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REVIEW

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Beyond retribution, restoration and procedural justice: the Big Two of communion and agency in victims' perspectives on justice

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ABSTRACT

Victims' perspectives on justice in the aftermath of crime are a key victimological topic. The main justice concepts that have received scholarly victimological attention are retributive justice, value restoration and procedural justice. In this paper, we argue that the so-called Big Two framework – agency and communion – can further help us understand victims' experiences with justice. Agency refers to a person striving for individuality, while communion refers to the participation of the individual in and connection with a group. According to the framework outlined in this paper, we argue that victimization by crime involves an impaired sense of agency and communion, and justice can be viewed as an attempt to repair both these dimensions. Retributive justice is a prominent means to repair agency, but other options to do so are also open to the victim. A similar observation can be made about value restoration with respect to communion. Acknowledging this can be of particular importance in cases where no offender is apprehended. As to procedural justice, the framework emphasizes the need to distinguish process participation as a means to re-establish agency from participation to re-establish communion with representatives of society.

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Introduction

Increasing attention is afforded to the plight of victims in criminal justice processes. From the forgotten party of criminal justice in the 1970s, the position of victims has gained ground on the political and policy agendas (Groenhuijsen & Letschert, 2008). A milestone in this regard is the European Union's adoption of the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime. Academic research has played a role in this advance, although it has not kept up with the speed of development in policy and practice. Given the potential and perceived impact of victims' provisions on criminal justice processes, deepening our understanding of victims' perspectives on justice is therefore an urgent concern.

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In recent years, steps have been made in understanding the dimensions upon which victims perceive outcomes. Where in the past victims' perspectives on outcomes might have been equated with revenge and retribution and/or with solely material compensation, the role of symbolic and less punitive restoration is currently also recognized. An influential view in this regard suggests victims' perspectives on the outcome of justice procedures to be a function of the twin dimensions of retributive justice and value restoration (Wenzel, Okimoto, Feather, & Platow, 2008). Besides the outcome, the process itself is also important. In line with findings elsewhere in the research domain of procedural justice (e.g. Tyler, 2003), victims find respectful treatment, information and voice in the criminal process to contribute to their experience (Laxminarayan, 2012). With the ongoing work on retributive justice, value restoration and procedural justice researchers are starting to assemble the building blocks of a theory of victim perspectives on justice.

In this article, we would like to add an additional component. Our perspective centres on the emerging consensus in social and personality psychology that social judgment is best understood as being undergirded by a so-called Big Two of overarching motivations (Abele & Wojciszke, 2007; Bakan, 1966). In different literatures, this Big Two has been referred to in different ways (see Abele & Wojciszke, 2007): from competence versus warmth, to instrumental versus expressive concerns or independent versus interdependent self-construal. However, the terms most commonly used in research, and used throughout this article, are *agency* versus *communion* (Abele & Wojciszke, 2007; Bakan, 1966; McAdams, Hoffman, Mansfield, & Day, 1996). This variety of terms reflects the wide range of phenomena¹ that can be understood through this dichotomy. In David Bakan's (1966) essay *The duality of human existence*, he described agency and communion as follows:

I have adopted the terms agency and communion to characterize two fundamental modalities in the existence of living forms, agency for the existence of an organism as an individual and communion for the participation of the individual in some larger organism of which the individual is part. (pp. 14–15)

Abele and Wojciszke (2007) further explained in their article in which they coined the distinction the 'Big Two':

The agency dimension relates to intellectual desirability, to competence, to initiating structure, to instrumentality, to the egoistic bias, to dominance, and to an independent self-construal. The communion dimension relates to social desirability, to morality, to consideration, to expressiveness, to the moralistic bias, to nurturance, and to an interdependent self-construal. (p. 752)

Below we will further introduce the Big Two framework and elaborate how victimization by crime itself can be helpfully understood as a double-edged attack on both agency and communion. In turn, justice can be conceptualized as a countervailing force to this experience, adding to or even rebuilding victims' sense of agency and communion. We believe this can offer further insights into the dichotomy of retributive justice and value restoration in the aftermath of victimization, while it also poses important questions for the underlying mechanisms of procedural justice.

