Edith Cowan University

Research Online

2013

Secondary victims' perceptions of justice : implications for forensic psychology

Benjamin Bannister
Edith Cowan University

Secondary victims' perceptions of justice:

Implications for Forensic Psychology

Ben Bannister

Submitted in partial fulfilment of the requirements of the

Degree of Doctor of Psychology (Forensic)

April, 2013

The Faculty of Community Services, Education and Social Sciences

Edith Cowan University

USE OF THESIS

The Use of Thesis statement is not included in this version of the thesis.

Abstract

An emerging area of study has begun to look at the perceptions of justice of the family and friends of crime victims – or, *secondary victims*. It is important to improve understanding of secondary victims' experiences of justice, partly because knowledge about how they perceive justice may help forensic psychologists assist them more effectively. This research attempted to assess how well existing justice theories could account for secondary victims' perceptions of justice, and also help determine what is important to them. Using the largely ignored group of secondary victims of non-sexual violent crime, the research consisted of two interrelated stages. In Stage One, qualitative analysis was used to determine the justice perceptions of 22 secondary victims. The findings revealed that a combination of principles from various theories of justice were present in secondary victims' views. However, participants also endorsed unique aspects of victimisation that did not link directly to existing theories. Importantly, many participants made primary victim and offender outcome comparisons using seven variables. Three related to the primary victim and four related to the offender. A second stage of research involved 156 potential secondary victim participants drawn from the community. They responded to a scenario involving a victim of crime, in order to determine whether they considered the same seven variables identified in Stage One in deciding whether justice had been achieved for that victim. The results showed that participants considered these variables when making comparisons of outcomes, and did so irrespective of whether they felt justice had been achieved in the given scenario. Overall, the findings of the two stages of this research represented an important step towards a more comprehensive understanding of the justice experiences and perceptions of secondary victims of violent crime, and therefore have important implications for forensic psychologists working with this group.

Declaration

To the best of my knowledge and belief, I certify that

- This thesis does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any institution of higher education

- This thesis does not contain any material previously published or written by another person except where due reference is made in the text

- This thesis does not contain any defamatory material

Signature

Date………30/04/13..……………………

Acknowledgements

Contents

List of Tables

x

Theoretical Overview

Broadly speaking, justice is a fundamental concept in human interactions. Some believe that the sense of justice gives people certainty in an uncertain world (e.g., van den Bos, 2001), and that the promise of justice is needed by people to trust others and to trust authorities (van den Bos, Wilke, & Lind, 1998). Kelsen (1957) believed that justice was important because it related to conflicts of interest; where there was discord, disagreement and discontent, justice mechanisms could provide regulation. In any event, many agree that justice perceptions have an influence at the individual, group and societal level (Kazemi & Tornblom, 2008). However, psychological investigation into peoples' perceptions of justice is comparatively recent, with specific inquiries into the sense of justice experienced in everyday life largely beginning during World War Two (Stouffer, Suchman, DeVinney, Star and Williams, 1949).

Research into such perceptions is relevant to forensic psychology for two main reasons: because people need to be motivated to voluntarily obey the law in order for society to function effectively, and because the judicial process has the capacity to be psychologically positive for the individuals involved in it.

Regarding the first reason, the law is heavily dependent on voluntary compliance, and for the law to be effective it stands to reason that people must not only obey it, but also maintain a desire and compulsion to do so (Robinson & Darley, 1995). In addition, the decision to obey the law must be a voluntary one, because of the practical and constitutional limits of the coercive power of legal authorities (Tyler, 1990). Indeed, research shows that crime victims are more likely to cooperate with the criminal justice system if they are satisfied they have achieved justice through engaging in it (Tyler & Huo, 2002). For example, they are more likely to report crimes in the future (Ruback, Cares & Hoskins, 2008). Kelly (1984) went as far as to say that if the disadvantages of participating in the criminal justice system outweighed the advantages, more crimes could be committed with impunity. Voluntary compliance with the criminal justice system is also important because the acceptance of judicial decisions is a central assumption of democracy. It has even been argued that to a degree this acceptance is a fundamental aspect of the democratic process, because justice, as defined by legislation, partly develops from the needs and values of people who bring their problems to the legal system (Tyler, 1990). This highlights the importance of

taking into account a wider scope of the impact of the criminal justice system on individual attitudes and perceptions of justice.

Regarding the second reason, research shows that if victims perceive justice has been achieved in their circumstance, the judicial process has the capacity to be psychologically positive for their recovery from the effects of crime (Kelly, 1984)[1]. Specifically in the case of victimisation from violent crime, these effects can be substantial. Much research in this area has shown that such crime can have a significant physical (e.g., Robinson & Keithley, 2000) and financial impact on victims, as well as their families (e.g., Cohen, Miller & Rossman, 1994). Often, the aftermath of violent crime can have a negative impact on victims' social attitudes, resulting in increased fear and self-limiting behaviour (e.g., Dull & Wint, 1997; Kilpartick, Seymour and Boyle, 1991) as well as impacting negative on mental health (Kazantzis, Flett, Long, MacDonald, Millar & Clark, 2010). Despite reforms in the area of victims' rights, which have attempted to make the experience of the justice system more positive for crime victims, many may still find the judicial process counterproductive to their psychological well-being (Schneider, 2001). As Herman (2005) explained, this is because the subjective wishes and needs of victims are often diametrically opposed to the objective requirements of legal proceedings. For example, while victims need social acknowledgement and support, their credibility is often publicly challenged by the judicial system. Similarly, the disempowering nature of many courts is frequently at odds with the requirement for victims to re-establish a sense of power and control (Herman, 2005).

Importantly, research shows that it is not just directly victimised people whose perception of justice is of interest to psychology (e.g., Davis, Taylor & Bench, 1995; Remer & Ferguson, 1995; Sprang, McNeil & Wright, 1989). Comparatively recently, an emerging area of study has begun to look at the second tier of individuals between primary victims and society as a whole – or, secondary victims – in an effort to elucidate victimisation concerns in a broader sense. Research suggests that secondary victimisation face a range of ego-oriented and primary victim-oriented experiences that make them an important subset of the population to study. Nevertheless, the majority of what is currently known about the justice perceptions of secondary victims of non-sexual violent crime is what can be inferred from existing justice theory literature.

---

[1] This would be echoed later by Wexler (1992) and his work on therapeutic jurisprudence.

Overall, there is clearly a need for investigation into the experiences of secondary victims of violent crime as they specifically relate to perceptions of justice. As previously noted, such investigation is necessary not only because legal decisions and policies can be influenced by secondary victims' views, but also because it will inform how forensic psychology can best respond to their needs. Specifically, knowledge about how they perceive justice can help those who work with them in their recovery from victimisation, and help tailor interventions to meet their particular requirements. It is therefore important for forensic psychologists to understand the processes and elements of their justice perceptions. However, no research has thus far attempted to determine what secondary victims' perceptions are and how well traditional theories of justice can account for them.

This research attempted to elucidate the justice perceptions of secondary victims of crime, focussing on the largely ignored sub-population of those people whose family and friends had experienced non-sexual violent crime. This was done in order to provide a comprehensive picture of their experience and determine to what degree the main existing theories of justice (Distributive Justice, Retributive Justice, Procedural Justice and Restorative Justice) could account for them. The project consisted of two interrelated stages of research.

STAGE ONE

Introduction

Secondary victimisation

Remer and Ferguson (1995) explain that secondary victimisation occurs when the psychological damage suffered by the direct victims of crime is experienced to some degree by that person's significant others. They are known as secondary victims not because they are affected to a lesser degree by it, but because of their indirect relationship to the crime and that they can experience a secondary effect from the impact on the primary victim. In outlining characteristics of secondary victims of sexual assault, Remer and Elliott (1988a) described three categories of this type of victim: men and women in conjoint relationships with the primary victim, such as spouses and close friends; children of the primary victim; and extended family members of the primary victim. They suggested that all secondary victims are altered by the primary victim's trauma, whether or not they are consciously aware of it, because usual patterns of interaction and behaviour are markedly changed.

Gaining an understanding of secondary victims' perceptions of justice is important for two main reasons: Firstly, secondary victims can help shape justice decisions and policies, and therefore their views can at least partly determine how the law responds to their needs. Secondly, knowledge about how they perceive justice may help forensic psychologists to mitigate the breadth and depth of adverse psychological consequences on them. These reasons will be further elucidated below.

As noted earlier, the perception by secondary victims that justice has been done is important because such people make up a segment of the individuals whose concerns help define justice – at least in a legal sense (Tyler, 1990). In practical terms, as members of the wider public who have been affected by the decisions of the criminal justice system, secondary victims form part of the community that has the power to affect judicial decisions, and to encourage changes in justice policies such as the sentencing of offenders. For example, in March 2002, a West Australian sex offender was sentenced on appeal to an additional six years of imprisonment for offences committed against a number of children (R v Hough, 2002). The impetus for this

appeal was largely the result of the mother of one of the children conducting a well-documented public campaign against the offender's original sentence.

Additionally, as Sprang, McNeil and Wright (1989) explained, secondary victimisation by definition suggests that individuals closely connected with the primary victim of an offence can suffer some of the same distress as that person. By virtue of this fact, the consequent psychological harm of offences is multiplied. However, Sprang, McNeil and Wright (1989) also outlined that secondary victims' experiences are distinct from those of primary victims. It is therefore important for therapists working with secondary victims to better understand whether they have a unique perception of justice, and how they conceptualise it in order to gain insight into the most effective responses to the adverse emotional and psychological experiences they are subjected to.

Furthermore, the experiences of secondary victims of non-sexual violent crime are clearly different from those of people whose loved ones have been a victim of illness, suicide or accidental death (Rando, 1996), and this alone suggests that their perceptions can add something unique to the body of related psychological knowledge. While secondary victims of non-sexual violent crime must deal with many of the same experiences as primary victims, such as emotional management, grief, and post-traumatic stress, they may also have to consider concerns such as those relating to socio-legal factors (Burgess, 1975). As they specifically relate to secondary victims, this includes factors such as their particular experience of the court process and the attribution of blame. As Armour (2002) explained, secondary victims of non-sexual violent crime experience loss uniquely for several reasons. Firstly, they are forced to deal with the aftermath of a wilful, unanticipated violent act perpetrated by another. Secondly, they may be portrayed – possibly negatively – in the media, and their right to privacy invaded as a result of this portrayal. They may also risk being viewed negatively by society in general, and become stigmatised as a result of their circumstances. Thirdly, secondary victims' needs for justice may be subsumed by those of the State, because meeting their needs may not be a priority of the criminal justice process. These unique experiences can combine to create a scenario whereby individuals are deeply affected, and they can find that "systems of meaning that previously helped them to survive an unpredictable world are suddenly obsolete" (Armour, 2002, p. 112). These matters have implications for how people in helping professions assist secondary victims, because knowledge about such factors can

encourage the implementation of tailored psychological interventions that take account of the specific challenges they face.

While there are numerous studies that have investigated the perceptions of justice of directly victimised individuals (e.g., Kaukinen & Colavecchia, 1999; Kelly, 1984; Shapland, 1984; Umbreit, 1989), there are comparatively fewer that have looked at the perceptions of justice of secondary victims. There has been some investigation into the justice experiences of people in secondary roles (e.g., Sheppard, Saunders & Minton, 1988; Skarlicki, Ellard & Kelln, 1998), but they have often been considered as either detached observers or active dispute resolvers. In contrast, there seems to be a paucity of research which has specifically addressed the role of actively involved third parties. Additionally, what limited current research exists in the area of secondary victimisation has mainly focused on the effects of sexual offences (e.g., Ahrens & Campbell, 2000; Balakrishna, 1998; Cooney, Allan, Allan, McKillop & Drake, 2011; McCourt, Peel, & O'Carroll, 1998). In comparison, there is minimal specific understanding of what leads secondary victims of non-sexual violent crime to perceive that justice has been achieved in their individual circumstance, and the analysis of these perceptions is a surprisingly under-researched area of interest to forensic psychology.

Research on Secondary Victims of Non-Sexual Violent Crime

One of the first studies on secondary victims of non-sexual[2] violent crime was conducted by Burgess (1975). Using a qualitative methodology, she interviewed secondary victims from nine cases of homicide, and outlined a two-phase homicide-trauma syndrome for secondary victims as a result. In the initial phase, immediate thoughts were present which consisted of ego-oriented factors such as dealing with personal loss, and victim-oriented thoughts such as expressing horror at the way in which their loved one died. The secondary phase consisted of questions asked by the significant others. These were centred on who committed the act, what the family felt they must do in the wake of the loss, and how they believed they would go forward without their family member. Burgess (1975) proposed that, in the second phase of the syndrome, reactions over time were reorganised. Here, the family focussed on psychological concerns such as grief work and post-traumatic stress.

---

[2] The focus of this thesis is secondary victims of non-sexual violent crime, as a concurrent research project (Downe, 2007) investigated secondary victims of sexual crime. For brevity, this population group will be referred to as secondary victims of violent crime from this point onward.

Peach and Klass (1987) also looked at the effects of homicide on the victim's parents. They observed participants of a support group for secondary victims of child homicide for one year and made several important conclusions about secondary victims' needs. Firstly, they experienced an overwhelming anger and drive for revenge[3]. Secondly, participants were unable to resolve their grief until the legal process had been completed. Next, the secondary victims became fearful for themselves and for their other children, and lastly, they experienced that being the parent of a murdered child was a taboo role in society.

In their investigation of the impact of crime on secondary victims, Amick-McMullan, Kilpatrick, Veronen and Smith (1989) investigated the experiences of family and friends of homicide victims. In doing so, they conceptualised participants' reactions in accordance with classical learning theory. They believed that being told of the murder of a loved one would produce an unconditioned stress response, and then previously neutral stimuli would become associated with the traumatic event. Such people might then subsequently demonstrate learned responses similar to the initial stress reaction at some future point. They suggested that the generalisation of aversive stimuli could account for the chronic nature of reactions of secondary victims of homicide. The authors further stated that, when associated with avoidance behaviours, these reactions were maintained. As such, they hypothesised that secondary victims would experience lasting intrusive cognitions and aversive emotions, as well as demonstrating avoidance behaviours. To test these hypotheses, they evaluated nineteen secondary victims of homicide to determine demographic information, their degree of psychological adjustment, and their perceptions of the justice system. Using a symptom checklist to determine psychological symptomatology as well as a measure of post-traumatic stress disorder (PTSD), it was found that sixty-four percent of participants met criteria of psychopathology sufficient to warrant further assessment and treatment, and all demonstrated a persistent degree of PTSD symptoms. Furthermore, almost half of the people surveyed were dissatisfied with the criminal justice system. This antipathy was significantly related to greater psychological symptomatology.

Further research in this area was conducted by Davis, Taylor and Bench (1995). They investigated the impact of rape and other violent crimes on secondary victims, as a function of crime type, relationship to the victim, and distress that the victim was

---

[3] Although there is the possibility of a self-selection bias, because these participants were secondary victims of crime that were motivated to form a support group, similar responses have also been found in randomised community-based secondary victim research (e.g. Murphy et al., 1999).

experiencing. After recruiting 138 significant others of women who had accessed victim support services, they administered several self-report inventories to them in order to evaluate their experiences. Based on existing research at that time (e.g., Norris & Kaniasty, 1991), the authors expected to find that the significant others of sexual assault victims would exhibit comparatively more distress than significant others of non-sexual assault victims. It was also thought that romantic partners would suffer more than family or friends. In addition, they hypothesised that as the level of secondary victims' distress increased, their ability to assist the primary victim would decrease. Generally, they expected to see a positively correlated relationship between primary victims' and secondary victims' distress. However, it was discovered that the level of victim distress did not foster a significant increase in the reported existing distress of their significant others, and that there was no measurable difference between the levels of distress of sexual assault victims and non-sexual cases. In addition, the greatest distress was reported by female family and friends of primary victims, suggesting a specific gender or relationship effect in this area. Furthermore, although high levels of significant other distress did not appear to interfere with their ability to lend support, there was nevertheless evidence of a decrease in their supportive behaviour toward the primary victim as their own distress increased.

In summary, secondary victims of violent crime deal with both their own and primary victim concerns. They can experience anger, post-traumatic stress and a drive for revenge as a result of their victimisation, as well as residual intrusive cognitions and aversive emotions such as anxiety. Furthermore, the distress of secondary victims may be independent of the distress of the primary victim, and their response to victimisation may be related to gender. Their distress may also cause their supportive behaviour towards the primary victim to be reduced. Additionally, if secondary victims of violent crime are dissatisfied with their experience of the justice system their psychological symptomatology appears to be exacerbated.

Despite the fact that these studies on secondary victims have helped elucidate their experience of victimisation to some degree, there is little research that has specifically investigated their experience and perceptions of justice. This thesis is an attempt to address this deficit of knowledge. Currently, the vast majority of what is known about the justice perceptions of secondary victims of violent crime is what can be inferred from existing justice theory literature. Additionally, despite the comprehensiveness of these theories, the frequent controversy of legal outcomes

(Gibson, Wilson, Meagher, Denemark & Western, 2004; Kaukinen & Colavecchia, 1999; Victorian Department of Justice, 2011) reflects not just the varied aims and experiences of concerned parties, but also the uniqueness of their perceptions of justice as well.

Theories of Justice and their Relationship to Secondary Victims

Four main theories have been developed to explain generally how people perceive and experience justice – distributive, retributive, procedural, and restorative justice. These theories represent the bulk of justice conceptualisations in psychology, and have been developed and refined over time. Therefore, an assessment of the development of the individual justice theories, their current status and specific relevance to secondary victims of violent crime will be provided in the following sections.

Distributive Justice

Distributive justice, a term first coined by the sociologist G. C. Homans (1961), broadly refers to the fairness of outcomes (Reithel, Baltes, & Buddhavarapu, 2007). It is a concept that appears to have originated as a result of research conducted into morale in the United States armed forces. A comprehensive research project by Stouffer and his colleagues (Stouffer, et al., 1949) was conducted at the request of the United States Army in order to assess the attitudes of their soldiers. Being the first genuinely systematic application of social scientific methodology to investigate people's views on the fairness of outcomes, the study produced findings that demonstrated that individuals appeared to compare themselves to others when making determinations of personal loss or gain. For example, United States Air Force recruits, for whom promotion was more likely, complained more about advancement than their much less promoted military police counterparts. The authors suggested that it was *because* those in the Air Force more regularly received promotions, that they were therefore more readily aggrieved when they did not. Comparatively, those in the Military Police, who were not accustomed to the same opportunities, did not feel as deprived by missing out on promotion. It was apparent that individuals that were used to a particular set of circumstances compared themselves relative to these circumstances, as opposed to the circumstances of others in a different situation. This concept, known as *relative*

deprivation (Stouffer, et al., 1949), strongly suggests evidence for a comparative and contextual view of justice, and highlights that justice cannot be conceptualised in isolation from the experience of it.

Relative Deprivation

Over the next 25 years, research on relative deprivation flourished, and further evidence for a comparative and contextual view of justice was found. Using examples from the extensive World War Two study, Davis (1959) was the first to outline a theory of relative deprivation pertaining to intergroup relations. He postulated that three conditions were necessary for a sense of relative deprivation. Firstly, an individual had to not possess the condition in question. Secondly, that person had to want such a condition. Lastly, they must also have felt entitled to it. As he explained, people generally only compare themselves with others who are similar to them, and thus will automatically feel entitled in such circumstances. Runciman (1966) concurred with these preconditions, but introduced the additional concept of feasibility. He believed it was the perception of the condition as attainable that was a crucial factor, and suggested that people will "seldom feel relatively deprived by reference to members of more fortunate groups" (Runciman, 1966, p. 27). This is because they will typically view their attainability of similar conditions as unfeasible. This suggests that people are resigned to their circumstances in the face of injustice, which presents as a somewhat pessimistic view. In the specific context of secondary victimisation, this implies that people who experience such victimisation will then be actively motivated to seek a just outcome, particularly if they see others in their position achieving justice. Additionally, they must hold the view that they are entitled to this outcome, and believe it can be attained.

Subsequently, a model of relative deprivation as it pertained to the individual was first presented by Crosby (1976). Attempting to outline the necessary preconditions that instigated the concept, she specified five requirements that were essential for an individual to feel aggrieved. Firstly, a person must be aware that another has a desired goal, in order for his or her own situation to be analysed in respect to it. Secondly, the person must desire this goal in order for the emotional aspect to become relevant. Thirdly, a sense of entitlement must exist in order for relative deprivation to occur. This pertains to the individual possessing a feeling of deserving

the goal because it is right and fair that they achieve it, rather than simply that they long for it. Fourthly, as Runciman (1966) understood, the wanted goal must be seen to be achievable, and if it is not, then feelings of relative deprivation are unlikely. Lastly, and related to the sense of entitlement, the person must not blame themselves for not having that which they desire. In other words, that they feel they do not deserve it, or that it is fair that they are without it. Using this framework, a secondary victim's sense of justice would be established if they sought – and subsequently attained – a particular achievable outcome that they had witnessed someone else receiving (and that they felt they were entitled to). This has particular relevance to criminal justice; Crosby's (1976) model suggests that for secondary victims to feel that justice has been achieved in their circumstance, they must have an emotional connection to it, feel they deserve it as much as everyone else, actively seek to achieve it and subsequently do so. Any alternative to these criteria must therefore result in a sense of injustice.

Although models of relative deprivation such as Crosby's (1976) were able to be empirically validated (e.g., Alain, 1985), the construct fell into disfavour by the 1980s, mainly through criticism by *resource mobilisation theory* proponents (Walker & Smith, 2002). This theory holds that there is always discontent between what outcomes people perceive each other to have, but it is only when concrete resources are available that change is actioned (Taylor & Moghaddam, 1994). An additional criticism was that only restricted ranges of emotion were typically examined in relative deprivation studies. For example, emotions including anger and frustration were often considered, but contribution of other emotions such as hope and faith were frequently ignored (Taylor & Moghaddam, 1994). Despite these concerns, relative deprivation gained interest again in the 1990s, and is currently used to help explain numerous paradoxical reactions people have to their circumstances based on their subjective comparisons to others. For example, the concept has been integrated into theories such as social identity theory and social comparison theory (Walker & Smith, 2002). Researchers have also elaborated on the distinction between feeling deprived as an individual, as a group member and a deprivation experienced on behalf of others. This last area is of particular relevance to secondary victimisation research, because it refers to the feeling of discontent one experiences when perceiving that members of another group have been unfairly treated. Studies in this area show that relative deprivation on behalf of others is felt by those who are concerned about social inequality and translates into attitudes and behaviours aimed at helping others (Tougas & Beaton, 2002).

Nevertheless, the concept of relative deprivation appears hard to predict, and studies of it have no clear way of determining the target of social comparison to which the individual measures themselves. In the context of criminal justice, this may concern a secondary victim looking to the criminal justice system to create a successful resolution to their concerns in the same way that others may have achieved it before them. However, the key issue may be then whether they feel such a successful resolution is possible, depending on their opinion of the justice system. This highlights the importance of addressing perceptions of justice, and seems to reiterate that justice – at least in the criminal justice arena – is a highly personalised, dynamic and context-specific concept.

Equity Theory

After the initial interest in relative deprivation theory, the next wave of distributive justice theory research began to look at individuals' understanding of justice in the context of decisions about their efforts in comparison with others. A key development at this time was Adams' (1965) work on equity theory. This theory focuses on relationships between people, and states that people judge outcomes as fair when the ratio of their own inputs and outputs is perceived to equal the ratio of the inputs and outputs of others. Additionally, an important part of equity theory is concerned with what people think is fair and equitable, and how they respond when they receive far more or less than they believe they deserve. Inputs are said to be the contributions that are made by the individual or the group, and can include attributes, abilities or efforts. Outcomes are the rewards of those inputs, and can be tangible or intangible. For example, a tangible outcome could be financial remuneration, and an intangible outcome the status that comes with such remuneration. The most important aspect to consider in equity theory is that, for justice to exist, the ratio of outcomes to inputs must be perceived to be equal in a relationship, rather than the outcomes themselves. In other words, the more a person invests into a relationship, the more they should receive within that relationship, and it is psychologically uncomfortable to receive more (or less) than one has put in to a particular situation.

