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FORGIVENESS IN PSYCHOLOGY AND LAW: THE MEETING OF MORAL DEVELOPMENT AND RESTORATIVE JUSTICE

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In an age of increasing specialization, it is rare for psychologists and lawyers to mutually influence each other's work. Nevertheless, over the past decade, the Department of Educational Psychology at the University of Wisconsin-Madison and the Restorative Justice Project at the Law School united to discuss the implications of forgiveness in effecting change in the legal system.¹ That dialogue continues today, with this Essay representing some of the fruit of that labor.

This Essay begins by presenting a brief overview of the early work in the Department of Educational Psychology so that the reader may become firmly grounded in the meaning of forgiveness. Next, this Essay presents the mediation of a Victim Offender Conference ("VOC") as an illustration of a case involving forgiveness. Finally, in light of the model developed in Educational Psychology, this Essay draws some general implications for forgiveness within restorative justice.

The Early Work in Educational Psychology

In 1985, the Department of Educational Psychology at the University of Wisconsin-Madison began holding weekly meetings to discuss issues about forgiveness. For instance, they examined the meaning of person-to-person forgiveness; the ways in which people forgive; and the consequences that result when people forgive. To date, the Department continues to hold these informal seminars.

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1. See, e.g., WALTER DICKEY, FORGIVENESS AND CRIME: THE POSSIBILITIES OF RESTORATIVE JUSTICE, in ROBERT D. ENRIGHT & JOANNA NORTH, EXPLORING FORGIVENESS (1998); see also Bruce A. Kittle, *Forgiveness in the Criminal Justice System: Necessary Element or Impossible Dream?*, WORLD OF FORGIVENESS NEWSLETTER 2, 3-11 (International Forgiveness Institute, Madison, WI 1999).

At that time, a body of literature was just emerging on the construct of forgiveness in psychology and related disciplines. For example, Lewis Smedes had recently published his seminal work for the general public, a book that has since become a modern classic and has helped many people hurt by injustice.² D. and M. Linn also released an influential book in which they based their model of forgiveness on Kubler-Ross' stages of death and dying.³ Beyond that, the published literature contained case studies of forgiveness within therapy and reflections from psychiatrists and counselors.⁴ Fitzgibbons' treatise was a year away, whereas Hope's essay was two years from publication.⁵ And, from a religious perspective, there existed Augsburg's, Calian's and Donnelley's reflections.⁶ However, there were still no published scientific works devoted to forgiveness.

The goal then, as now, was to be as accurate as possible in formulating a definition of forgiveness and a model of how people could go about forgiving. We also sought to avoid the traps of defining the word in our own idiosyncratic way and of reductionism in model building in which theorists commit to a few processes or one major mechanism in describing forgiveness. Finally, after years of study, there exists a concise definition and model.

What is Person-to-Person Forgiveness?

Following North's ideas, we define forgiving as follows:

People, upon rationally determining that they have been unfairly treated, forgive when they willfully abandon resentment and related responses (to which they have a right), and endeavor to respond to the wrongdoer based on the moral princi-

2. See LEWIS SMEDES, *FORGIVE AND FORGET: HEALING THE HURTS WE DON'T DESERVE* (1984).

3. See D. LINN & M. LINN, *HEALING LIFE'S HURTS: HEALING MEMORIES THROUGH THE FIVE STAGES OF FORGIVENESS* (1978).

4. See R. Hunter, *Forgiveness, Retaliation, and Paranoid Reactions*, *CANADIAN PSYCHIATRIC ASS'N J.*, 23, 167-73 (1978); M. Kaufman, *The Courage to Forgive*, *ISRAELI J. PSYCHIATRY & RELATED SCIENCES*, 21, 177-87 (1984); H. Close, *Forgiveness and Responsibility: A Case Study*, *PASTORAL PSYCHOL.* 21, 18-25 (1970).

5. See Richard Fitzgibbons, *The Cognitive and Emotional Uses of Forgiveness, in The Treatment of Anger*, *PSYCHOTHERAPY* 23, 629-33 (1986); D. Hope, *The Healing Paradox of Forgiveness*, *PSYCHOTHERAPY* 24, 240-44 (1987).