In particular, we will propose that retributive justice and value restoration are prime examples of the need to address agency concerns and communion concerns, respectively. However, other avenues to achieve these ends are also open to the victim. This is of

particular interest in cases where no offender is known or apprehended. Where victims do participate in justice processes, we suggest that outcomes relating to agency and communion concerns can be observed. This is true for victim impact statements (VIS) – commonly seen as more retributive-oriented – and restorative justice (RJ) – which is perceived to place greater emphasis on value restoration.

In addition, we will argue that the application of procedural justice concepts to victimology could benefit from distinguishing agency- and communion-related motivations in understanding the reasons why the process is important. We will argue that victim voice can be seen, on the one hand, as an expression of agency, a means to re-assert one's standing and receive respect. On the other hand, it might also be viewed as an expression of communion, a way to link one's experience with the criminal proceedings, and to connect to other actors in the procedure.

The paper will review research in experimental and applied settings to make its case. Particular attention is afforded to the experience of victims with VIS and in RJ processes, like mediation and conferencing. More than offering outright answers to the manner in which victims perceive justice processes, we contend that the Big Two framework offers the opportunity to ask new and relevant questions. We therefore conclude with summarizing a number of questions for future research to capitalize on our ideas.

The Big Two of social judgment and victimization by crime

Abele and Wojciszke (2007) summarize the recent surge of interest in the Big Two as the most significant development in the research in social judgment. The same two fundamental content dimensions underlie judgments of the self, others, social groups and cultures. Communion concerns social relatedness, warmth, expressiveness and affiliation, while agency concerns individual striving, competence, power and instrumentality. This framework has played a central role in recent work on a variety of fields, from clinical issues (Horowitz et al., 2006), to national stereotypes and culture (Markus & Kitayama, 1991). The work in personality psychology of Dan McAdams and colleagues reveals that these two dimensions not only underlie the judgments themselves, but also the way these judgments are subsequently narrated: both people's life stories and their recollection of key, turning point, moments involve distinct agency and communion themes. While the former relates to strength, status/recognition, autonomy/independence and competence/accomplishment, the latter concerns love/friendship, dialogue/sharing, care/support and unity/togetherness (see McAdams, 1993, 2013; McAdams et al., 1996; McAdams & Pals, 2006).

Behaviour may clearly be guided by either agency- or communion-related motives but in other cases, the distinction may be more subtle, depending on the meaning a person gives to this behaviour. For example, as Horowitz et al. (2006, p. 69) explain: 'A person who enjoys giving advice may do so for more than one reason – displaying competence and knowledge (agentic), influencing others (agentic), connecting with others (communal).' Where these motives co-exist, they might complement each other or conflict with each other. The person giving advice may simultaneously achieve the display of competence and knowledge, influence the person to whom the advice was given, while also strengthening the connection to the other person. However, it is also possible that the display of competence and knowledge might annoy the other person, thereby weakening

or severing the connection and giving the other reason to find arguments to ignore the person's advice: communal and agency-related motives may thus clash. Given the fact that the same behaviour might result from very different motives the 'goal-directed act itself may be unclear. Only when we can locate the behaviour in the person's hierarchy of motives do we understand its meaning' (Horowitz et al., 2006, p. 70).

It was the understanding that behaviour motivated by communion can be misinterpreted as driven by agency that prompted Bakan to produce his original essay. A clearer understanding of the underlying hierarchy of motives is likely to uncover 'hidden' communion-oriented perspectives on behaviour that is currently explicitly or implicitly considered to be agency-oriented. A recurrent theme in this paper is that this general observation concerning social science also holds true for victimology.

Understanding victimization as damage to agency and communion

We find the distinction between agency and communion motives to be important to calibrate social responses to victimization. Here our perspective is informed by recent work by Simantov-Nachlieli, Shnabel, and Nadler (2013). They emphasize that impairments of one or both of the Big Two dimensions 'produces a "mirror image" of subsequent motivations such that targets perceived as low on agency or communion experience the need to restore these respective dimensions' (p. 129). As Locke (2015) summarizes 'threats to communion (e.g. feeling isolated, misunderstood or rejected) activate communal motives (to be connected, understood, and embraced), whereas threats to agency (e.g. feeling incompetent, inferior, or powerless) tend to increase agentic motives (to feel competent, accomplished, and empowered)' (p. 530).

