towards sentencing and criminal justice than those without such experiences. Recent research has proposed that there is no difference in the levels of punitiveness between victims of crime and non-victims (Gelb, 2008). Further, there is literature to suggest that victims of crime may actually be less punitive than non-victims (Sprott & Doob, 1997). The current study aimed to add to this research by hypothesising that victims of crime would be significantly less punitive than those who had not been victimised. As predicted, the current study found that victims of crime had significantly lower mean levels of punitiveness than non-victims.

These findings support the general consensus regarding punitiveness, among the relatively untested victim population. These results challenge those found by the

British Crime Survey, and alike, which show no relationship between victimisation and punitive attitudes (Hough & Moxon, 1985). Instead, the present study provides evidence of a relationship between victimisation and punitiveness; a relationship which suggests that victimisation may decrease punitive attitudes among the general population. This notion is supported by previous research that has challenged the idea that victimisation led to advocating for more severe penalties (ICM Research, 2006). The results from the current study and the existing literature may imply that victimisation alters people's perspectives and shifts their preference to restoration, prevention and reparation, rather than the retribution, vengeance and punishment demonstrated by non-victims. While every victim of crime will respond to an offence in their own way, this finding may be as a result of the realisation that punitive actions like incarceration, while providing retribution in the short-term, are unlikely to undo the damage and harm caused by an offence. Victims may instead may see the benefit in fixing the issue, with offender rehabilitation, drug and/or alcohol treatment and mental health care, rather than opting for a band-aid solution.

Belief in a just world. Based on previous literature, it was hypothesised that victims of crime would have significantly lower levels of personal, general and overall BJW than non-victims. As predicted, victims of crime reported statistically significant lower levels of personal, general and overall just world belief. A just world is one that is predictable; one in which actions have foreseeable consequences. Belief in a just world functions as a “contract” within society in regards to the consequences of behaviour (Lerner & Miller, 1978); it allows people to engage in goal-driven actions and plan for the future. This contract, however, is broken when a person becomes a victim of crime, especially when there is no apparent cause for their suffering (Lerner, 1980). Generally, victimisation is not an expected or predicted occurrence. The

majority of victims in the current study were victims of property offences; it is unlikely that a reasonable person would predict the burglary of their house or the stealing of their motor vehicle. This, therefore, interrupts and upsets the idea of a just world; decreasing an individual's level of belief.

While the analyses of responses did uncover significant differences between victims and non-victims across each of the types of belief in a just world, inspection of the results in Table 2 and the effect sizes for each test indicate that the differences are relatively small. This suggests that those who identified as victims of crime did not report low levels of just world belief, as would be expected. In fact, the mean scores of victims fell above the midpoint for each type of BJW - with the mean for personal BJW falling above one standard deviation from the midpoint – indicating a tendency for belief in a just world which is robust irrespective of victimisation. The literature suggests that this result could be based upon how the victims themselves reacted when they were victimised. Studies have found that victims of crime often blame the offence on their own behaviour, not on their own personal characteristics, an act that makes the event more controllable (Janoff-Bulman, 1979), thus allowing them to maintain some form of just world belief. It is possible that many of the respondents who identified as victims in the present study rationalised their victimisation based on their own behaviour, and therefore still hold belief in a just world. The high levels of personal BJW may be accounted for by the victims' abilities to rationalise actions based on behaviour instead of on personal traits.

Public Support for Restorative Justice

The second aim of the current study was to establish to what extent, if at all, the public supported RJ and its principles. As hypothesised, the public showed

significantly higher levels of support for RJ than for the CJS. This is a seemingly interesting result, given that the average punitiveness levels for the sample are above the midpoint, indicating a tendency toward punitive attitudes. This suggests that the public believe a restorative approach to be more effective than the CJS in dealing with an offence; that an offender having to face their victim and agree to reparation is more important than a prison sentence alone. The findings could also suggest, however, that the public do not consider a prison sentence alone a harsh enough or adequate enough penalty for the offence, and have rated RJ more highly due to the added victim confrontation in conjunction with a prison sentence. This possible confound is discussed in more detail in regards to the limitation of the current study.

The significantly high ratings given to RJ suggest the public believes it to be more beneficial to each of the stakeholders of an offence, including to the offender and the wider community. As has been outlined, public knowledge in the area of criminal justice is generally quite low (Dowler, 2003). Given its relatively newfound popularity and limited media coverage, it can be assumed that public knowledge about RJ is even lower; with most members of the public knowing very little about restorative initiatives (Roberts & Stalans, 2004). In past research, strong public support has been shown for RJ, made even stronger when respondents have been provided with an understanding of the underlying principles. The current study made no mention of RJ as a concept and did not provide respondents with an explanation of its principles, for this reason. It can therefore be assumed that the majority of the sample had little to no prior knowledge of RJ or its benefit to the offender and the community. The results suggest that, even without the knowledge or details of as to how RJ can benefit these stakeholders, respondents still viewed it as a better alternative to the traditional justice system.