6. See D. AUGSBURGER, *THE FREEDOM TO FORGIVE* (1970); C. Calian, *Christian Faith as Forgiveness*, *THEOLOGY TODAY* 37, 439-33 (1981); D. DONNELLEY, *PUTTING FORGIVENESS INTO PRACTICE* (1982); see also D. Droll, *Forgiveness: Theory and Research* (Dissertation Abstracts International-B, 45, 2732 (1985)); Mary Trainer, *Forgiveness: Intrinsic, Role-Expected, Expedient, in the Context of Divorce* (Dissertation Abstracts International-B, 45, 1325 1984).

ple of beneficence, which may include compassion, unconditional worth, generosity, and moral love (to which the wrongdoer, by nature of the hurtful act(s), has no right).⁷

This definition is consistent with ancient views in Hebrew, Christian, Islamic and Buddhist traditions. It also conforms with modern philosophical writings on the subject.⁸

We believe that forgiveness is a choice. Although certain groups see it as an obligation, one has to exercise free will in order to choose to forgive. We think that, in order to truly forgive, a person must understand the meaning of forgiveness and its moral import, and then willingly choose to make forgiveness a part of his life.

According to this definition, forgiveness is a moral response, and so it involves more than simply ceasing to be angry or accepting what happened. Forgiveness is also not the same as condoning, forgetting or reconciling. When a person condones certain behavior, he realizes that the offender may have had an excuse for his actions. Conversely, when a person forgives, he clearly labels the offender's behavior as morally wrong, but accepts the person as having inherent worth despite the offense. Furthermore, when a person forgives, he offers what he can to the offender, such as compassion. With reconciliation, however, both parties must do their part to cure the situation, especially the offender who must take steps to re-establish trust. Therefore, it is possible to forgive without reconciling.

In a 1991 chapter, we address the writings that have been critical of forgiveness as weak or even immoral. We refer the reader to that chapter for our response.⁹

How Do People Forgive?

The phase model of forgiveness is our primary model for helping people forgive. It is a prescriptive rather than descriptive approach in that it should help unjustly treated people to forgive, if they choose. After reviewing our ideas with hundreds of people through informal discussions, we revised and refined the model until we determined that we had captured the true essence of the for-

7. Joanna North, *Wrongdoing and Forgiveness*, PHIL. 62, 499-508 (1987).

8. For discussion of both ancient religious and modern philosophical views, see, e.g., ROBERT ENRIGHT & RICHARD FITZGIBBONS, *HELPING CLIENTS FORGIVE: AN EMPIRICAL GUIDE FOR RESOLVING ANGER AND RESTORING HOPE* (forthcoming in 2000).

9. ROBERT ENRIGHT & THE HUMAN DEVELOPMENT STUDY GROUP, *THE MORAL DEVELOPMENT OF FORGIVENESS* (W. Kurtines & J. Gewirtz eds., 1991); *HANDBOOK OF MORAL BEHAVIOR AND DEVELOPMENT* 1, 123-52 (1991).

giveness process. We then put the model to a scientific test: assessing validity of the model for effecting forgiveness and psychological improvement in those going through our programs. The model has been found to be quite helpful to clients.¹⁰ Additionally, in a study outside our own lab, Denton and Martin asked over 100 clinical social workers their opinion about the way forgiveness therapy usually proceeds, and the responses supported the process model as we describe it.¹¹ We continue to discuss the model with hundreds of people each year, and make subtle refinements.

The model has four phases that form a development progression. These phases — uncovering, decision, work and deepening — each have individual differences within them. Within each phase there are a series of units most people seem to pass through, the details of which are in Table 1. However, not everyone goes through the processes in the same way or at the same speed. The following is a brief overview of the four phases.

TABLE 1

Processes Involved in Forgiving

UNCOVERING PHASE

1. Examination of psychological defenses and the issues involved.
2. Confrontation of anger; the point is to release, not harbor, the anger.
3. Admittance of shame, when this is appropriate.
4. Awareness of depleted emotional energy.
5. Awareness of cognitive rehearsal of the offense.
6. Insight that the injured party may be comparing self with the injurer.
7. Realization that oneself may be permanently and adversely changed by the injury.
8. Insight into a possibly altered “just world” view.