Essentially, Adams' (1965) work produced different conclusions than those of early relative deprivation studies. Rather than seeing the emotional responses of aggrieved individuals resulting directly from perceived relative deprivation, he believed that they were a result of acutely felt injustice. Thus, he proposed a theory of social

inequity, in an attempt to address the inability to predict actions people would take to actively deal with a perceived inequality. Relying on Festinger's (1957) theory of cognitive dissonance to explain the mental processes involved in perceived inequality, Adams (1965) suggested that people strive for justice in their interactions with others, and become distressed when an injustice is perceived. This psychological discomfort then leads them to correct the perceived imbalance, and this can be done in one of two ways. Firstly, a person can restore the inequality itself, therefore changing the actual input and output ratios in the relationships to make them equal. Secondly, psychological restoration can occur, whereby the perception of the ratios can be cognitively distorted to make them appear equal. This can take the form of mechanisms such as justifications or subjective appraisals. Either way, perceived inequality can motivate a person to manipulate elements in the equity equation to order to seek justice as they understood it. Providing an example specific to secondary victims, Amick-McMullan and her colleagues (1989) suggested that the strong link that they found between psychological adjustment after victimisation and satisfaction with the criminal justice system indicated the relevance of equity theory in understanding post-traumatic responses. Specifically, they purported that if secondary victims viewed the justice system as an agent of equity, then the negative correlation they found between distress and satisfaction with it could be predicted. However, equity theory has been criticised on a number of fronts, including its non-specificity, cultural bias, and the ambiguity of processes involved (Taylor & Moghaddam, 1994). Firstly, equity theorists have little ability to specify exactly what the appropriate inputs and outcomes might be in any given circumstances, and any results discovered can be explained retrospectively through seeking confirmatory information. Secondly, the theory was conceived within a North American context, and using solely work-related circumstances. Therefore, it will tend to reflect these limitations, and be restricted in its capacity to offer more general explanations of human behaviour. Lastly, equity theorists seem to be vague about the process of social comparison that is at the heart of their understanding of human relations.

Additionally, an analysis of research in this area reveals that taking the emotional element out of the comparison and contextualisation view of justice leads researchers to discuss peoples' responses to inequity in terms of psychological discomfort. This seems to suggest that justice relates solely to the effort expended by involved parties. In this sense, it is not the emotion that drives behaviour, but behaviour

– and the perceived behaviour of others – that drives emotions. It also appears to indicate that people who seek justice are in a strong position to achieve it, irrespective of their circumstances. This is because in this model, an individual can presumably always correct perceived imbalance, either through action or perception. However, this seems to be at odds with research that indicates helplessness is a primary emotion in victims of crime (e.g., Brewin, Andrews & Rose, 2000). It may be that while someone perhaps has the ability to correct perceived injustice, they may not possess the actual capacity to do so.

The use of this theory delivers various challenges when applied to secondary victims in the criminal justice arena. For example, it is not able to be used to explain what happens to the secondary victim experiencing psychological discomfort if they are not able to correct the perceived imbalance successfully themselves. If this process of restoring balance is taken out of their hands, and the outcome is found wanting, it is unclear if they simply employ cognitive distortions of a magnitude sufficient to overcome this discomfort. It is also uncertain what happens if they cannot do so successfully.

Social Exchange Theory

Unlike Adams, Homans (1961) suggested that distributive justice was related to social exchange, rather than the cognitive dissonance involved in equity theory. He believed that power was a basic notion behind ideas of resource allocation. Based on this idea, Homans stated that when individuals make determinations about justice, they are likely to emphasise the worth of characteristics and behaviour in which they are themselves most capable. This occurs after a process whereby people work with others to develop group-enforced rules of who should rightfully receive what, and in accepting these rules and behaving fairly, they expect others to do the same. More broadly speaking, people will behave appropriately within the boundaries of society's prescriptions and reasonably rely on their peers to reciprocate this courtesy. Such notions have since been criticised as being too focussed on contributions and the final value of rewards, and for ignoring the subjective status grounded in such rewards (e.g., Jasso, 1980). Furthermore, this appears to raise a question about what occurs when the assumption that others will act fairly – indeed, lawfully – is not met. As such, it appears to explain what mechanisms create particular expectations, but is less able to discuss the processes involved when people perceive the response to this expectation is lacking.

People who are secondary victims of violent crime have certainly experienced a situation whereby their expectation of others to behave appropriately has not been met. However, Homans' (1961) idea of justice, as rooted in social exchange, seems unable to fully explain their experience.

Subsequently, from the cognitive dissonance framework of Adams (1965), and the exchange framework of Homans (1961), came the work of Walster, Walster and Berscheid (1978). For these authors, social interactions were concerned with individuals appraising their own circumstances, and holding consequent beliefs about resource allocation based on these appraisals. Using the theoretical foundations of both Adams and Homans, they attempted to specify circumstances that could create an equality of exchange ratios, and were therefore seen by individuals as equitable. Comparatively, when situations were interpreted as inequitable, the person who felt exploited would experience two main types of psychological distress: retaliation distress and self-concept distress.

Folger and Pugh (2002) explain that retaliation distress refers either to the fear a harm-doer has that their victim will restore equity by punishing them, or to the sense the victim has that retaliation is expected of them. In criminal justice terms, the perpetrator of a crime may experience such distress by anticipating a revenge act by the primary victim's friends and family. Alternatively, the secondary victim may feel pressure to seek revenge for the crime themselves, either through legal means (for example, alerting police to the crime), or independent of them (by seeking direct action against the offender). Conversely, the other type of psychological distress suggested by Walster, Walster and Berscheid (1978), self-concept distress, refers more specifically to cognitive dissonance in that it is an internal conflict resulting from contradiction of accepted ethical principles. As Schafer, Keith and Lorenz (1984) explain, being over-benefitted in an exchange relationship creates self-concept distress because it can violate an individual's self-expectations of their own fairness. On the other hand, being under-benefitted in a relationship can also create distress in a situation where the individual believes they have allowed themselves to be exploited by another. An example in the criminal justice domain might be if the perpetrator of a crime is forced to pay compensation to a secondary victim that they personally perceive as inadequate (or the payment is made for them by the State), or the secondary victim blames themselves for the crime occurring in the first place.

Walster, Walster and Berscheid (1978) also suggested that in such instances of perceived inequity, steps will be taken by the distressed individual to reduce their associated anxiety. This can include the restoration of actual equity, or the restoration of psychological equity through altering perceptions or employing rationalisations. Walster and Walster (1975) noted several techniques used by individuals to this end. For example, someone who has offended against another may derogate their victim, deny responsibility for their behaviour, or minimise the victim's suffering. They suggested that in some circumstances the victim may even justify their own victimisation.

Criticisms of Distributive Justice

While distributive justice appears to have utility in helping to understand justice perceptions, it is not without its problems. Hogan and Emler (1981) provide an overview of these. Firstly, justice viewed in the context of distributions often leads to the interpretation of desires in economic benefit terms, and treats individuals' goals simplistically. These authors argue that perceptions of justice typically involve more complex processes and variables than distributive justice principles can account for. Secondly, uses of distributive justice principles often involve only system-based considerations of resources, at the expense of individual dynamics. Thirdly, the use of distributive justice principles assumes that individuals are in a position to know all relevant inputs and outcomes. Lastly, and perhaps most importantly, proponents of this type of justice only tend to be concerned with tangible and quantifiable resources, and usually minimise the role of abstract concepts such as emotion.

Summary of Distributive Justice

Overall, there is little doubt that the investigations of relative deprivation, equity theory, and social exchange theory conducted over the last 50 years or so have been instrumental to our understanding of the principles of distributive justice. These principles have provided a useful way of understanding the motivations that secondary victims have to strive for perceived fair outcomes in their lives, as well as their perceptions of actual outcomes. In the context of the criminal justice system, such outcomes may refer to their perception of legal attempts to restore an approximation of the status quo ante by balancing victim and offender outcomes (Wiles & Pease, 2001).

In practical terms, this can relate to such things as victim support schemes, the scaling of offender penalties in proportion to harm inflicted on victims, and compensation or repatriation schemes

Generally, distributive justice research suggests that secondary victims assess their outcomes and compare them to the outcomes of others. They will feel justice is done if they seek, and then successfully attain, what they view as an outcome that they are entitled to. They must also feel that the outcome is achievable, and have witnessed someone else receiving it. Additionally, the ratio of input and outputs, compared to others, must be perceived as equitable by secondary victims, otherwise psychological discomfort results, and there is a subsequent motivation to change the perceived imbalance. Studies in this area indiciate that secondary victims may also evaluate their own inputs as comparatively more favourable in order to explain unbalanced distributions. For example, secondary victims may exaggerate the role of the offender in their victimisation (Walster & Walster, 1975).

More often than not, distributive justice research appears to suggest that secondary victims are likely to behave as rational actors when considering experiences of justice, and that there are certain criteria which, if met, will allow justice to be achieved for anyone. In this context, despite providing strong evidence for the importance of a comparative and contextual view of justice, such research ignores the role of emotions and power.

As noted, an underlying idea within the distributive conceptualisation of justice is that if people behave lawfully within society, they expect the same in return from others. Due to the fact that this does not always occur, particularly in the context of the criminal justice system, alternative theorists have sought to explain some of the psychological dynamics present when there is a significant perceived imbalance. The types of theories addressing these dynamics come under the heading of retributive justice.

Retributive Justice

Retributive justice is considered the most basic form of justice, and is certainly more emotive and much less contingent on cognitions than other types (Sanders & Hamilton, 2001). It is a common theme in classical literature, and remains a popular sentiment in modern culture. It is primarily connected to the allocation of blame, and sanctions that seek to punish wrongdoing. It is related to distributive justice in the sense

that it highlights the need for recognising and addressing unbalanced outcomes, but takes subjective and emotional factors into comparatively greater consideration. In this sense, it is aligned easily with the adversarial law concept of justice, and presents as the negative balance to the positive allocations of distributive justice. The underlying principle is that justice is served by the degree, proportionality, and appropriateness of punishment allocated to an offender.

Punishment as a Core Retributive Justice Concept

As a core concept of retributive justice, punishment is defined as a negative sanction which is intentionally applied to someone who has been perceived to have violated a law, a rule, a norm, or an expectation (Miller & Vidmar, 1981). Two important implications of this definition are firstly, that punishment must follow a violation and be a direct consequence of it, and secondly, that a sanction can take many different forms. Although restrictive consequences such as custodial sentences or community supervision are typical of sanctions in the legal system, in a broader sense they can also include social consequences such as ridicule, ostracism, group exclusion or even violent retaliation (Miller & Vidmar, 1981).

Vidmar (2001) analysed the psychological, sociological and philosophical writings about retribution, and believed they pointed to a six-stage model of the dynamics involved in retributive justice. Firstly, there is a perceived rule or norm violation. Secondly, the rule violator's intention is perceived as blameworthy. Thirdly, the combination of the first two stages either harms or threatens to harm values related to the perceiver's personal self, status, or internalised group values. Fourthly, the negative emotion of anger is aroused in response. Next, the cognitions and aroused emotions help develop reactions against the violator, and lastly, the anger dissipates during or following punishment as cognitions return to homeostasis the norm is vindicated, and control is restored. This model provides evidence for victims' sense of justice being about resolving a sense of imbalance, particularly highlighted by the notion of homeostasis. As Vidmar (2001) observed, expressions of injustice at stage three would typically be articulated in the form of subjective statements of what 'ought' to be. Therefore, concerning the last stage of the model, there may be occasions where retribution does not produce homeostasis, but rather encourages anger and cognitions of harm. Under these conditions, secondary victims may primarily be motivated to seek retribution through utilitarian or non-utilitarian approaches.

Utilitarian and Non-Utilitarian Approaches

Research by Darley and Pittman (2003) suggests that people seek to punish perceived wrongdoers using either a utilitarian or a non-utilitarian approach. Utilitarian approaches include specific and general deterrence, and incapacitation. Specific deterrence is punishment that aims to deter an individual from committing future offences. General deterrence occurs when the greater population is deterred from committing future crimes by observing the punishment imposed on others. Incapacitation is concerned with preventing crime by incarcerating individuals likely to commit future transgressions. When applied to secondary victims, these conceptualisations of justice seem to suggest that some secondary victims would seek retributive actions that had the common goal of impacting upon the behaviour of an offender or potential offender.

Conversely, secondary victims taking a non-utilitarian approach would be likely to endorse punishment purely as 'just deserts' (Darley and Pittman, 2003) – there would be no aim to alter the future behaviour of a perceived offender. This suggests that in these circumstances, secondary victims would perceive that justice could be achieved independently of any deterrence or improvement on the part of the offender. If there was change brought about in the offender as a result, it would simply be seen as an unintended by-product.

Support for Utilitarian and Non-utilitarian Approaches

There is mixed support for utilitarian and non-utilitarian punishment approaches in justice research literature. Some studies clearly suggest that secondary victims would be comparatively more interested in pure retribution and less about concepts such as deterrence. For example, Carlsmith (2006) looked at the punishment decisions made by a total of 209 university students in three related studies. He concluded that while people say they value utilitarian goals, when required to seek relevant information and assign sentences to offenders, they appear to care most about non-utilitarian goals. For example, participants preferred to focus on the magnitude of harm caused by an offender and the offender's intent, rather than deterrence or incapacitation factors.

In scrutinising existing research, Roberts (1996) concluded both utilitarian and non-utilitarian approaches appeared to be endorsed by people equally when considering

retributive actions. This view was supported by Finkel, Maloney, Valbuena and Groscup (1996) in a study dealing with the effects of recidivism on punishment motives. They found that while their participants chose to sentence wrongdoers in an additive way if they had an existing criminal record, they did not do so to excess, and made judgments about retribution largely on proportional offence-to-punishment grounds. Specifically relating this to secondary victims, it highlights the importance of looking at justice in the broader context of perceived individual circumstances.

In further support of the importance of taking contextual factors into account, Goldberg, Lerner and Tetlock (1999) found that anger did not lead inevitably to blame, punishment and subsequent retribution. They hypothesised that the relationship between anger and punishment depended on the social context of the wrongdoing, and found that when participants learned that justice was served to a person after an anger-eliciting event, their tendency to punish in unrelated situations was largely reduced. Graham, Weiner and Zucker (1997) also subscribed to the idea of the individual as an active assessor of the controllability and responsibility of the actions of others. They suggested that although utilitarian and non-utilitarian approaches shared common antecedents in some situations, they should be distinguished as separate alternatives derived at by complex individual assessment of specific cases. Therefore, based on this research, a sense of justice – and certainly the motivation to retribution – is presumably filtered through a secondary victim's interpretation of their situation.

Additionally, Oswald, Hupfeld, Klug and Gabriel (2002) conducted a regression analysis of punishment goals using a total of 357 Swiss citizens. Participants responded to a questionnaire consisting of three vignettes portraying crimes of varying seriousness, in order for the researchers to measure certain constructs. These constructs, based on sentencing goal literature, included retribution of guilt (meaning the offender should suffer proportionally in relation to their guilt), general and specific deterrence, rehabilitation, positive prevention and restitution of harm. Their results suggested a two-dimensional structure of what people hoped to achieve when punishing offenders – firstly, justice considerations related to the victim's and society's needs, and secondly, punitive actions against the offender. These independent constructs accounted for ninety-seven percent of variance obtained by the authors. This seems to suggest further that secondary victims may well view justice as being able to achieve balance and recognise that specific outcomes are necessary for all interested parties. This research also supports the idea that actual victims, and those acting in the role of victim, choose

to punish offenders using combinations of utilitarian and non-utilitarian goals. They appear to do so to meet social, legal and moral functions.

Retribution as a Social Function

It is clear that while most researchers agree that retributive approaches essentially deal with notions of revenge, they nevertheless have important social functions that could apply to secondary victims. Frijda (1994) stated that at the societal level, vengeance serves to equalise power, and on an individual level it can serve the same purpose. It can reduce the perceived powerlessness and helplessness by re-establishing superiority of the aggrieved. This seems to suggest further evidence for the importance of looking at justice in the context of the broader society. Frijda (1994) also explained that retribution can encourage the restoration of self-esteem. In this sense, retributive justice may be seen as a prospective way to restore a victim's self-worth in addition to group norms and values, through the impact of the punishment (Feather, 1998). These dynamics may also apply to secondary victims. Furthermore, another motivation Frijda (1994) outlines is escape from the pain of negative experiences such as insult, harm, loss, and humiliation. This suggests that victims of injustice feel compelled by both societal and individual motivations to seek retribution.

Retribution as a Legal Function

In addition to social considerations, retribution also has relevance to secondary victims as a legal concept. In fact, it has long been suggested that criminal law has its historical origin as a crude regulation of social control by way of retribution (Pound, 1930). For example, in pre-law societies, sacrificing a wrongdoer to a deity was often done in order to prevent any wrath being dealt out to the entire community. These sorts of practices subsequently developed as a means of regulating (and intercepting) the resulting private war between families as reciprocal actions escalated. Gradually, with the rise of social control through politically organised society, religious misdeeds became legal ones, and sacrifice became legal execution. Thus, criminal law itself originated from the process of regulating the occasions and manner of retributions, and from outlining formal steps that dealt with them (Parker, 1971).

Today, these institutionalised mechanisms still serve to satisfy the victim, and define boundaries and social values of groups as they did in pre-law society, but they

also put constraints on the desire for revenge by the victim (Sanders & Hamilton, 2001). However, as Hogan and Emler (1981) explain, this bureaucratisation of retribution only covers a small fraction of possible transgressions against individuals, and only the most serious ones. Therefore, it is possible that the appropriateness of a particular punishment, as deemed by an institution such as a criminal court, may be incongruent with an individual's idea about what they believe is an appropriate punishment. So, despite evidence that criminal punishments can correspond to societal norms (Rossi & Berk, 1997), there is clearly no guarantee that they will correspond to those of the primary victim or their significant others. This clearly has implications for secondary victims of violent crime in the event that they perceive legal mechanisms as being unable to fulfil their desire for justice. In the sense that these victims act out of their own ideas of what they feel is right or wrong, retribution can also be viewed as a moral concept.

Retribution as a Moral Function

As Hogan and Emler (1981) outlined, morals are rules that provide a framework for normality by establishing ground rules that guide social interactions. However, they also provide criteria for decision-making when specific moral duties conflict, or are vague, and tell us what to reasonably expect from others. While some research has suggested that retribution represents a motivation guided primarily by moral principles based on strong emotions (e.g., Carlsmith, Darley & Robinson, 2002), McKillop and Helmes (2003) suggest that this idea is not supported by public opinion literature. These authors explain that the understanding of individuals as emotional beings primarily directed by moral outrage is largely unfounded. Instead, people tend to decide punishment goals and punishment severity in a much more measured and complex manner. This view is also supported by researchers such as Doob (2000) and Güth, Kliemt and Ockenfels (2001), whose research states that far from a universality of retributive responses, a robust variety of concerns appear to exist. It is also reasonable to assume that these concerns apply to secondary victims of violent crime. In any event, the importance of balance appears to be the salient issue. However, the experience of victimisation may dictate that public perceptions of achieving justice through appropriate punishment may differ from that of primary and secondary victims.

In their review of the literature relating to retributive motivations, Darley and Pittman (2003) suggested that secondary victims could react to perceived transgressions

22

in such a way that dictated the response to them must typically be proportional to the perceived moral gravity of the crime committed. Furthermore, they believed that the moral outrage of society was comparatively greater in response to criminal wrongs (acts committed by individuals that are seen as sufficiently grave by society to warrant governmental intervention) than civil disagreements. This has particular relevance to secondary victims of violent crime, as it is likely that they could be involved in criminal proceedings as a result of their victimisation.

Specifically, Darley and Pittman's (2003) review suggested there are two classes of retributive action that secondary victims would seek in order to resolve transgressions of moral rules and provide a sense of justice: compensation and punishment. Compensation itself is outlined in tort law. If a breach of one person's conduct causes damage to another, people tend to believe that the person at fault must redress that breach. Therefore, the secondary victim's goal would be to restore the primary victim's circumstances as closely as possible to what existed before the wrongdoing. This suggests links with the reparative notions of restorative justice, a concept which will be discussed in-depth in a later section. Alternatively, secondary victims might choose punishment when compensation by itself is perceived by them to be inadequate, and punitive action is required to satisfy the primary victim, or society as a whole. Darley and Pittman (2003) proposed that what mediated these two classes of thought were judgments of a perpetrator's state of mind. For example, unintentional acts were often seen to be appropriate for consideration of compensation, but intentional acts, not including those committed under provocation or threat, generally required punishment. In the latter circumstance, they believed that compensation only played a secondary role.

Summary of Retributive Justice

Retributive theories suggest that secondary victims may be primarily concerned with the allocation of blame, and state that justice is achieved by the degree, proportionality and appropriateness of punishment allocated to an offender. This punishment can have the goal of altering the behaviour of the offender, or simply be what secondary victims feel should be offenders' just desserts. Retributive responses can be understood in social, legal and moral terms, all of which appear likely to create a distinct drive in secondary victims to redress wrongdoing.

Specific to the context of criminal justice, the research tells us that secondary victims might seek to achieve justice through punishment goals that are decided in a complex and measured way. Additionally, for a sense of justice to prevail, secondary victims may take into account the context of a situation, and tend to allocate what they feel are appropriate outcomes – for themselves, the offender, and society.

Overall, the common theme of retributive justice is that the focus of secondary victims is that justice is served purely by the degree and appropriateness of punishment on the basis of an offender's deservedness. However, the ways in which these transgressions are dealt with, and the formal processes by which their consequences are decided may also play a crucial role in secondary victims' sense of justice. This consideration is known by the term 'procedural justice'.

Procedural Justice

Procedural justice broadly refers to the fairness perceived by involved parties in the dispute resolution procedures that they experience.

Early Procedural Justice Research

Early research in the procedural justice arena demonstrated that decision-making procedures could affect behaviours and attitudes of people who experienced them. A good example is found in the work of Lewin, Lippitt and White (1939). They examined the way 10-year-olds behaved under different climates of group decision-making procedures. The results showed that while extensive control over the children led to more task-oriented behaviour, it fostered more within-group hostility, whereas a democratic climate produced a more cohesive and friendly group. In addition, research on communication networks by authors such as Leavitt (1951) and Shaw (1954) indicated the importance of individuals' satisfaction with their ability to communicate with other members of a group. This research echoed what was to become a key and reliable finding in procedural justice research – the notion of 'voice', or the opportunity for someone seeking justice to present information relevant to a decision.

The Research of Thibaut and Walker

In their book *Procedural Justice: A Psychological Analysis,* Thibaut and Walker (1975) consolidated early social psychological literature related to procedures, and established ideas on which subsequent research could elaborate. They asked a number of important research questions. For example, they were interested in what procedures could respond to the particular concerns and values of disputants in various social settings, and what sorts of variables affected the degree to which participants and observers perceived a procedure as 'just'. They also considered how various legal procedures worked, what their operating procedures produced, and to what degree these procedures could be used to apportion justice. Overall, they attempted to clarify the conceptual and theoretical factors underlying debates about legal policy, and how it related to people experiencing systems of justice. This is relevant to the present study, as secondary victims of violent crime are likely to come into contact with the formal criminal justice system.

Thibaut and Walker (1975) conducted a total of nine experiments, each looking at some aspect of legal procedure and its effect on participants. From this research, they made several important conclusions about what procedures people thought were just. Perhaps one of the most crucial was that perceived control over the final decision was often a key predictor of procedural preferences. Related to this, and dependent upon it, the opportunity for evidence presentation (voice) was identified as a substantial variable connected to procedural satisfaction. These two aspects of control came be known as decision control and process control, respectively. Specifically related to secondary victims, decision control states that their perception of justice is maximised when they perceive that they have influenced a justice judgment. In comparison, process control states that justice is achieved for secondary victims not simply through their perceived influence on a decision-maker, but through procedures that led to a decision in the first place. Generally, based on Thibaut and Walker's (1975) research, it would be expected that justice would be perceived by secondary victims under these rules if they were treated equally to others and the same over time, with objectivity, morality and fairness. Concurrently, decisions handed down to disputing parties would be seen by secondary victims to uphold justice if they were well considered, open to appeal, and inclusive of the parties involved. Unfortunately, Thibaut and Walker's (1975) research was somewhat restricted in its capacity to be generalised, as the information was largely obtained through laboratory experiments. Although this was beneficial in the ability to

control most extraneous variables, it could not capture the intricacies of legal processes. They therefore sought to clarify their findings in subsequent research.

Thibaut and Walker's Theory of Procedural Justice

In 1978, Thibaut and Walker developed a theory of procedural justice that they hoped would expand and consolidate the theoretical ideas in their book. Developing a model for conflict resolution using their own established theoretical understandings, they attempted to outline what procedures were optimal in certain types of disputes, rather than the mechanisms by which people evaluated procedural fairness itself. They assumed that if individuals experienced justice procedures that promoted the most accurate decisions in a particular type of dispute, they would inevitably gain a sense that justice had been achieved. However, this was not necessarily the case.

