

CLASS 3: THE EMOTIONS OF HARMS AND WRONGS: THE VICTIM'S EXPERIENCE

Introduction

Humans are social creatures, and humans are fallible. These two realities mean that we will commit harms and wrongs against other people.

Yet even if harms and wrongs are unavoidably regular occurrences, they are often significant. This is made evident by the emotional reactions they commonly generate.

Last time, we considered the emotions we experience within ourselves when we do harm to others. If we are aware of our responsibilities to others, we will likely feel a mixture of shame and guilt when we commit a wrong. Indeed, we expect each other to feel guilt when we hurt others. A person's lack of guilt when a wrong occurs is an indication of a lack of respect for the moral obligations we possess to each other.

Although guilt can sometimes be overwhelming and seemingly-defeating, we can and should channel it so it serves as a motivation for affirmative repair work. If we wish to make amends after we engage in harmful action, we need to recognize and manage our own emotions.

However, when we commit an offense against another, and we wish to fix the resultant damage, we will also need to recognize the emotional impact on the person we have wronged. To take responsibility for damage we have done to the moral code requires us to understand the impact of our actions. A very significant such impact is the emotional reaction of those who have been harmed.

There is no single victim experience, and thus no single emotional reaction when offenses occur. That means that it is difficult to make general statements about what all victims want and need. That said, most victims are looking to be understood and to be restored. To help them with this requires us to reckon with their emotional experiences.

Of course, we have all been perpetrators *and* victims of harms and wrongs. So, it is not hard to imagine what it feels like to be in either role – we have all been there. Indeed, the reality that we all commit and experience harm makes it possible for us to achieve the types of empathic connections that restorative justice processes seek to accomplish. If the emotional experiences of both perpetrator and victim are managed well, each side can heal.

The Emotions of Victims

Our moral code assumes that we all possess worth, and to the same degree. None of us should believe that we are somehow inherently superior to others. If we accept this assumption as a basic moral truth, then it follows that none of us can legitimately take undue advantage of others. We all expect to be treated with a base level of respect.

For that reason, when another person takes advantage of us, we can experience that as a moral affront. We lose a desired sense that we possess sufficient autonomy to pursue our own choices of future actions. We expect others to respect our desire for maximum self-determination; we do not wish to simply be seen as a means for someone else's ends.

Because we are social beings, we are perpetually at risk for just these sorts of moral violations by others. This vulnerability is an inescapable aspect of human existence, something with which all of us must come to terms.

But even if this vulnerability is unavoidable, it is still something we can find very uncomfortable, especially when we believe we have been wronged. Jeffrie Murphy and Jean Hampton (1988, p. 25) capture this point this way:

“Most of us tend to care what others think about us – how much they think we matter. Our self-respect is social in at least this sense, and it is simply part of the human condition that we are weak and vulnerable in these ways. And thus when we are treated with contempt by others it attacks us in profound and deeply threatening ways.”

This threat stems from the fact that we expect otherwise. We expect to be seen as equal to others, we expect to have our autonomy respected. When another person interferes with our ability to shape our destiny, we can see them as assuming an illegitimate level of superiority. Christopher Bennett (2007, p. 252) articulates this argument:

“A moral injury consists in being treated as if you do not really count. Of course, the wrongdoer *may* harm the victim as well. But the reason the harm counts as important is that it is a *violation* of the other person. It is thus a way of treating the other person as if he does not really count. Wrongdoing, on this view, is a violation of something that is some way sacred: a human being's right to basic respect.”

So, part of our emotional reaction when we feel wronged stems from our sense that we are not being treated with the fairness and respect we are due. Another emotional reaction to wrongs can result if our physical security is under threat. Just as we expect to have a significant degree of self-determination, we also expect to be free from undue harm to our bodies and our resources. This is another key way in which our sociality makes us vulnerable – others can harm us physically, and can abscond with our possessions.

One of the early leaders of the restorative justice movement, Howard Zehr (1990, p. 24), captures these twin threats when he defines crime:

“Crime is in essence a violation: a violation of the self, a desecration of who we are, of what we believe, of our private space. Crime can be devastating because it upsets two fundamental assumptions on which we base our lives: our belief that the world is an orderly, meaningful place, and our belief in personal autonomy. Both assumptions are essential for wholeness.”

Sadly, violations of these assumptions can have lasting impacts. There is ample evidence that many victims of wrongs experience significant long-term consequences – resentment, bitterness, hostility, anger and fear. In some cases, these emotional reactions manifest as post-traumatic stress disorder. As Jonathan Doak (2011, p. 442) puts it:

“Often crime will carry with it some degree of emotional distress for victims for some time after the offense, with victims often experiencing a loss of confidence or living in a state of fear of a repeated attack. This is particularly true in cases involving violence, where emotions including fear, helplessness, shame, self-blame, anger, and vulnerability may prevail for some time.”