Simantov-Nachlieli and colleagues reviewed research which shows the importance of agency impairment on the part of victims. After transgressions, victims generally experience powerlessness and loss of control and a diminishing sense of competence, status and honour (Simantov-Nachlieli et al., 2013). However, we differ from their view that impairment to communion motives is something that is primarily (if not solely) experienced by offenders, rather than victims. In our reading of the literature, a key component of the experience of victims of crime instead is located in the damage to their sense of communion with others (a similar argument is made by Rime, Kanyangara, Yzerbyt, & Paez, 2011).

The damage to communion to others can be viewed in a literal manner. Where the offender is known to the victim, as an intimate, family member, friend or neighbour, the existing relationship is likely to suffer as a consequence of victimization (Herman, 2005). This can be generalized to the relationship with the wider social surroundings. The *Shattered assumptions* Ronnie Janoff-Bulman (1992) discusses in the book of the same name can refer to the extent to which victims experience a sense of togetherness to their social surroundings. Victims can lose trust in other people (e.g. Macmillan, 2001) and in representative institutions as well (Campbell, 2006), particularly if their treatment by the authorities leaves much to be desired.

The impact on communion can also concern more symbolic matters of unity and togetherness. In the discussion below of Wenzel et al.'s (2008) work, the impact of victimization on shared values is a key issue. Crime itself may be understood as a *public wrong* in that it transgresses the values 'by which the political community defines itself as a law

governed polity' (Duff, 2001, 2003, p. 48). As Vidmar (2000, p. 42) explains, 'an offence is a threat to community consensus about the correctness – that is the moral nature – of a rule and hence the values that bind social groups together' (see also Haidt, 2007). It, therefore, not only says something about the victim him or herself, but also about the community to which the victim belongs. A crime, as a transgression of values and norms central to the functioning of society, poses a challenge to these norms and values. The assumptions shattered also concern the understanding that the victim inhabits a just, ordered and moral world to which he or she fully belongs.

Retribution and restoration

Much of the previous discussion overlaps with the work of Michael Wenzel, Tyler Okimoto and colleagues. In a slew of publications, they have argued that the justice needs of victims of transgressions are best viewed as two-dimensional (see for an initial overview Wenzel et al., 2008). On the one hand, the offender's transgression challenges victims' *status and power*, in which victims' need for retributive justice is rooted, while on the other it calls into question the values the offender and victim share within their community, which inspires a need toward a particular type of RJ, namely *value restoration*.

Although Wenzel et al.'s research is mainly based on experimental studies of non-crime victims, we consider the main thrust of their work, including the moderators they discern (i.e. the importance of shared identity between victim and offender, the severity of the transgression), to be confirmed by research in field studies of the experience of victims of crime (see Pemberton, 2010). Their conceptualization bears a close resemblance to the way Heather Strang (2002) framed victims' participation in RJ processes in her landmark study *Repair or revenge* of the Reintegrative Shaming Experiments in Australia and is indeed commonplace in much of the literature on practices of RJ (e.g. Johnstone, 2011). The view that only the severity of punishment of the offender matters to victims and third parties was in need of scrutiny, with an additional piece of the puzzle being the value concerns that help explain non-retributive reactions to the offender. For a clear overview of the empirical research into victims' experiences confirming this, see Laxminarayan (2012). Wenzel et al.'s work shows that the severity of a transgression increases power/status concerns and thereby increases the need for retributive justice in reaction to the transgression (see also Darley, 2009; Robinson & Darley, 2007). This is also substantiated by research into the experience of victimization demonstrating the connection between the psychological impact of crime and hostility (Orth & Wieland, 2006) and punitiveness (Canetti-Nisim, Halperin, Sharvit, & Hobfoll, 2009; Lens, Pemberton, & Bogaerts, 2013). Finally, Wenzel et al. (2008) find a sense of shared identity with the offender to increase the importance of the latter's reaffirming shared values. This is borne out by the literature showing that a smaller relational distance between victim and offender increases the emphasis on conciliation and apology (see also Black, 1976; Horwitz, 1990; Winkel, 2007). That the severity of the transgression can lead to a reduction of shared identity and thereby adds to the importance of retribution is a further important implication (Pemberton, 2015b).