Concerning the first type of dispute – those dealing with objective truths and facts – they argued that the main criterion for successful dispute resolution was the accuracy or correctness of decisions resulting from a particular procedure (Thibaut & Walker, 1978). Provided the procedures remained unbiased and the resolution was accurate, the end result would be accepted regardless. Therefore, in resolving such disputes, they concluded that inquisitorial procedures that tended to maximise accuracy and minimise bias should ideally be used.

Thibaut and Walker (1978) assessed disputes involving the distribution of outcomes as comparatively more problematic. They explained that the successful resolution of these disputes depended on whether the outcome distribution met societal definitions of fairness. They suggested that most civil and criminal disputes were in this category, because any outcome that satisfied one party was not likely to satisfy the other. This echoed key problems previously identified by distributive justice researchers, particularly the applicability of the equality principle to the criminal justice arena.

Additionally, Thibaut and Walker (1978) postulated that in order for procedural justice to be achieved in conflict of interest situations – as opposed to mere conflicts of cognition – process control should be placed in the hands of the disputants. This was because they would be in the best position to provide relevant information to the dispute decision-maker. It was concluded that although such procedures can indeed be fraught with inaccuracy, their use maximises fairness, and it remains the *perception* of justice that is important to disputants. This is of particular relevance to the present study, as it

is these perceptions that individuals might use to draw conclusions about their circumstances, and inform their thoughts and behaviours.

Overall, Thibaut and Walker's (1978) theory development was significant for two main reasons: it mobilised existing research and prompted subsequent research, as well as suggesting that no single criterion could maximise both fairness and accuracy (Lind & Tyler, 1988). Nevertheless, it did have limitations, including that Thibaut and Walker were only able to define procedural justice in terms of which procedures were best (distinct from which were preferred) in what circumstances, rather than how people actually evaluated the fairness of procedures. This concept of evaluation was subsequently addressed by Leventhal (1980).

Leventhal's Rules of Justice

Not long after the work conducted by Thibaut and Walker, Leventhal (1980) investigated procedural justice as a part of looking at fairness in social relationships. He postulated that there were six procedural justice criteria that needed to be satisfied in order for procedures to be seen as fair. Additionally, he explained that because there were few relevant studies, his primary evidence for the theoretical criteria was based on descriptions of organisations by other commentators, and his own observations of groups. Firstly, he outlined the consistency rule. This refers to the similarity of treatment and outcomes across people, and over time. This rule suggests that to feel justice has been done in their circumstances, secondary victims must believe they have the same rights as all other interested parties and are dealt with equally under a particular justice procedure. Next was the bias-suppression rule, which involves the capacity of the procedure to prevent favouritism or other external biases. Examples of this rule that secondary victims might feel could lead to injustice could be the justice decision-maker having a vested interest in the outcome of the procedure, or being unduly influenced by prior beliefs so that all points of view are not adequately addressed. Thirdly, decision quality or accuracy refers to the ability of a procedure to affect solutions of objectively high quality. This rule suggests that it would be important to secondary victims that procedural decisions were made with as much reliable information and informed opinion as possible. Fourthly, correctability pertains to the existence of legitimate avenues to correct unfair or inaccurate decisions. This indicates that secondary victims are likely to find it important to have access to grievance procedures and appeals. Next, representation is a broad rule that dealt with

the degree to which parties affected by a decision were allowed to be involved in the decision-making process. This concept was established in Thibaut and Walker's (1975) process control criteria, indicating that secondary victims are likely to achieve a sense of justice if they perceive they have influenced a justice judgement. Lastly, ethicality refers to the degree to which the process is accorded with general standards of fairness and morality. It is important to note here that Leventhal (1980) did not conduct an empirical investigation to lend support to his proposed criteria. Nevertheless, research has shown some support for these rules in a wide range of contexts, including among student attitudes towards drug testing policies (Wagner & Moriarty, 2002), CEOs of small organisations (Makkai & Braithwaite, 1996), and older adolescents evaluations of fairness in the context of family decision making (Jackson & Fondacaro, 1999). Despite such support, others have argued that Leventhal's (1980) rules are difficult to operationalise as they are too all-inclusive and overestimate the role of outcome favourability and distributive fairness as influencing judgments in procedural justice (Lind & Tyler, 1988). This criticism has been based on a number of empirical studies that investigated procedural justice, some of which will be described below.

The Importance of Voice

Researchers of procedural justice subsequent to the work of Thibaut and Walker (1975) and Leventhal (1980) focussed largely on the conditions under which the opportunities to present evidence and argument did or did not occur. For example, Folger (1977) involved 80 eleven-year-old boys in a rewarded card sorting task to assess the perceived importance of individuals participating in a decision-making process by expressing their opinion about the preferred allocation. The participants performed the task for 10 periods of time, and after each interval a confederate of the experimenter acting as a manager decided how he and the participant would divide a small monetary reward. The key finding as it related to procedural justice was that a pay sequence that remained constant was perceived as fairer when the participants were given the opportunity to voice their opinion. Furthermore, the participants who had this opportunity tended to express more satisfaction with the allocation process than those who did not.

Additionally, Lind, Kurtz, Musante, Walker and Thibaut (1980) examined the effects of procedures on reactions to an adjudication outcome. Employing a research design similar to Thibaut and Walker's (1975) business simulation experiment, but

28

using more refined measures, they involved 111 male undergraduates in a mock-trial scenario. The verdicts that participants received were determined using an adversarial or inquisitive procedure, and thus high or low in perceived procedural justice, respectively. Participants' perceptions of the trial process were assessed either before or after the verdict was declared, and subsequent measures evaluated the perceptions of the verdict and overall perceptions of procedural and distributive fairness. Results echoed previous research that indicated the verdict was seen as more fair, satisfying, accurate and unbiased when it came at the culmination of an adversarial procedure. Later research on the importance of voice in procedural justice would demonstrate further support for findings such as these. For example, as van Prooijen, Karremans and van Beest (2006) explained, comparisons between voice and no-voice procedures have been found to increase positive affect, decrease negative affect, improve task performance, improve peoples' relations with authorities, and increase individual willingness to accept decisions. Additionally, Lind, Kanfer and Earley (1990) varied whether participants in a goal-setting situation were given a chance to voice their opinions before or after the goal was set, or not at all. They found that both pre- and post-decision voice led to higher fairness judgements than no voice did, with the opportunity for participants to voice their opinions before the goal was set leading to higher fairness judgments then giving their opinions after it was set. The concept of voice is also important because research has shown that it incorporates both instrumental and non-instrumental aspects (van den Bos & van Prooijen, 2001).

Overall, this suggests that secondary victims are likely to perceive that justice can be achieved more readily through procedures that place the disputants at odds with each other, with an objective third-party decision-maker presiding, and when they have an opportunity to voice their opinion before decisions are made.

Field Studies in Procedural Justice

Further into the 1980s, procedural justice research expanded to include field studies. For example, in an early field study into procedural justice, Houlden (1980-81) sought to determine whether various differences in plea-bargaining procedures would increase defendants' satisfaction with the formal justice process. By comparing remand prisoners with university graduates, she found that people preferred a chance to present evidence and opinion in legal situations because it gave them a greater sense of having achieved justice. Additionally, Tyler, Rasinski and Spodick (1985) looked at the

relationship between process and decision control and found that having a voice in procedural matters appeared unrelated to the influence of this voice on the decisions made. Tyler (1987) further investigated psychological explanations for having a voice in justice procedures, independent of any influence on outcomes. He suggested that the idea of voice having intrinsic value could be a result of a number of variables, such as a belief that a decision-maker had acted in good faith, as well as from assumptions that the individual's views were being taken into account. After interviewing 560 participants who had had contact with the legal system, Tyler (1987) concluded that the psychological mechanisms underlying acceptance of authorities suggested that it was important that individuals' point of view was considered, and not just heard, regardless of the outcome. Furthermore, one of the key criticisms of procedural justice at that time – that it was only relevant in trivial matters – was not supported. Subsequent research by Tyler and his colleagues also supported this (e.g., Caspar, Tyler & Fisher, 1988). Overall, this research highlights the importance of secondary victim participants in formal justice procedures having input into those procedures. In the context of criminal justice, and specifically in terms of the experience of secondary victims, it clearly indicates that a sense of justice is facilitated by having their views, opinions and goals heard by decision makers.

However, despite solid support for the importance of procedural justice up to this point, questions remained as to the actual mechanisms people used to determine fair procedures. Tyler (1988) continued his research in this area in an attempt to answer such questions. He studied different characteristics of treatment experience, characteristics of the individual such as race, sex, age, education and income, the universality of procedural justice criteria and the relationship of these variables with each other, and their overall importance. Reanalysing data from 652 participants that had been randomly selected from citizens of Chicago four years previously, Tyler (1988) began by assessing a large number of variables, and various dimensions of these variables, in order to ascertain the meaning of procedural justice. The variables included: Thibaut and Walker's (1975) process control and decision control, and Leventhal's (1980) representativeness; consistency; impartiality and neutrality defined as a lack of bias and an effort to be honest and fair; decision accuracy pertaining to perceived accountability and forthrightness; correctability based on the capacity to complain about the process, and; ethicality, judged by authorities politeness and concern for individuals' rights. Results of regression analyses of participant responses showed

that seven aspects of procedural justice made an independent contribution to assessments of process fairness: the effort of authorities to be fair, their effort to be honest, whether their behaviour adhered to ethical standards, whether there was the opportunity for representation, the quality of the decision made, whether appeals were possible, and whether there was perceived bias in the authorities' behaviours. A total of sixty-four percent of variance was accounted for by these procedural justice factors. Further analysis did not support the universality of procedural justice and the relationships among its criteria. In other words, it seemed that the fairness of procedures was not always judged by the same criteria in all circumstances.

This finding was also uncovered by Barrett-Howard and Tyler (1986). These authors found that in formal settings, people placed comparatively more emphasis on bias suppression, decision quality, consistency and representation. This indicated that there was a broad distinction between internal and external comparison standards, and people seemed concerned with different concepts under different circumstances. These results appear to demonstrate further support for the likelihood of secondary victims taking a comparative and contextual view of justice, in that their circumstances could direct their sense of justice, rather than any personal characteristics specific to them. Barrett-Howard and Tyler's (1986) work also supported Thibaut and Walker's (1975) initial hypothesis that the way legal decisions are made could affect litigant reactions to those decisions. It is noteworthy that the criteria participants most used to assess process fairness in this study were the aspects of procedure least linked to outcomes. This reinforces the idea that procedural concerns for secondary victims are possibly quite distinct from their concern with outcomes. In any event, Tyler's (1988) comprehensive work illustrated that procedural justice could be understood beyond the mechanisms of self-interest. In the context of the current study, it seems to suggest that secondary victims' sense of justice might vary according to the context of their situation, and what variables they consider when making judgments of fairness, rather than inherent characteristics of the particular individual.

Based on Tyler's (1988) findings, and as a result of conducting an analysis of findings common to procedural justice research up to that point, Lind and Tyler (1988) proceeded to outline a group-value theory of procedural justice.

Lind and Tyler's Group-Value Theory

Lind and Tyler (1988) believed that procedural justice research indicated that people were concerned about their long-term social relationship with the authorities or institutions acting as third parties (for example, criminal justice decision makers). Their view was that this was the case because people inherently valued membership with social groups, and found identification with such groups as rewarding. Furthermore, they suggested that people identified strongly with the legal system, even as it was a much larger 'group' than family or work groups, and could feel a sense of connection to it. As such, they believed that people would become concerned with three justice variables not necessarily just connected to decision control. These were neutrality of the decision-making procedure, trust in the party making that decision, and information the experience communicated about social standing. Lind and Tyler (1988) believed that these variables could have an effect on peoples' reactions to experiences that were independent of the influence of outcome favourability. Such findings highlighted the shared nature of justice, in addition to the contextual importance of it. Relating these findings to secondary victims, it suggests that their sense of justice is dependent on the nature of their relationships with criminal justice decision makers – particularly whether they feel they trust such people as well as feeling connected to them as part of a larger group.

Summary of Procedural Justice

From its theoretical origins in the 1970s, procedural justice has developed to become a key influential concept in both psychology and law. The outcomes of procedural justice research has demonstrated that it is reasonable to assert that secondary victims are influenced by their assessment of the fairness of the procedures through which decisions are made and rules are applied. Additionally, research in this area suggests that it is important that they have trust in the neutrality of the justice system, and that they are likely to prefer the objectivity associated with third party control in order to achieve justice. Other research leads us to infer that secondary victims' perceptions of justice outcomes can be affected by things such as the order of evidence presentation in a criminal trial, the type of justice system within which the procedures occur, the perception that the 'true facts' are being presented in a case, and

the perception that there is some perceived control over the final decision. Furthermore, it could be expected that communication is important to secondary victims to perceive that justice has been achieved for them, including being heard by decision-makers, being treated with dignity, and having their views being taken into account when decisions are made. Overall, it is likely that procedural justice is dependent on individual secondary victims' circumstances in much the same way as aspects of distributive and retributive justice are. This is because they can perceive justice has been done in their circumstance based on their own experience of procedures, and what they personally view as being important to them. Also, as with the other types of justice discussed, relational factors and the context of a situation might both play a role in the degree to which secondary victims can find justice through a procedural perspective. For example, the type of crime a secondary victim's loved one experiences may affect the secondary victim's view of justice procedures, as can the degree to which they trust and feel connected to justice decision makers.

Overall, procedural justice research suggests strongly that secondary victims appear to assess the capacity of procedures to provide them with a sense of justice. In the context of the criminal justice system, such procedures tend to be well established and well known. However, a comparatively more recent set of justice-oriented procedures gaining increasing interest are those with a focus away from the prescriptions of institutionalised legal processes. This form of justice is concerned with the restoration of community and interpersonal relationships as well as reparation of the effects of crime, and is known as restorative justice (Zehr, 1985). This type of justice is discussed in the next section.

Restorative Justice

Restorative justice refers to the process by which all stakeholders involved in an injustice participate in dialogue to discuss its effect on them (Braithwaite, 2002), promote repair of the psychological harm caused by a crime (Aertsen & Willemsens, 2001), and on rebuilding relationships (Bazemore, 2001).

The Origins of Restorative Justice

Although the suggestion of using restorative practices as a viable option in criminal justice proceedings was made as far back as the 1960s (Bazemore, 2001),

general acceptance of them did not occur until much later. Institutionalised restorative alternatives to traditional dispute resolution methods were devised by those seeking change in criminal justice procedures during the 1980s, and came about as a response to a number of differing trends in criminal justice itself (London, 2003). These included the "Nothing Works" assertions of Martinson (1974), who argued that rehabilitation programs were frequently inconsistent and showed poor results. Trends at this time appeared to show that legislators tended to prefer the idea of punishment as a morally based response to offenders, aimed only at incapacitating them. Despite this approach, crime rates continued to rise, and the justice system became at risk of being seen as ineffectual and unresponsive to the needs of victims and the community (London, 2003). Simultaneously, a movement toward increasing victims' rights was aiming to achieve criminal justice acceptance of victims' entitlement to services, compensation, restitution and an active intervention in the justice process (Wallace, 1998). Added to this was a strong increase in the interest of community-based policing and justice from the 1980s and into the 1990s (London, 2003), as well as the study of the role of the law as a therapeutic agent, known as therapeutic jurisprudence (Wexler, 1992). It was from this interconnected mixture of concepts that the restorative justice paradigm arose. It then led to a number of justice mechanisms such as victim-offender mediation, family group conferencing, victim impact statements, and sentencing circles (Tracy, 1998). These mechanisms all reflect the important concepts necessary for them to be considered restorative.

Concepts in Restorative Justice

The restorative process requires that the offender and victim have a willingness to communicate and possibly change their attitudes as a result. There is an emphasis in restorative practices on recompense by the offender to the victim and to society, and the reduction of the role of legal authorities in the legal process (Radelet & Borg, 2000). Generally, such practices focus on accountability, rehabilitation, and community integration. London (2003) explains that the fundamental innovation of restorative justice is in its intent, rather than in particular applications, with the ultimate goal being the repair of the harm caused by crime. A core value involved in this process is that of restoring trust, pertaining not only to personal relations and in the individual who committed the crime, but also in societal relations. This is highlighted in the restorative model's conceptualisation of offenders' criminal actions as the breaking of social

bonds. Restorative justice paradigms therefore dictate that there are at least three stakeholders in justice: the victim, the offender and the community (Zehr, 2004). Each have their legitimate needs; the victim requires atonement and compensation, the offender needs to be given a chance to accept responsibility, make amends for their actions, and to reintegrate into the community, and the community itself needs a guarantee of public safety (Van Ness, 1993).

As Bazemore (2001) explains, there are three interrelated concepts that form the basis of all restorative justice initiatives: repair, stakeholder involvement and the transformation of community, and government roles in the response to crime. Firstly, there is the idea of repairing harm, which can be divided into five dimensions. These include compensation to victims and communities, stakeholder satisfaction, norm affirmation, relationship building and crime prevention. On a theoretical level, the focus on repair can create a balance between the often too narrow individualised tendencies of offender-focussed treatments and punishment paradigms that target all offenders. Secondly, stakeholder involvement states that all parties must be involved and be given opportunities to contribute and participate in the justice process from an early stage and as often as possible (Van Ness & Strong, 1997). This operates as a response to the structure and formal procedures of courts, which often result in barriers to creative solution-focussed ideas and the expression of emotion. Lastly, the idea that community and governmental roles need to be critically appraised arises out of the belief that there are constraints on the government's response to crime, and that while it can do well to preserve order, the community is better able to establish peace. It is also community and family members who are in the best position to provide support and guidance, particularly where young offenders are concerned (Bazemore, 2001).

In the context of the current study, it is important to note that restorative justice can be preferred by secondary victims in a number of different ways, and there seem to be several conditions that must be in place in order to maximise a sense of achieving justice (Bazemore, 2001). These include: a focus on shifting the responsibility for justice away from formalised governmental responses, frequent and inclusive secondary victim contributions to the restorative process, and some effort perceived by the secondary victim concerning the offender compensating for their actions. Therefore, as with other types of justice, restorative justice is dependent upon the relationships with, and the actions of, others.

Support for Restorative Justice

There appears to be broad support in the relevant literature for restorative justice practices because they appeal to both liberal and conservative schools of thought concerning the processing of offenders; the former because of its balanced approach and humanistic viewpoint, and the latter because of the compensatory aspect and focus on victims' rights (Levrant et al., 1999). Roberts and Stalans (2004) believe that the popularity of restorative justice is explained by the theoretical frameworks of the group-value model (Lind & Tyler, 1988) and attribution theory (Heider, 1958). The former dictates that procedures found to reaffirm group membership (in this case, positive community relationships) will be regarded positively. The latter postulates that people attempt to identify the causes of other people's behaviour in order to make an individualised assessment of both the responsibility and blameworthiness of an offender. For example, people may make determinations of whether a crime was committed by an individual due to internal factors (eg., personality), or external factors (eg., influence from others) and prefer differing outcomes as a result (Roberts & Stalans, 2004).

In the context of the current study, research has shown that victims endorse mixed support for restorative justice. For example, while some findings have shown that successful restorative programs can lead to a reported reduction in victim anxiety (e.g., Tracy, 1998), as well as general psychological harm (e.g., Sherman et al., 2005), other research indicates that victims do not want the burden of decision making power (Wemmer & Cyr, 2004). It may also be the case that such findings relate to secondary victims as well. However, despite the recognised positive outcomes of restorative justice programs, some cautions have been noted. For example, in outlining some of the problems with restorative justice, Levrant and his colleagues (Levrant, Cullen, Fulton & Wozniak, 1999) noted that restorative systems lack the due process protections and procedural safeguards afforded to offenders in the more formal adversarial system of justice. Additionally, the increased influence the community has in sanctioning offenders can lead to restorative type programs targeting low-risk minor offenders, and place more control over their lives than is necessary. Furthermore, restorative justice initiatives may increase punishment, particularly if efforts to develop restorative justice policies and programs do not allow for the successful reintegration of offenders back into society. Overall, it is a common criticism of restorative justice that while it is an approach to justice which has merit, the application of it as a methodology is potentially

problematic (Levrant et al., 1999). This has implications for the current study, specifically relating to whether these concerns translate to secondary victims' willingness to use restorative justice practices, or if they see restorative justice as a viable means of obtaining a sense of justice for them.

In addition to these practical concerns, Schehr and Milovanovic (1999) outlined some theoretical and philosophical criticisms of restorative justice mechanisms. For example, they postulated that stakeholders can be affected by communication and interaction styles that limit the prospects for the repair of harm so central to restorative justice. Additionally, they believed that individuals may not be adequately represented during restorative conflict resolutions. This may be particularly relevant to secondary victims of violent crime, as the focus of the restorative justice is more likely to be the primary victim. Furthermore, Schehr and Milovanovic (1999) questioned the assumption that the structured resolutions common to restorative practices are an ideal, rather than the acceptance of more flexible settlements that take into account the possibility of revision, change, deletion and substitution.

Despite these criticisms, restorative justice maintains an important role in the criminal justice system, and this importance appears to be widely recognised.   This is particularly the case in juvenile justice because of the focus on rehabilitation, rather than non-utilitarian punishment (Moon, Sundt, Cullen & Wright, 2000). Generally, restorative practices, such as Family Group Conferences, victim impact statements and sentencing circles (Tracy, 1998) are now used in many jurisdictions, and the procedural guidelines for their use have increasingly served to legitimise them. For example, in 2000, the United Nations considered the need for basic principles to guide member states in adopting restorative programs, and these principles were subsequently formalised in 2002 (United Nations, 2000). Actions such as this are indicative of an extensive recognition of restorative justice, and highlight its continuing acknowledgment as an important theory of justice. Therefore, it is important to access the degree to which secondary victims of violent crime subscribe to it as a means of achieving justice in their circumstances.

The Present Study

There is clearly a need for investigation into the experiences of secondary victims of violent crime as they specifically relate to perceptions of justice. As previously noted, such investigation is necessary not only because legal decisions and

policies can be influenced by secondary victims' views, but also because it will inform how forensic psychology can best respond to their needs. Specifically, knowledge about how they perceive justice can help those who work with them in their recovery from victimisation, and help tailor interventions to meet their particular requirements. It is therefore important for forensic psychologists to understand the processes and elements of their justice perceptions. However, no research has thus far attempted to determine what secondary victims' perceptions are and how well traditional theories of justice can account for them.

This thesis aimed to access secondary victims' experiences and perceptions of justice by conducting an investigation in two stages. In the first stage, qualitative analysis of secondary victims of violent crime was conducted in order to determine how successfully the four main existing theories of justice – distributive, retributive, procedural, and restorative justice – could account for their justice experiences and perceptions.

A second, quantitative stage of research then expanded on two Stage One intermediate themes that related uniquely to secondary victims. These themes showed that participants considered various offender- and primary victim-related concepts in determining if justice had been served. This was done in order to investigate further support for these aspects of victimisation that secondary victims appear to consider when making justice judgments, and to provide a more comprehensive picture of how potential secondary victims of violent crime experience and perceive justice.

Method

Research Design

For the first stage of inquiry, a combined qualitative and quantitative design was used. Specifically, a generic qualitative approach was adopted in conjunction with the collection of quantitative participant information.

Caelli, Ray and Mill (2003) argue that studies aiming for credibility as generic qualitative research must address four key areas: Firstly, the theoretical positioning of the researcher; secondly, the congruence between methodology and methods; thirdly, the strategies to establish rigour, and lastly, the analytic lens through which data are examined. These four areas will be addressed below.

Firstly, an interpretive phenomenological approach was taken in this research as it was necessary to not just employ a critical reflection on the conscious experience of participants and to uncover the essential invariant features of that experience (Jopling, 1996), but also to understand the participants' perspectives of meaning (Chapman & Smith, 2002). It was assumed that people possess stocks of knowledge made up of commonsense constructs and categories that are essentially social in action. Therefore, as phenomenology dictates that a person's life is a socially constructed totality in which experiences interrelate coherently and meaningfully, the views and experiences of secondary victims themselves were seen as the key legitimate source of data (Goulding, 2005). However, in order to make sense of the experiences of participants, concepts developed by the researcher through the interpretive process were also required.

Secondly, in keeping with a phenomenological methodology, the use of content analysis (Neuendorf, 2002) was used to analyse qualitative data, and as suggested by Colaizzi (1978) was done so in seven stages. These will be discussed late in the section addressing data analysis.