The current research also aimed to establish whether the public gave higher levels of support the participation of victims in a restorative setting or in the CJS. As already mentioned, significant results were found in support of RJ on the support for justice type scale, indicating that respondents preferred the idea of victim participation in a restorative environment. These findings suggest that the general public may believe that victims are treated more fairly in a restorative setting than in a traditional court setting; providing further evidence that a restorative approach is more beneficial to each of the stakeholders of a crime than traditional system.

This finding is consistent with previous research that suggests the public are in favour of promoting the rights of the victim (Smith, Sloan & Ward, 1990). Again, this support for RJ may be enhanced by the perceived failure of the current justice system. Examination of public perceptions in this area has found that people, in general and those who are victims of crime, believed the courts in a traditional environment do a “bad job” in providing help and support to those who have been victimised (Kaukinen & Colavecchia, 1999). Other research indicates that the rights of the victim are seen as paramount by the general public; the expression of the victim’s feelings and victim participation in restorative processes have been viewed as important and positive by members of the public (MRL Research Group). This result strengthens support for the idea of victim and offender communication through mediation. This is consistent with previous studies showing high levels of support for confrontation and communication; the Prison Reform Trust (2011) and Moore (2012) found that 88 percent and 87 percent of respondents, respectively, agreed with the idea that victims should be given the opportunity to inform offenders of the harm and distress that has been caused. This support for RJ suggest that attitudes towards the justice system may have evolved from a punitive toward a more restorative approach.

This is consistent with public opinion findings across Australia and internationally, demonstrating strong support for restorative approaches with victim-related goals (Pranis & Umbreit, 1992; Roberts & Stalans, 2004; Roberts, Crutcher & Verbrugge, 2007; Lee, 2009; Huang, Braithwaite, Tsutomi, Hosi & Braithwaite, 2011; Prison Reform Trust, 2011; Moore, 2012).

While support in the current study for RJ and its principles is very strong, the level of significant difference between the two scenarios may have been made stronger by the low levels of public confidence in the traditional system. As well as adding evidence to the literature surrounding public advocacy for RJ, these findings also support the previously mentioned research addressing low levels of confidence in the CJS (Sherman, 2002; Roberts, 2004). The public's perceptions of a failing criminal justice system and the leniency of the courts have been linked to their inadequate knowledge of the workings of the system, and to the information that is presented to the public on a daily basis by the media (Spratt & Doob, 1997). It has been shown that the media tend to present a biased view of the justice system, one that emphasises violence and the court's inability to 'correctly' punish offenders (Canadian Sentencing Commission, 1987; Spratt, 1996). From this, it is suggested that due to inadequate understanding of the system, the general public do not sufficiently correct for the unrepresentative information they receive (Spratt & Doob, 1997). As a result, these negative attributions towards the courts are maintained, leading to the idea that insufficient information and knowledge are the driving forces behind negative attitudes to the justice system. This insufficient knowledge may account for the significant difference found between support for RJ and the CJS; the public's lack of knowledge has created a punitive attitude, leading to distrust in the system, thereby making the public more willing to accept alternatives.

This assumption is consistent with the findings of Indermaur (1987), who examined public perceptions of sentencing within the same population. Indermaur found that 73 percent of his sample largely overestimated the percentage of violent crimes occurring in Perth, Western Australia. He also found that 75.9 percent of respondents thought that sentences handed down by the courts were “not severe enough”. While that study was conducted over 20 years ago, it is likely that, due to the perceived increase in crime rates and daily portrayal of violence by the media, the public’s perceptions of the courts is still relatively similar to that of the current study’s sample.

Factors affecting support for restorative justice.

Victimisation. The present study uncovered a large proportion of people who identified as victims of crime; a number that is considerably higher than the national average. This result, however, is consistent with the findings of a previous study conducted within the Perth metropolitan area. Field, Beven and Pederson (2008), found that within their sample, 73.6 percent of respondents identified as victims of crime. As this high level of victimisation was not unusual for the population, a decision was made to include the perceptions of victims of crime as a factor that may affect support for RJ. The current study found that victims of crime indicated significantly higher levels of support for RJ than non-victims. This finding may suggest that those who have been victims of crime believe that RJ provides a better alternative to dealing with offenders and criminal justice. Further examination of the results indicated relatively high support for RJ among both victims and non-victims, suggesting that victims and general members of the public are in favour of RJ and of victim and offender communication through mediation.

This result may be dependent on the experiences the victims themselves encountered as a result of their victimisation. Depending on when the victimisation occurred, victims may have had to face the traditional justice system that did not allow for any kind of victim input or participation. As a result, these victims may attribute negative emotions and feelings to the traditional system, leaving them to support RJ as it provides an avenue for participation. Conversely, as Western Australia now uses victim-offender mediation pre-sentence, victims may have already encountered the process. It has been reported that 90 percent of victims who participate in mediation are satisfied with the outcome of the process and are less upset about the offence after mediation (Umbreit, 1994). Similarly, victims who have participated in restorative initiatives have been found to be more satisfied that justice has been executed than those who were dealt with only by the courts (Strang, 2002). It is therefore possible that the positive support from victims may be due to satisfaction with their own cases.

