



EUROPEAN
FORUM FOR
RESTORATIVE
JUSTICE



**Maynooth
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School of Law and Criminology

The potential of dialogue – and restorative justice as neutral space

The Role of Victims in the Rehabilitation Process

Human Rights, Democracy and the Rule of Law at the Heart of Prisons and Probation

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Question

Put your hands up if...

- You **always** followed the advice or instructions of your parents or guardians, when it was **in your interests** to do so?

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- You **always** followed the advice or instructions of your teachers and lecturers, when it was **in your interests** to do so?

But it was in your interests! What do you think is going on here?

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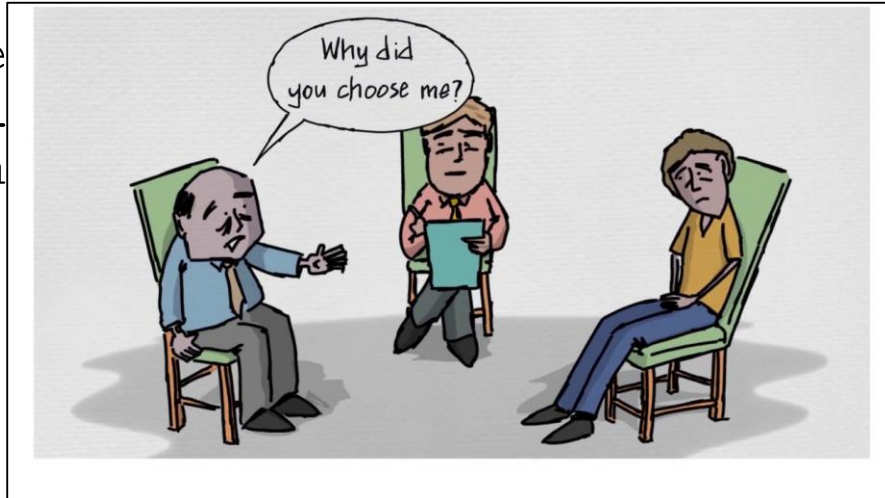
If most people have experienced **both**, then justice must be about people's **circumstances and needs**, rather than a 'type' of person.

Professionals, authority and influence

Professionals often have only a limited impact on **desistance** because:

- It is very difficult for a person in authority to build a trusting relationship that allows you to influence thinking and behaviour in the short term: a need for 'credible messengers.'
- Crime is caused by **structural and health factors** beyond our control, existing long before (criminal justice) professional interventions - and sustaining long past them.

- Professionals often make desistance less likely (collateral damage).



Restorative justice provides a different type of 'justice mechanism' or process...

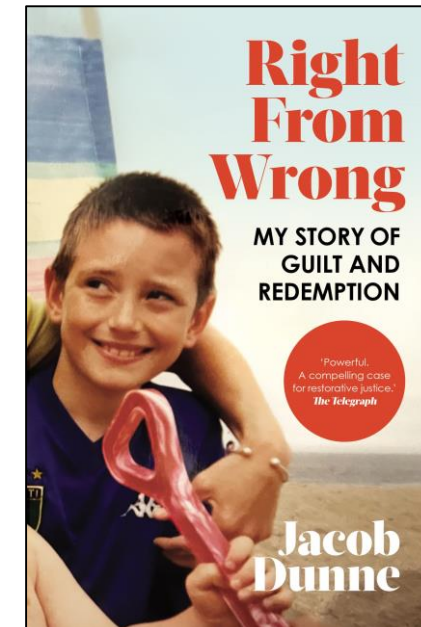
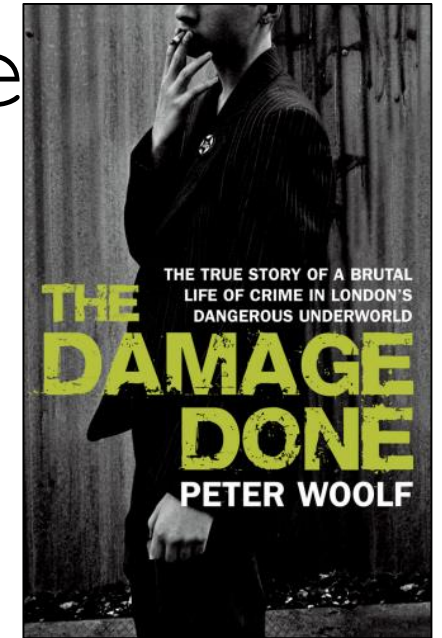
A different form and author of communication

Desistance and restorative justice

Restorative justice may reduce reoffending (Shapland et al. 2011; Strang et al. 2013; Sherman et al. 2015; van Dijk et al. 2019) but we lack a full understanding of how

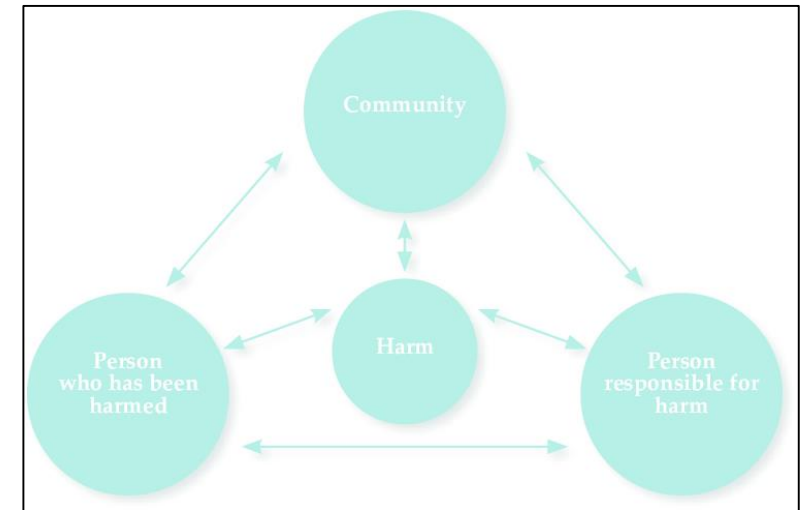
Reasons relating to dialogue with victims may include:

- 'Thick' stories can break down 'denial of harm' (techniques of neutralisation) - providing education, empathy and maturity.
- Creates new, positive identity through redemption: remorse, symbolic and tangible reparation, people not to let down.
- Reintegrative shaming - joining others in agreeing something was wrong = more social bonds and feelings of care, less stigma, better



But RJ is not (only) ‘for’ desistance

- Not ‘designed or delivered to promote the interests of either the victim or offender ahead of the other’ but ‘a neutral space where all parties are encouraged and supported to express their needs and to have these satisfied, as far as possible’ (Council of Europe, 2018, 15) – involve people in identifying and meeting needs, with equal concern for the parties.
- The victim must not be used ‘in the interests of rehabilitation’, ‘as sword and shield’ (Kenny and Clairmont, 2009), to ‘pursue [the justice professionals] own deterrent agenda or sideline the interests of the victim’ (Hoyle, et al., 2002: 17).
- The opposite direction causes problems, too (Marder, 2020).



Balanced model (Zinsstag & Chapman, 2012)