

**IS THERE MORE TO RESTORATIVE JUSTICE THAN MERE COMPLIANCE  
TO PROCEDURAL JUSTICE?**

**A QUALITATIVE REFLECTION FROM THE VICTIMS' POINT OF VIEW.**

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Decades of developing and evaluating restorative practices, applied globally both in property crime and crime against a person, have resulted in unquestionably encouraging findings. For instance, victim satisfaction with restorative interventions such as victim-offender mediation, family group conferencing and victim-offender encounters, is high (see for instance Braithwaite, 1999; Umbreit, Coates & Vos, 2002; Latimer, Dowden & Muise, 2005; Wemmer & Cyr, 2005; Strang *et al.*, 2006; Shapland *et al.*, 2007; Ruge & Scott, 2009). It is not only interesting to know that victims of crime appreciate the restorative approach. It is even more interesting to learn what exactly makes the restorative approach satisfactory. If one has insight into what makes restorative justice satisfactory, good practice can be maintained and further developed. However, the theoretical explanation of victim satisfaction with restorative justice has long been neglected (Sherman *et al.*, 2005).

To this end, inspiration can be found in social justice research. Justice scholars have been studying the assessment of fairness, the identification of satisfactory conflict resolution procedures and the factors that make these procedures favourable. Procedural justice research, for instance, has demonstrated that procedures can be assessed irrespective of their outcome. It has also been found that procedures in which disputants perceive trust, neutrality, respect and opportunity for voice are considered fair.

There is an apparent overlap between the restorative justice and procedural justice model. The focus on communication and involvement, which characterize the restorative approach, can be translated as voice or process control, an element central in the procedural justice model. In search for a theoretical explanation of victim satisfaction with the restorative approach, we

further explored the compliance between the procedural justice and the appreciation of the restorative approach.

Our research is organized to respond to three empirical objectives. Firstly, we verified whether restorative justice complies with procedural justice. We could then indicate the relevance of the procedural justice model to explain victim satisfaction with restorative justice. Secondly, if restorative justice complies with procedural justice, does it also exceed procedural justice? We wanted to know whether restorative justice has a unique quality, other than being procedurally just. Thirdly, we looked at victims' appreciation of the restorative approach relative to it being applied before or after penal adjudication.

Since we were looking to paste the procedural justice model on experiences with restorative justice as well as find explanatory factors that are not accounted for the procedural justice model, we chose a qualitative research design. We conducted semi-directive interviews with victims of violent crime who participated in a restorative intervention. The semi-directive interview is an optimal instrument to offer respondents the space and time to freely reflect on their experiences (Poupart, 1997). Our sample includes thirty-four victims of violent crime, committed either by an adult or young offender, who participated in victim-offender mediation, family group conference or victim-offender encounters. Because we also wanted to learn about the affect of the timing of the restorative intervention in the criminal justice proceedings, we did not only interview victims in Canada but also in Belgium, where, in contrast to Canada, restorative interventions are offered not only after but also before adjudication. Fourteen respondents, all but one Belgians, participated in a restorative intervention before adjudication and another fourteen respondents, six of which are Belgian and eight Canadian, participated in a restorative intervention after adjudication.

The first chapter offers an overview of the literature concerning restorative justice and procedural justice, their origins and research developments regarding both models. In chapter 2 we sketch the context of the Canadian and Belgian restorative justice practices. We did not intend to compare the experiences of Belgian and Canadian victims as such, but to compare the

experiences of victims with their participation in a restorative intervention before or after judicial adjudication. However, the creation of a mixed sample, including respondents from two diverging adjudicatory regimes in which different restorative justice policies have been adopted, requires contextualization. Chapter 3 concerns the description of the methodological design and research sample. In chapter 4, we present our findings regarding the compliance between restorative approach and the procedural justice model. In chapter 5, we present our observations regarding the restorative approach moving beyond the procedural justice model. In chapter 6, we describe the victims' experiences with restorative interventions related to having been used before or after judicial adjudication. Finally, chapter 7 assembles some final conclusions and implications for restorative justice and victim policies.