Punitiveness. The third aim of the present study was to examine whether the respondent's levels of punitiveness had an effect on their support for RJ. Overall, the sample's mean punitiveness score was higher than the midpoint, indicating a tendency towards punitive attitudes. Like in Mackey and Courtright's (2000) study, this meant that a desire and belief in punishment was generally supported among the sample. Contrary to the hypothesis, no significant differences were found amongst the levels of punitiveness in relation to support for RJ. Examination of the means in Table 6, however, showed that those with low punitiveness levels showed higher levels of support for RJ than those with high levels. This is consistent with the correlation findings, with levels of RJ support increasing as punitive attitudes decreased, providing non-significant support for the hypothesis. This result was expected, as punitive attitudes indicated a preference for "tough on crime" laws that are not

typically associated with restorative principles. As a comparison, the same test was run on support for the CJS and found significant differences between the levels of punitiveness. Contrary to the hypothesis, those respondents with high levels of punitiveness showed the least support for the CJS, indicating that highly punitive people do not prefer the traditional justice system. Comparison of the means in Table 6 shows that highly punitive respondents actually supported RJ more so than the CJS.

As the RJ scenario promoted reparation, it was expected that a majority of the support for RJ would come from respondents with low punitiveness levels, due to their probable aversion to punishment and retributive actions. As well as this support for RJ, interestingly, the results also indicate relatively high levels of support for mediation from respondents with highly punitive attitudes. Further, in contrast to the prediction made, highly punitive people did not rate the CJS as highly as their less punitive counterparts. These results could be attributed to reasons previously mentioned: the added victim confrontation in conjunction with a prison sentence as described in the RJ vignette, or the perceived failure of the traditional justice system to deal with offenders. There may, however, be alternative explanations. It has been shown that people are likely to become less punitive when that have been provided with specific examples or scenarios to consider (Gelb, 2008). As referred to, there is a large amount of research to suggest that the public's lack of knowledge can be linked to high levels of punitiveness and a want for harsh sanctions among the community. Based on this, it would be logical to assume that increasing the provision of information will decrease punitiveness, a conclusion that has been demonstrated numerous times; first by Doob and Roberts (1983) and more recently by De Keijer, van Koppen and Elffers (2007) in their studies of public attitudes towards the courts and criminal justice. As the current study used crime vignettes in order to provide

respondents with information regarding the offence, the justice process, the offenders, and the participation of the victim, it is likely that respondent's levels of punitiveness were decreased, resulting in increased support for RJ.

Additionally, despite apparent punitiveness, it has also been shown that public support for incarceration is decreased when the offender attempts reparation, especially in the case of juvenile offenders (Gelb, 2008). Furthermore, it has become apparent from the literature, that, punitive people are more willing to accept alternatives to prison. Although public attitudes are often quite complex and contradictory, people are generally much less punitive than was once thought when it comes to making decisions about the justice process. This phenomenon was demonstrated by Nagin, Piquero, Scott and Steinberg (2006), who found that the public are generally willing to spend tax payer dollars on programs that promise to reduce offending behaviour, and are more willing to support rehabilitation than long periods of incarceration.

Belief in a just world. The final aim of the present study was to determine if respondent's levels of just world belief had an effect on their support for RJ and victim participation within a restorative setting. The sample population reported a mean BJW score that fell within two standard deviations higher than the midpoint, indicating a tendency for belief in a just world overall. Contrary to the expectations of the study, no significant differences were found between levels of BJW and support for RJ. As a comparison, the same test was run on support for CJS and again, no significant differences were found. Inspection of the means in Table 7 indicates that those respondents with low levels of BJW supported RJ at a much higher rate than the CJS. Inspection of the dataset reveals that all but one of the respondents classed as having 'low' levels of BJW were victims of crime. This suggests that these victims are

in favour of communication with offenders, possibly due to their own circumstances. It is possible that the victims themselves want the opportunity to face their offender, or that they did not get an opportunity to participate in the traditional justice process and are in favour of an alternative system.

The fact that respondents with high levels of BJW did not significantly support RJ over those with low levels in an unexpected result. The previous literature suggests that those people who believe in a just world are more likely to want to aid victims than those who do not (Lerner & Miller, 1978). As belief in a just world allows people to deal with their social environment as if it were stable and predictable, they are often motivated to defend their beliefs when said beliefs are threatened by injustice that they themselves experience or observe (Dalbert, 2009). In the case of victims, this reality is able to be restored by providing some form of compensation or reparation. The mediation scenario provided to the RJ group described details of the offender aggressing to reparation in the form of monetary compensation. If the victim can be compensated, the likelihood of victim blaming is thought to be reduced, as the balance in a just world has been restored (Dalbert, 2009). If this was the case, it should follow that respondents with high levels of BJW would have supported RJ significantly more than those with low levels. As the results show, however, respondents with high levels did not significantly support RJ.