10. See, e.g., Radhi Al-Mabuk et al., *Forgiveness Education with Parentally Love-Deprived College Students*, J. MORAL EDUC. 24, 427-44 (1995); Catherine Coyle & Robert Enright, *Forgiveness Intervention with Post-Abortion Men*, J. CONSULTING & CLINICAL PSYCHOL. 65, 1042-46 (1997); Suzanne Freedman & Robert Enright, *Forgiveness as an Intervention Goal with Incest Survivors*, J. CONSULTING & CLINICAL PSYCHOL., 64, 983-92 (1996); John Hebl & Robert Enright, *Forgiveness as a Psychotherapeutic Goal with Elderly Females*, PSYCHOTHERAPY 30, 658-67 (1993); Carole Osterndorf et al., *Educational Programs on Forgiveness: Children and Adults*, Presented at the meeting of the Association for Moral Education (Nov. 1999).

11. R. Denton, & M. Martin, *Defining Forgiveness: An Empirical Exploration of Process and Role*, AM. J. FAM. THERAPY 26, 281-92 (1998).

DECISION PHASE

9. A change of heart/conversion/new insights that old resolution strategies are not working.
10. Willingness to consider forgiveness as an option.
11. Commitment to forgive the offender.

WORK PHASE

12. Reframing, through role-taking, who the wrongdoer is by viewing him or her in context.
13. Empathy and compassion toward the offender.
14. Bearing/accepting the pain.
15. Giving a moral gift to the offender.

DEEPENING PHASE

16. Finding meaning for self and others in the suffering and in the forgiveness process.
17. Realization that self has needed others' forgiveness in the past.
18. Insight that one is not alone (universality, support).
19. Realization that self may have a new purpose in life because of the injury.
20. Awareness of decreased negative affect and, perhaps, increased positive affect, if this begins to emerge, toward the injurer; awareness of internal, emotional release.¹²

Uncovering Phase

The uncovering phase describes a person's insight about whether the injustice, and subsequent injury, has compromised his life. This can be an emotionally painful time. Yet, if the person concludes that he is suffering emotionally because of another's injustice, this can serve as a motivator to change and to think about and try forgiveness.

This phase is separated into eight units. Unit 1 is a preforgiveness state of denial, where the person does not acknowledge the depth of his hurt or anger. Unit 2 involves a major step forward because the person acknowledges the injustice and responds with anger or related emotions. Sometimes, a forgiving person experiences guilt, shame or humiliation (unit 3), which deepens emo-

12. Please note that this table is an extension of Enright and the Human Development Study Group. See ENRIGHT & THE HUMAN DEVELOPMENT STUDY GROUP, *supra* note 9.

tional pain. A person at this point can also feel emotionally drained (unit 4) and preoccupied with the problem (unit 5).

If a person, when comparing self and offender, concludes that the other is now considerably better off, anger may deepen (unit 6). At times, a person realizes he or she is permanently changed, as we will see in the case to follow, which further intensifies negative emotions (unit 7). All of this emotional pain can slowly lead a person to adopt a pessimistic philosophy of life, thinking that justice happens to others, not to oneself (unit 8).

Decision Phase

The decision phase is a time for the person to think about what forgiveness is and is not. A decision to forgive is a cognitive process, not one in which forgiveness is completed. The person must distinguish a commitment to forgive and all that is involved in the process. Otherwise, upon committing to forgive, the person may conclude that most of the work is over where contrarily it is only beginning.

As the person begins to understand all of the anger, hurt, and frustration he has been harboring, the person may conclude that past attempts to deal with the injustice are ineffective, leading to an openness to new approaches (unit 9). As the person considers the possibility of forgiveness (unit 10), he may decide to abandon revenge and try to work on forgiving (unit 11).

Work Phase

During the work phase, the person begins to understand that the offender is more than the offense (or offenses) committed. The focus shifts from self, where most of the attention was centered in the Uncovering Phase, to the offender, with an emphasis on understanding, empathy and mercy toward him.

The person starts with insight and cognitive exercises because, as Fitzgibbons realized, it is often easier to understand an offender than it is to feel empathy or compassion for him (unit 12). The point is to help the forgiver to gain a broader perspective on the offender: he is more than this one act of unfairness. Following insight, emotional transformations toward the offender may emerge, including both empathy and compassion (unit 13). In our view, this tandem of thinking anew about an offender and then feeling anew are part of a developmental sequence. First cognition, then affect seems to be the typical sequence. The key is that the participant is

seeing the offender in new ways and may become ready to respond in new ways.