Together all these points offer valuable insights into the participation of victims in justice processes (see also Pemberton & Vanfraechem, 2015). Importantly though, Wenzel et al.'s theory views the reaction to the offender as the heart of the matter in

the reaction to transgressions, whether this is retributive or (value) restorative in nature. Their restatement of the core of their initial theory in Okimoto, Wenzel, and Feather (2012) makes this clear. The two poles are described as follows:

A retributive orientation implies a generalized conceptualization of justice as unilateral assertion against the offender, reducing the status and power usurped by the offender through the transgression. [...] A restorative orientation, on the other hand, implies a generalized conceptualization of justice as achieving a renewed consensus with the affected parties. (p. 270)

However, the victimological reality is that in many cases the reactions to the offender are neither retributive nor value restorative, but instead non-existent, as the offender is not apprehended or indeed known (e.g. Van Dijk, 2007). This brings up questions that are difficult to answer on Wenzel, Okimoto and colleagues' terms. More precisely, it begs the question whether the lack of any reaction concerning the offender means that justice cannot be (attempted to be) restored? Or would the theory be better understood as implying that in these cases only the value restorative function is possible, as damage to symbolic concerns can be addressed through acknowledgement by third parties?

The Big Two and retribution and restoration

In answering these questions, the lens of the Big Two can provide guidance and simultaneously offer further insight into the manners in which victims might attempt to achieve a sense of justice when there is no apprehended offender. Viewed through the framework of the Big Two, retribution can be understood as a reaction to damage to status and respect and therefore as stemming from agency concerns and the needs to address these. Similarly value restoration focuses on repair of the transgressed symbolic, moral connection to key norms in society, which is an example of a communion-based motivation (Simantov-Nachlieli et al., 2013).

This connection also opens up the possibility that agency concerns can be met through other means than retribution and that there is more to rebuilding communion than value restoration. Specifically, victims can find other justice targets to meet their agentic needs than a focus on the offender. The literature on altruism born of suffering reveals that helping others in similar situations is such an outlet (Vollhardt, 2009) and the same lesson may be drawn from the literature on victim's involvement in self-help and mutual aid groups (Borkman, 1999; Rappaport, 1993). Vollhardt's (2009) review of evidence from both individual and collective victimization shows that besides a desire to take revenge on the offender, victims can and will turn to 'altruism born of suffering as a potential, constructive response to adversity and trauma', which in turn contributes to their own individual recovery from victimization (e.g. Errante, 1997). There is evidence for such helping behaviour in the immediate and longer term following victimization, and to groups more and less related to the victim. A particular example of longer term help is that which victims offer each other in mutual aid/peer support groups. Here people's individual experiences with the same or similar events is a driver to help others (Mankowski & Rappaport, 2000). The focal point for agentic needs can also be societal and political change, as is evidenced by the literature on social movements and political protest (Polletta, 2006; Polletta & Jasper, 2001), in which victims and their experiences often play a central role (e.g. Scheingold, Olson, & Pershing, 1994; Walgrave & Verhulst, 2006). Indeed a sense of victimization by injustice is one of the most powerful frames available

to provide cohesion and purpose to social movements (Gamson, 1992). The research on posttraumatic growth (Tedeschi & Calhoun, 2004) shows the extent to which many victims find they have learned from their experience. A particular form and outlet for this learning is to take on the role of a moral tutor, in which the agentic need for power and status is deployed through a display of moral expertise (Polletta, 2006). Finally, a somewhat similar alternative outlet for rebuilding status is visible in the literature on entitlement (Zitek, Jordan, Monin, & Leach, 2010). Here victimization is experienced as justification for a moral *'status aparte'* for the self. In sum, there is good reason to assume there is more to agency-based needs in coming to terms with victimization than retributive justice. Status and respect damaged by victimization can be regained through other means which do not have to involve the offender.