Believers in a just world have been found to be more likely than non-believers to derogate or blame victims for offences, allowing them to maintain the perception that people do, in fact, get what they deserve (Rubin & Peplau, 1975). In the case of observing injustices against innocent victims, people with high levels of just world belief often begin to reinterpret the victim's suffering as deserving in order to maintain their views of a just world (Lerner & Miller, 1978). This re-cognition of

an event can lead to the social phenomenon of victim blaming (Furnham, 2003). In this way, individuals are able to experience less ‘personal vulnerability’ as they believe that have nothing to do with another’s negative outcomes (Furnham, 2003). The vignette in the current study did not explicitly state how the offender entered the house through the back window; whether the window was left ajar or whether the offender smashed his way through. If the offence is perceived in any way as being as a result of the victim’s negligence (by leaving the window ajar), it could immediately give rise to the cognitive process of assimilation of injustice, where the victim is blamed so as not to impede on the observer’s just world beliefs. This cognitive process may explain the non-significant findings in relation to support for RJ among levels of BJW, although, more research is needed before any kind of definitive claims can be made.

Inspection of the means, however, indicates that people with high levels of BJW support RJ at a slightly higher rate than those with low levels. This result may be linked to victims’ lower levels of BJW; those with low levels of just world belief are likely to be less motivated to defend their beliefs and themselves (Dalbert & Filke, 2007). It would not be surprising if victims of personal offences rated this item lower than victims of property offences due to the confrontational nature of mediation. Again, however, more research is needed in this area before causal claims can be made.

Limitations and Recommendations for Future Research

One of the primary limitations of the current study, as with most mailed surveys, was its relatively low response rate, leading to issues with generalisability. Typically speaking, a response rate of 20 percent is considered “good” for mailed

surveys (Yu & Cooper, 1983; Baruch, 1999), with the current study falling within the “fair” range. The sample size could have possibly been expanded by using an alternative survey method. Internet surveys are proving progressively effective in increasing response rates among regular internet users (Couper, Traugott & Laminas, 2001; Sills, & Song, 2002). Due to the diversity in socioeconomic status across the sample, it was decided that using an internet-based survey method may have caused disadvantage to potential participants. To counter this issue, however, a mixed-mode strategy (using both mail and web-based surveys) may have benefited the study. With proper precautions taken to ensure no duplicate respondents, mixed-mode strategies have been shown to aid in decreasing non-response rates (Schaefer & Dillman, 1998) and could benefit any replications of this study.

Ideally, the number of respondents could have been more evenly distributed across the suburbs, ages and ethnicities. This also has consequences for generalisability, as a majority of the respondents were from the area of high socioeconomic status (45.30% from Cambridge), well over half the respondents were over the age of 50 (69.4%; 41.7% over the age of 65) and almost all the respondents identified as Caucasian (92.10%). These results are consistent with the research, however; socioeconomic position has been shown to be a strong predictor in survey non-responding, with those from higher levels more likely to respond than those from lower levels (Turrell, Patterson, Oldenburg, Goul & Roy, 2003). According to the ABS (2013d), the Perth metropolitan area has one of the highest rates of people aged 65 or over (17% or more), which accounts for the high mean age; however, Tasmania, parts of South Australia, Victoria and New South Wales have similar percentages of people aged 65 or older, resulting in high levels of generalisability throughout most of Australia.

While there was only one returned survey that could not be used in the study, a considerable number were unable to be analysed due to insufficient completion of each of the scales. Twenty-one returned surveys could not be used in the analysis of the punitiveness scale, 30 could not be used for both the personal and general BJW scales, 32 were unable to be used for the overall BJW and 22 could not be used for the analysis of support for justice type. This could be due to the layout of the scales within each survey, and/or the difference in Likert scale points between the scales; Mackey and Courtright's (2000) punitiveness scale used a 10-point Likert scale, whereas Dalbert's (1999) BJW scale used a six-point scale. As the original scales had high levels of internal consistency and validity, it was decided to use them as they were. In an attempt to reduce confusion, the support for justice type scale also used a six-point Likert scale. It appears, however, that this change in points was not made clear enough to the respondents, as many of the non-included responses were a result of using the 10-point scale for the items that required six points. The respondents may have had a better understanding of what was being asked of them if the scale had appeared more visual; with the respondent circling their response on a numbered line. Any replications of this research may benefit from providing a visual scale that respondents have to mark or circle.

A further limitation of the study is that of its depiction of reality in the vignettes provided for respondents to assess. In Western Australia, where victim-offender mediation is conducted pre-sentence, it is often the case that the sentencing magistrate or judge will reduce an offender's sentence as a result of participating in mediation (Department of Corrective Services, 2010). This represents a common criticism of the mediation process, with critics of RJ suggesting that, while providing an incentive for participation, offenders may abuse the role and fake their apologies or

remorse in an attempt to reduce their sentences (Bibas, 2008). To avoid this criticism from the public and to minimise bias, it was decided to keep the sanction for both RJ and the CJS vignettes identical, despite the knowledge of the unlikelihood of it occurring in ‘real life’. This may, in part, explain the extremely positive results in favour of RJ; the idea that the offender is still incarcerated after having to face their victim during mediation may have appeared more harsh and “tough” than simply being incarcerated in the CJS vignette. After discussion with court authorities and government agencies, including the Victim-Offender Mediation Unit, it became clear that in reality, the likelihood of incarceration for the described offence was minimal. As the offender was a juvenile, a first time offender, and pleaded guilty to the offence, it is very likely that the offender would have avoided incarceration, with or without participating in mediation. Future research may benefit from altering the sanctions to be more representative of reality to determine whether the idea of punishment has an effect on the public’s opinion of RJ.