Thirdly, the methodological rigour of this research was safeguarded on a number of different levels, as suggested by Patton (2002). Primarily, principles of scientific inquiry were used to design the study itself, as well as to inform the data gathering and analyse the results. Additionally, the values and preconceptions of the researcher were recognised as a possible confounding factor, and time was taken to specifically identify them and create awareness in order to mitigate their influence. Furthermore, an audit trail of information (Patton, 2002), including a research diary, was used to verify the consistency of the fieldwork and reflect upon emerging themes in the data as it was collected. A strong focus was also placed upon taking a phenomenological perspective, while avoiding the researcher's personal perspectives.

Lastly, it was understood that through this type of phenomenological qualitative inquiry, there was the opportunity not only to learn about the experiences of others, but also to examine the experiences of the researcher brought to the investigation. This is because these experiences can, to some extent, affect what is studied and help shape what is discovered. "Empathic neutrality" (Patton, 2002, p. 50) was employed in an effort to strike a balance between becoming too involved, which could cloud judgment, and remaining too distant, which could reduce understanding. It was maintained through mindfulness and frequent critical reassessment of personal reactions in the process of interviewing participants, and the subsequent transcribing of the interviews.

Empathic neutrality was seen as the correct approach because it would involve understanding, interest, and caring about participants and their experiences, while maintaining a non-judgmental stance.

Participants

Purposeful sampling was used to access participants. They consisted of a total of 22 male and female relatives or friends of victims of violent, non-sexual violent crime. All participants were 18 years and older. Exclusion criteria for participants were firstly that the offence had not occurred within the last five years, secondly, that the primary victim was not subject to domestic violence or other intra-familial abuse, and lastly, that the primary victim had not died as a result of the offence. These criteria were designed to filter out participants who had been secondary victims of recent, prolonged or particularly severe offences. This was done to maximise the possibility that participants had either sufficiently recovered from, or had not originally been subjected to, any debilitating trauma associated with the primary victims' experiences. The process was also aimed at avoiding the creation of a participant pool that held views about justice that were clouded by the recency, intensity, or severity of trauma, and would produce data that was unrepresentative of typical secondary victims' experiences. Furthermore, from an ethical standpoint, this was done to limit the risk of participant re-traumatisation.

The initial participant response rate was very low. Similar problems have been noted with other research dealing with the impact of crime and victimology (e.g., Orth, 2004), and it may have been a function of potential participants wishing to avoid discussing unpleasant events. For example, Rosenbaum and Langhinrichen-Rohling (2006) have noted that in trauma research, the potential costs can be emotional upset, shame, stigma, safety and a loss of anonymity. In any event, the exclusion criteria were eventually relaxed to rule out only individuals that were under the age of 18. As a result, all possible participants over the age limit with secondary victimisation were eligible. While this was not ideal, it has previously been noted that there are often challenges in recruiting a vulnerable population for qualitative study, and revision of initial exclusion criteria is not uncommon (e.g., Chiang, Keatinge & Williams, 2001)

Materials

The participants were initially obtained through an advertisement in local print media, as well as using an article in the same issue designed to highlight the research. Both the print media advertisement and article stated the nature of the research, the names of relevant investigating parties, and described the parameters of the study, including the exclusion criteria. Contact details of an independent party for the purposes of further queries were outlined, as well as information stating that the project had been granted ethics approval and would remain confidential.

In response to insufficient numbers of participants volunteering as the research progressed, alternative measures were used to generate interest, including leaflets distributed to about 1000 homes in the local area.

At the beginning of the study, potential participants were provided with documentation regarding the study and their potential participation in it. This included an information sheet outlining the purpose and nature of the study, (Appendix A), and an informed consent document (see appendix B) to sign if they agreed to participate. A brochure of available psychological services was provided to participants (Appendix C) as well as a letter from the Edith Cowan University Psychological Services Clinic indicating the availability of their services to participants (Appendix D), should they require them.

For the initial phase of data collection, both a structured and unstructured questionnaire was used to elicit information. The interviews began with an interviewer-administered structured questionnaire (Appendix E), which gathered data on the participant's and the victim's demographic information, the impact of the event on the participant as well as their understanding of how the victim was affected. Additionally, the specific nature of the offence was discussed, as was the subsequent involvement of the legal system, if applicable, and their interpretation of these experiences. If there was no involvement by the legal system, the questionnaire prompted the interviewer to ask the participants how they reacted to that, and to explore what feelings they might have encountered if they were required to attend court.

In order to maintain confidentiality, the collected interview data did not include any identifying features of the interviewees. A pseudonym was used for each interview and maintained throughout the entire research project.

After completing the questionnaire, an unstructured interview format was used to pursue qualitative data (Appendix F). This included prompts such as the following:

What happened in your case?, What outcome did you want for the offender?, Were you satisfied with your level of involvement in the case?, What does justice mean to you?, For whom has justice been achieved in this case?, and *What did you feel needed to have occurred to feel that justice had been done?* These interviews were also recorded using a digital voice recorder and complemented with field notes.

Procedure

In the early progression of the research, upon responding to the advertisement and contacting the researcher by telephone, the participants were reminded of the nature and purpose of the study, as well as the credentials of the researcher. At this stage, the suitability of the individual participant to the research criteria was determined. In the event that the potential participants could not directly speak to the researcher, they were given an opportunity to leave a message so that they could be contacted. To ensure confidentiality, it was ensured that these messages were only be able to be accessed by the researcher, and all messages were erased after use. Interviews that were conducted were done so primarily on the Joondalup Campus of Edith Cowan University in Perth, Western Australia, in a room specifically set aside for this purpose. If the participant preferred, the interview took place at another appropriate location, however this rarely occurred. The interviews were conducted over several years from 2005.

Before data collection began, potential participants were given the information sheet outlining the purpose and nature of the study (Appendix A). If they agreed to participate, they then signed a consent form (see appendix B). Also, prior to any interview, in addition to the information sheet and consent form, a brochure of available psychological services was provided to participants (Appendix C) as well as a letter from the Edith Cowan University Psychological Services Clinic (Appendix D) indicating the availability of their services to participants. This was done in order to anticipate and address any possible unpleasant reactions participants might have had in speaking about sensitive topics. It is not known if any participants accessed support services. However, at the end of each interview, they were asked how they were feeling and encouraged to access such services if they felt it necessary. Nevertheless, none of the participants appeared distressed at the conclusion of their interview session.

The first stage of data collection involved administering the structured questionnaire in order to generate quantitative and demographic information about the participants. After this was completed, permission was asked of the participants to

continue and to record the conversation, whereby an unstructured interview took place if they agreed. Questions were then guided by the information provided, as per standard grounded theory protocol. Then, as the interview progressed, participants were encouraged to elaborate on specific concepts relating to justice perceptions that they brought up as a result of the initial questioning. This process generally took about 60 to 90 minutes to complete. Once the interviews were completed, participants were told that their details would be destroyed after five years. The interview data were transcribed by the researcher progressively as each one was completed. It is important to explain that the recorded interview information was transcribed verbatim by the researcher alone, as a purposeful attempt to become immersed in the data and to be more easily able to generate emergent insights.

Data Analysis

Descriptive statistics of the quantitative data were firstly investigated, including frequencies, distributions and central tendencies. The qualitative approach of content analysis (Neuendorf, 2002) was used to analyse the unstructured interview information. As suggested by Colaizzi (1978), it was done so in seven stages: reading participants' transcribed narratives; extracting significant statements; formulating meanings for these statements; clustering meaningful themes; integrating resultant themes into a rich description; reducing themes to an essential structure and returning to participants for further cross-checking if necessary.

The process of extracting significant statements – that is, identifying key words and sentences relating to the phenomenon under study – was done so through a process of coding. Firstly, initial coding was conducted by analysing the unstructured interview information into discrete parts. Concepts were formed from information ranging from words or phrases, through to sentences and complete paragraphs. A comparative process was conducted as these concepts were coded, in order to clarify meaning and consolidate initial ideas. A total of 77 concepts were identified through this process. Then, after this process, further coding was undertaken where the coded concepts were integrated, extended, checked against collected information and interrelated. This was continued to a point referred to as saturation (Bowen, 2008) was reached, where the coding and collection of additional data no longer contributed further themes or ideas. Eight intermediate themes emerged (two of which had a total of seven subthemes). Subsequently, these intermediate themes were subjected to selective coding, whereby

the core elucidated concepts were analysed in order to articulate relationships. Selective codes were then analysed for emerging themes, and were further distilled to create three overarching primary themes. All themes were also cross-checked by a doctoral student researcher independent of the project. Unfortunately, due to practical time constraints, the usual process in phenomenological study of referring the understood concepts back to the participants, was not able to be done.

Findings and Interpretation

Demographic Information

Of the total of 22 participants, 59% (n=13) were female, and 41% (n=9) were male. The mean age of participants at the time of interview was 36 years, and the mean age at the time of the offence was 30 years. Concerning the relationship between the secondary and primary victim, 45% (n=10) were unrelated, and included 4 male friends, 2 female friends, an ex-partner and 3 female partners. Of the 55% (n=12) of remaining participants, all were related to the primary victim. They included a daughter, a son, 2 brothers, 4 sisters, 2 biological mothers, a biological father, and an aunt.

Concerning the relationship between the victims and the offender, the offender was known to 59% (n=13) of the secondary victims, and 64% (n=14) of the primary victims. The mean age of the offender was 28, and the offence they had committed was either assault (n=15; 68%), assault with an object (n=5; 23%), or murder (n=2; 9%).

General findings

Almost all secondary victim participants experienced a strong emotional reaction towards the offender having committed the offence against the primary victim, to the primary victim's subsequent response to it, as well as to their own experience of secondary victimisation. This emotional reaction was noted in all participants, and acted as an initial prompt for participants to assess their circumstances, and that of the primary victim. The emotional response was primarily characterised by anger, sadness and anguish. There was also a connection noted between the nature of the relationship with the primary victim and the type of crime perpetrated by the offender. The participants that reported feeling the least sense of justice in their particular

circumstance were either close family relatives of the primary victim, or were secondary victims of homicide.

Overall, the results suggested that there were three primary themes comprised of eight intermediate themes (Table 1). These will be outlined in detail in subsequent sections.

Table 1

Main themes and Corresponding Intermediate Themes and Subthemes

Main theme	Intermediate theme
1. Secondary Victim Utility	a) Advocacy
	b) Facilitation
2. Punishment Goals	a) Deterrence
	b) Vengeance
	c) Rehabilitation
	d) Compensation
3. Proportionality	a) Primary Victim Considerations
	i) physical suffering of the victim
	ii) psychological suffering of the victim
	iii) voice
	b) Offender Considerations
	i) perceived vindication through acknowledgement
	ii) compensation
	iii) adequacy of consequences
	iv) perceived responsibility

Themes

Open coding of the data revealed a substantial number of concepts pertaining to the participants' experiences, and their perceptions of justice. When the process of axial coding was completed, these concepts were formed into eight distinct intermediate themes, and then into three overarching main themes. These themes are identified and discussed below.

1. Secondary Victim Utility

This main theme is divided into the intermediate themes of Advocacy and Facilitation. These refer to the role and purpose some participants felt they needed to take in relation to the primary victim, in order to maximise positive outcomes and minimise negative ones.

As a result of the victimisation of their friend or family member, some participants focussed on their role as an advocate for the primary victim with the criminal justice system. Others chose to act as a facilitator, regulating their own behaviour in order to assist the primary victim to maximise the likelihood of a perceived successful outcome and minimise the likelihood of victims' re-traumatisation. The experiences encompassed by this theme tended to occur in the early stages after the victimisation.

a) Advocacy

This intermediate theme refers to participants' efforts to act on behalf of the primary victim.

In general, there was a strong view held by most participants that they saw primary victims as being so affected by the violent crime that they required someone to deal with others in their place. As such, many were often keen to assume such a role. This frequently involved focussing on what they perceived was required by the primary victim, in order to maximise their perception that justice had been achieved. It also meant addressing procedural factors and questioning, clarifying, challenging or championing various legal processes as they pertained directly to primary victims, as well as on their own behalf. This was illustrated in the following:

"I remember feeling that (victim) wasn't in a position to be going through any of (the court process), and thought: 'it's up to me to make sure I step up and act for him'." (Participant 5)

Overall, an emphasis was placed by participants on the importance of putting primary victims' needs first. Of the participants that verbalised this notion, most did so as a proportionate response to the primary victim being restricted in their own ability to be heard. All secondary victims who were relatives of an underage victim espoused this view.

b) Facilitation

While the previous intermediate theme of Advocacy was concerned with participants' attempts to achieve justice for the victim directly, this intermediate theme related to efforts made by participants to facilitate primary victims' sense of justice. They sought to do this through practical means, such as assisting with legal responsibilities in order to combat the primary victim's stress, as well as striving to meet the perceived emotional needs of primary victims. This included providing them with encouragement and guidance, particularly as they navigated their way through the legal process. For example:

"I was less concerned what happened to (offender) as a result of all this, and I was just more focussed on what (victim) needed and how she was doing." (Participant 11)

Generally, participants were concerned with conducting themselves in such a way as to maximise the likelihood of a perceived successful outcome in conjunction with minimising re-traumatisation to the primary victim.

Additionally, many participants who held this view explained that the fact that they were not the direct victim meant that they saw themselves as objective. They believed that this objectivity presented them with the opportunity to maximise the quality of the information they conveyed to authorities. This, in turn, was seen to maximise the likelihood that the primary victim would experience a sense of justice, as noted in the following:

*"Going to the police station the next day there was a real sense of...
getting it right, and wanting to really do... like... you know... stand by
(the victim) and give a true representation of what happened. And make
sure you said the right stuff... And then there's that concern about... how
can you make sure the guy really gets his comeuppance?" (Participant 9)*

Additionally, this intermediate theme incorporated the concerns some
participants had about criminal justice system processes, and how they felt these
impacted upon the primary victim's sense of justice. Specifically, it related to their role
within the system and judgments they made about the processes to which they were a
party. Part of this concept was concerned with participants feeling anxious about
ensuring they conveyed the correct information to legal authorities. The idea of
'correct' information was a subjective one used to describe what they perceived to be
the information necessary to assist authorities in arresting and successfully prosecuting
the offender. This caused anxiety for some participants, as they stated they did not want
to be held responsible by the primary victim for encouraging any miscarriage of justice
through their actions.

For some of the participants, it was necessary for the primary victims to have an
active role in the aftermath of their victimisation, in order for a sense of justice to
prevail. This is in contrast to the previous intermediate theme of Advocacy, where the
participants wanted to act on behalf of the primary victim, rather than assisting them to
act themselves. For example:

*"I had a sense of wanting to be able to repair the damage and to offer
some sort of... to help him have some role in it, I suppose." (Participant
2)*

Others focussed on the notion of victim empowerment, whereby they sought to
encourage the primary victims to equip themselves to create their own sense of justice
from the circumstances thrust upon them. Participants who felt they lacked the capacity
to meaningfully assist the primary victim in this sense often spoke about feelings of
helplessness. This was the case even if they guided primary victims to seek assistance
from professional agencies. For example:

"I found it very traumatic… I know there were quite a few times where
(the victim and I would speak about the offence) and I'd just cry for one
hour or two hours. I found it very hard to function sometimes, feeling like
I couldn't do anything…" (Participant 3)

In doing so, they focussed on what restrictions were placed on their ability to maximise perceived positive outcomes. In this context, some of the secondary victims acknowledged that they had existing frustrations about the degree to which justice could be achieved for primary victims in criminal cases, particularly relating to formal justice system processes.

2. Punishment Goals

This main theme was divided into the intermediate themes of Deterrence, Vengeance, Rehabilitation and Compensation. It concerned secondary victims' goals for punishment of the offender, in order to feel justice had been achieved in their circumstance.

Many participants only appeared to focus on various goals of punishment if the perceived outcomes of the offender and the primary victim were deemed to be imbalanced. It appeared that these particular participants endorsed various punishment goals aimed at redressing this imbalance.

a) Deterrence

This intermediate theme involved a need that the participants had to deter the specific perpetrator of the offence against the primary victim. This was usually in the form of unpleasant consequences such as a lengthy period of imprisonment. Participants also wanted the individual perpetrator to be made to serve as an example to others, through formal processes such as judicial sentencing. This was illustrated in the following:

"I wanted him to have a sense of 'you've done wrong, you get punished,
mate'. I think that's what others will learn from, too… you learn from

that shock of 'oh shit, I could go to gaol for this... I could get in trouble."
(Participant 1)

Additionally, participants who articulated this concept believed that segregation of the offender was necessary for deterrence, and to ensure the safety of others. In many cases, this need for offender segregation related to the violation by the offender of social norms. In other words, these individuals held the view that by their actions, offenders had contradicted the unwritten rules of civil interaction between individuals in society, and must therefore be removed from it. For example:

"I wanted (offender) to be put away for 25 to life. If he's saying by his
actions that he's a danger to society, then he needs to be behind bars,
away from everyone." (Participant 21)

Many hoped this would send a message to other possible perpetrators of violent crime through punishment of the individual offender; specifically that their actions would likely result in consequences such as incarceration. The criminal justice system was seen by these participants to play a significant role in facilitating such an outcome.

b) Vengeance

This intermediate theme referred to a desire for revenge by participants against the perpetrator of the violent crime committed against the primary victim. Participants who favoured a strong retributive response often did so after having assessed victim-offender outcomes as described in the previous section. A reference to this was the following:

"Justice for me means some form of punishment, whether it's
psychological or whatever... is inflicted on the person who caused you
pain." (Participant 18)

This view was also independent of any aims to deter the offender or anyone else; it simply related to the express need for the particular offender to experience pain and suffering for their actions. For example:

"I just wanted him to go to prison and be locked up in a cell with someone twice his size who's gonna sort of like bugger him stupid." (Participant 14)

Some participants believed that the formal criminal justice system lacked the unrestricted ability to bring about revenge in a way that would satisfy them.

c) Rehabilitation

This intermediate theme referred to proactive efforts preferred by participants aimed at reducing further violent offending by the offender.

Despite the focus of many participants on administering severe legal consequences as a response to their own victimisation or that of the primary victim, some sought a more benevolent response. These people were keen to see the offender learn from their actions, and wished to see a rehabilitative aspect to any consequences meted out to them. A typical response was:

"I wanted the consequences for (offender) to sort of help them make a link between 'this is what I've done, and this is what's happening now because I did that. I wanted them to have some sort of counselling and support... it might help them be more empathic to the victim." (Participant 15)

However, for others, this also included a desire for public education established to assist in general offender rehabilitation (particularly efforts offenders themselves go through to reintegrate themselves into society and how this could be facilitated).

"We have a responsibility as a society to try and support and educate (offenders) so that they don't do it again, so that we don't suffer." (Participant 16)

d) Compensation

This intermediate theme referred to the need that participants had to see the offender make efforts to repay the primary victim in some way for their suffering.

Some participants' focussed on the importance of victim-offender dialogue, through which the offender could gain an understanding of the plight of the victim. An illustration of this was:

"I think it would have been good if (offenders) had been made to sit down and have (victim) talk about what effect (the offenders) actions had on (the victim)... like, that's the least they could've done." (Participant 7)

Another issue that pertained to this theme was the impact of monetary compensation offered to primary victims by the courts as a way of acknowledging their distress. Specifically:

"I thought it was fair (victim) got compensation... he really did take a beating, so there was a sense of justice in that, you know, he got some money out of it... and it there a sense of it validating what he went through." (Participant 4)

3. Proportionality

This main theme referred to secondary victims' need to have outcomes be proportionally distributed to primary victims and offenders. It encompassed the views of some participants that the legal process represented a personally competitive exercise between the perpetrator and the victim. As such, these participants proposed that in order for their court experience to be a positive one, it was necessary that a proportionally positive outcome for the primary victim resulted from the expenditure of psychological and practical resources of both primary and secondary victims. If this expenditure was seen to outweigh the perceived outcome, participants believed that justice had not been served. This was illustrated in the following:

"There's a winner and a loser, and I honestly feel like we lost. That's exactly how I feel. After all we went through... we still lost." (Participant 20)

This theme also related to participants' focus on the balance of outcomes between the offender and themselves. Specifically, participants believed that if

resources were employed in a practical way, they should see a proportionally positive outcome for themselves, in addition to that for primary victims. If their inputs were seen to outweigh the perceived outcome, participants believed that justice had not been served. For example:

> *"For the amount of effort that went into getting him charged... and nothing happened... you sort of feel ripped off. That it's not worth my time having to go in there and go through all that." (Participant 8)*

This highlighted that many participants had a sense that there was a difference between the ideals and procedures of the formal criminal justice system, and their own individualised, personal views of justice. Put simply by one participant:

> *"I guess seeing what the system thought was justice wasn't what I would think." (Participant 17)*

Although the majority of participants who spoke about this issue acknowledged the need for a formal criminal justice system, they also expressed the view that such a system may not relate to secondary victims' desires. For some, this meant that imbalanced victim-offender outcomes were inevitable. Nevertheless, participants stated that proportionality was an ideal and suggested that the legal system was obliged to facilitate that through *uniform* and *objective* practices.

