

CHAPTER 11

WHAT VICTIMS WANT

The preceding chapters paint a rather depressing picture about the criminal vulnerability of the residents of inner Johannesburg. The remaining portion of this monograph is dedicated to finding solutions. This chapter deals with what the victims themselves say they most wanted after the crime. It is an attempt to gain guidance from those who have suffered as to how best the state and others might respond to their needs.

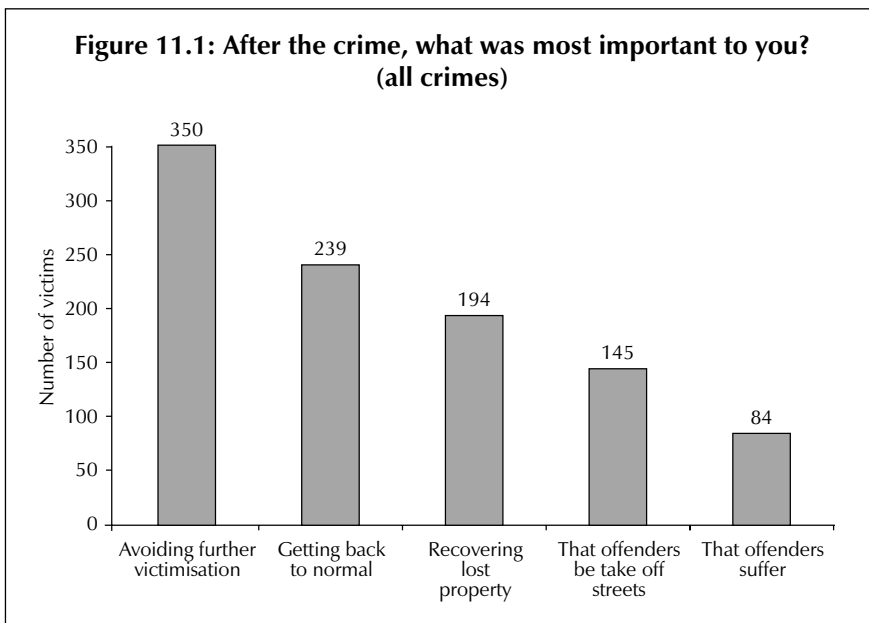
These questions were inspired in part by the recent interest, particularly on the part of an overextended Department of Correctional Services, in restorative justice options. Restorative justice is a radical departure from traditional notions of crime and punishment, which emphasize retribution: making criminals suffer because they have caused suffering. Instead, restorative justice advocates measures to reconcile victim and offender and to bring those who have strayed back into the fold. This is typically done through more creative sentencing or by circumventing the criminal justice process altogether in favour of arbitration. Sentencing options can include victim-offender mediation, community service including service directly to the victim, and payment of compensatory damages to the victim.

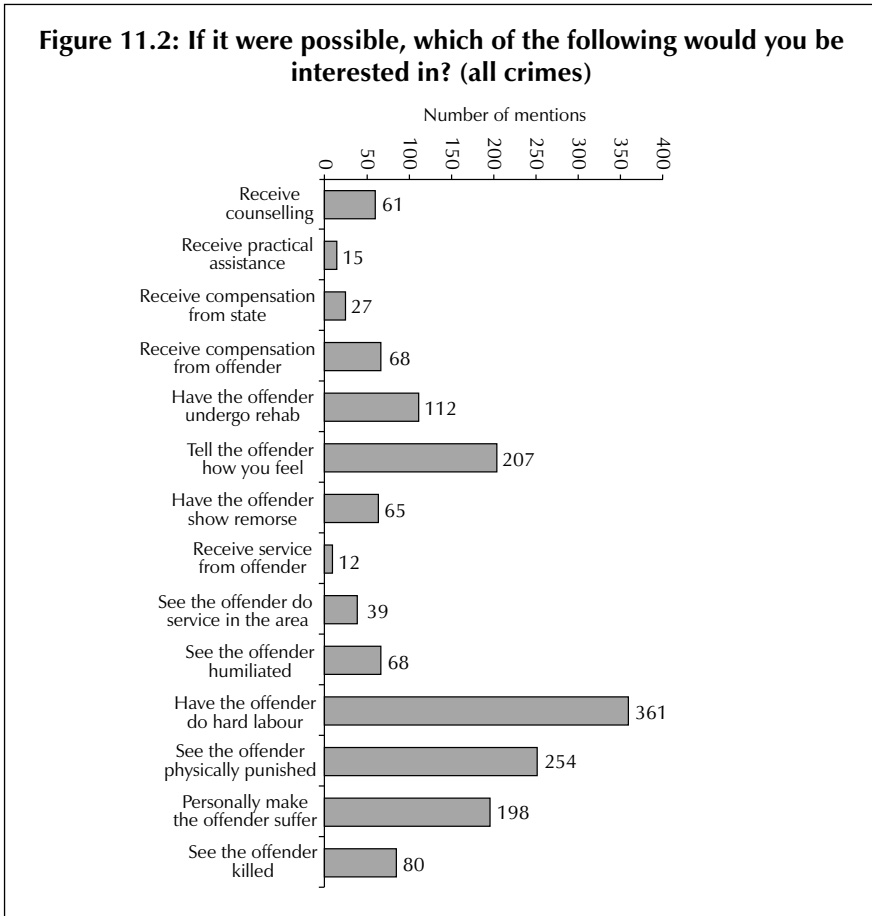
The question is: is South Africa ready for this innovative approach? Past surveys have indicated that most South Africans appreciate the need to rehabilitate offenders, but also strongly believe that prison should involve hard labour.²⁶ Supporters of the philosophy of restorative justice liken it to indigenous forms of dispute resolution, and see it more as a return to African ways than the adoption of a liberal Western paradigm. However, traditional forms of justice also included corporal punishment and could even involve the death penalty, two extremes not generally embraced by restorative justice advocates but recently resurfacing in vigilante movements. The questions in this survey are a pilot attempt to explore the attitudes of real crime victims in a disadvantaged community.