Additionally, in a more realistic representation of a mediation session, the offender would have been encouraged to provide the victim with an apology for his actions and to express any remorse felt. As the literature suggests an apology can positively affect the public’s perceptions of RJ (Darby & Scenker, 1989; Scher & Darley, 1997), it was decided to omit any mention of an apology or any expression of remorse from the RJ scenario to avoid bias. While a high level of support was shown in the current study, it may have been beneficial to conduct a ‘real-life’ study, with the addition of all excluded actions and sanction, to evaluate if the public would support RJ as it is in reality. Nevertheless, the results offer impressive support for restorative actions within the justice system.

An underlying assumption of the current study has been that of the lack of knowledge regarding the criminal justice system among the sample, based on the findings of previous research. While it is likely that this assumption is correct and the sample from the present study is consistent with samples from previous studies, future research may benefit from asking respondents a demographic question regarding their level of knowledge about the justice system. Similarly, a question regarding respondent's knowledge of the mediation process or restorative principles would be beneficial in the analysis and interpretation of results. Additionally, future research could make reference to the effect fear of crime can have on public perceptions. Fear of crime has been linked to public attitudes towards sentencing and the justice system, with those reporting high rates of fear also holding more punitive attitudes (Stafford, Chandola & Marmot, 2007; Gelb, 2008), and therefore may be likely to be less in favour of restorative principles.

As the current study found high levels of support for RJ in relation to a property offence, any future replications of the study could look at including a vignette that describes a personal offence and the process of justice through mediation and the traditional court system. Likewise, future research could ask questions similar to those in the present study without the aid of a vignette scenario. Research has demonstrated that when people are asked general questions about offending or sentencing, they tend to think of violent crime and violent offenders (Doob & Roberts, 1988). As people are known to associate crime with violence, it would be interesting to examine whether RJ would gain as much support if people assume they are being asked question in relation to violent offences. Furthermore, future research could benefit from examining and comparing public support for the different types of mediation that are currently used within the justice system: both pre- and post-

sentence. As the victim can directly benefit from mediation pre-sentence (through either material or symbolic reparation), it would be interesting to see if levels of support for restorative process would be as high for post-sentence.

One of the limitations of conducting a purely quantitative research study is that of its inability to explain ‘why’ results occur or what the reasons were behind people’s responses (Clark, 1998). In order to gain better understanding of the results of the current study, future research may need to move towards a qualitative research design, which could provide a more in-depth view of the public’s perceptions. One-on-one interviews with members of the public could provide a chance for elaboration in regards to the participant’s responses to the questionnaire. Further, a focus group could allow for an unstructured discussion on the limitations of the traditional system and ways these deficits could be improved with restorative measures.

Implications and Concluding Remarks

There is little doubt that public opinion in relation to crime and criminal justice play a central role in the development of public policy. Given the importance of public attitudes to the public sector, it is critical that policy makers receive an accurate portrayal of opinion, rather than the warped one presented by the media. The findings of the current study suggest that policy makers need to treat with scepticism the claims made by the media regarding the public’s demand for tougher laws and harsher penalties. The present study offers no evidence to support the idea of widespread highly punitive attitudes among the public, from which are the basis of “tough on crime” political strategies. It does, in fact, provide evidence to suggest that even the most highly punitive people are not in favour of the traditional criminal justice system and willing to accept alternatives to prison. If, as the results of the study

suggest, the public are in favour of repairing the damage caused by crime, there is probably leeway to introduce more lenient sentences and laws without losing public support. This support, however, is likely to only be forthcoming if the public were more informed about the justice system and current practices. Confidence in the criminal justice system could be increased and improved if the public had a more accurate idea of crime in general, and the reasons behind decision making in the courts.

According to the current study, there are high levels of support, including among victims of crime, for the restorative principles of reparation and victim participation. Additionally, the study has demonstrated the lack of support that both victims and the general public have for the traditional version of the justice system. Significantly higher levels of support for restorative initiatives should not be ignored. The findings from the present study only add further evidence to the existing research demonstrating high levels of support for restorative principles. The current study has provided reason to believe that the public, in general, appear to prefer the principles associated with restorative justice to that of the traditional system, including the increased participation of the victim in the justice process. It should be noted that the present study found this support with no mention of restorative justice and without explanation of its key principles, as in past studies. This could suggest that public support for restorative justice is more prominent than once thought; that the public do not need prior knowledge of its workings in order to favour it over the traditional system. The study has shown that the process of mediation is not viewed as “soft on crime” as is often reported (Wilson, Huculak & McWhinnie, 2002), and that is the traditional system that is considered to be soft. These results imply that more emphasis needs to be placed on affirming public support for restorative justice. More funding

needs to be placed into government departments that are directly involved in providing mediation services to the courts and the public, namely the Department of Corrective Services and the Victim-Offender Mediation Unit. Funding also needs to go into providing the public with the knowledge that restorative services are available and the benefits they can have for the victim, the offender and the wider community. As has been demonstrated, the public are much less punitive and willing to accept alternatives to prison than was once thought. With this in mind, and the idea that those who are most immediately affected by crime are open to restorative practices and less retributive actions, it would be logical for a shift in policy to reflect such a large proportion of society's views.