Participants' idea of uniformity was that processes in the criminal justice system, from police involvement through to actual, measureable justice outcomes, should maintain steadfast adherence to the same principles. Concepts that participants talked about included the fact that justice principles should be agreed upon by the people that experience them, and should be concrete and unwavering. While this is clearly a goal of legal processes, many participants felt that there were perceived variations between their own experience of the criminal justice system, and the experiences of others. They often compared their view of the criminal justice system with portrayals of similar cases in the media, and from talking with others sharing similar experiences. Some found that there was a degree of variation between their case and apparently similar cases which was unacceptable to them. Nevertheless, some participants also reported experiencing a feeling of security from a sense that it was

possible to successfully achieve justice for any victim in any circumstance. For example:

> *"Justice is about process, it's about... predictability, I suppose... there's a safety in that... it's about the fact that there are the same processes in place for everyone when they do something wrong." (Participant 22)*

Participants indicated that this was also about the avoidance of preferential treatment, as demonstrated by the following:

> *"I believe that if you're following things to procedures, they're set in place for a reason, and they've been designed and put there so that if you follow them then no-one will get a variance in what happens in the outcome of things." (Participant 21)*

Participants' idea of objectivity was also related to the processes of the formal criminal justice system, and was viewed as being related to both primary victims and secondary victims. Specifically, it concerned the perceived importance of parties who had a vested interest in criminal justice outcomes from the criminal justice system itself. Many assumed that this indicated the criminal justice system remained objective, and they could have no concerns about the unwarranted impact of such parties on due process. It was important for secondary victims to feel that all invested parties received the same treatment. Objectivity was also deemed necessary to ensure the response of the parties who had been offended against (primary and secondary victims) was contained. Some participants felt they needed the legal system to regulate their own behavioural response to their loved one's victimisation. Many participants assumed that if the decision regarding consequences for the offender was left entirely to their discretion, the punishment meted out to the offender would be clouded by strong emotions, and would most likely be excessive. One participant explained it thus:

> *"I do think the objectivity (of the police) was good, because clearly I wouldn't have had a clear head to deal with that, you know... they didn't get emotional with it, they just listened, they took our statements... we*

were all quite fired up, they didn't buy into that. They were very

impartial."(Participant 13)

While secondary victim participants clearly placed importance on uniformity and objectivity, their main focus appeared to be about making individualised and intuitive judgments about whether they felt justice had been achieved through comparisons of victim-offender outcomes. Lacking a sense of justice was related to perceiving imbalance between these outcomes. Importantly, participants made such judgments by taking into account victim and offender considerations.

a) Victim considerations

This intermediate theme refers to aspects relating to the primary victim that participants took into account when judging outcomes. Specifically, participants took into consideration three outcomes relating to the primary victim: 1. the physical suffering experienced by the victim, 2. the perceived psychological suffering experienced by the victim, and 3. whether they felt the victim's views had been taken into account by the criminal justice system.

i) Physical suffering experienced by the primary victim

A sense of justice was inversely related to the participants' perception of the degree of suffering sustained by the primary victim. An outcome was more likely to be judged as unjust the greater the physical suffering experienced by the primary victim. This was particularly the case if the primary victim had sustained either long-term, ongoing physical suffering, or was killed. For example:

"(The offender) has mucked up the rest of (victims) lives. They have no

quality of life because of their injuries, so why should he? And the kids

have got a lot longer left in their lives than he has." (Participant 1)

ii) Psychological suffering experienced by the primary victim

A situation was also more likely to be judged as unjust the greater the psychological harm to the primary victim was perceived to be. A good illustration of this was the following:

> *"There's nothing you can do that will even up those scales. There's never a moment that (the victim) doesn't have that sense of 'I have been violated', and fighting the sense of 'I'm no good', and fighting those tendencies to harm themselves or the desire to kill themselves or whatever it is…you can't erase those things. You can work on them and you can come to a place where they're content with their life to a degree, but you can't give them back the wholeness of their life that they would have had." (Participant 10)*

iii) Voice

The less a primary victim's views were perceived to be heard, the more likely the participants viewed their situation as unjust. For example:

> *"It was unfair that (the primary victim) didn't get his own say… an opportunity to take the stand and give his version of what had happened…" (Participant 5)*

b) Offender Considerations

This intermediate theme refers to aspects relating to the offender that participants took into account when judging outcomes. Specifically, participants took into consideration four outcomes relating to the offender: 1. whether the criminal justice system held the offender accountable and formally recognised their guilt, in order to foster victim vindication; 2. that the consequences meted out to the offender compensated for their anti-social actions, 3. whether they believed the consequences to the offender were adequate, and 4. the degree to which the offender was responsible for the primary victim's suffering.

i) Acknowledgement of Culpability

Participants looked for justice from the criminal justice system through consideration of whether the offender was held accountable for their actions and that their guilt was formally recognised. Generally, the less an offender's actions were formally recognised by the criminal justice system, the less likely a secondary victim was to judge a situation to be just. For example:

> *"I wanted someone official to say to him 'you were in the wrong, you are*
> *being punished, you can't argue with this, this is what you have to do...'*
> *That would give me a sense of satisfaction." (Participant 11)*

Some participants articulated a need to have an identifiable offender who could be held accountable for the violence inflicted upon the primary victim. Some participants were involved in cases where no individual had been charged or prosecuted, and the concept of offender identification was often the first issue they articulated. For example:

> *"Well at the moment I have no sense that justice has been done in any*
> *sense, because they haven't even discovered who the (offender) is."*
> *(Participant 15)*

Additionally, many participants spoke about personalising the victim to the offender, a process which appeared to be aimed at combatting an assumed depersonalisation process whereby the offender objectified their victims in order to more easily offend against them. It is also possible that in some cases this personalisation was aimed at encouraging feelings of guilt and remorse in the offender. For example:

> *"I think it's important if the pain (the offender) has inflicted can be*
> *acknowledged. And they need to acknowledge that directly to the*
> *victim." (Participant 10)*

Other participants framed this concept in terms of needing official action from the criminal justice system to acknowledge the anti-social behaviour of offenders. For example:

"Justice is about the courts recognising what (offenders have) done... and that what they've done is wrong." (Participant 12)

This was also significant to participants in the context of exposing what was believed to be the true facts (actual events) of their particular case, with an overarching goal of reducing the primary victims' distress. For example:

"(The offender being declared guilty by the criminal justice system) validates everything... it validates (the victim's experience) to be truthful. I think the worst outcome would be for the outcome to be not guilty, because then it says that (the offence) didn't happen." (Participant 9)

For some participants, this was about the validation and vindication of the primary victims' experiences, and was typically sought in the context of the criminal justice system. This was believed by some participants to be crucial in the process of resolving any doubts primary victims may have had about their culpability or complicity in the offence committed against them. For example:

"(I) wanted (the victim) to be validated... and (be told) that it wasn't his fault." (Participant 8)

ii) Compensation

If participants thought that the consequences allocated to an offender as a result of their actions did not sufficiently make up for what happened to the primary victim, they were less inclined to feel justice had been achieved. For example:

"No amount of money will ever compensate (victim) for what he is like now, and what he went through. Nothing." (Participant 19)

iii) Adequacy of Consequences

The more an offender's consequences (for example, their custodial sentence) were deemed to be inadequate by the secondary victim, the more likely participants were to feel justice had not been achieved. For example:

> *"(The offender) was convicted and sentenced to a lesser crime and she... got away with premeditated murder basically." (Participant 6)*

iv) Perceived responsibility

Participants also took into account the degree to which the offender was held responsible for the victims' suffering. It appeared that the greater responsibility attributed by the court to the offender for the outcome of the victim, the less likely participants were to experience the situation as unjust. For example:

> *"(Victim) may have put herself in that position but (offender) did what he did to her and his role in that should have been acknowledged more." (Participant 8)*

Also, the recognition by the criminal justice system of the offender's responsibility for the primary victim's suffering appeared to allow participants to feel that the criminal justice system was 'on their side' and therefore predisposed to facilitate the achievement of justice for the primary victim. For example:

> *"I can't even believe that in the records it won't even show to the extent what (offender) did to (victim)... that's not what justice should be." (Participant 3)*

Discussion

The purpose of this initial study was to explore secondary victims' experiences and concepts of justice in order to determine the degree to which they could be accounted for by the existing theories of distributive justice, retributive justice, procedural justice, and restorative justice. The themes of Stage One indicated that, to some extent, secondary victims' perceptions of justice could be accounted for by some aspects of these traditional theories of justice. Broadly speaking, elements of distributive justice theory were most evident in the main theme of Proportionality, elements of procedural justice theory were related to the themes of Secondary Victim Utility and Proportionality, and retributive and restorative principles were most directly linked to the theme of Punishment Goals. There were few clear links to restorative justice in the findings.

Distributive Justice

The theme of Proportionality, highlighting participants' focus on making comparisons between victims, offenders and themselves, particularly impacted by the psychological and practical resources they felt they had expended, echoed a number of justice theory principles. For example, the judgement of input and outcome ratios seen in equity theory (Adams, 1965), the process of comparing outcomes, and the psychological distress that can come from the inequality of exchange ratios, as discussed in the work of Walster, Walster and Berscheid (1978). Also, a direct relationship to justice theory was noted from the finding that some participants required the offender to receive consequences they perceived as adequate. Research that relates to the perceived adequacy of consequences certainly concerns the broad idea of proportionality in distributive justice literature (e.g., Barber & Doob, 2004), such that people are motivated towards wanting individual outcomes that match inputs in an attempt to maintain cognitive balance (Rasinski, 1987). These findings also lend support to existing criminal justice related studies (e.g., Finkel, et al., 1996), which show that people value proportionality in the responses to crime.

Retributive Justice

Links to retributive justice ideas were most closely linked to the main theme of Punishment Goals. Specifically, the intermediate themes of Deterrence, Compensation, and Rehabilitation related well to the utilitarian approaches to punishment seen in retributive justice. Both were concerned with punishment of the offender that served some other purpose aside from satisfying the victimised individual. Additionally, the intermediate theme of Vengeance was linked to non-utilitarian concepts in retributive justice, in the sense that it was concerned with punishment of the offender independent of any secondary purpose.

Additionally, retributive justice principles were noted in the intermediate theme of Offender Considerations. For example, participants were concerned with the criminal justice system's recognition of the offender's culpability, and that consequences to their actions were necessary. The overarching aim of this acknowledgement was to reduce primary victims' distress. As Frijda (1994) explained, victims of injustice are compelled by both individual and societal motivations to seek retribution, and these actions can encourage the restoration of self-esteem and societal norms and values. This appeared to be a goal of secondary victims in the current research.

Procedural Justice

Aspects of procedural justice were apparent in a number of the themes of this research. For example, there was some connection to Thibaut and Walker's (1975) procedural justice theory of decision control in the main theme of Secondary Victim Utility, with many participants making sure they conveyed information to authorities that they felt was necessary to assist them in arresting and successfully prosecuting the offender (and thus influence the outcome). Similarly, there were also links to process control (Thibaut & Walker, 1975), based in participants' concerns about criminal justice system procedures, how they felt these impacted upon the primary victims' sense of justice, and the importance they placed on their perceived objectivity.

Additionally, the importance placed by participants on uniformity, in the process of making assessments of outcomes in the main theme of Proportionality, echoed many of Leventhal's (1980) procedural fairness criteria, including consistency, bias

suppression, accuracy, and correctability. Participants were clearly interested in equal treatment and outcomes across people and over time (Consistency), as well as the prevention of favouritism (Bias-Suppression) and the capacity to deal with unfair or inaccurate decisions (Correctability). An aspect of procedural justice concept of 'voice' (Folger, 1977) was also seen in the intermediate theme of Victim Considerations, particularly the finding that some participants felt that primary victims needed to be not only heard by the criminal justice system, but understood by it. The current findings clearly support research which states that victims want their views to be heard (van Prooijen, Karremans & van Beest, 2006), and that they value adversarial procedures (Thibaut & Walker, 1975).

Restorative Justice

Restorative justice principles did not appear to significantly account for participants' views in the current research. Some connections may have been evident in the intermediate theme of Offender Considerations, particularly with participants' perceived importance of having someone they could hold accountable for the primary victim's suffering. In fact, the importance of being able to hold someone accountable for a crime is generally viewed as a central tenet of this type of justice (Radelet & Borg, 2000). Also, to a lesser extent, restorative justice principles were echoed in the finding that participants wanted the offender to recognise the impact of their actions on the primary victim, as this sort of recognition is an important aim of restorative justice practices.

Unique elements of secondary victims' perceptions

While the findings of this first stage of research showed broad support, in some areas, for existing justice theory, the uniqueness of secondary victims' perceptions of justice was also apparent. This uniqueness appeared to stem from secondary victims seeking to find meaning in their experiences of the criminal justice system, the offender and the primary victim. Many aspects of their experience – while having some connections to justice theory – did not fit neatly into one of the four main types.

For example, as noted in the general findings, the role of emotions appeared to play an important part in participants' experiences of secondary victimisation. A strong emotional response was noted in almost all participants of the current research in

response to their victimisation. This response also acted as an initial prompt for them to assess their circumstances, and that of the primary victim. There was therefore evidence for participants' emotions as an outcome and motivation variable. Although researchers have examined the role of emotions in justice to some degree, there appears to be little investigation that has done so specifically in the context of particular justice theories. One example is Vidmar's (2001) six-stage model of retributive justice dynamics. As noted in the literature review of retributive justice, Vidmar concluded that one of the stages of retribution involved the role of emotions in developing reactions against a rule or norm violator. He stated that these emotions dissipate during or following punishment of the violator, and as a result homeostasis is achieved and control is restored. However, Vidmar acknowledged that punishment of an offender might actually increase anger and cognitions of harm, by validating the perception of harm or removing ambiguity about the offender's motivation or character. He illustrated this by asking the question: "Do relatives of a murder victim who view the execution of the perpetrator find peace in their cognitive and emotional selves, or does viewing the execution increase psychological disturbances?" (Vidmar, 2001, p. 44). This highlights the capacity of emotions to act as a motivating dynamic for a victimised person to seek justice.

In contrast, research that has investigated the role of emotions in justice as an outcome variable appears to show mixed results. For example, Barclay, Skarlicki and Pugh (2005) found that unfair procedures or interpersonal treatment were associated with elevated levels of negative emotions such as anger and hostility. Similarly, Weiss, Suckow and Cropanzano (1999) also found evidence that discrete emotions, including anger, were influenced by both outcome and procedure. Furthermore, Mikula, Scherer and Athenstaedt (1998) found that injustice attributions strongly affected the intensity and duration of emotions such as anger and disgust. These studies highlight the dynamics that were likely playing a part in the current research regarding participants' responses to the victimisation of themselves and their close others. However, other research has found that emotional responses do not lead inevitably to blame and punishment. For example, Goldberg, Lerner and Tetlock (1999) hypothesised that the relationship between emotions and punishment depended on the social context of the wrongdoing. They found that when participants learned that justice was served to a person after an anger-eliciting event, their tendency to punish in unrelated situations was largely deactivated. Graham, Weiner and Zucker (1997) also subscribed to the idea

of the individual as an active assessor of the controllability and responsibility of the actions of others. These authors suggested that although utilitarian and non-utilitarian motives shared common antecedents in some situations, they should be distinguished as separate alternatives derived at by complex individual assessment of specific cases.

In addition to the findings of the current research relating to emotions as a motivation and outcome variable, the results also demonstrate the impact on participants' emotional responses of both the nature of the relationship with the primary victim and the type of crime perpetrated by the offender. Specifically, the participants that reported feeling a perceived lack of justice in their particular circumstance were either close family relatives of the primary victim, or were secondary victims of homicide. This seems to suggest two related findings. Firstly, that there is a connection between the seriousness of crime against the primary victim and feelings of injustice. For example, of the two participants who were secondary victims of homicide, both stated that they felt injustice remained in their circumstance. This implies there may be a relationship between crime seriousness and the resultant need for justice, apparently informed by the magnitude of emotions such as outrage, grief and distress. Therefore it is possible that if an offence is so serious that it produces sufficient moral and emotional outrage in a secondary victim, justice may be very difficult to achieve for them. Secondly, there may also be a relationship between the closeness of the relationship and feelings of persisting injustice (and by extension, a need for justice). In the present study, of the participants who did not feel justice had been achieved for them, or could ever be achieved, three were close relatives of the victim (mother, father and sister). This suggests that perhaps for some people, the degree of relationship closeness to the victim relates directly to their own traumatisation, or the strength of their own needs, and this may be what can foster an ongoing sense of injustice. In any event, this research seems to help inform the literature on the use of emotions as a trigger for making judgments about others' experiences of justice.

Further to these findings, the primary themes uncovered in this research revealed some concepts unique to secondary victims' perceptions of justice. For example, the theme of Secondary Victim Utility incorporated the finding that many participants looked to empower the victim as part of their role in the process of achieving justice. This finding does not have a direct link to theories of justice, but it is supported by non-justice theory related research such as that of Frieze, Hymer and Greenburg (1987). These authors outlined that the significant others of crime victims often look to

empower the primary victim through supportive behaviours. Additionally, the findings showed that participants' sense of justice was often framed in terms of being wary of the possible deleterious impact on the primary victim of experiencing the criminal justice system. Part of this experience appeared to involve the secondary victim acting as an advocate for the primary victim. There is certainly some research that indicates someone acting as an advocate may help protect against the re-traumatisation of primary victims by the justice system (e.g., Campbell, 2006). However, these advocates are frequently people who work in a professional capacity, and mainly for victims who are rape survivors.

The findings outlined in Secondary Victim Utility further showed that the secondary victim participants who felt they lacked the capacity to meaningfully assist the primary victim were often left with feelings of helplessness. The idea of the helplessness of secondary victims is an important issue that does not appear to have been specifically accounted for in justice theory research. It may be that some participants experienced a kind of dissonance or tension that they felt could not be adequately resolved due to the punishment of the offender being out of their hands. Perhaps being unable to address this psychological discomfort successfully is indicative of an inability to cognitively restructure an understanding of their situation. This tension may also be explained by what is known about the emotional reactions that are concurrent to the cognitive understanding involved in individuals' empathic responses, and that people can feel discomfort and anxiety when witnessing the negative experiences of others (Davis, 1983).

Furthermore, as with the importance of victim empowerment, there is no direct link between theories of justice and secondary victims seeking to vindicate their existing frustrations with the criminal justice system through their experiences of it as a secondary victim. However, it is a well established psychological mechanism that people will tend to test hypotheses about groups of people by preferentially searching for confirmatory evidence (e.g., Frey, 1986; Snyder & Swann, 1978), and it seems that such processes may have been occurring in participants of the current research. This has implications for secondary victims experiencing a sense that justice has been achieved for them in the long-term, as research indicates that cognitive distortions can be induced by preconceived beliefs. Specifically, these distortions can result in a retrospective reconstruction whereby erroneous inferences (in this case, about the criminal justice system) can perpetuate themselves (Snyder & Uranowitz, 1978).

Although echoing elements of procedural justice theory, this specific concept does not appear to have been identified independently in any area of justice theory research. Nevertheless, it clearly impacts upon secondary victims' justice perceptions, and as such may bear further investigation.

In addition to the theme of Secondary Victim Utility, the theme of Proportionality also incorporated a number of concepts unique to secondary victims, despite being generally concerned with the assessments of outcomes seen in distributive justice. Specifically, many of the subthemes that comprised the Victim Considerations and Offender Considerations intermediate themes only showed indirect connections to justice research. Due to the uniqueness of the subthemes, support for them in the existing literature will be focussed upon individually in the following sections.

Physical Suffering Experienced by the Victim

The importance of the physical impact of being a victim of non-sexual violent crime is noted in existing psychological literature. Robinson and Keithley (2000) explained that such crime can often result in permanent disability, and it is viewed as a major risk to health in many countries. Anderson, Grandison and Dyson (1996) assessed the impact of violent crime in the United States and stated that it was responsible for a significant number of injuries in that country, surpassing numbers from vehicle accidents and placing the health system there in an increasingly weak position. Campbell (2002) reviewed the medical consequences of intimate partner assault, and found that victims can present with serious long term health problems such as recurring central nervous system symptoms, and chronic pain. In addition, diagnosed functional gastrointestinal disorders, self-reported cardiac symptoms, and immune system problems have all been noted as long-term physical effects of violence (Lown & Vega, 2001). Loxton, Schofield, Hussain and Mishra (2006) also found strong links between violent victimisation and long-term health problems in middle aged Australian women. Long-term health problems reported by victimised women included respiratory conditions, bowel problems, general pain, and fatigue. Based on the results of Stage One of the current research, it seems that secondary victims witness such physical suffering in their loved ones, and this impacts negatively on their sense of attaining justice in their particular circumstance.

Perceived Psychological Suffering Experienced by the Victim

The perception by secondary victims that there is long lasting emotional or psychological damage done to primary victims of violent crime is also supported by relevant psychological literature. In conducting a review of the available research up to the late 1980s, Frieze, Hymer and Greenburg (1987) noted that the psychological impact of crime tends to follow a predictable sequence. Firstly, there is an immediate reaction to the victimisation which can consist of numbness or disorientation, followed by emotions such as shock, disbelief or helplessness. Longer-term, the victimised person shifts from an initial, disorganised phase, into a re-organisation phase in an attempt to cope with their victimisation. However, they may still experience strong emotional reactions. A feeling of significant loss is often reported, and can relate to a perceived loss of control and a sense of personal violation. Victims can also engage in self-blame, develop low self-esteem, pervasive fear and relationship difficulties.

Using data from 476 university students, 54 of whom had experienced levels of exposure to community violence either as a victim or a witness, Scarpa (2001) found that victimised participants reported significantly greater aggression and depression than those who were not. Also, Brown, Hill and Lambert (2005), in assessing traumatic stress symptoms in a group of 90 African American women subject to community and partner violence, found these women reported elevated trauma symptoms as measured by a symptom inventory measure. Such symptoms included those relating to mood, such as depression and irritability, and those relating to stress, such as intrusive thoughts and defensive avoidance.

Furthermore, Mikula (1998) also stated that events experienced as unjust were described by people as a hindrance to satisfying their perceived needs and goals, suggesting a continuing impact. These sorts of responses appear specific to violent crime victimisation. To illustrate, a recent study (Kazantzis, et al., 2010), conducted in New Zealand, found that in a sample of 1500 participants who had experienced a traumatic event, 28% of people had been subjected to violent crime. These people rated their psychological distress to be greater than those who had been exposed to natural disasters or accidents.

Voice

As noted in the introduction to the first stage of research, the idea of "voice" is an important and well researched concept in procedural justice literature. It was the only subtheme with clear links to existing justice theory. However, the uniqueness of the concept in the current study was that it was related to secondary victims' preference for having primary victims' views heard by the criminal justice system, rather than their own. Generally, this further highlights the main focus of secondary victims being the needs of the primary victim.

Acknowledgment of Culpability

As noted in the findings, the main ideas in this subtheme were secondary victims' considerations of whether there was an identifiable offender, whether the offender was held accountable for their actions, the degree to which their guilt was formally recognised, and the degree to which the primary victims' experiences were vindicated.

In many ways, this aspect of subtheme is interlinked with *perceived responsibility*, in the sense that it is partly concerned with attributing responsibility to relevant parties. However, while the idea of perceived responsibility is concerned with who is responsible for the wrong-doing (admittedly with the possibility of including the victim in that assessment), this subtheme is concerned with the degree the guilty party has been formally held to account for their actions, and that the victim was therefore vindicated of facilitating their own victimisation..

Support for the idea of offender identification and accountability as core concepts of justice perception is evident only in the broader fairness theory literature, such as the work of Folger and Cropanzano (2001). These authors suggested there were three interrelated components pertaining to one individual holding another accountable: the existence of an unfavourable condition, caused by someone acting of their own discretion and volition, and the action must violate some ethical principle of interpersonal conduct (called a normative standard of justice by the authors). Although developed within an organisational justice context, these principles also appear to relate to criminal justice, and the three components Folger and Cropanzano (2001) describe were certainly articulated by the participants of the current research.

Speaking in the context of child sexual abuse, Smith and Woodhead (1998; p. 20) stated a simple but important assertion: "Achieving a just outcome requires, at its most basic, that…the wrongdoers are identified and made to face the consequences of their actions." Folger and Cropanzano (2001) believed the central tenet of justice was this assignment of blame, and that it was the process of accountability that was a fundamental factor in gaining a sense of justice. In general terms, the authors suggested that attributions of blame and responsibility act as moderators of social and moral entitlements. Certainly, as Wong and Weiner (1981) showed, people are likely to search for answers regarding another's behaviour, particularly when that behaviour has led to unexpected, negative and important outcomes. Alicke (2000) stated further that people must be held accountable for their actions in order for social order to be maintained.

The idea of primary victims finding vindication through acknowledgement of offenders' guilt is also addressed indirectly in the justice theory literature, most noticeably in the research that has investigated forgiveness. For example, in order to develop a theory of apology based on lay people's interpretation of apologetic responses, Slocum, Allan and Allan (2011) conducted a qualitative analysis of 23 people who had been wronged by an intimate partner. Of relevance to the current research, they found that apology is a process of which one aspect – affirmation – involves acknowledgement and admission of the offending behaviour. This appeared to resolve any ambiguity around the actions of the offender, and help bring closure to victims as they experienced it as exonerating them from blame. Such sentiments were certainly echoed in the current findings.

Compensation

The vast majority of experimental studies on justice hold the view that there is some concrete appeasement possible from a guilty offender to an aggrieved victim under any circumstance. Darley and Pittman (2003) explained that if someone who offends against another could have foreseen the harm caused by their actions, then the generally accepted view of the relevant literature states that compensation is owed to the victim. In addition, this compensation is apparently determined by the degree of physical damage to the victim (Darley & Pittman, 2003). However, this raises a number of questions. What recourse is there for compensation that is unable to be paid to the

victim (for example, if the violent offence committed against them has taken their life)? Does the secondary victim then become the focus of compensation? What occurs when there is no objectifiable amount of recompense that can act to satisfy the aggrieved parties at all? Some recent research has sought to answer such questions, and investigate the circumstances under which compensatory action occurs. For example, in their analysis of forgiveness, Exline, Worthington, Hill and McCullough (2003) outlined a number of factors that might cause offences to be labelled unforgivable, and therefore presumably immune to appeasement through compensation. Firstly, the perpetrators may be viewed as unredeemable, and therefore unable to adequate compensate for their wrongs. Secondly, victims may find difficulty in empathising with violent offenders and therefore lack the necessary capacity to understand the criminal act to a degree they can forgive it. Lastly, they suggest that feelings of disgust may also deter empathic responses, and therefore promote unforgiveness.

Des Rosiers, Feldthusen and Hankivsky (1998) compared survey results from violence victims who received limited government agency compensation, with those from victims who pursued civil action, and found that victims generally sought much more than simple compensation. Asking these victims about their motivations and experience of justice systems, the authors found that very often the aim was to search for a public affirmation of the wrong that they suffered at the hands of another. Additionally, as a result of researching compensation as it related specifically to monetary outcomes, Okimoto and Tyler (2007) found that many victims viewed fiscal compensation as an inadequate response to their victimisation. This remained the case even when their victimisation was unintentional.

Adequacy of Consequences

As Ashworth (1993) explained, the notion of ordinal proportionality states that offences should be ranked according to their relative seriousness, and that seriousness in turn is composed of culpability and harmfulness. The idea of culpability has been addressed in a previous section. The idea of harmfulness will be addressed below.

Investigations concerned with the perceived harmfulness of crime have often focussed on the construct of crime severity (e.g., Carlsmith, Darley & Robinson, 2002). This can refer both to the perceived degree of harm caused by an offence, as well the moral wrongfulness of it. Studies that have used this construct to explore individuals'

motives to punish often illustrate that when unguided by experimental manipulations, lay people fit their punishments to the severity of a crime, rather than to any utilitarian constructs such as deterrence or incapacitation (e.g., Darley, Carlsmith & Robinson, 2000; Warr, Meier & Erickson, 1983). However, there is also evidence that assessments of criminal harm, as it relates to proportionality, cannot be agreed upon, even by legal decision makers, whose job it is to apply consequences for it (Raine & Dunstan, 2009). Research into crime severity also broadly explains that whether people favour punishment outcomes over restorative ones depends on the variables specific to the situation they are judging (Gromet & Darley, 2009). Specifically, at low levels of crime severity, when the intuitive desire to punish a wrongdoer is not strong, people are more likely to want to achieve justice through restoration, but when the perceived severity of crimes increase, people will be much more inclined to choose retribution (Roberts & Stalans, 2004). This appears particularly true in a forced-choice context (Gromet & Darley, 2009).