Desired outcomes

After having had them describe the crime they had been the victims of in some detail, the respondents were asked what was most important to them immediately after the incident. In general, it was found that most victims simply wanted their lives restored to the state they were prior to the crime and wanted to avoid future incidents of this sort. Sometimes this involved recovering lost property, and occasionally the specific incapacitation of a particular offender, but rarely did it involve a paramount desire to see the offenders punished (Figure 11.1).

The final question in the crime-specific questionnaires gave victims a range of choices about possible outcomes to the case. The respondents were allowed multiple choices from a menu of options, ranging from receiving counselling themselves to having the offender receive the death penalty. The victims favoured a mix of retributive and restorative options, with the most popular choices being having the offender do hard labour (361 mentions), seeing the offender physically punished (254 mentions), telling the offender how the victim felt (207 mentions) and personally making the offender suffer (198 mentions) (Figure 11.2).





As might be expected, however, victims’ choices varied quite a bit by offence category. In general, while all were interested in avoiding future victimisation, victims of robbery were quite vindictive, victims of burglary strongly valued the return of their property, and victims of assault were either vindictive or interested in restoring relationships (Figure 11.3).

Robbery

Although only a quarter of robbery victims prioritised getting the perpetrator

Figure 11.3: Comparative preferred victim outcomes, selected crimes

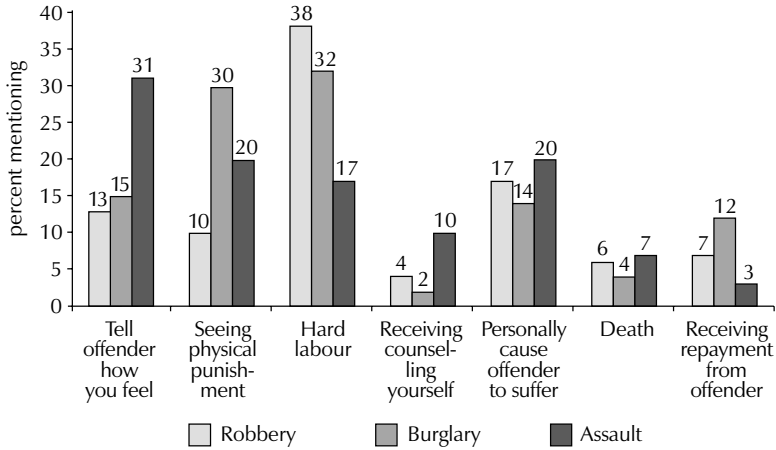
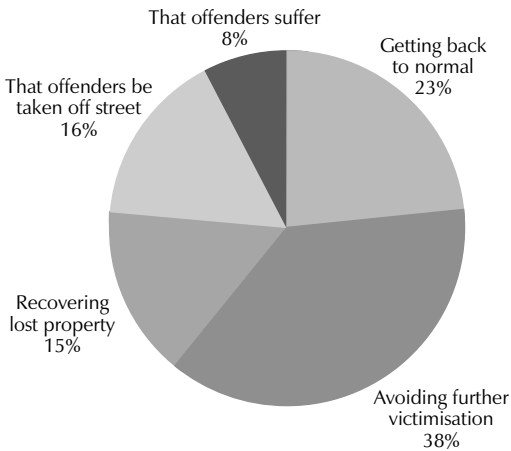


Figure 11.4: Robbery victims' priorities



off the street and punished (Figure 11.4), most preferred strong retribution for the offender if caught. The three most popular choices were hard labour (124), physical punishment (71), and personally inflicting suffering (54). There were only 33 mentions of rehabilitation (Figure 11.5). Clearly, this is a crime that evokes strong feelings among victims, and few would be interested in restorative justice options.