In sum, the results of the current study paint a picture of a far less retributive public than is portrayed in the media. Respondents have indicated greater concern for restorative strategies that promote healing and restitution, rather than punitive ideals promoting vengeance and vindication. The general public, victims and those with high punitiveness levels and all levels of belief in a just world have embraced a more restorative orientation to criminal justice, alluding to a shift in public opinion; with the findings reflecting a growing interest in restorative ideals. Greater victim involvement in the justice system was strongly supported by the sample, as was victim and offender communication. The study also found high levels of dissatisfaction with the traditional justice system. As one of the main concerns for policy makers is maintaining support for the justice system, policy should be working towards making restorative practices readily available for victims and offenders alike, repairing the damage of crime, recognising and involving victims as stakeholders of an offence, and reshaping the justice system based around empirically-sound principles.

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Appendix A:

Initial information letter for residents.

Date: 18/08/2014

Dear Resident,

We are researchers at Murdoch University who are interested in examining community perceptions about crime and the effectiveness of the criminal justice system. In this study, we are interested in your opinion on the different ways the criminal justice system may respond to criminal behaviour. The enclosed questionnaire contains a series of questions; by including these questions in the questionnaire, neither we, nor the university, support or condemn any of them. We are **only** interested in **your opinion** on the information presented.

To ensure a cross-section of community attitudes is represented in the study, households have been randomly selected using the Australian Bureau of Statistics database. The questionnaire will help compile a profile of the general population's views, and will take about 15 minutes to complete. As we hope for an equal number of male and female respondents, half of the questionnaires are intended for males, and the other half are intended for females. In your case, we would be grateful if an adult **female** in the house could complete this questionnaire. However, if that is not possible, we would be just as pleased if an adult **male** could complete it.

Once you have completed the questionnaire, we would be very grateful if you returned it in the reply-paid self-addressed envelope provided by Friday the 5th of September. Please do not write your name anywhere on the questionnaire as all the information gathered is strictly anonymous.

If you have any questions about this research, please contact Dr Courtney Field on 9360 2319. Alternatively, if you have any ethical enquiries, you can contact the Human Research Ethics Committee at Murdoch University on 9360 6677. The results of this study will be available to survey participants and the general public from January 2015 via the Murdoch University Law School website: <http://www.law-news.murdoch.edu.au/>

Your participation in this research is greatly appreciated.

Yours faithfully,

Cassidy Weinman

Honours candidate

Dr Courtney Field

Lecturer in Criminology

Murdoch University

This study has been approved by the Murdoch University Human Research Ethics Committee (Approval 2014/155). If you have any reservation or complaint about the ethical conduct of this research, and wish to talk with an independent person, you may contact Murdoch University's Research Ethics Office (Tel. 08 9360 6677 or e-mail ethics@murdoch.edu.au). Any issues you raise will be treated in confidence and investigated fully, and you will be informed of the outcome.

Appendix B:

Vignettes used in survey.

Vignette 1 (Restorative Justice)

A 17-year old male broke into a home through a back window during the mid-afternoon period. He was unarmed and assumed there to be no one present in the house at the time. While he was in the house, the offender caused \$9,000 worth of damage through theft and property damage. The police were subsequently able to apprehend the offender soon after.

The offender's case was heard in the Magistrate's Court where he pleaded guilty to the charge of Aggravated Burglary, removing the need for a criminal trial. The Magistrate ordered that the offender participate in a Victim Mediation session with the homeowners. Both parties were interviewed to test their eligibility to participate in the session that also involved a trained mediator in an informal setting. Both the victims and offender were able to ask questions of one another in regards to the offence and the offender was able to give his reasons for his actions. The victims explained how the offence had affected them and the damage that was caused and the offender gave an explanation for his actions. They were also given an opportunity to discuss compensation of any losses the crime had caused, with the offender agreeing to pay the victims back what he could before his sentence date. A mediation report was presented to the court alongside a Pre-Sentence Report. As the offender had no prior convictions but did act under aggravating circumstances, voluntarily participated in mediation, paid compensation and showed remorse for his actions, the Magistrate sentenced him to six months detention.

Vignette 2 (Traditional Justice System)

A 17-year old male broke into a home through a back window during the mid-afternoon period. He was unarmed and assumed there to be no one present in the house at the time. While he was in the house, the offender caused \$9,000 worth of damage through theft and the destruction of property. The police were subsequently able to apprehend the offender soon after.

The offender's case was heard in the Magistrate's Court, where he pleaded guilty to the charge of Aggravated Burglary, removing the need for a criminal trial. The

Magistrate delayed sentencing for a period of four weeks so a Pre-Sentence Report could be prepared and a Victim Impact Statement could be obtained. During this time, the offender was interviewed by a Community Corrections Officer and a report was written regarding the offender's present situation, his background, family situation, employment status and his plans for the future. This report was then presented to the court for the Magistrate to read. During sentencing, the Magistrate considered the Pre-Sentence Report and read the Victim Impact Statement, which outlined how the homeowners had been affected, mentally and financially, by the burglary. As the offender had no prior convictions but did act under aggravating circumstances, the Magistrate sentenced him to six months detention.