Perceived Responsibility

The concept of perceived responsibility – particularly as it relates to proportionality of punishment – has been addressed in detail in psychological literature. It has also been connected to research looking at attribution theory (Heider, 1958). For example, Mikula (2003) focussed on attributions of responsibility and blame as mediators and moderators of people's reactions to perceived violations of entitlements. Specifically, he stated that in order for blame to be apportioned, an individual must be regarded as being responsible for the violation of entitlements of someone else without sufficient justification, and with causality and intention. In addition, Bies and Shapiro (1987) explained that gaining a sense of justice was more likely when there was an adequate causal account to justify an unfavourable outcome.

Fincham and Jaspars (1980) distinguished between different types of responsibility, in the context of people attributing it to others. Specifically, they contrasted commonsense notions of responsibility with legal ones. They stated that commonsense ideas of responsibility referred to people being held accountable for the results of their own actions, or even the indirect outcomes of these actions. Legal responsibility, however, came about when the outcome of a person's behaviour was so serious that the law was compelled to respond to it on behalf of all others.

Subsequently, Montada, Filipp and Lerner (1992) outlined the factors they believed related to everyday notions of responsibility, and identified three specifically used by people to determine someone's culpability for a harmful act. Firstly, there is *foreseeability*, which refers to the perceived normality of behaviour which one can reasonably expect from others in particular circumstances. Secondly, there is *normativeness*, which refers to comparing the degree to which particular harmful incidents happen to everyone compared to oneself. Lastly, there is *controllability*, which refers to fairness assessors' awareness of risks, and the degree to which a given situation was controllable by the parties involved.

As Alicke (2000) explains, many recent theories of responsibility and blame tend to have an emphasis on a series of decision stages through which blame attributions proceed. These include assessments of intent and intent-related behaviour leading to harmful consequences as defined by legal systems. As an alternative, Alicke (2000) outlined Culpable Control Theory, which – while it is a decision stage theory – is not restricted to legal definitions or dichotomous choices. Instead, by analysing several related threads of research, he postulated that people make assessments of the degree of control someone has over their behaviour, and then decide on an associated level of culpability. These decisions are made through a combination of mental, behavioural and consequence elements, with judgmental biases acting as a driving force, instead of on the periphery as with other theories on attributed responsibility.

Tetlock and his colleagues (2007) subsequently sought to expand Alicke's (2000) Culpable Control model and Lerner's (1980) Just World and system-justification theories (which essentially state that people can blame a person's circumstances on personal attributes and discount environmental ones, even if they are a victim of wrong-doing). In doing so, they used a social functionalist framework (Tetlock, 2002) to emphasise the notion of the individual as an intuitive prosecutor. This approach to psychology states at its essence that people will always seek to achieve goals in thinking, feeling and acting as they do, and holds three main assumptions. The first is that most people see themselves as 'fair-minded' and holding to shared norms of 'fair-play' in their interactions with others. Secondly, it assumes that because people have imperfect cognitive self-control, they will engage in judgmental biases when assessing the behaviour of others. Lastly, this framework assumes that people will try to correct themselves when they stray from their own private standards of good judgment. From this social functionalist framework, Tetlock and his colleagues (2007) conducted a

series of three experiments, designed to explore determinants of punitive character attributions to norm violators. He found that on some level people view rule breakers as being a threat to societal norms, and this in turn activates a prosecutorial mindset demonstrated by a correlated group of attributions, emotions, punishment goals and punitiveness. Despite this research providing valuable insight into the dynamic of perceived responsibility, much of it presents as abstract reasoning about justice, rather than a direct assessment of victims' views. As such, it should perhaps be considered as a theoretical basis for further, more specific investigation.

Summary

Generally, the existing psychological literature pertaining to the seven variables appears to demonstrate that researchers have noted that these factors are important in considerations of justice. At the very least, they provide a theoretical basis upon which to guide an analysis of them as justice decision-making prompts. Although research into some of the variables – for example, voice – have comparatively stronger links to the four types of justice described in Stage One than other variables, they all relate to the existing literature in some form.

Importantly, as noted in the main theme of Proportionality, participants made individualised and intuitive judgments about whether they felt justice had been achieved through a comparison process looking at victim and offender. Lacking a sense of justice was related to perceiving imbalance between these outcomes. While there are clear connections to traditional justice theory in the sense that secondary victims compared their outcomes with others and take into account some procedural factors while doing so, the specific combination of seven variables used to asses such outcomes appears unique to secondary victims. As such, further investigation was required to determine whether evidence of an assessment and comparison process occurs generally in secondary victims making judgments of justice. Understanding the process in greater detail has important implications for how the helping professions and facets of the criminal justice system respond to such individuals. Specifically, it is imperative to gain knowledge of how potential victims of crime – beyond those who are primary victims – understand and attempt to consolidate it into their lives. This becomes important both for professionals responding to their needs, and those having input into criminal justice processes, in the context of helping them to cope with the impact of

crime and successfully manage related distress. Therefore, a second stage of research was devised in order to develop a more complete picture of the possible justice experiences and perceptions of potential secondary victims of violent crime.

STAGE TWO

As noted in the subthemes encapsulated by the main theme of Proportionality in Stage One, participants considered various aspects of the primary victims' and offenders' experiences when making determinations of the balance between victim and offender outcomes. Some of these considerations appeared to have only indirect connections to the four main existing theories of justice. To reiterate, the aspects of victimisation were: the degree of physical suffering experienced by the primary victim, the perceived degree of psychological suffering experienced by the primary victim, whether the primary victims' views were heard by the criminal justice system, whether the offender's culpability was acknowledged by the criminal justice system, the degree to which the consequences to the offender compensated for their actions, whether the consequences to the offender were seen as adequate, and the degree to which the offender was seen as being responsible for the victim's suffering. These seven identified concepts, used by many secondary victims to compare victim-offender outcomes, constituted preliminary findings at the first stage of research. As such, they lent themselves to more detailed investigation. Therefore, a second stage of research was conducted with three related aims: Firstly, to elucidate the identified assessment and comparison process more clearly, secondly, to thus provide a more comprehensive picture of how potential secondary victims of violent crime might experience and perceive justice beyond the explanations of existing justice theories, and thirdly, to determine if the use of the seven identified concepts was a finding that was unique to Stage One participants, or if further evidence of it could be found in a larger population sample of theoretical secondary victims. Similar to the first stage of research, the rationale for these aims was also that expanding the knowledge about how people experiencing secondary victimisation might perceive justice may help forensic psychologists to mitigate the breadth and depth of adverse psychological consequences from such victimisation. Additionally, if the dynamics of secondary victimisation are better understood, forensic psychologists can tailor interventions to meet their particular needs.

Research questions

Specifically, there were two primary research questions for Stage Two. Firstly, do people, acting in the role of secondary victims, perceive injustice through the perception of imbalanced victim-offender outcomes? Secondly, to what degree do potential secondary victims consider the same particular variables in deciding imbalanced victim-offender outcomes as participants in Stage One?

Method

Participants

Participants were a group of 156 self-volunteered people who responded to a request for research participants to act in the role of a secondary victim. Of the 156 participants, 55.8% were male ($n=87$), and 40.4% were female ($n=63$), and 3.8% of participants did not indicate either sex ($n=6$). All age groups were well represented, with 23.1% ($n=36$) of participants aged 18 to 25 years old, 26.9% ($n=42$) aged 26 to 35 years old, 12.2% ($n=19$) aged 36 to 45 years old, 22.4% ($n=35$) aged 46 to 60 years old, and 16.0% ($n=25$) aged over 60 years old.

Participants were recruited through social and professional networks. This consisted of placing the questionnaires in an accessible place within various workplaces. A note requesting volunteer participants was placed next to the questionnaires. As the instructions to the questionnaire were clearly marked at the top of the questionnaire, potential participants could agree to fill out the document and return it to the researcher via pre-paid envelope, in order to indicate their consent. Approval was given for potential participants to give their consent in this manner, as well as providing information about the questionnaire on the form itself, by the Edith Cowan University Ethics Committee.

Despite no effort being made to screen them out, actual secondary victims were not sought for this stage of the research for two related reasons. Firstly, difficulties in recruiting secondary victims for the first stage of research were noted, and this was expected to remain a problematic issue. Secondly, because a quantitative approach was taken, a much larger group of participants than the first stage of research was needed. It

was considered unlikely that a sample of secondary victims large enough to conduct quantitative analysis could be recruited.

One benefit of participants providing responses after being exposed to an identical scenario was that it served to standardise the stimulus they used to make judgments about justice. Assuming that the same underlying decision-making processes were involved as the participants in Stage One, it was hoped that participants would use empathy to prompt thoughts about how they might experience such victimisation. Avoiding the use of actual secondary victims as participants was also employed to maintain an objective approach and make the resultant findings applicable to potential secondary victims.

Materials/Procedure

Participants responded anonymously to a questionnaire (Appendix G) and indicated their consent to participate in the study by returning it to the author in a prepaid envelope provided. The questionnaire consisted of both sides of an A4 sheet of paper. On the front, the nature of the research was firstly explained, and participants were asked to tick boxes to indicate their age range and gender. They were then asked to read the following scenario:

John, a 23 year old man, was physically assaulted by a 27 year old man armed with an iron bar, while walking home from finishing shift work late at night. When the offender was arrested after a period of several months, he was unwilling to provide a statement to police. John sustained significant injuries, required extended hospitalisation, and was in a coma for several weeks. He was left with several noticeable scars to his face and body, and had short-term memory loss that was not present before the assault. Although considered by his partner as a man well able to withstand emotional difficulties, John was traumatised by the event, and required long-term counselling. He reported to his GP that he had trouble sleeping, and was prescribed medication. He also became generally more anxious. The offender was charged with attempted murder. However, the prosecutor of the case chose to accept his guilty plea on the lesser charge of grievous bodily harm, because he felt he would not be able to prove the offender's intent to murder John. During the trial, John's partner wanted to provide a Victim Impact Statement on behalf of John, but was told she was not able to do so. John was also told by his lawyer that despite his desire to testify, he was not required to

because the offender had pled guilty. The offender eventually received a sentence of five years imprisonment. He served a total of two years and nine months, and was then released to the community on parole. The offender also received a criminal record as a result of his imprisonment.

This scenario was designed to present a situation where the outcomes of the primary victim and offender are imbalanced, based on a combination of experiences of secondary victims from Stage One. It was also designed to incorporate representations of each of the seven subthemes identified from Stage One, and to provide enough information relating to each for participants to be able to make a determination about the degree to which they took these seven variables into account.

The participants were then asked to respond to the question "Do you believe that justice was achieved for John in this circumstance?" by indicating their opinion on a 7-point Likert-type scale. It was assumed that the majority of participants would judge that justice was not achieved for the character of John. This was important because the results of the research relied on participants feeling a sense of injustice, and making their judgements based on that feeling. Nevertheless, the scenario was based in reality where feasible, so as not create an unbelievable set of circumstances. This was done to avoid leading the participants into judging the scenario as egregiously unfair, and thus avoid possible bias as a result. Therefore, the scenario was designed to elicit a response from participants whereby they would judge the scenario as being unjust, but allow individual differences in the degree to which they assessed it as such. This was done in order to encourage participants to consider the variables they used to determine if justice had been achieved for the person in the scenario.

Participants were then asked to what degree they considered each of the identified seven variables, in determining whether they thought victim and offender circumstances were balanced in the given scenario. They did so by recording their response on a 7-point Likert scale. The seven questionnaire items were as follows:

1. I considered the physical suffering John experienced.
2. I considered the psychological suffering John experienced.
3. I considered whether John's views were heard by the legal system.

4. I considered whether the legal system sufficiently acknowledged the offender's responsibility.

5. I considered the degree to which what happened to the offender made up for his actions towards John.

6. I considered whether the consequences to the offender were adequate.

7. I considered the degree to which the offender was responsible for John's suffering.

The items were randomly ordered for each questionnaire, in order to combat response bias.

Results

Concerning the first question, regarding the perception of participants that justice had been done in the scenario provided to them, a total of 83.9% ($n = 131$) of them said that it had not. This context was crucial for participants' responses, and suggests that the scenario provided did in fact prime them to perceive that victim-offender outcomes were imbalanced in favour of the offender. In some cases, this was manifested in a strong disagreement that justice had been done. Specifically, 17.9% ($n = 28$) of participants responded this way.

However, 13.5% ($n = 21$) of participants believed that justice had in fact been achieved, while 2.6% ($n = 4$) could neither agree nor disagree. No effort was made to exclude these participants, because analysing their responses would allow an opportunity to compare them to participants who had not perceived justice. This in turn could highlight possible future areas of required research.

Table 2 illustrates the means and standard deviations, with Strongly Agree equal to a value of seven, through to Strongly Disagree with a value of one, of the participants who perceived injustice in the scenario. The Table demonstrates that the participants who perceived injustice in the scenario, reported that they considered the seven variables identified in Stage One. The mode for all variables was *agree*. There was a particularly strong response regarding the variables relating to the degree of physical suffering the victim sustained, as well as the perceived adequacy of consequences. For these particular variables, the next most likely response by participants, after *agree*, was

strongly agree, making up a total of 87.1% and 78.6% of responses, respectively. For all other variables, participants' next most likely response after *agree* was *slightly*

Table 2

Descriptive Statistics for the Seven Comparison Variables among Participants who Perceived Injustice

Variables	Mean	Standard deviation
Physical suffering	6.13	0.85
Adequacy of Consequences	5.94	1.14
Degree of offender responsibility	5.94	0.99
Psychological Suffering	5.79	1.17
Compensation by offender	5.37	1.47
Acknowledgement of culpability	5.24	1.38
Views heard	5.11	1.49
.		

agree. However, participants who perceived justice had been served in the scenario provided also agreed that they used the seven variables when comparing outcomes. Furthermore, they did so to much the same degree as those who had perceived injustice. The mode for all variables considered by those participants was also 'agree' (see Table 3.

Table 3

Frequency statistics for the Seven Comparison Variables among Participants who Perceived Injustice

Factors	Likert-item responses						
	Strongly agree	Agree	Slightly agree	Neither agree nor disagree	Slightly disagree	Disagree	Strongly disagree
Physical suffering	32.1%	55.0%	10.7%	0%	0.8%	1.5%	0%
Adequacy of Consequences	30.5%	48.1%	14.5%	2.3%	0.8%	3.1%	0.8%
Views heard	13.7%	36.6%	27.5%	4.6%	7.6%	9.9%	0%
Psychological Suffering	22.1%	51.1%	19.1%	1.5%	2.3%	3.8%	0%
Accountability and Acknowledgement of responsibility	13.7%	40.5%	26.7%	4.6%	8.4%	6.1%	0%
Compensation by offender	17.6%	46.6%	16.8%	4.6%	6.1%	7.6%	0.8%
Degree of offender responsibility	29.0%	46.6%	18.3%	3.1%	1.5%	1.5%	0%

Sorting participants responses into the categories of agree or disagree, irrespective of perceived justice, and discarding the responses of participants who endorsed *neither agree nor disagree*, the disparity between those who disagreed they had used the particular comparison variables and those who had not, became more obvious (see Table 4).

The variables most endorsed by all participants appeared to be consideration of the primary victim's physical ($M = 6.04$, SD 0.89; $n = 156$) and psychological suffering ($M = 5.74$, SD 1.14; $n = 156$), the degree of offender responsibility ($M = 5.75$, SD 1.16; $n = 156$), and the perceived adequacy of consequences to the offender ($M = 5.89$, SD 1.10; $n = 156$). Also, although the remaining three aspects of victimisation were not endorsed as readily by participants (whether the victim's views were heard, whether the offender compensated for their actions, and whether the justice system acknowledged the offender's culpability), over three quarters of participants agreed that they considered such variables when comparing victim-offender outcomes.

Lastly, the variables which participants least frequently endorsed were: whether John's views were heard by the legal system ($M = 5.10$, SD 1.49; $n = 156$), whether the legal system sufficiently acknowledged the offender's culpability ($M = 5.24$, SD 1.37; $n = 156$), and the degree to which what happened to the offender made up for his actions towards John ($M = 5.24$, SD 1.51; $n = 156$).

Table 4

Distribution to the Comparison Variables (N = 156)

Variables	Agree (%)	Disagree (%)
Physical suffering	96.8	3.2
Adequacy of consequences	92.9	3.8
Views heard	77.6	10.6
Psychological suffering	91.0	6.4
Acknowledgement of culpability	80.1	15.4
Compensation by offender	77.6	17.9
Degree of offender responsibility	89.1	5.1

Discussion

The results of the second stage of data collection showed that participants acting in the role of secondary victims took into consideration the seven aspects of victimisation identified in the first stage of research when making assessments of imbalanced victim and offender outcomes. This gives further weight to the evidence that these variables may be used by people as justice decision-making prompts. The results also indicated more broadly that these comparison variables appear to be independent of justice perceptions, as results showed that participants endorsed all seven to some degree when assessing victim and offender outcomes, whether or not they perceived justice had been achieved in the scenario provided. This suggests that it cannot be assumed that a sense of injustice is inevitably created from observers' perceptions of imbalanced outcomes. Rather, it appears that the comparison process itself may be prompted simply through the role of being a secondary victim, and is separate from subsequent judgments of justice.

Overall, the results showed strong support for the use of the identified variables. In particular, the most endorsed variables appeared to be consideration of the primary victim's physical and psychological suffering, the degree of offender responsibility, and the perceived adequacy of consequences to the offender. This seems to suggest that participants may have focussed on aspects of victimisation which did not require complex cognitive resources. For example, the physical and psychological impact of the victimisation on the primary victim may have been easy to assess from the scenario provided. Similarly, a determination of how much the offender was responsible, and whether their punishment was adequate, may also have been an easy judgment for participants to make.

In comparison to these variables, the remaining variables endorsed by participants (whether the victim's views were heard, whether the offender compensated for their actions, and whether the justice system acknowledged the offender's culpability) may have required a greater level of consideration, and therefore may not have been as easily assessed by participants. Such a finding also reinforces that some participants may have focussed less on the procedural aspects of the justice system in making their assessments, and comparatively more on aspects relating to outcomes. This is because these three variables all relate specifically to mechanisms in the criminal justice system, and how decisions are arrived at, rather than the outcomes of the decisions themselves. For example, whether the legal system sufficiently

acknowledged the offender's culpability (a process) seemed to be less of a concern to some participants than whether the consequences dealt to the offender were adequate (an outcome).

Generally, the finding that people accessed the given variables using apparently simple cognitive resources suggests that people may use intuitive processes when deciding if justice has been achieved in their circumstance. This is important because it appears to link into the idea of implicit ideas of justice, only briefly addressed in existing literature. For example, as Furby (1986) argued, a comparatively large amount of justice research has typically focussed on what rules and criteria are endorsed by victims, and there has been virtually no effort to directly investigate implicit definitions of justice. She states that this is partly due to the idea of justice being a highly personal one, which differs from person to person depending on their experiences of the world. This idea also incorporates the notion that for some people, if they do not perceive balance in victim-offender outcomes, they are unable to achieve a sense of justice, and feel that justice cannot be achieved in their circumstance. Such perceived *unachieveability* of justice has implications for justice theory research, as all existing theories appear to make the core assumption that a sense of justice is possible for all, in any given circumstance, provided that certain criteria are met. The findings from the current project do not support this assumption. For some people, their experience of perceived injustice is clearly so great that they cannot conceptualise either a scenario, or set of criteria, that enables them to feel that justice has been achieved. In fact, the idea that injustice may sometimes be inevitable is a seemingly logical one due to the fact that it may be sometimes impossible to simultaneously satisfy the desired outcomes of separate individuals. This concept has certainly been considered before. For example, in discussing human behaviour in the context of decision making and the dynamics of judgment, Hammond (1996; p.59) explained that because predictive matrices are fundamentally imperfect, then this "irreducible uncertainty inevitably results in error, and… injustice is thus unavoidable." Also, speaking as a moral philosopher, Sowell (1999) coined the term 'cosmic justice' in order to describe an unachievable ideal of having perfectly allocated outcomes for all. Such a notion seems to suggest that secondary victims' ability to achieve closure may depend on their ability to successfully tolerate justice imperfections.

Another important finding of Stage Two was that some participants agreed that justice had been achieved for the primary victim in the scenario provided. Although the aim was to create a scenario that encouraged participants to view the experience of the primary victim as unjust, it was based in reality where feasible, so as not create an unbelievable set of circumstances. Although this was done to avoid leading the participants into judging the scenario as egregiously unfair, over 13% of participants nevertheless maintained that justice had been achieved. This appears to highlight the uniqueness of peoples' perceptions of justice.

Methodological Limitations

Several methodological limitations arose from the research process that require discussion.

Firstly, due to the fact that actual secondary victims were not accessed for the second stage of research, the ability to generalise the results to such a population is somewhat restricted. For example, it is possible that some of the participants may have considered themselves secondary victims of non-sexual violent crime, independent to the current research, but no information was gathered relating specifically to this. However, while the use of participants who were not necessarily secondary victims was not ideal, there is a raft of existing research which has used a similar population in order to draw solid conclusions about justice (e.g., Carlsmith, Darley, & Robinson, 2002; Darley, Carlsmith & Robinson, 2000; Tyler, 1986; Warr, Meier, & Erickson, 1983).

Secondly, admitting previously excluded categories of secondary victims in Stage One, such as those where the primary victim was murdered or was assaulted in a domestic violence context, produced several participants in these categories that formed part of the final population sample. It is possible that these particular participants created a skewing of responses towards strongly held views and rigid conceptualisations of justice based on more purely emotional motivation. Although this suggests that the sample might not have been representative of secondary victims in general, it nevertheless highlights concerns that are significant for some of the target population and that may not have otherwise been brought to light.

Thirdly, the tendency of Stage Two participants to agree with the stated variables may have been due in part to an acquiescence bias, as none of the Likert items were worded negatively. Nevertheless, research has shown that negatively wording questionnaire items also has the capacity to create systematic errors as individuals may

react differently to positive and negative items (Friborg, Martinussen, & Rosenvinge, 2006).

Fourthly, it is also important to note that first stage participants' perceptions of justice, brought about by victim-offender comparisons, varied based on the practical and psychological resources they expended. Due to the fact that participants in the second stage did not share an actual bond with the victim in the scenario, this dynamic may not have been operating. It may be that this difference could have affected the process by which these participants compared outcomes. Also, assuming that the majority of participants were not actually secondary victims, the emotional component noted in the responses of the first stage participants was not likely to have been present in the second stage sample. This is because participants were asked to imagine themselves in the role of a secondary victim, rather than experiencing such victimisation directly. However, as noted, the use of potential secondary victims, rather than actual secondary victims, was a strength of the Stage Two research as it allowed for objectivity.

Lastly, although the results indicated that no one comparison variable was endorsed strongly over the others, the variable which was most endorsed by participants was that of the perceived physical suffering of the victim. As noted, it may be that this is because it was seen by the participants as a tangible concept and perhaps therefore less cognitively taxing to make a judgement on than the other variables. However, because it could be considered as less abstract that the other variables, participants may have relied on it to inform the majority of their outcome assessment. Related to this, clarification is also required in relation to the variables themselves. Some of the variables incorporate overlapping concepts, and it could easily be argued that they are not discrete ideas. For example, the perceived adequacy of consequences to the offender might have been viewed by some participants as being related to the degree to which the offender was held accountable for their actions. This is because recognition of offender culpability was shown in the first stage results to be a kind of consequence that some participants wanted the justice system to provide. The possible overlapping of variables therefore suggests that the mechanisms participants used in determining their response to one variable may also have been employed for determining their response to another. This may have impacted on participants' judgments and confounded the results. Such overlap has been noted in other justice theory research. For example, this issue was identified in Leventhal's Rules of Justice (1980) by Lind and Tyler (1988), and it is possible that a similar dynamic was occurring in the current

research. However, the degree to which there was overlap – if any – is unclear, and may not have negated the results at all.

Despite the limitations of Stage Two, the results nevertheless appeared to lend support to the use of the seven variables identified in Stage One. The presence of the comparison dynamic, and associated use of specific variables to assess victim-offender outcomes, is an important finding because demonstrates what concepts are related to secondary victims achieving a sense of justice.