Similarly, value restoration with the offender is not the only means open to re-establish communion. Instead it tracks the fact that the damage done to a sense of connection and togetherness also concerns the victims immediate and more distal social surroundings, and more abstract symbols and experiences of communion. Support and connection to the victim's social surroundings also serve communion needs (see also Maercker & Horn, 2013). The general goal of making meaning, of connecting one's idiosyncratic experience to larger societal narratives can fulfil a similar function (see Hammack & Pilecki, 2012; McAdams, 2013). This can serve to establish a connection to society or culture in general (Hammack & Pilecki, 2012), but also to people who have been through similar experiences, and with whom a so-called community narrative may be co-constructed (Rappaport, 1993). Value restoration can also take the form of connection to religion (Tedeschi & Calhoun, 2004). For instance through a re-invigorated sense of communion with God, but also through a deeper connection with the spiritual community to which the victim belongs (Mankowski & Rappaport, 2000). The need for communion not only concerns the values directly jeopardized by the crime, but also communion in a more general sense, while restoration of these values can and does occur without any input from the offender. Even when the offender is available, the importance of these forms of restoring a sense of communion can outweigh the importance of interacting with the offender. Indeed many victims might have no interest in establishing a connection with the latter whatsoever (see Acorn, 2004), but still experience impairment of their sense of communion and strive to rebuild it.

Agency and communion in VIS

The understanding that victims experience both agency- and communion-based needs can help to explain the complex nature of their participation in justice procedures. Rather than striving for retribution or value restoration, victims' involvement in criminal justice is better seen as involving a mix of agency and communion-based motives that are to be met.

An illustration of this point can be found in victims' participation in VIS. The precise form of VIS can vary from a written statement that primarily serves a function in awarding compensation to an oral statement that may influence the sentence given to the offender (also referred to as a victim statement of opinion). All have in common that they allow victims the right to express the harm they have experienced as a part of the court proceedings (Erez, 2004). The statements – at least superficially – have a retributive set-up, with their

emphasis on the influence on the offender's sentence in a criminal trial (Bandes, 1996; Sarat, 1997). This solely agency-based interpretation of VIS has played and continues to play a distorting role in the discussion of VIS. Both proponents and opponents (mis)understand VIS as a measure that derives its rationale from the particular form of instrumental agency it offers victims of crime (see Pemberton, 2016; Pemberton & Reynaers, 2011, for a more extensive discussion of the debates surrounding VIS).

While participation is only partially attributable to *instrumental* motives concerning influencing the sentence of the offender, the so-called *expressive* motives play an equal, if not more important role (see Lens et al., 2013; Lens, Pemberton, Brans, Braeken, & Bogaerts, 2015; Roberts & Erez, 2004). VIS can thus function as a means to influence the sentence of the offender, as a means to retributive justice or even (delegated) revenge (Bilz, 2007; Pemberton, 2012a). At the same time, it can also serve as a means for the victim to connect his or her own experience of harm to the criminal trial, its actors and/or the suspect/offender (Pemberton, Aarten, & Mulder, *in press*; Pemberton & Reynaers, 2011). The distinction between instrumental and expressive functions of VIS can be interpreted as one of the dichotomies that map on to the agency versus communion distinction.

Agency and communion in RJ processes

While agency and communion motives both play a role within retribution-oriented modes of victim participation, they do the same in RJ processes. This is particularly evident in hybrid forms of RJ, where the process has a complementary nature to the criminal justice procedure (Groenhuisen, 2000). In the research into the Dutch victim-offender encounters programme for instance, which follows this hybrid set-up, large support for the criminal justice process running its course co-occurred with an honest desire to meet with the offender (Pemberton, 2015a). It appears that the dichotomous implications of victimization in terms of agency and communion can give rise to two seemingly contradictory responses: a desire to pay back the offender for what he/she did wrong in the criminal justice process, combined with a desire to connect to, to understand and even redeem the offender in the complementary victim-offender encounter.

Yet, assuming that RJ as a practice is only communion focused strikes us as being equally misguided as interpreting participation in VIS as exclusively agency focused. Indeed, recent research (Bolivar, 2013; Pemberton, 2015a) suggests that victims' motivation to participate in RJ can stem from 'self-oriented' agentic concerns, as well as 'other-oriented' communion-focused inclinations. The former may even include retribution, which is less of a stranger to RJ meetings than is often assumed (Daly, 2014). It also refers to other agentic motives: the act of confronting the offender, or of overcoming the felt anger and anxiety, can serve the victim's sense of self-mastery. Even the mere opportunity to participate in a victim-offender encounter can be viewed as a means to re-establish agentic control (Frazier, 2014): offering victims the opportunity to participate, which they can use or decline for whatever reason they see fit, is a form of agency in itself (Pemberton, 2014).

