

BOOK REVIEW

Restorative justice and victimology: Euro-Africa perspectives

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Title: Restorative Justice and Victimology: Euro-Africa Perspectives

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Restorative approaches to justice have developed through practice and will probably continue to do so. As a consequence there is no single notion of restorative justice, no single type of process, no single theory. It is used extensively in countries with diverse cultures and legal systems, attracting community activists and policymakers; both as a way of trying to heal past conflict and wrongs, and incorporating greater awareness of different cultural traditions.

The growth of restorative justice has sparked debate over the future of the criminal justice system, which has historically adopted a retributive, punitive philosophy and advocated for an individualistic, treatment-orientated approach. This approach has over time failed to address the needs of crime victims, communities and offenders. In recent years the focus has shifted from the philosophy of restorative justice to its potential for implementation and the benefits it might bring. Attention has also been given to the ways in which it has been implemented in some countries, and is likely to be implemented in the future, taking into account the legal, institutional and/or constitutional parameters of justice systems at the beginning of the third millennium. Whether restorative processes can and should inform a

greater proportion of justice system activity remains to be seen.

The book *Restorative Justice and Victimology: Euro-Africa Perspectives* by Dr Don John Omale is a welcome addition to the plethora of existing scholarly literature on restorative justice, especially given the dearth of literature on restorative justice that incorporates the African perspective. There is currently worldwide pressure on policy makers to reverse the spiral of decline in public confidence in the criminal justice system, to reduce the propensity of offenders to re-offend, and to increase victim satisfaction. In practical terms, the book provides empirical evidence on the value of a restorative approach to criminal justice to policy makers and practitioners.

The book is unique as it is researched and written by an African scholar and practitioner, and is the first on restorative justice and victimology in Nigeria. It is primarily a report of the findings from an empirical study that seeks to answer the question posed on page 5: Would restorative justice be acceptable to victims of crime and criminal justice professionals in Nigeria?

The book is organised around five main sections. The first chapter begins with an overview and motivation for the study, followed by the methodology and history of Nigeria. The second section provides a general understanding of restorative justice, with adequate attention paid to the theoretical arguments that have contributed to restorative justice discourses from a global and African perspective. The third section is the methodology, followed by the analysis of data. In the concluding chapter the author again highlights this work as an Afrocentric contribution to restorative justice theory and principle (p 200).

Perhaps the first thing to note is that this book emanated out of the author's doctoral thesis, hence any review of such a book does tend to read like an examination report. The introduction notes that the field survey of both crime victims and criminal justice professionals took place simultaneously from December 2006 to April 2007, and that the study was located in Nigeria's four geo-political zones, described by the author as centres of industrial, administrative and economic activities in Nigeria. The 'persistence of a large number of inmates and offenders awaiting trials in prisons and police cells beyond the capacity of penal institutions' and the inadequacy of conventional responses such as 'harsh legislation and tough policing' in Nigeria strongly resonates with the situation in South Africa, and probably other parts of Africa as well; and so provides a good rationale for undertaking the study.

Omale's treatment of the philosophical and theoretical aspects of restorative justice in Chapter 2 is arguably the highlight of the book. In his *Historical and Anthropological Review* he begins with an explanation of the 'move away' from restorative justice to a retributive system, with the usual reference to existing literature from noted restorative justice scholars such as Zehr, Bianchi, Christie, Wright and Braithwaite, amongst others. The author skillfully locates the origins and development of restorative justice as being rooted in the cultural and traditional practices of all of the world's cultures, confirming that the

restorative model of justice is 'best understood as a return to the roots of justice, and not as a new-age justice for an ailing criminal justice system' (pp 20-21). But although the concerns of feminist lobbyists are mentioned in the chapter, not much is made of the problems associated with utilising restorative justice practices for domestic violence cases.

Chapter 3 begins with an overview of various restorative justice projects and goes on to discuss 'victimological evidence' (p 71) from studies around the world. The majority of these studies are almost a decade old, and the writer has unfortunately not updated the evidence since completion of the doctorate and publication of the book (a common pitfall when doctoral theses are published as books). The reasons for paying particular attention to the views of criminal justice professionals from South Africa are also not provided. At least three pages in the chapter are devoted to Naude and Prinsloo's 2005 study, while other more recent empirical research is not mentioned (Skelton, Batley, Hargovan, Bezuidenhout). Furthermore, emerging restorative justice jurisprudence in South Africa, in particular how restorative justice values and principles have been incorporated at the sentencing phase, is completely ignored. The debates around the use of restorative justice for domestic violence, and the reasons why many criminal justice professionals may be inclined to refer these cases, are not given adequate attention.

More than any other part of the book, this chapter is quite tedious for the reader. The language is simplistic in places (p 115, first paragraph) and repetitive. It is unusual to find a writer/ scholar explaining in his narrative on data analysis that 'to control the researcher's subjectivity he often seeks opinions of his wife by reading out the respondent's presentations to ascertain his wife's meaning to the texts. Where the wife's meaning differs significantly to the researcher's chosen theme a third party is consulted...' This approach does call into question the objectivity of the research process. It is unfortunate that greater attention was not paid

to the important ethical and technical aspects necessary for the publication of the book.

Chapters 5 and 6 elaborate on the quantitative and qualitative findings from victims and criminal justice professionals. Shortcomings relating to the editing are probably most evident in these two chapters. The discussion on 'cost and time benefit analysis' (p 148) and 'crimino-econometrics' would be of particular interest to policy makers and non-governmental service providers in South Africa, as it is closely related to the thorny issue of governmental and donor funding for NGO service providers. The author highlights the benefits of restorative justice through narratives from research participants (victims and criminal justice professionals). Not much attention is paid, however, to those that did not see much benefit in the restorative justice approach.

In the concluding chapters (chapters 7 and 8) the author cleverly weaves together the theoretical underpinnings with the research findings. While the need for pilot projects to 'distinguish evidence from argument' is noted, the potential role of the state and non-state actors is not explored sufficiently. I would also have expected the author to elaborate on and/or propose a model that would be most suited to the criminal justice landscape in Nigeria, catering to the needs of all role-players – offenders, victims, communities, practitioners, academics and policy makers alike.

While the book highlights the need for greater research and scholarly activity in the field of restorative justice and victimology on the African continent, it falls short on many fronts. It is a pity that greater attention was not paid to updating the literature, and on the technical and editorial aspects in the publication process of the book. However, the book may indeed serve as a catalyst, spurring other scholars to locate their research/ scholarly activities on restorative justice and victimology on the African continent. Not only could they focus on the historical relevance of this justice paradigm for Africans, but also on its practical implementation, taking into account the

varied needs of African communities in dealing with conflict, crime and victimisation.