Future Directions

The results of this research project highlighted a number of areas that require further investigation.

Firstly, more research is needed on emotion as an outcome variable in secondary victims' experiences of justice. This could ideally focus on either emotional responses independent of any particular theory of justice, or the potential for certain procedures, outcomes, or other specific justice theory components to affect emotional responses.

Secondly, the impact of secondary victims' pre-existing views of justice should be taken into account in subsequent research on this population. The results of this research may have been affected by secondary victim participants existing experiences of the criminal justice system. As such, it is possible that they may have searched for confirmatory evidence to support their pre-existing views, or faced cognitive dissonance. Each of these scenarios has important implications for how secondary victims experience justice and therefore require further analysis.

Thirdly, the findings relating to the closeness of relationship between primary and secondary victims and perceptions of justice need to be investigated in greater detail. This is also the case with the findings demonstrating a relationship between the type of victimisation experienced by the primary victim, and the secondary victims' subsequent perception of justice. Both of these findings have important clinical implications relating to how practitioners assist secondary victims in managing their own experience of victimisation.

Fourthly, the finding that people possess implicit theories of justice that may not link readily to existing theories is one that needs further investigation. Specifically, more information is needed about the implications of individual conceptualisations of justice for how people react to, interpret and consolidate injustice. This is crucial to understand how some secondary victims are not able to achieve a sense of justice at all,

or at least without great difficulty. Such results highlight related clinical implications, such as how best to approach secondary victims' feelings of helplessness and lack of psychological restoration, in order to help them manage their own distress associated with victimisation.

Additionally, the seven variables identified require clarification of their existence as justice decision-making prompts. In particular, additional focus is needed on the degree to which the variables are discrete, and if they point to an intuitive approach to justice perceptions. Furthermore, an area that should be further investigated is determining the preferences of secondary victims as to the possible ordering of the variables identified, in their assessments of imbalanced outcomes. It is not safe to assume that the variables each have equal weighting, and therefore a more analysis could clarify to what degree the individual variables account for a total sense of justice in a separate set of participants. Lastly, more research is required to investigate the role of emotions in victim-offender outcome comparisons, and how they relate to the seven identified variables.

FINAL CONCLUSIONS

This thesis attempted to illuminate the degree to which existing theories of justice could account for the perceptions of secondary victims of non-sexual violent crime. The first stage of research demonstrated that these theories were endorsed by secondary victims to some degree. Broadly speaking, elements of distributive justice theory were most evident in the main theme of Proportionality, elements of procedural justice theory were related to the themes of Secondary Victim Utility and Proportionality, and retributive and restorative principles were most directly linked to the theme of Punishment Goals. However, justice theories did not fully explain secondary victims' experiences. Instead, a complex and nuanced picture emerged.

In summary, secondary victims appear to experience an emotional response to victimisation, the intensity of which increased proportionally to the closeness of the individual secondary victim's relationship with the primary victim as well as the severity of the type of crime committed by the offender. This emotional response then typically prompted them to assess their circumstances, and those of the primary victim, and begin to seek justice through a number of mechanisms. Some secondary victims saw justice as being achieved through their actions as the primary victim's advocate, or

through acting as a facilitator of justice for their loved one. Secondary victims also endorsed the punishment goals of deterrence, vengeance, rehabilitation and compensation. They also found justice to be reflected in the formal recognition of the primary victim's experience – and to a lesser extent, their own – and typically looked for this process to be provided through the legal system. This could include recognition of a specific offender, that offender's guilt, their culpability, and the fact that a legal response to their actions was necessary. Many participants appeared to make individualised and intuitive judgements about whether justice had been achieved, which were dependent upon their comparisons of the outcomes of, the victim and the offender. The comparisons made by secondary victims of the perceived fairness of the outcomes to the perpetrator compared to those of the primary victim were made through considerations of seven distinct variables relating to the offender and primary victim. Three of these factors related to the primary victim (physical and psychological impact of the crime, and voice), and four related to the offender (whether the offender's culpability was formally recognised, the perceived degree to which the consequences to the offender compensated for their actions, the perceived adequacy of consequences meted out to the offender, and the perceived responsibility of the offender). The comparison process engaged in by many Stage One participants appeared to be independent of whether or not participants believed justice had been achieved in a given circumstance, giving weight to the evidence that these variables may be used as justice decision-making prompts generally.

This research also uncovered unique elements of secondary victims' experiences which were not fully explained by existing theories of justice. These included: the role of emotions, both as a response to victimisation, and as a prompt for secondary victims to assess their circumstances and compare primary victim and offender outcomes; the role of the secondary victim as an actively involved third party, engaging in direct advocacy or helping the primary victim through means such as empowerment; the idea of implicit ideas of justice – intuitive conceptualisations of justice based on individuals' experiences, and the implications of the *unachieveability* of justice, where peoples' experiences of injustice are so great, that they cannot conceptualise a scenario whereby justice can be achieved for them.

Overall, the findings of the two stages of research represent an important step towards a more comprehensive understanding of the justice experiences and perceptions of secondary victims of violent crime. This will have particularly useful applications to

victim support groups, psychotherapists and forensic psychology as a whole. For example, the relationships between primary and secondary victims should be clearly taken into account when treating either group, as these studies show they have the capacity to impact on each other significantly. Victim support agencies may also find utility in incorporating some of the insights evident in this research as part of information they offer to secondary victims, such as the role of emotions and assisting them to understand some of the mechanisms involved in their own victimisation. Forensic psychologists may also benefit from gaining a more comprehensive understanding of the dynamics of secondary victimisation elucidated by this research, and perhaps incorporate such understanding into their treatment approaches. Specifically, knowledge of what aspects of victimisation are particularly important to secondary victims may inform their recovery from trauma. Additionally, there may also be implications from this research for the criminal justice system. For example, it is likely to be beneficial for secondary victims to be kept informed by authorities and for them to be accommodated more readily to focus on maximising positive outcomes for victims. This is crucial in light of secondary victims' keenness to assist primary victims with procedural factors. In any event, continued investigation into the experiences and perceptions of secondary victims is clearly necessary to further clarify their understanding of justice and therefore assist in responding to their needs.

References

Adams, J. S. (1965). Inequity in social exchange. In L. Berkowitz (Ed.), *Advances in experimental social psychology* (Vol. 2, pp. 267 – 299). New York: Academic Press.

Aertsen, I., & Willemsens, J. (2001). The European forum for victim-offender mediation and restorative justice. *European Journal on Criminal Policy and Research, 9*, 291 – 300.

Ahrens, C. E., & Campbell, R. (2000). Assisting rape victims as they recover from rape: The impact on friends. *Journal of Interpersonal Violence, 15*(9), 959 – 986.

Alain, M. (1985). An empirical validation of relative deprivation. *Human Relations, 38*(8), 739 – 749.

Alicke, M. D. (2000). Culpable control and the psychology of blame. *Psychological Bulletin, 126*(4), 556 – 574.

Amick-McMullan, A., Kilpatrick, D. G., Veronen, L. J., & Smith, S. (1989). Family survivors of homicide victims: Theoretical perspectives and an exploratory study. *Journal of Traumatic Stress, 2*(1), 21 – 35.

Anderson, J. F., Grandison, T., & Dyson, L. (1996). Victims of random violence and the public health implication: A health care or criminal justice issue? *Journal of Criminal Justice, 24*(5), 379 – 391.

Armour, M. P. (2002). Experiences of covictims of homicide: Implications for research and practice. *Trauma, Violence, and Abuse, 3*(2), 109 – 124.

Ashworth, A. (1993). Some doubts about restorative justice. *Criminal Law Forum, 4*(2), 277 – 299.

Balakrishna, J. (1998). Sexual abuse: How far do the ripples go? *Sexual and Marital Therapy, 13*(1), 83 – 89.

Barber, J., & Doob, A. N. (2004). An analysis of public support for severity and proportionality in the sentencing of youthful offenders. *Canadian Journal of Criminology and Criminal Justice, 46*(3), 327 – 342.

Barclay, L. J., Skarlicki, D. P., & Pugh, D. S. (2005). Exploring the role of emotions in injustice perceptions and retaliation. *Journal of Applied Psychology, 90*(4), 629 – 643.

Barrett-Howard, E., & Tyler, T. R. (1986). Procedural justice as a criterion in allocation decisions. *Journal of Personality and Social Psychology, 50*(2), 296 – 304.

Bazemore, G. (2001). Young people, trouble, and crime: Restorative justice as a normative theory of informal social control and social support. *Youth and Society, 33*(2), 199 – 226.

Bies, R. J., & Shapiro, D. L. (1987). Interactional fairness judgments: The influence of causal accounts. *Social Justice Research, 1*(2), 199 – 218.

Bowen, G. A. (2008). Naturalistic inquiry and the saturation concept: A research note. *Qualitative Research, 8*(1), 137 – 152.

Braithwaite, J. (2002). Restorative Justice and Therapeutic Jurisprudence. *Criminal Law Bulletin, 38*(2), 244 – 262.

Brewin, C. R., Andrews, B., & Rose, S. (2000). Fear, helplessness, and horror in posttraumatic stress disorder: Investigating DSM-IV criterion A2 in victims of violent crime. *Journal of Traumatic Stress, 13*(3), 499 – 509.

Brown, J. R., Hill, H. M., & Lambert, S. F. (2005). Traumatic stress symptoms in women exposed to community and partner violence. *Journal of Interpersonal Violence, 20*(11), 1478 – 1494.

Burgess, A. W. (1975). Family reaction to homicide. *American Journal of Orthopsychiatry, 45*(3), 391 – 398.

Caelli, K., Ray, L., & Mill, J. (2003). 'Clear as mud': Toward greater clarity in generic qualitative research. *International Journal of Qualitative Methods, 2*(2), 1 – 13.

Campbell, J. C. (2002). Health consequences of intimate partner violence. *The Lancet, 359*, 1331 – 1336.

Campbell, R. (2006). Rape survivors' experiences with the legal and medical systems: Do rape victim advocates make a difference? *Violence Against Women, 12*(1), 30 – 45.

Carlsmith, K. M. (2006). The roles of retribution and utility in determining punishment. *Journal of Experimental Social Psychology, 42(4), 437 – 451.*

Carlsmith, K. M., Darley, J. M., & Robinson, P. H. (2002). Why do we punish? Deterrence and just deserts as motives for punishment. *Journal of Personality and Social Psychology, 83*(2), 284 – 299.

Casper, J. D., Tyler, T., & Fisher, B. (1988). Procedural justice in felony cases. *Law & Society Review, 22*(3), 483 – 507.

Chapman, E., & Smith, J. A., (2002). Interpretive Phenomenological Analysis and the New Genetics. *Journal of Health Psychology, 7*(2), 125 – 130.

Charmaz, C. (2000). Grounded Theory: Objectivist and constructivist methods. In N. Denzin, & Y. Lincoln (Eds.), *Handbook of Qualitative Research*. (pp.509 – 535). London: Sage.

Chiang, V. C., Keatinge, D., & Williams, A. K. (2001). Challenges of recruiting a vulnerable population in a grounded theory study. *Nursing and Health Sciences, 3*, 205 – 211.

Cohen, M. A., Miller, T. R., & Rossman, S. B. (1994). The costs and consequences of violent behaviour in the United States. In A. J. Reiss and J. A. Roth (Eds.), *Volume 4: Consequences and control of understanding and preventing violence* (pp. 67 – 166). National Research Council, Washington DC: National Academy Press.

Colaizzi, P. F. (1978). Psychological research as the phenomenologist views it. In R. S. Valle & M. King (Eds.), *Existential Phenomenological Alternatives for Psychology* (pp. 48-71). New York: Plenum.

Cooney, A., Allan, A., Allan, M. M., McKillop, D., & Drake, D. G. (2011). The forgiveness process in primary and secondary victims of violent and sexual offences. *Australian Journal of Psychology, 63*, 107 – 118.

Crosby, F. (1976). A model of egoistical relative deprivation. *Psychological Review, 83*, 85 – 113.

Darley, J M., Carlsmith, K. M., & Robinson, P. H. (2000). Incapacitation and just deserts as motives for punishment. *Law and Human Behavior, 24*(6), 659 – 683.

Darley, J. M., & Pittman, T. S. (2003). The psychology of compensatory and retributive justice. *Personality and Social Psychology Review, 7*(4), 324 – 336.

Davis, J. A. (1959). A formal interpretation of the theory of relative deprivation. *Sociometry, 22*, 280 – 296.

Davis, M. H. (1983). Measuring individual differences in empathy: Evidence for a multidimensional approach. *Journal of Personality and Social Psychology, 44*(1), 113 – 126.

Davis, R., Taylor, B., & Bench, S. (1995). Impact of sexual and non-sexual assault on secondary victims. *Violence and Victims, 10*(1), 73 – 84.

Des Rosiers, N., Feldthusen, B., & Hankivsky, O. A. R. (1998). Legal compensation for sexual violence: Therapeutic consequences and consequences for the judicial system. *Psychology, Public Policy and Law, 4*(1/2), 433 – 451.

Doob, A. N. (2000). Transforming the punishment environment: Understanding public views of what should be accomplished at sentencing. *Canadian Journal of Criminology, 42*(3), 323 – 340.

Downe, K. (2007). *Exploration of perceptions of justice amongst secondary victims of sexual crime*. Theses: Doctorates and Masters. Paper 256. http://ro.ecu.edu.au/theses/256

Dull, R. T., & Wint, A. V. N. (1997). Criminal victimization and its effect on fear of crime and justice attitudes. *Journal of Interpersonal Violence, 12*(5), 748 – 758.

Exline, J. J., Worthington Jr., E. L., Hill, P., & McCullough, M. E. (2003). Forgiveness and justice: A research agenda for social and personality psychology. *Personality and Social Psychology Review, 7*(4), 337 – 348.

Feather, N. T. (1998). Reactions to penalties for offences committed by the police and public citizens: Testing a social-cognitive process model of retributive justice. *Journal of Personality and Social Psychology, 75*(2), 528 – 544.

Festinger, L. (1957). *A theory of cognitive dissonance.* Stanford, CA: Stanford University Press.

Fincham F.D., & Jaspars J.M. (1980). Attribution of responsibility: From man the scientist to man as lawyer. In L. Berkowitz (Ed.), *Advances in experimental social psychology* (Vol 13, pp. 81 – 138). New York: Academic Press.

Finkel, N. J., Maloney, S. T., Valbuena, M. Z., & Groscup, J. (1996). Recidivism, proportionalism, and individualized punishment. *American Behavioral Scientist, 39*(4), 474 – 487.

Folger, R. (1977). Distributive and procedural justice: Combined impact of voice and improvement on experienced inequity. *Journal of Personality and Social Psychology, 35*(2), 108 – 119.

Folger, R., & Cropanzano, R. (2001). Fairness Theory: Justice as accountability. In J. Greenberg & R. Cropanzano (Eds.), *Advances in Organisational Justice* (pp. 1 – 55). Stanford, CA: Stanford University Press.

Folger, R., & Pugh, D. S. (2002). The just world and Winston Churchill: An approach/avoidance conflict about psychological distance when harming victims. In M. Ross & D. T. Miller (Eds.), *The justice motive in everyday life* (pp. 168 – 186). New York: Cambridge University Press.

Frey, D. (1986). Recent research on selective exposure to information. In L. Berkowitz (Ed.), *Advances in experimental social psychology* (Vol. 19, pp. 41–80). New York: Academic.

Friborg, O., Martinussen, M., & Rosenvinge, J. H. (2006). Likert-based vs. semantic differential-based scorings of positive psychological constructs: A psychometric comparison of two versions of a scale measuring resilience. *Personality and Individual Differences, 40*, 873 – 884.

Frieze, I. H., Hymer, S., & Greenberg, M. S. (1987). Describing the crime victim: Psychological reactions to victimization. *Professional Psychology: Research and Practice, 18*(4), 299 – 315.

Frijda, N. H. (1994). The Lex Talionis: On vengeance. In S. H. M. van Goozen, N. E. Van De Poll, & J. A. Sergeant (Eds.), *Emotions: Essays on emotion theory* (pp. 263 – 289). Hillsdale, NJ: L. Erlbaum.

Furby, L. (1986). Psychology and justice. In R. L. Cohen (Ed.), *Justice: Views from the social sciences* (pp. 153 – 203). New York: Plenum Press.

Gibson, R., Wilson, S., Meagher, G., Denemark, D., & Western, M. (2004). *The Australian Survey of Social Attitudes, 2003.* Canberra: Australian Social Science Data Archive, The Australian National University.

Goldberg, J. H., Lerner, J. S., & Tetlock, P. E. (1999). Rage and reason: The psychology of the intuitive prosecutor. *European Journal of Social Psychology, 29*, 781 – 795.

Goulding, C. (2005). Grounded theory, ethnology and phenomenology: A comparative analysis of three qualitative strategies for marketing research. *European Journal of Marketing, 39*, 294 – 308.

Graham, S., Weiner, B., & Zucker, G. S. (1997). An attributional analysis of punishment goals and public reactions to O. J. Simpson. *Personality and Social Psychology Bulletin, 23*(4), 331 – 347.

Gromet, D. M., & Darley, J. M. (2009). Retributive and restorative justice: Importance of crime severity and shared identity in people's justice responses. *Australian Journal of Psychology, 61*(1), 50 – 57.

Güth, W., Kliemt, H., & Ockenfels, A. (2001). Retributive responses. *Journal of Conflict Resolution, 45*(4), 453 – 469.

Hammond, K. R. (1996). *Human judgement and social policy: Irreducible uncertainty, inevitable error, unavoidable injustice.* New York: Oxford University Press.

Heider, F. (1958). *The psychology of interpersonal relations.* Hillsdale, NJ: L. Erlbaum.

Herman, J. L. (2005). Justice from the victims' perspective. *Violence Against Women, 11* (5), 571 – 602.

Hogan, R., & Emler, N. P. (1981). Retributive justice. In M. J. Lerner & S. C. Lerner (Eds.), *The justice motive in social behavior: Adapting to times of scarcity and change* (pp. 125 – 143). New York: Plenum Press.

Homans, G. C. (1961). *Social behavior: Its elementary forms.* New York: Harcourt Brace Javanovich.

Houlden, P. (1980-81). Impact of procedural modifications on evaluations of plea bargaining. *Law & Society Review, 15*(2), 267 – 291.

Jackson, S. & Fondacaro, M. (1999). Procedural justice in resolving family conflict: Implications for youth violence prevention. *Law and Policy, 21*(2), 101 – 127.

Jasso, G. (1980). A new theory of distributive justice. *American Sociological Review, 45*, 3 – 32.

Jopling, D. A. (1996). Sub-phenomenology. *Human Studies, 19*(2), 153 – 173.

Kaukinen, C., & Colavecchia, S. (1999). Public perceptions of the courts: An examination of attitudes toward the treatment of victims and accused. *Canadian Journal of Criminology, 41*, 365 – 385.

Kazantzis, N., Flett, R. A., Long, N. R., MacDonald, C., Millar, M., & Clark, B. (2010). Traumatic events and mental health in the community: A New Zealand study. *International Journal of Social Psychiatry, 56*(1), 35 – 49.

Kazemi, A., & Tornblom, K. (2008). Social psychology of justice: Origins, central issues, recent developments, and future directions. *Nordic Psychology, 60*(3), 209 – 234.

Kelly, D. P. (1984). Victims' perceptions of criminal justice. *Pepperdine Law Review, 11*, 15 – 22.

Kelsen, H. J. (1957). What is justice?: Justice, law, and politics in the mirror of science. Berkeley: California University Press.

Kilpatrick, D. G., Seymour, A. K., & Boyle, J. (1991). *America speaks out: Citizens' attitudes about victims' rights and violence.* Arlington, VA: National Victim Center.

Leavitt, H. J. (1951). Some effects of certain communication patterns on group performance. *Journal of Abnormal and Social Psychology, 46*, 38 – 50.

Lerner, M. J. (1980). *The belief in a just world*. New York: Plenum.

Leventhal, G. S. (1980). What should be done with equity theory? In K. Gergen, M. Greenberg & R. Willis (Eds.), *Social exchange: Advances in theory and research* (pp. 27 – 55). New York: Plenum Press.

Levrant, S., Cullen, F. T., Fulton, B., & Wozniak, J. F. (1999). Reconsidering restorative justice: The corruption of benevolence revisited? *Crime and Delinquency, 45*(1), 3 – 27.

Lewin, K., Lippitt, R., & White, R. K. (1939). Patterns of aggressive behavior in experimentally created 'social climates'. *Journal of Social Psychology, 10*, 271 – 299.

Lind, E. A., Kurtz, S., Musante, L., Walker, L., & Thibaut, J. W. (1980). Procedure and outcome effects on reactions to adjudicated resolution of conflicts of interest. *Journal of Personality and Social Psychology, 39*(4), 643 – 653

Lind, E. A., & Tyler, T. R. (1988). *The social psychology of procedural justice*. New York: Plenum Press.

Lind, E. A., Kanfer, R., & Earley, P. C. (1990). Voice, control, and procedural justice: Instrumental and noninstrumental concerns in fairness judgments. *Journal of Personality and Social Psychology, 59*(5), 952 – 959.

London, R. D. (2003). The restoration of trust: Bringing restorative justice from the margins to the mainstream. *Criminal Justice Studies, 16*(3), 175 – 195.

Lown, E. A., & Vega, W. A. (2001). Intimate partner violence and health: Self-assessed health, chronic health, and somatic symptoms among Mexican American women. *Psychosomatic Medicine, 63*(3), 352 – 360.

Loxton, D., Schofield, M., Hussain R., & Mishra, G. (2006). History of domestic violence and physical health in midlife. *Violence Against Women, 12*(8), 715 – 731.

Makkai, T. & Braithwaite, J. (1996). Procedural justice and regulatory compliance. *Law and Human Behavior, 21*, 83 – 98.

Martinson, R. (1974). What works? Questions and answers about prison reform. *The Public Interest, 35*, 22 – 54.

McCourt, J., Peel, J. C. F., & O'Carroll, P. (1998). The effects of child sexual abuse on the protecting parent(s): Identifying a counselling response for secondary victims. *Counselling Psychology Quarterly, 11*(3), 283 – 299.

McKillop, D., & Helmes, E. (2003). Public opinion and criminal justice: Emotion, morality and consensus. *Psychiatry, Psychology and Law, 10*(1), 210 – 220.

Mikula, G. (1998). Division of household labor and perceived justice: A growing field of research. *Social Justice Research, 11*(3), 215 – 241.

Mikula, G. (2003). Testing an attribution-of-blame model of judgments of injustice. *European Journal of Social Psychology, 33*, 793 – 811.

Mikula, G., Scherer, K. R., & Athenstaedt, U. (1998). The role of injustice in the elicitation of differential emotional reactions. *Personality and Social Psychology Bulletin, 24*(7), 769 – 784.

Miller, D. T., & Vidmar, N. (1981). The social psychology of punishment reactions. In M. J. Lerner & S. C. Lerner (Eds.), *The justice motive in social behavior: Adapting to times of scarcity and change* (pp. 145 – 172). New York: Plenum Press.

Montada, L., Filipp, S., & Lerner, M. J. (1992). *Life crises and experiences of loss in adulthood.* Hillsdale, NJ: Lawrence Erlbaum Associates, Inc.

Moon, M. M., Sundt, J. L., Cullen, F. T., & Wright, J. P. (2000). Is child saving dead? Public support for juvenile rehabilitation. *Crime and Delinquency, 46*(1), 38 – 60.

Murphy, S., Braun, T., Tillery, L., Cain, K., Johnson, L., & Beaton, R. (1999). PTSD among bereaved parents following the violent deaths of their 12–28-year old children: a longitudinal prospective analysis. *Journal of Traumatic Stress, 12*, 273 – 290.

Neuendorf, K. A. (2002). *The Content Analysis Guidebook.* Thousand Oaks, CA: Sage Publications.

Norris, F. H., & Kaniasty, K. (1991). The psychological experience of crime: A testing of the mediating role of beliefs in explaining the distress of victims. *Journal of Social and Clinical Psychology, 10*, 239-261.

Okimoto, T. G., & Tyler, T. R. (2007). Is compensation enough? Relational ceoncerns in responding to unintended inequiety. *Group Processes and Intergroup Relations, 10*(3), 399 – 420.

Orth, U. (2004). Does perpetrator punishment satisfy victims' feelings of revenge? *Aggressive Behavior, 30*, 62 – 70.