Even where the reaffirmation of values by the offender, *value restoration*, is an important driver for participation, we should remain open to the possible duplicity in motives that this may conceal. It is as yet unclear where to position this in victims' hierarchy of

motives (Horowitz et al., 2006). Where young offenders are involved, victims often participate to try to improve the juvenile's behaviour in the future (Cleven, Lens, & Pemberton, 2015). In doing so, they establish themselves as moral tutors (Polletta, 2006). What needs further elaboration is the extent to which the first word 'moral' is key or the second word 'tutor'. The former emphasizes connection with the offender, but the latter is perhaps better understood as a non-retributive manner by which victims can simultaneously increase their own standing and sense of self-worth, and even decrease that of the offender. In that case, playing the 'moral tutor' then rebuilds status and power by non-retributive means, elevating the victim to the position of someone who has gained insight and who has wisdom to impart, while the person who has wronged them is seen as someone who still has much to learn, and could do so by listening to the victim's morality tales.

Procedural justice

Our key point concerning the relevance of the Big Two to victims' sense of procedural justice also concerns the importance of further insight in victims' hierarchy of motives. The procedural justice literature has amassed an impressive amount of evidence for its central thesis: that participants' judgments of justice processes include features of the process (procedural justice) and their treatment during the process (interactional justice), as well as the outcome of the process (often referred to as distributive justice), with process-oriented factors often – but not always – outweighing the outcome-related factors (Tyler, 2003, 2004, 2006). This has not only been confirmed in the case of victims of crime (Laxminarayan, 2012; Laxminarayan & Pemberton, 2014; Wemmers, 1996), but has also formed a large part of the rationale for victim-oriented reform of the criminal justice process (Groenhuijsen & Pemberton, 2009), including the recent and aforementioned EU Directive on victims of crime (Groenhuijsen, 2014).

The past 40 years of research and theorizing in the research domain of procedural justice can be viewed as a steady march away from a solely agency-based understanding of justice processes (in terms of victim voice), to one that – at least implicitly – recognizes communion components of justice. In current thinking in the group engagement model, the process itself represents key values of the group to which the participants belong (for instance, Tyler & Blader, 2003). Fairness in the decision-making and the quality of treatment in the criminal justice process not only serve as means to reach an outcome, but also send an independent message about the values constitutive of group membership. Being part of a group that conducts itself in a fair manner is valuable in and of itself, while participating in procedures that perform key social functions of the group communicates that one is a valued and respected member of this group, and strengthens and reaffirms the affiliation with the group and its representative authorities. The emphasis on group values and group membership provides a link between procedural justice and communion motives, which is also more explicitly examined in some studies in the domain of research into procedural justice. For instance, Tyler (2006) has increasingly placed trust between authorities and participants at the heart of his model. Elsewhere the link between attachment and procedural justice has been emphasized (Korsgaard, Schweiger, & Sapienza, 1995). De Cremer, Tyler, and Den Ouden's (2005) moreover found that processes of 'self-other merging' mediate the impact of procedural fairness on cooperation.

Nevertheless, further elaboration of the link between procedural justice and communion motivation has, to our knowledge, not been the subject of much study. Typically, elements of procedural justice are considered in terms of voice, standing or respect that they bring participants, each of which are agency-related concepts (for an overview, see Skitka & Wisneski, 2012). Where procedural justice is interpreted as the interest participants have in 'telling their side of the story' (see McCoun, Lind, Hensler, Bryant, & Ebener, 1988), the emphasis is squarely on 'their side'. However, given the fact that many legal processes involve participants recounting emotionally loaded episodes in their life, one can wonder whether the actual act of narrating this episode, i.e. 'telling ... the story', has been given short shrift in this interpretation (see more extensively Pemberton, 2016). The repeated finding from the literature on social sharing of emotions offers the insight that narrating such episodes is also a means of establishing connection with others and is thereby communion-related (Rime, 2009; Rime et al., 2011). Initial work establishing this link to justice processes has focused on transitional justice (Karstedt, 2015; Páez, Rimé, Basabe, Włodarczyk, & Zumeta, 2015; Rime et al., 2011). It also leads to the hypothesis that recounting an emotionally loaded experience in a courtroom can be seen as an attempt to establish a connection with others in that courtroom, while the sense of frustration many victims feel in their attempts to participate can be seen as a function of failure of these attempts (Lens et al., 2015; Pemberton, 2016).

