

***Understanding Victims and Restorative Justice, James Dignan,***  
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James Dignan, in this excellent book, has set out to determine the issues confronting any criminal justice system that attempts to alleviate the pain of victims while not losing sight of the importance of protecting offenders' rights. It is not an easy balancing act, and requires a shift from a justice mindset that has been set in stone for over 800 years. For when formally organised governments began to assert their authority after the twelfth century, victims lost the central role in the justice process that they previously enjoyed. Crime became a crime against the state, the key features of punishment became deterrence and retribution, and victims were referred to the civil courts, not the criminal courts, for their grievances to be heard. Not much has changed since.

The author poses for readers the questions that need to be asked in order for the right 'balance' to be restored. Should victims take a role in justice processes? If so, to what extent should they be able to contribute? Should there be any restrictions on the type or degree of victim participation? Are forms of dialogue other than face to face encounters acceptable? Professor Dignan prescribes, in the first chapter, a series of what he refers to as *victim sensitive* criteria against which it should be possible to assess restorative justice initiatives and to compare them with alternative approaches. Then, having reviewed other means of seeking to 'put right' harms caused by offending, he presents an array of victim-focused reforms. Finally, having summarised the research base (not only on processes but on outcomes), he sets out to assess the evidence.

While he does not reach firm conclusions -- which is not surprising, given the array of contingencies that the book tosses up -- nevertheless he does conclude that we need to question whether it is realistic to expect that the identified restorative justice processes could ever be equally beneficial for all victims regardless of their attributes, attitudes and experiences (p167). This realisation may be one of the reasons why, despite years of dialogue and commitments of governments the world over, information and services for victims remain, generally, in a parlous state.

It is true that victims are better informed than they once were, but the information they receive tends to be incomplete, is often late in arriving, and fails to provide explanations for what has been decided and why. Very rarely is there an opportunity to discuss the decisions and their implications with those who are responsible for making them. ... Moreover, many victims continue to experience secondary victimization, both with regard to the 'regular' criminal justice process and, for some also, ironically, as a result of the victim-focused reforms themselves (p85).

Perhaps, he suggests, the imperative for policy is, simply, that justice advocates should be better informed so that they can assist victims to determine themselves the options available to them.

There are three other key points that I thought were cogently made. The first is the mild criticism that the author levels at one of the doyens of restorative justice theory, John Braithwaite, who has argued that contemporary restorative justice is founded on what he (Braithwaite) refers to as 'individual-centred communitarianism' (Braithwaite 2000:122). But, asks Dignan, is such a view of the world sustainable? Dissidents and minority groups often get cast aside by intolerant, illiberal and coercive communities, where 'individual-

centeredness' counts for very little (p102). Hence, restorative justice initiatives that are solely informed by 'individual-centred communitarianism' may end up sustaining the power imbalances that they were designed to correct.

The second, and allied, point is the author's challenge for restorative justice practitioners to champion broader crime prevention programs that focus on things such as economic equality and the availability of child care, education, employment, housing and social welfare policies in order to reduce the flow of offenders in the first place. That is, the author argues that restorative justice advocates ought to be willing to tackle the social, economic and cultural factors that drive crime and victimisation, and to embrace a vision of social policies founded on inclusion rather than exclusion (p187). To borrow from an old metaphor, restorative justice practitioners should be present not only in the ambulance at the base of the cliff, but on top of the cliff doing their best to ensure that no-one topples over.

The third point emerges from the author's drawing to the reader's attention one of the possible consequences of the 'rights-based' approach to criminal justice, an approach that protects offenders from disproportionately harsh outcomes. It is often alleged that if victims are accorded a greater say in decision-making in sentencing, for example, then offenders' rights will thereby be compromised. Hence, so the thinking goes, it is one or the other. Not so, says the author. Restorative justice, with its emphasis on both victims' *and* offenders' interests, provides an opportunity for the emergence of victim-focused policies that need not fuel the demand for increasingly repressive measures to be applied to offenders, a worthwhile short term goal in its own right (p183).

In all, the book is a wonderfully sourced and nicely conceived compendium of what questions need to be asked if we are to reconcile some difficult contradictions. It provides a range of considerations that allow policy-makers and practitioners alike to point to appropriate paths through an often puzzling maze.

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## Reference

Braithwaite, J (2000) 'Survey article: repentance rituals and restorative justice', *Journal of Political Philosophy*, vol 8, pp 115–131.