Appendix C:

Survey to residents.

Participant Consent

I have read the provided information letter about the nature and scope of this survey. Any questions or concerns I have about this research have been answered to my satisfaction, through the means described on the cover page of this survey. I agree that by submitting the survey I give my consent for the results to be used in the research. I am aware that this survey is anonymous and no personal details are being collected or used. I know that I may change my mind, withdraw my consent, and stop participating at any time; and I acknowledge that once my survey has been submitted it may not be possible to withdraw my data.

I understand that all information provided is treated as confidential by the researchers and will not be released to a third party unless required to do so by law.

I understand that the findings of this study may be published but that no information, which can specifically identify me, will be published.

SECTION 1

1. What is your age? _____ years
2. What is your sex? Male [] Female []
3. What is the highest level of education you have completed?

[] Primary school only

[] Part high school/ school certificate (Year 10 or equivalent)

[] Completed high school/ High school certificate (Year 12 or equivalent)

[] Completed post-secondary school (TAFE, trade, diploma)

[] Bachelor's degree

[] Post-graduate studies (Honours, Masters, Doctorate)

4. What suburb do you live in? _____

5. How would you rate your political preferences? (Please circle a number; 'Right-wing' preferences mean a socially and economically conservative political viewpoint; 'left-wing' means socially and politically progressive)



6. Have you ever been a victim of crime? Yes No

If 'yes', what type of crime? (Please tick all appropriate)

Property Offence

Personal Offence

7. What is your ethnicity?

Aboriginal or Torres Strait Islander

African

Asian

Caucasian

Maori

Indian

Other _____

SECTION 2

Below you will find various statements. Most likely, you will strongly agree with some statements, and strongly disagree with others. Sometimes you may feel more neutral.

Read each statement carefully and decide to what extent you personally agree or disagree with it. Please rate your level of agreement with the following statements on a scale from **1** to **10**, with **1** being **STRONGLY DISAGREE**, and **10** being **STRONGLY AGREE**.

- _____ 1. We are entirely too soft on people convicted of crime.
- _____ 2. Offenders should be harshly punished to make them pay for their crimes.
- _____ 3. We should use the old saying “an eye for an eye and a tooth for a tooth” as a guideline for determining punishment for criminals.
- _____ 4. To better control the crime problem, more prisons need to be built.
- _____ 5. Prisons today are much too lenient.
- _____ 6. Using the death penalty helps us to better control crime.
- _____ 7. Prison and jail inmates deserve the humiliation, intimidation, and degradation they may receive.
- _____ 8. Drug dealers should be given life sentences for their crimes.
- _____ 9. A person who sexually abuses children should never be released from prison.
- _____ 10. Probation supervision is a joke.
- _____ 11. A person who has three convictions for very serious crimes should receive life without the possibility of parole.
- _____ 12. People choose to commit crimes; therefore, they deserve the punishment they get.
- _____ 13. Harsh and severe punishments are necessary to preserve a sense of justice in our society.
- _____ 14. Speedy, severe, and certain penalties are the only way to prevent people from committing crime.
- _____ 15. Inmates who participate in programs while confined (such as education, counselling, vocational training, etc.) do so only because they are trying to impress the parole board so they can possibly gain an early release.

SECTION 3

Below you will find various statements. Most likely, you will strongly agree with some statements, and strongly disagree with others. Sometimes you may feel more neutral.

Read each statement carefully and decide to what extent you personally agree or disagree with it. Please rate your level of agreement with the following statements on a scale from **1** to **6**, with **1** being **STRONGLY DISAGREE**, and **6** being **STRONGLY AGREE**.

Note: While some of the statements below may appear similar, they are all useful to this investigation and it would be appreciated if you could consider them all.

- _____ 1. I believe that by and large, I deserve what happens to me.
- _____ 2. I am usually treated fairly.
- _____ 3. I believe that I usually get what I deserve.
- _____ 4. Overall, events in my life are just.
- _____ 5. In my life, injustice is the exception rather than the rule.
- _____ 6. I believe that most of the things that happen in my life are fair.
- _____ 7. I think that important decisions that are made concerning me are usually just.
- _____ 8. I think that basically the world is a just place.
- _____ 9. I believe that, by and large, people get what they deserve.
- _____ 10. I am confident that justice always prevails over injustice.
- _____ 11. I am convinced that in the long run people will be compensated for injustices.
- _____ 12. I firmly believe that injustices in all areas of life (e.g., professional, family, and politics) are all the exception rather than the rule.
- _____ 13. I think people try to be fair when making important decisions.

SECTION 4

Below you will find a short extract followed by various statements. Most likely, you will strongly agree with some statements, and strongly disagree with others. Sometimes you may feel more neutral. Please read through the paragraph and each statement carefully, and decide to what extent you personally agree or disagree with it.

Please rate your level of agreement with the statements on a scale from **1** to **6**, with **1** being **STRONGLY DISAGREE**, and **6** being **STRONGLY AGREE**.

A 17-year old male broke into a home through a back window during the mid-afternoon period. He was unarmed and assumed there to be no one present in the house at the time. While he was in the house, the offender caused \$9,000 worth of damage through theft and the destruction of property. The police were subsequently able to apprehend the offender soon after.