Given the power of such emotions, it is not surprising that many victims of wrongs seek some form of revenge. Victims often wish to find a way to rebalance the scales; they want to regain the loss of power that their perpetrator took from them. Indeed, their desire for revenge can be seen as a positive thing. Stephen Garvey (1999, p. 18222) articulates this argument:

“The victim’s impulse to punish represents, among other things, a legitimate urge to strike back, not vindictively, but as a way of reaffirming his own moral worth. The retributive instinct is to that extent a healthy sign of self-respect.”

Yet the pursuit of vengeance is not necessarily the most healthy way forward for victims of wrongs. There are perhaps better ways to honor the emotional reactions of victims than to indulge their wishes to lash back. Indeed, much of the emphasis of restorative justice is on how to manage the emotions of both the victim and the perpetrator in a way that maximizes the chances of restoring both parties.

Wrongs, Emotions and Restorations

Victims of wrongs understandably experience a range of often-powerful emotions. They can feel diminished, fearful, angry, and even vengeful. This desire for revenge can be seen as stemming from a hope to re-elevate themselves to a state of moral equality with the perpetrator. The term “get even” suggests the victim’s desire to regain the status they feel that they have lost.

So, when a wrong occurs both the victim and the perpetrator can harbor strong emotions. Any effort to do “justice” in response to a wrong should arguably take these emotional realities into account.

This is precisely what restorative justice conferences attempt to do. The emotional realities of both victim and perpetrator take center stage, and become the focus of efforts at restoration. In fact, a focus on the emotional realities of the parties involved is likely more important than the moral nature of the wrongs that were committed. Here is Harris, Walgrave, and Braithwaite (2004, p. 202) on this point:

“The wrongfulness of the behavior does not appear based on abstract moral or legal categories, but based on the emotional understanding of the harm caused. Moral wrongfulness discussed in emotional terms in the conference setting is a much more adequate ground for deliberation on possible solutions than abstract moralizing on legalism and social ethics. This is one of the major plusses of conferences in comparison to court sessions.”

In restorative justice conferences, victims are given the opportunity to explain what the wrong meant to them. This enables them to organize an account of their experience, and to share that with the perpetrator. What happened to them, and what it meant for them emotionally, are given a full hearing. This recounting of their emotions becomes the centerpiece of the conversation. Lawrence Sherman and his co-authors (2005, p. 391) describe it this way:

“The broken bond that the offense represents, and that is the source of shame for victim and offender alike, is transformed by the emotional energy released by the conference. The interaction ritual can thereby help to symbolize the effort to repair the harm, consistent with other evidence on how victims describe their experience with [restorative justice].”

A desire for vengeance is commonly one of the emotional realities for victims. Given the power and frequency of the hope for revenge, some analysts see it as an almost instinctual reaction to the commission of wrongs.

Yet advocates of restorative justice believe that vengeance should be seen in contextual terms, and thus as something that can be addressed and reduced. According to Sherman and Strang (2011, p. 145), “The view that vengefulness, like all emotions, is highly dependent on social context suggests that justice could indeed cure vengefulness through emotionally intelligent responses to crime.”

Such intelligent responses, as noted, are a result of restorative justice conferences where both the victim and the perpetrator are able to be open with their emotions. Each side must attend closely to the other, and be receptive to what they are hearing. An emotional presence is necessary on both sides. As Armour and Umbrett summarize it: (2006, p. 257)

“Restorative justice asks victims to be open to the offender in the sense of engaging with him in a dialogue that aims to get him to understand and accept what was wrong about what he did. The victim has to be prepared to work *with* the offender in some respects in order to get to this point. Vindictive or vengeful responses, on the other hand, lack this openness because they are simply concerned with doing something *to* the wrongdoer – imposing something *on* him. However, if it makes sense to enter into a dialogue with the offender about how what he did was wrong, then it is also reasonable for the victim to expect that, when called to account, [the perpetrator] will understand, admit his offence and offer to make proportionate amends.”

Ideally, the encounter will result in an apology from the perpetrator, and some indication on the part of the victim to offer forgiveness. This does not always occur, but it takes place much more frequently in restorative justice conferences than it does in regular court proceedings (Sherman and Strang, 2011).