Further support for this view can be found in the literature that views justice processes as an instance of *interaction ritual chains* (see Collins, 2004, and for the application to justice processes, Rossner, 2011, 2014; Strang et al., 2006). Randall Collins (2004) micro-sociology describes how individuals interact in emotionally charged rituals, which in turn creates a sense of social solidarity. He describes an interaction ritual 'as an instance of momentarily focused emotion and attention producing a momentarily shared reality, which thereby generates solidarity and symbols of group membership' (p. 7). This shares the emphasis on group values and engagement with the procedural justice literature, but Collins squarely places the emphasis on both the working mechanism and the outcome in communion constructs: it is the togetherness *of* and interaction *between* participants that is key in providing the effects of the interaction ritual. The main outcome, in turn, is located in terms like belonging, membership and solidarity, rather than an individual, agency-based constructs. In both the literature on social sharing and that on interactional ritual chains, therefore, *what* is being said exactly is not as important as the form, rhythm and emotional charge of the ongoing verbal interaction, with the participants being in proximity to each other. The purpose of this interaction is better understood in terms of connection, solidarity and group membership, rather than achieving a goal.

Agency, communion, procedural justice and victims of crime

The general observation about procedural justice also holds true for its application to the study of victims of crime (Laxminarayan, 2012; Van Camp & De Mesmaecker, 2014; Wemmers, 1996): agency interpretations of key concepts dominate. In a recent overview of the state of the art of the application of procedural justice to victimology, Van Camp and De Mesmaecker (2014) define the key term *victim voice* in terms of standing and respect, with connection to the authorities merely a means to these ends. The victim wants to voice concerns, be heard, get emotions of his/her chest, and/or achieve healing and catharsis.

This neglects the possibility that victims' participation and expression may be (primarily) motivated to establish a connection with the authorities or with other participants in the procedure, even though this often will fail (see also Laxminarayan, Henrichs, & Pemberton, 2012). Rime's (2009) work on social sharing of emotions has convincingly shown that the sharing of emotions and the narrative that accompanies them can be understood as an element of the desire to establish a connection with the person with whom the emotion and narrative is shared. In a courtroom, this could entail an attempt to establish unity and togetherness with the others present at the trial, including the judge and the prosecutor (Pemberton, 2016).

Ascertaining the extent to which (adding) communion-based interpretations of victim participation will increase parsimony is hampered by a dearth of research that sufficiently elaborates the underlying hierarchy of motives. Yet the aforementioned bodies of research concerning social sharing (Kanyangara, Rime, Paez, & Yzerbyt, 2014; Rime et al., 2011) and interaction rituals (Rossner, 2014; Strang et al., 2006) have also been applied to the situation of victims of crime. In addition, as noted above, results from research into victims' experience in RJ and VIS suggest the importance of interpreting findings relating to 'expressive or communicative motives' (Roberts, 2009; Roberts & Erez, 2004) and 'other-oriented motives' (Bolivar, 2013) as communion-oriented in nature. Finally, the importance of narrative as a vehicle to provide input in the process is a recurring feature in the victimological literature (see Bandes, 1996; Rossner, 2011, 2014). Whether the use of narrative is best interpreted as hewing closely to victims' personal experience and/or as a vehicle to establish a connection with other participants in the process in itself is an open question. Either way the link to communion motives is apparent and at least worthy of further study.