Oswald, M. E., Hupfeld, J., Klug, S. C., & Gabriel, U. (2002). Lay-perspectives on criminal deviance, goals of punishment, and punitivity. *Social Justice Research, 15*(2), 85 – 98.

Parker, G. (1971). The evolution of criminal responsibility. *Alberta Law Review, 9*, 47 – 88.

Patton, M. Q. (2002). *Qualitative research and evaluation methods*. Thousand Oaks, CA: Sage Publications.

Peach, M. R., & Klass, D. (1987). Special issues in the grief of parents of murdered children. *Death Studies, 11*, 81 – 88.

Pound, R. (1930). *Criminal Justice in America.* New York: Henry Holt & Co.

R v. Hough, (2002) WASCA 42.

Radelet, M. L., & Borg, M. J. (2000). Comment on Umbriet and Vos: Retributive versus restorative justice. *Homicide Studies: An Interdisciplinary & International Journal, 4*(1), 88 – 92.

Raine, J. W., & Dunstan, E. (2009). How well do sentencing guidelines work?: Equity, proportionality and consistency in the determination of fine levels in the magistrates' courts of England and Wales. *Howard Journal of Criminal Justice, 48*(1), 13 – 36.

Rando, T. A. (1996). Complications in mourning traumatic death. In K. Doka (Ed.), *Living with grief after sudden loss: Suicide, homicide, accident, heart attack, stroke.* (pp. 139 - 160). Bristol, PA: Taylor & Francis.

Rasinski, K. A. (1987). What's fair is fair – or is it? Value differences underlying public views about social justice. *Journal of Personality and Social Psychology, 53*(1), 201 – 211.

Reithel, S. M., Baltes, B., & Buddhavarapu, S. (2007). Cultural differences in distributive and procedural justice: Does a two-factor model fit for Hong Kong employees? *International Journal of Cross Cultural Management, 7*(1), 62 – 76.

Remer, R., & Elliott, J. E. (1988a). Characteristics of secondary victims of sexual assault. *International Journal of Family Psychiatry, 9*, 373 – 387.

Remer, R., & Ferguson, R. A. (1995). Becoming a secondary survivor of sexual assault. *Journal of Counseling and Development, 73*, 407 – 413.

Roberts, J. V. (1996). Public opinion, criminal record, and the sentencing process. *American Behavioral Scientist, 39*(4), 488 – 499.

Roberts, J. V., & Stalans, L. J. (2004). Restorative sentencing: Exploring the views of the public. *Social Justice Research, 17*(3), 315 – 334.

Robinson, P. H., & Darley, J. M. (1995). *Justice, liability, and blame: Community views and the criminal law.* Boulder, CO.: Westview Press.

Robinson, F., & Keithley, J. (2000). The impacts of crime on health and health services: A literature review. *Health, Risk & Society, 2*(3), 253 – 266.

Rosenbaum, A., & Langhinrichsen-Rohling, J. (2006). Meta-research on violence and victims: The impact of data collection methods on findings and participants. *Violence and Victims, 21*(4), 404 – 409.

Rossi, P. H., & Berk, R. A. (1997). *Just punishments: Sentencing guidelines andpublic opinion compared*, Hawthorne, NY: Aldine DeGruyter.

Ruback, R. B., Cares, A. C., & Hoskins, S. N. (2008). Crime victims' perceptions of restitution: The importance of payment and understanding. *Violence and Victims, 23*(6), 697 – 710.

Runciman, W. G. (1966). *Relative deprivation and social justice: A Study of attitudes to social inequality in twentieth-century England*. London: Routledge & Kegan Paul.

Sanders, J., & Hamilton, V. L. (2001). Justice and legal institutions. In J. Sanders & V. L. Hamilton (Eds.), *Handbook of justice research in law* (pp. 3-26). New York: Kluwer Academic/Plenum Publishers.

Scarpa, A. (2001). Community violence exposure in a young adult sample: Lifetime prevalence and socioemotional effects. *Journal of Interpersonal Violence, 16*(1), 36 – 53.

Schafer, R. B., Keith, P. M., & Lorenz, F. O. (1984). Equity/inequity and the self-concept: An interactionist analysis. *Social Psychology Quarterly, 47*(1), 42 – 29.

Schehr, R. C., & Milovanovic, D. (1999). Conflict mediation and the postmodern: Chaos, catastrophe, and psychoanalytic semiotics. *Social Justice, 26*(1), 208 – 210.

Schnieder, H. J. (2001). Victimological developments in the world during the past three decades: A study of comparative victimology Part 2. *International Journal of Offender Therapy and Comparative Criminology, 45*(5), 539 – 555.

Shapland, J. (1984). Victims, the criminal justice system and compensation. British *Journal of Criminology, 24*(2), 131 – 149.

Shaw, M. E. (1954). Some effects of unequal distribution of information upon group performance in various communication nets. *Journal of Abnormal and Social Psychology, 49*, 547 – 553.

Sheppard, B. H., Saunders, D. M., & Minton, J. W. (1988). Procedural justice from the third-party perspective. *Journal of Personality and Social Psychology, 54*(4), 629 – 637.

Sherman L. W., Strang, H., Angel, C., Woods, D., Barnes, G. C., Bennett, S., & Inkpen, N. (2005). Effects of face-to-face restorative justice on victims of crime in four randomized, controlled trials. *Journal of Experimental Criminology, 1*(3), 367 – 395.

Skarlicki, D. P., Ellard, J. H., & Kelln, B. R. C. (1998). Third-party perceptions of a layoff: Procedural, derogation, and retributive aspects of justice. *Journal of Applied Psychology, 83*(1), 119 – 127

Slocum, D., Allan, A., & Allan. M. M. (2011). An emerging theory of apology. *Australian Journal of Psychology, 63*, 83 – 92.

Smith, C., & Woodhead, K. (1998). 'Justice for Children', pp. 19–36 in N. Parton, and C. Wattam (eds) *Child sexual abuse: Responding to the experiences of children*. Chichester, UK: Wiley/NSPCC.

Snyder, M., & Swann, W. B. (1978). Hypothesis-testing processes in social interaction. *Journal of Personality and Social Psychology, 36*(11), 1202 – 1212.

Snyder, M., & Uranowitz, S. W. (1978). Reconstructing the past: Some cognitive consequences of person perception. *Journal of Personality and Social Psychology, 36*(9), 941 – 950.

Sowell, T. (1999). *The quest for cosmic justice*. New York: The Free Press.

Sprang, M., McNeil, J., & Wright, R. (1989). Psychological changes after the murder of a significant other. *Social Casework, 70*(3), 159 – 164.

Stouffer, S. A., Suchman, E. A., DeVinney, L. C., Star, S. A., & Williams, R. M., (1949). *Studies in social psychology in World War II: The American soldier*. Vols. 1-4. Princeton: Princeton University Press.

Taylor, D. M., & Moghaddam, F. M. (1994). *Theories of intergroup relations: International social psychological perspectives* (2nd ed). Westport, CN: Greenwood Publishment Publishing, Inc.

Tetlock, P. E. (2002). Social functionalist frameworks for judgment and choice: Intuitive politicians, theologians, and prosecutors. *Psychological Review, 109*(3), 451 – 471.

Tetlock, P. E., Visser, P. S., Singh, R., Polifroni, M., Scott, A., Elson, S. B., Mazzocco, P., & Rescober, P. (2007). People as intuitive prosecutors: The impact of social-control goals on attributions of responsibility. *Journal of Experimental Social Psychology, 43*(2), 195 – 209.

Thibaut, J., & Walker, L. (1975). *Procedural justice: A psychological analysis*. Hillsdale, NJ: Erlbaum.

Thibaut, J., & Walker, L. (1978). A theory of procedure. *California Law Review, 66*, 541 – 566.

Tougas, F. & Beaton, A. M. (2002). Personal and group relative deprivation: Connecting the 'I' to the 'We'. In I. Walker & H. J. Smith (Eds.), *Relative Deprivation: Specification, Development, and Integration* (pp. 119 – 135). New York, NY, US: Cambridge University Press.

Tracy, C. (1998). The promises and perils of restorative justice. *International Journal of Offender Therapy and Comparative Criminology, 42*(4), 275 – 277.

Tyler, T. R. (1987). Conditions leading to value-expressive effects in judgments of procedural justice: A test of four models. *Journal of Personality and Social Psychology, 52*(2), 333 – 344.

Tyler, T. R. (1988). What is procedural justice?: Criteria used by citizens to assess the fairness of legal procedures. *Law and Society Review, 22*(1), 103 – 135.

Tyler, T. R. (1990). *Why people obey the law*. [CITY], MI: Yale University Press.

Tyler, T. R., & Huo, Y. J. (2002). *Trust in the law: Encouraging public cooperation with the police and the courts.* New York: Russell Sage Foundation.

Tyler, T. R., Rasinski, K. A., & Spodick, N. (1985). Influence of voice on satisfaction with leaders: Exploring the meaning of process control. *Journal of Personality and Social Psychology, 48*(1), 72 – 81.

Umbreit, M. S., (1989). Crime victims seeking fairness, not revenge: Toward restorative justice. *Federal Probation, 53*(3), 52 – 57.

United Nations. (2000). *Basic principles on the use of restorative justice programmes in criminal matters.* New York: United Nations.

van den Bos, K. (2001). Uncertainty management: The influence of uncertainty salience on reactions to perceived procedural fairness. *Journal of Personality and Social Psychology, 80*(6), 931 – 941.

van den Bos, K., & van Prooijen, J. (2001). Referent cognitions theory: The role of closeness of reference points in the psychology of voice. *Journal of Personality and Social Psychology, 81*(4), 616 – 626.

van den Bos, K., Wilke, H. A. M., & Lind, E. A. (1998). When do we need procedural fairness? The role of trust in authority. *Journal of Personality and Social Psychology, 75*, 1449 – 1458.

Van Ness, D. (1993). New wine and old wineskins: Four challenges of restorative justice. *Criminal Law Forum, 4*(2), 251 – 276.

Van Ness, D.V., & Strong, K.H. (1997) *Restoring justice*. Cincinnati, OH: Anderson Publishing Co.

van Prooijen, J., Karremans, J. C., & van Beest, I. (2006). Procedural justice and the hedonic principle: How approach versus avoidance motivation influences the psychology of voice. *Journal of Personality and Social Psychology, 91*(4), 686 – 697.

Vidmar, N. (2001). Retribution and Revenge. In J. Sanders & V. L. Hamilton (Eds.), *Handbook of justice research in law* (pp. 31 – 58). New York: Kluwer Academic/Plenum Publishers.

Victorian Department of Justice. (2011). *Sentencing Survey: Results of Community Consultation*. Melbourne: Victorian Department of Justice.

Wagner, K., & Moriarty, L. J., (2002). Perceived fairness of drug-testing policies: An application of Leventhal's Principles of Procedural Justice. *American Journal of Criminal Justice, 26*(2), 219 – 233.

Walker, I. & Smith, H. J. (2002). Fifty years of relative deprivation research. In I. Walker & H. J. Smith (Eds.), *Relative Deprivation: Specification, development and integration* (pp. 1 – 9). Cambridge, UK: Cambridge University Press.

Wallace, H. (1998). *Victimology: Legal, Psychological, and Social Perspectives*. [CITY], MA: Allyn & Bacon.

Walster, E., & Walster, G. W. (1975). Equity and social justice. *Journal of Social Issues, 31*(3), 21 – 43.

Walster, E., Walster, G. W., & Berscheid, E. (1978). *Equity: Theory and Research*. Boston: Allyn & Bacon.

Warr, M., Meier, R., & Erickson, M. L. (1983). Norms, theories of punishment, and publicly preferred penalties for crimes. *The Sociological Quarterly, 24*(1), 75 – 91.

Weiss, H. M., Suckow, K., & Cropanzano, R. (1999). Effects of justice conditions on discrete emotions. *Journal of Applied Psychology, 84*(5), 786 – 794.

Wemmer, J., & Cyr, K. (2004) Victims' perspectives on restorative justice: How much involvement Are victims looking for? *International Review of Victimology, 11* (2-3), 259 – 274.

Wexler, D. B. (1992). Putting mental health into mental health law. *Law and Human Behavior, 16*(1), 27 – 38.

Wiles, P. & Pease, K. (2001). Distributive justice and crime. In R. Matthews & J. Pitts (Eds.), Crime, Disorder and Community Safety: A New Agenda? (pp. 219 – 240). London: Routledge.

Wong, P. T., & Weiner, B. (1981). When people ask 'why' questions, and the heuristics of attributional search. *Journal of Personality and Social Psychology, 40*(4), 650 – 663.

Zehr, H. (1985). *Retributive justice, restorative justice*. Elkhart, STATE: Mennonite Central Committee US Office of Criminal Justice.

Zehr, H. (2004). Commentary: Restorative justice: Beyond victim-offender mediation. *Conflict Resolution Quarterly, 22*(1-2), 305 – 315.

Appendix A

Participant Information Sheet

Thank you for responding to the invitation to participate in this study. My name is Ben Bannister and I am a Doctor of Forensic Psychology student at Edith Cowan University. The study I am inviting you to participate in today, examines the emotions people experience if a relative or friend is the victim of a serious crime and how they perceive the process that follows such an incident. This is part of a larger study that a research team of staff members and students of Edith Cowan University is undertaking.

We hope to use the findings of this study to inform the general public, therapists and the justice system of the experiences of secondary victims.

Today I will be specifically asking you to give me information about
- yourself and the victim;
- the offender, if known, the offence and what happened to the case if there was one;
- the psychological and medical effect this incident had on you and the victim;
- the court case if there was one;
- and other traumas you may have experienced recently.

I will then ask you to tell me your feelings and what you did after the incident. There is a possibility that you may feel upset by talking about this and therefore your participation is voluntary and you are free to withdraw at any time without any penalty. The data that has been collected will be destroyed if you withdraw from the project.

This session should take about 45 minutes.

The study conforms to guidelines produced by the Edith Cowan University Committee for the Conduct of Ethical Research and has been approved by the Ethics Committee at Edith Cowan University.

Any information that you provide will be held in strict confidence by the research team. Your name will not appear on any document and no member other than I will know your name. I will use the information you provide to write a thesis, and it may also be used in articles for publication in scientific journals, and a media release. The media release will be an attempt to give you and other participants an opportunity to read what the findings of the research team were.

Any questions concerning this study can be directed to myself, Ben Bannister, on (08) 9411 5490, Dr Dianne McKillop on (08) 6304 5736 (Supervisor) or Professor Alison Garton on (08) 6304 5110 who is independent of the project.

Thank you for your time and consideration.

Please retain this information sheet for your own records

Consent Form

(Kept separate from the completed questionnaires)

I _____ **confirm that:**

- **I have read the information sheet that forms part of this document**
- **I was given an opportunity to ask questions**
- **All my questions were satisfactorily answered**
- **I understand this information**
- **No pressure is being put on me to participate and I realise that I can withdraw at any time**
- **I agree that research gathered for the study may be published, provided I am not identifiable, and**
- **I voluntarily sign the consent**

_____   _____
                    Participant   Date

_____   _____
                    Investigator   Date

<div align="center">**Appendix C**</div>

<div align="center">**Counselling support services**</div>

Below is a list of counselling services available to West Australians who have experienced, or are experiencing, difficulties in their lives. Please call one of the numbers if you feel that you are having trouble coping, or simply need someone to talk to.

Victim Support Services
Freecall – 1800 818 988

Lifeline
Freecall – 13 11 14

"Someone to talk to"
Freecall –1902 22 1902

Salvo Careline
Telephone – (02) 9331 6000

Salvo Suicide Prevention Line
Freecall – 1300 36 36 22

Alternatively, if you wish to make an appointment with a Registered Psychologist, please contact

The APS Psychologist Referral Service
Freecall – 1800 333 497

Appendix D

27 March 2003

Ben Bannister
School of Psychology
Edith Cowan University
100 Joondalup Drive
JOONDALUP WA 6027

Dear Ben

This confirms that the ECU Psychological Services Centre would be one of the counselling resources available for participants in your research, should it be required.

Yours sincerely

Clare Wilson
Director, ECU Psychological Services Centre

110

Appendix E

Structured interview (Part 1)

Unique identifier

F	L						d	d	m	m	y	y	
Participant		Interviewer code					Date of the incident[4]						

1. Information about participant

Gender   ☐   F
     ☐   M

Age in years (round to the closest full year)   ☐☐

Age at time of incident   ☐☐

Have you received any psychiatric diagnosis:
a)   prior to the incident?   ☐ Yes
     ☐ No

     (If yes, provide details)

b)   since the incident?   ☐ Yes
     ☐ No

     (If yes, provide details)

Have you undergone any treatment or therapy since the incident?
     ☐ Yes
     ☐ No

Are you currently undergoing any treatment or therapy?
     ☐ Yes
     ☐ No

If the answer is yes, consider whether it is appropriate to proceed with interview.

End of part 1.

Structured interview (Part 2)

2. Information about victim (Do not record the name of the victim)

Gender   ☐   F
     ☐   M

Age in years (round to the closest full year)   ☐☐

Age at time of incident   ☐☐

Has the victim undergone any treatment or therapy since the incident?
     ☐ Yes

---

[4] Give the date the offence stopped if it was something that took place over a period of time.

☐ No

3. Relationship between participant and victim. I am the victim's:

Biological mother	☐
Stepmother	☐
De facto mother	☐
Female guardian	☐
Biological father	☐
Stepfather	☐
De facto father	☐
Male guardian	☐
Brother	☐
Sister	☐
Spouse	☐
Male partner	☐
Female partner	☐
Daughter	☐
Son	☐
Grandmother	☐
Grandfather	☐
Male friend	☐
Female friend	☐
Other	☐
(Specify)	

Did victim live/share a house with you at time of incident?	☐	Yes
	☐	No
	☐	Other
(Specify)		

4. Offender

The offender was known to me	☐	Yes
	☐	No
	☐	Uncertain

The victim knew the offender	☐	Yes
	☐	No
	☐	Uncertain

Estimated age of offender	☐☐

5. Nature of offence

Attempted murder	☐

Assault	☐
Assault with an object	☐

Rape[5] (penetration without consent)	☐
(Specify)	

Penetration involving person U16	☐
(Specify)	

---

[5] All cases where there was penetration except those where the relationship was consensual but the victim was younger than 16, in which case penetration under 16 must be ticked.

Indecent acts involving sexual behaviour ☐
(Specify)

Other sexual offence ☐
(Specify)

Robbery involving threats of violence ☐
Robbery involving a weapon ☐

Kidnapping/abduction ☐

Was the victim injured? ☐ Yes
☐ No

(If yes, give a short description)

Sequelae

Did the victim require medical treatment? ☐ Yes
☐ No

Did the victim require counselling? ☐ Yes
☐ No

Did you require medical treatment? ☐ Yes
☐ No

Did you require counselling? ☐ Yes
☐ No

Did anyone else in the victim's family require medical treatment?

☐ Yes
☐ No

(If yes, specify who)

Was the crime reported to the police ☐ Yes
☐ No

Was the complaint withdrawn ☐ Yes
☐ No

Was the offender arrested ☐ Yes
☐ No

Was there a court case ☐ Yes

☐ No

The accused was ☐ Acquitted
☐ Convicted

Can you tell me why the crime was/not reported to the police?
Can you tell me why the complaint was withdrawn/ pursued?

6.   **Did you attend the court case?** ☐   Yes
☐   No

☐   There was no court case

7.   **If you did not attend the court case/ If you attended the court case**
Can you explain why you made this decision?

Can you tell me how it made you feel?

Can you tell me how you feel about your decision today?

If you could turn the clock back, would you make the same decision?

8.   Victim impact statement

Can you explain to me what you think a victim impact statement is?

Was a victim impact statement offered?	☐	Yes
	☐	No
	☐	Do not know what a VIS is

If yes or no, can you explain this decision?

Who made the decision?

How do you feel about the decision?

9.   Did you testify?

☐	Yes
☐	No
☐	There was no court case

If you testified, can you tell me how that made you feel?

If you did not testify, would you have liked an opportunity to testify?

☐	Yes
☐	No

Can you explain why?

10.   If there was no court case

Would you have attended the case if there was one	☐	Yes
(forced choice question)	☐	No

Can you explain why?

Appendix F

Unstructured interview prompt questions

- What happened in your case?
- What outcome did you want for the offender?
- Were you satisfied with your level of involvement in the case?
- What does justice mean to you?
- For whom has justice been achieved in this case?
- What did you feel needed to have occurred to feel that justice had been done?
- Was your relationship to (victim) affected in any way?
- How do you feel about (offender)?
- What was your experience of the justice system?
- Have your ideas of justice changed as a result of the incident?
- What's the most important thing as far as getting justice done is concerned?
- What was your experience of what happened?
- How did you feel about what happened?
- How do you feel about the outcome to the victim?
- How do you feel about the outcome to the offender?
- Was there a court case?
- How did you feel about that?
- If not, how did you feel about there not being a court case?
- Is there anything you want to tell me that I haven't asked you about?

Appendix G

Thank you very much for taking time to complete this short, anonymous questionnaire. It should take about 5 minutes. Please ensure that you do not write your name (or any other comments that could identify you) on the questionnaire. By completing the questionnaire, you are consenting to take part in this research. It is designed to create an understanding of individuals' perceptions of justice, and is concerned with the variables people use to determine if justice has been achieved for others. It also has the approval of the Ethics Committee at Edith Cowan University.

_____

Please tick the appropriate box for the following information.

Your age: 18-25 ☐   26-35 ☐   36-45 ☐   46-60 ☐   60+ ☐

Sex: Male ☐   Female ☐

_____

Now, please read the scenario below.

_____

John, a 23 year old man, was physically assaulted by a 27 year old man armed with an iron bar, while walking home from finishing shift work late at night. When the offender was arrested after a period of several months, he was unwilling to provide a statement to police.

John sustained significant injuries, required extended hospitalisation, and was in a coma for several weeks. He was left with several noticeable scars to his face and body, and had short-term memory loss that was not present before the assault.

Although considered by his partner as a man well able to withstand emotional difficulties, John was traumatised by the event, and required long-term counselling. He reported to his GP that he had trouble sleeping, and was prescribed medication. He also became generally more anxious.

The offender was charged with attempted murder. However, the prosecutor of the case chose to accept his guilty plea on the lesser charge of grievous bodily harm, because he felt he would not be able to prove the offender's intent to murder John. During the trial, John's partner wanted to provide a Victim Impact Statement on behalf of John, but was told she was not able to do so. John was also told by his lawyer that despite his desire to testify, he was not required to because the offender had pled guilty.

The offender eventually received a sentence of five years imprisonment. He served a total of two years and nine months, and was then released to the community on parole. The offender also received a criminal record as a result of his imprisonment.

_____

Please circle the number that reflects your response to the statement below.

Justice was achieved for John in this scenario.

Strongly agree	Agree	Slightly agree	Neither agree nor disagree	Slightly disagree	Disagree	Strongly disagree
1	2	3	4	5	6	7

_____

PLEASE TURN OVER

Now, imagine you are a close friend or family member of John, the victim in the scenario. Please read the statements below, thinking about what things you considered when you were deciding whether justice was achieved. Then, circle the number that best reflects how you made your decisions.

---

1. I considered the physical suffering John experienced.

Strongly agree	Agree	Slightly agree	Neither agree nor disagree	Slightly disagree	Disagree	Strongly disagree
1	2	3	4	5	6	7

---

2. I considered whether the consequences to the offender were adequate.

Strongly agree	Agree	Slightly agree	Neither agree nor disagree	Slightly disagree	Disagree	Strongly disagree
1	2	3	4	5	6	7

---

3. I considered whether John's views were heard by the legal system.

Strongly agree	Agree	Slightly agree	Neither agree nor disagree	Slightly disagree	Disagree	Strongly disagree
1	2	3	4	5	6	7

---

4. I considered the psychological suffering John experienced.

Strongly agree	Agree	Slightly agree	Neither agree nor disagree	Slightly disagree	Disagree	Strongly disagree
1	2	3	4	5	6	7

---

5. I considered whether the legal system sufficiently acknowledged the offender's culpability.

Strongly agree	Agree	Slightly agree	Neither agree nor disagree	Slightly disagree	Disagree	Strongly disagree
1	2	3	4	5	6	7

---

6. I considered the degree to which what happened to the offender made up for his actions towards John.

Strongly agree	Agree	Slightly agree	Neither agree nor disagree	Slightly disagree	Disagree	Strongly disagree
1	2	3	4	5	6	7

---

7. I considered the degree to which the offender was responsible for John's suffering.

Strongly agree	Agree	Slightly agree	Neither agree nor disagree	Slightly disagree	Disagree	Strongly disagree
1	2	3	4	5	6	7