Acceptance or absorption of the pain (unit 14) is a central point in learning to forgive and involves committing oneself not to pass on one's emotional pain to others, including the offender. Unit 14 implies the gift-like quality of forgiveness as the forgiver stops a possible cycle of revenge that otherwise may harm others, including one's children, co-workers, and the offender. Unit 15 emphasizes this gift-like sense even more as the forgiver considers a way to actually give a gift to the offender. This might include a demonstration of kindness or respect and need not be a tangible present, wrapped and delivered. For example, one person, in giving a gift to her deceased father who abused her years before, brought her children to his grave, preserving her father's good name in the family.

Deepening Phase

Insights about an offender often stimulate other thoughts: Is there any sense in all of the pain I endured (unit 16)? Have I needed others' forgiveness in the past (unit 17)? What was it like for me when I was forgiven? What is my best source of support as I do the work of forgiveness (unit 18)? Am I motivated to interact in new ways with the offender and with people in general (unit 19)? The answers may lead to a recycling through the other phases, this time in a deeper, more insightful way. Forgiving is a moving target. As people learn to forgive, they may choose to appropriate that learning toward even deeper forgiveness, experiencing emotional relief (unit 20) and even paving the way for reconciliation. Later, they may begin to generalize the learning to new situations and people.¹³

We consider the phases to be developmental in that the uncovering phase usually occurs first and is followed by the decision, work and deepening phases, in that order. This is not a rigid, step-wise model in that people must start with uncovering and proceed in order to the end. It is possible, for example, for someone to feel empathy for an offender (in the work phase) that sparks an interest in exploring the details of the injustice and subsequent emotional hurt in the uncovering phase.

13. We also have described the process of seeking forgiveness from others. See ROBERT ENRIGHT, *FORGIVENESS IS A CHOICE* (forthcoming in 2000).

What Are the Consequences When People Forgive?

The initial five educational interventions were done with a wide variety of samples: late adolescents hurt by an emotionally distant parent; adult women who were the victims of incest; men hurt by an abortion decision of a partner; elderly hurt in a variety of ways by others; and adult children of alcoholics.¹⁴ In most cases, we found that those who forgave reduced in anger, anxiety and sometimes in depression, and increased in self-esteem and hope. We would like to expand our choice of the variables we study to include the effect of a person's forgiving on the offender and even on entire families. We have yet to see even one case in which a person became measurably worse in an emotional sense when freely choosing to forgive in our programs within Educational Psychology.

Examination of a Case From a Victim Offender Conference

Walter Dickey describes the case of a man who robbed a church in Milwaukee.¹⁵ In arranging for a conference between the man convicted of the crime, Mr. Singleton, and the pastor of the church, Reverend Davis, Dickey adhered to the ideas behind restorative justice as explicated by Umbreit:¹⁶ 1) Criminal behavior is seen first as a conflict between people, and second between the state and the law-breaker; 2) The criminal's accountability for the crime is of greater importance than his punishment; 3) The victim's needs as a result of the crime must be taken into account; and 4) The victim and offender engage in constructive dialogue and problem-solving to restore the losses to individuals and community.

After much preparation for both parties, Mr. Singleton and Rev. Davis expressed an interest in meeting together, with Dickey as the mediator. A key to the success of this particular project centered on reframing, in which the pastor could see the offender in a larger context than the burglary itself. Mr. Singleton, careful not to make excuses for his behavior, explained his involvement with drugs prior to committing the burglary. Also, he had not realized that the building was a church, a reasonable statement given that the building is a former firehouse that was being renovated at the time of the crime.

14. *See supra* note 10.

15. *See* DICKEY, *supra* note 1.

16. MARK UMBREIT, VICTIM MEETS OFFENDER (1994).

Mr. Singleton further explained that his father was an assistant pastor of a church, which deepened his remorse and need for forgiveness. In fact, in consulting with his father the day after the burglary, he decided to turn himself into the authorities. He concluded by apologizing to Rev. Davis for his actions.

Rev. Davis seemed to have compassion for Mr. Singleton after understanding his situation in greater depth. He acknowledged a burglar's failure to see the building as a church. He accepted the apology but explained to Mr. Singleton how the incident affected his congregation. Recently, in another church in Milwaukee, there had been a shooting. That incident, coupled with their own church being burglarized, led to many parishioners feeling unsafe while in church.

Mr. Singleton offered to address the congregation in attempt to reduce fear, but Rev. Davis thought this was unnecessary. The offender then offered to do voluntary service around the church grounds in reparation for his actions. Again, the pastor thought this was unnecessary because the stolen goods were returned. The pastor's statements were intended to show mercy on him. Because helping around the church seemed so important to Mr. Singleton as a way of making amends, however, Rev. Davis ultimately accepted his offer. Together they agreed on 100 hours of service.