Viewing victims' emotional expression in their participation in the criminal justice process gives rise to the interpretation of this emotional expression as a direct translation of such expression in therapeutic settings (see also Erez, Kilchling, & Wemmers, 2011; Pemberton & Reynaers, 2011). Procedural participation then becomes a means to achieve emotional catharsis, to 'get it off their chest', to 'heal' or to 'receive closure'. We do not deny that victims may experience emotional benefit from participation, particularly from that in RJ processes, although this will rarely rise to the level of closure or healing (Pemberton & Reynaers, 2011). While research suggests that victims do not cite improving their emotional state as a main reason for participation in justice processes; this is (much) more likely to be informed by justice-related concerns (e.g. Lens et al., 2013; Pemberton, 2015a). Instead, a communion-based interpretation of victim participation offers the hypothesis that the experience of emotional benefit is a function of the social processes involved in participation, establishing a connection through sharing and narrating, experiencing support and acknowledgement and/or being involved in an interaction ritual.

More generally victim input can be conceived in attempts to strengthen the bond with the representatives of the justice system, but also in terms of adversarial independence from these actors (Pemberton, 2014). Viewed as communion-oriented, voice can serve victims' connection with prosecutors and judges, and offering and receiving information can be important elements of this experience of connection. In agency terms, voice however can also be seen as a means to correct or contradict these criminal justice actors, even to the extent of changing the criminal justice process into a three-way battle, between the state, the suspect and the victim. Instead of connecting with the judicial decision-makers, they are seen as potential adversaries who might be an obstacle to

achieving victims' ends. Here the interpretation of procedural justice in communal terms offers predictions and policy implications that are at odds with an agency-based view, while we lack evidence to suggest what the correct interpretation is.

Conclusion

Bakan (1966) proposed that agency and communion, the so-called Big Two, are fundamental dimensions of human behaviour. Agency refers to individuals experiencing competence, achievement and power, and communion refers to individuals' desires to relate and cooperate with others in their community (Bakan, 1966). While this dichotomy has been applied in a number of fields (Horowitz et al., 2006; Markus & Kitayama, 1991), we aim to further broaden the application of the Big Two by including these two dimensions in the interpretation of victims' experience and evaluation of justice in the aftermath of a crime.

We argue that transgressions can be seen as a threat to victims' sense of agency and communion, and justice restores these impaired dimensions. Retribution and value restoration are often considered the two motivations underlying victims' need for punishment (Wenzel et al., 2008), but we suggest that rather than being the central dichotomy they are expressions of the Big Two framework. By looking beyond retribution and restoration, we believe victims' impaired sense of agency and communion can be repaired, also in cases where the offender is unknown. We suggested a number of different justice-related outlets for victims' agentic needs, including helping others, social and political change, displaying moral expertise and feeling entitled to different treatment. Similarly, restoring values may occur through connection to wider societal and community narratives and through spiritual and religious means. Future research could examine the mechanisms and conditions under which victims opt for one outlet for rebuilding agency and communion or another.

Furthermore, at face value, participation in VIS seems related to retribution and thereby to agency, while RJ appears to be more value restorative and communion-oriented. We, however, argued that both these instruments involve agency- and communion-related motives. We illustrated this argument by examining the victimological research on VIS and victim-offender mediation programmes. In any case, more care needs to be taken to evaluate the hierarchy of motives of participating victims, in which communion-based motivations are often neglected.

The third important notion of justice for victims, procedural justice, concerns the perceived fairness of the procedures by which the outcome was determined and the perceived treatment people receive from the decision-maker (Tyler, 1990). While agency is well represented through the *victim voice*, communion also plays an important, although implicit, role in what Tyler terms the group engagement model. Fairness in the procedures and quality of treatment is not solely associated with allowing victims to have a voice, but it also influences their social identity (Tyler & Blader, 2003). Even though evidence suggests the importance of communion motives in victim participation (Bolivar, 2013; Roberts, 2009; Roberts & Erez, 2004), it is difficult to fully understand the extent to which reinterpretation of these constructs in a communion-based manner is in order. At this point in time, we have insufficient insight into the meaning that victims ascribe to their participation to allow conclusions on this matter.

Finally, inclusion of communion-based aspects of victim participation might offer new and more parsimonious insights into the emotional impact of victim participation, as well as alternative perspectives on policies designed to improve the position of victims of crime. Viewing aspects of communion can alter our understanding of the way victims interpret the outcome of the criminal justice and the manner in which their interests might be best served.

Note

1. For example, personality constructs, group perception, stereotypes, person perception and self-description (see Abele and Wojciszke, 2007, for a more detailed overview).

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