Looked at one way, the offer of forgiveness can be seen as diminishing the victim, by allowing the perpetrator to “get off” perhaps too easily. But Pamela Gobodo-Madikizela sees it differently. She was heavily involved in the Truth and Reconciliation Commission that was set up in South Africa after the fall of the apartheid regime. During apartheid, state-sanctioned violence was appallingly common, and quite often lethal. The TRC was set up to allow perpetrators to provide information about their past actions to the families of their victims, in exchange for no or reduced punishment.

To some critics of the TRC, this offer of amnesty was tantamount to forgiveness. Given the severity of the wrongs committed by the defenders of apartheid, many activists thought that such forgiveness was unwarranted, because it failed to hold the architects of violence sufficiently accountable. Gobodo-Madikizela (2003, p. 117) has a different take:

“Although forgiveness is often regarded as an expression of weakness, the decision to forgive can paradoxically elevate a victim to a position of strength as the one who holds the key to the perpetrator’s wish. For just at the moment when the perpetrator begins to show remorse, to seek some way to ask forgiveness, the victim becomes the gatekeeper to what the outcast desires – readmission into the human community. And the victim retains that privileged status as long as he or she stays the moral course, refusing to sink to the level of the evil that was done to her or to him. In this sense, then, forgiveness is a kind of revenge, but revenge enacted at a rarefied level.”

Gobodo-Madikizela argues that the perpetrator hardly “gets away” with anything if they ask for and receive forgiveness. To engage in that process requires them to embrace their humanity. Even if they have been characterized as monsters, given their past transgressions, a true reconciliation process requires them to shed that image. They must instead recognize just how human they are, and just how significant are the moral obligations that they ignored:

“Far from relieving the pressure on them, recognizing the most serious criminals as human intensifies it, because society is thereby able to hold them to greater moral accountability. Indeed, demonizing as monsters those who commit evil lets them off too easily. Managed carefully, dialogue condemns – but not too hastily, lest it foreshorten the accountability process and, perversely, excuse the criminal by dismissing him into the category of the hopelessly, radically other. Sustained, engaged, ordered dialogue thus forces an offender to unearth what moral sensibilities he has. . .It thus encourages him to stop denying the suspected truth: that all along, he knew that he was human and knew right from wrong. The act of humanizing is therefore at once both punishment and rehabilitation” [2003, p. 172].

Restorative justice conferences do not always yield apologies and offers of forgiveness. Yet victims consistently express greater satisfaction with that approach than what is on offer in regular court proceedings (Strang 2002). Because of this, Strang and others argue that a restorative justice approach can be a beneficial way to recognize and address the emotional consequences of harms and wrongs.

Conclusion

We will address apologies and forgiveness in more detail next time. For now, the goal is to recognize the emotions that are commonly activated when harms and wrongs are committed. The perpetrator can often feel shame and guilt; their emotional selves register the fact that they have violated the moral code that binds us together. For the victim of those harms and wrongs, the emotional reactions can range widely. At the root of it, however, is the fact that the victim's sense of worth can be diminished, and their degree of physical vulnerability can be increased.

The intensity of victims' emotions often results in a desire for vengeance. Victims can hope for the strongest and most abrupt means by which the perpetrator can be brought down; they may hope for the moral imbalance to be set right as quickly and forcefully as possible.

Yet there are other means to restore the moral and emotional balance. Indeed, restorative justice practitioners try to re-establish equilibrium on both of these scales at the same time. The path toward moral reconciliation can only occur through a direct interrogation of the emotional experiences of both perpetrator and victim.

Here is how Harris, Walgrave and Braithwaite (2004, p. 203) describe an ideal restorative justice encounter:

“In a successful sequence, most victims will probably feel restored in dignity and in citizenship. The intruder on their dominion recognizes that his or her behavior was wrong and is willing to put in an effort to repair what can be repaired. Emotions of revenge in the victim can fade. Whereas revenge emotions are a drive to respond to humiliation by a counter-humiliation, there is less reason for this anymore: the offender has in fact diminished the victim's humiliation through his or her apology, which was kind of self-humiliation. The original emotions of revenge are hollowed out.”

The emotions of harms and wrongs are understandably powerful. Their emergence reveals the importance of the moral codes upon which we rely. Given their intensity, they must be addressed if we wish to make amends – with ourselves and with those who we have wronged.

In preparation for our class discussion, please consider and reflect upon the following questions:

- When you have been the victim of a harm or wrong, what types of emotional reactions have occurred for you? Why those emotions and not others?
- Have you ever felt a desire for vengeance? How would you both justify and critique that desire?
- If you harm or wrong another person, what type of emotional reaction do you expect to see?
- What obligations do you possess to understand the emotional reaction of someone you have harmed? How can you make good on that obligation?

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