At the end of the meeting, Mr. Singleton once again expressed remorse over what he did. The pastor told him that he saw genuine sorrow and that as far as he was concerned, the matter was settled. Rev. Davis wished him well in the future and stated that good results often come when we are placed in difficult situations. Mr. Singleton agreed with this.

The meeting was deemed a success by both parties. Mr. Singleton unburdened himself of much guilt and made plans for paying back the Church through service. Rev. Davis was able to show understanding, mercy, and forgiveness as well as accept the offender's offer to restore justice. Both men seemed to develop a mutual respect as reconciliation occurred.

CONCLUSION

Not all attempts at restorative justice work out as well. Achieving both forgiveness and justice can be involved and complicated.

Therefore, this Essay proposes seven points to consider in the future:¹⁷

Forgiveness, like justice, is a moral concept. It is not a technique or strategy devoid of the intent to do good. Instead, forgiveness is a merciful act of giving a gift to someone who does not necessarily deserve it. In other words, the focus when someone forgives is predominantly on the other person, not on oneself. It is important that the victim have a clear understanding of what is being offered in forgiveness.

A mediator should be careful to assess the intent of the forgiver. Is forgiveness being offered out of a sense of pressure to do so? Does the victim forgive because the mediator has created subtle expectations that it occur? Does the victim feel any fear in withholding forgiveness? Genuine forgiveness is never forced. It can take time and is the choice of the one offended. Of course, there is nothing wrong with discussing the potentially positive aspects of forgiveness with a client, but ultimately this is up to him or her. The person has a free will to give the gift, refrain altogether, or wait. A victim who is not ready to forgive now may be ready in the future. Common sense and a concern for the victim can be guides regarding how to approach him or her about this delicate matter of forgiveness.

Asking for or receiving forgiveness also is a moral act, not a self-serving act to reduce one's own sentence or receive some advantage. Advantage may come, but this should not be the primary motivation. A mediator walks a fine line here. Perhaps a key to genuine acts of seeking forgiveness concern remorse. How genuinely remorseful does the offender seem to be? Does the person apologize? Does the apology seem sincere? Does the victim think it is sincere?

A mediator needs to carefully assess the readiness of both victim and offender to meet, especially for the purpose of discussing the delicate matter of forgiveness. An offender may be quite remorseful and ready to unburden the sense of guilt, whereas the victim is still afraid and apprehensive to meet. On the other hand, a victim may be eager to hear why the offender committed the act, whereas the offender may be too angry or embarrassed to meet. The con-

17. These points are not intended to be a detailed discussion of the process of Victim Offender Conferencing. Rather, they are concerned only with the idea of forgiveness as a part of the conference. Details on already-established issues and ethical guidelines for such conferences can be obtained from the Victim Offender Mediation Association Web site at <<http://www.voma.org>>.

ference must await each party's willingness and readiness to discuss the issue together. Sometimes it takes years of preparation before both sides are ready to meet, whether or not forgiveness is even discussed.

Forgiving, receiving forgiveness and reconciliation may not occur. The process of forgiveness takes time. If a conference is not as productive as hoped, another meeting may be possible. The mediator, of course, must avoid the expectation that such conferences are part of therapy or other services that the mediator is not trained to provide.

Forgiveness is not a substitute for justice. If an offender apologizes and if a victim accepts that apology through forgiving, the offender still has a debt to pay, whether to the victim, to the state, or both. Rev. Davis' acceptance of Mr. Singleton's offer of 100 hours of service is one example of how forgiveness and justice can exist along side each other.

Certain "ingredients" seem particularly important in conferences where forgiveness is one of the goals. One is reframing, in which the victim sees the offender in a broader context than the offense. Hearing the offender's story of upbringing and the circumstances surrounding the crime can go far in helping the victim see a human being across the table. Another is compassion, or a willingness to suffer along with the offender, given his difficult circumstances. On the seeking forgiveness side of this issue, a sincere apology and a willingness to make amends seem particularly important.

Forgiveness deserves its place alongside the quest for fairness in this new model of victim and offender discussion. The addition of forgiveness into the legal process might change how we think about and serve justice. Perhaps forgiveness may be one avenue of humanizing the quest for justice.