The offender's case was heard in the Magistrate's Court, where he pleaded guilty to the charge of Aggravated Burglary, removing the need for a criminal trial. The Magistrate delayed sentencing for a period of four weeks so a Pre-Sentence Report could be prepared and a Victim Impact Statement could be obtained. During this time, the offender was interviewed by a Community Corrections Officer and a report was written regarding the offender's present situation, his background, family situation, employment status and his plans for the future. This report was then presented to the court for the Magistrate to read. During sentencing, the Magistrate considered the Pre-Sentence Report and read the Victim Impact Statement, which outlined how the homeowners had been affected, mentally and financially, by the burglary. As the offender had no prior convictions but did act under aggravating circumstances, the Magistrate sentenced him to six months detention.

- _____ 1. This approach is "soft on crime."
- _____ 2. This process is fair on the victim.
- _____ 3. This process is fair on the offender.
- _____ 4. This process benefits the wider community.

END OF SURVEY

We would like to thank you for participating in the current research study. Your cooperation and time is greatly appreciated. Please return this survey by using the reply paid envelope provided.

If, throughout any stage of completing this questionnaire, you have felt any level of discomfort, stress, anxiety or inflicted insight, please do not hesitate in contacting Dr Courtney Field on 9360 2319. The results of this study will be made available through the Murdoch University Library online database.

This study has been approved by the Murdoch University Human Research Ethics Committee (Approval 2014/155). If you have any reservation or complaint about the ethical conduct of this research, and wish to talk with an independent person, you may contact Murdoch University's Research Ethics Office (Tel. 08 9360 6677 or email ethics@murdoch.edu.au). Any issues you raise will be treated in confidence and investigated fully, and you will be informed of the outcomes.

Appendix D:

Follow-up reminder letter to residents.

Date:
08/09/2014

Dear Resident,

A questionnaire was recently delivered to you regarding the opinions of the general Perth community about the different ways the criminal justice system may respond to criminal behaviour. Since the responses of this questionnaire are strictly confidential, we have no way of knowing who has replied and who has not. Therefore, we apologise if you have already returned your questionnaire to us, and we appreciate your help.

If you have not been able to reply to us, could we please ask that you complete the questionnaire and return it to us as soon as possible, preferably by Wednesday the 24th of September? We apologise for any intrusion, but stress the importance of obtaining your opinion. The questionnaires were distributed to only a small representative cross-section of the community. It is therefore important that your views are included in the study if we are to accurately assess community perceptions on the above issue. Remember, however, that your participation is entirely voluntary.

If you have any questions about this research, please contact Dr Courtney Field on 9360 2319. Alternatively, if you have any ethical enquiries, you can contact the Human Research Ethics Committee at Murdoch University on 9360 6677. The results of this study will be available to survey participants and the general public from January 2015 via the Murdoch University Law School website: <http://www.law-news.murdoch.edu.au/>

Your participation in this research is greatly appreciated.

Yours faithfully,

**Cassidy Weinman
Field**

Honours candidate

Dr Courtney

Lecturer in Criminology

Murdoch University

This study has been approved by the Murdoch University Human Research Ethics Committee (Approval 2014/155). If you have any reservation or complaint about the ethical conduct of this research, and wish to talk with an independent person, you may contact Murdoch University's Research Ethics Office (Tel. 08 9360 6677 or e-mail ethics@murdoch.edu.au). Any issues you raise will be treated in confidence and investigated fully, and you will be informed of the outcome.

Appendix E:

Content of data and output USB.

1. PARTICIPANT DATA

- Descriptive statistics and frequencies for socio-demographic variables

2. RELIABILITY ANALYSES

- Cronbach's alpha for 'Support for RJ' scale
- Cronbach's alpha for 'Support for CJS' scale

3. DESCRIPTIVE STATISTICS

- Descriptive statistics for each of the scales used with the sample
- Descriptive statistics for victims/non-victims and males/females for each of the scales used with the sample

4. CORRELATIONS

- Correlations between key measures and demographic data
- Correlations for demographic data and either 'support for RJ' or 'support for CJS'

5. FACTORS AFFECTING VICTIMS OF CRIME

- Independent t tests to test for prior differences on the scales between respondents in RJ and CJS groups
- Independent t test examining levels of punitiveness between victims and non-victims
- Independent t tests examining levels of belief in a just world (personal, general and overall) between victims and non-victims

6. PUBLIC SUPPORT FOR RESTORATIVE JUSTICE

- Independent samples t test examining the levels of support for each of the justice types

7. FACTORS AFFECTING SUPPORT FOR RESTORATIVE JUSTICE

- Independent samples t test examining the effect of victimisation of support for restorative justice
- One-way between groups ANOVA examining the effect of punitiveness on support for restorative justice
- One-way between groups ANOVA examining the effect of punitiveness on support for the traditional criminal justice system
- One-way between groups ANOVA examining the effect of overall belief in a just world on support for restorative justice
- One-way between groups ANOVA examining the effect of overall belief in a just world on support for the traditional criminal justice system

8. FINAL DATA SET