Figure 11.5: Robbery victims' outcome preferences

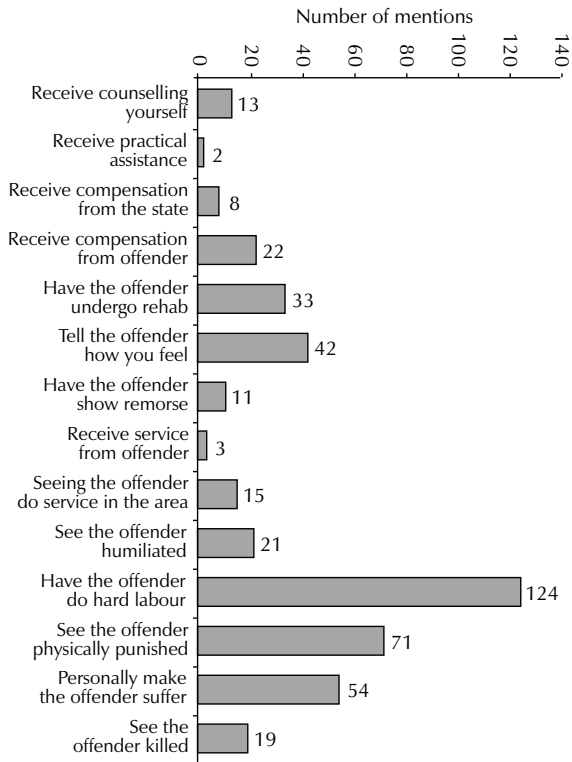


Figure 11.6: Burglary victims' priorities

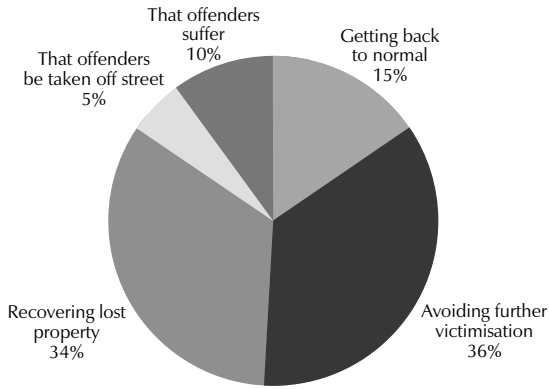
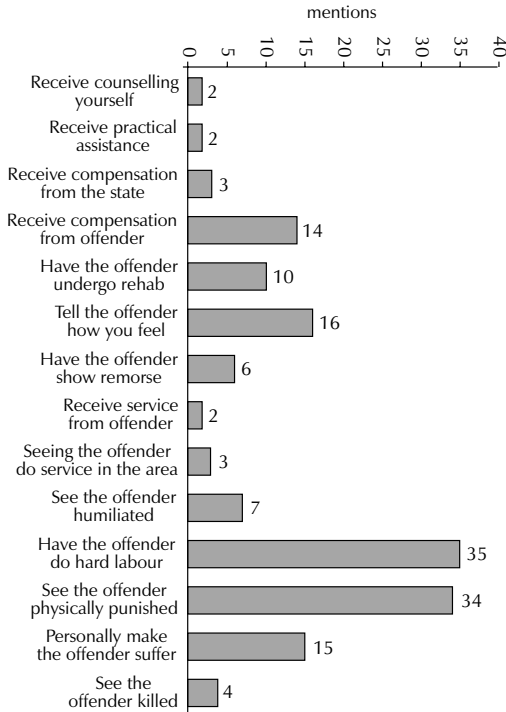


Figure 11.7: Burglary victims' outcome preferences



Burglary

Immediately after victimisation, victims of burglary emphasised avoiding future victimisation (36%) and recovery of property (34%), while only 15% were concerned with offender. A disturbingly high portion of these victims was interested in physical punishment of the offender if caught, however. Nearly equal numbers were interested in compensation, telling the offender how they felt, and personally punishing the offender.

Assault

Assault is clearly a crime of extremes, which largely had to do with who the perpetrator was. More than for any other crime, getting life back to normal was the most selected priority, fuelled largely by those who were intimate with their attacker (Figure 11.8). None of the victims who identified the perpetrator as their spouse or lover wanted the assailant physically punished, but many others did. Telling the perpetrator how they felt received the most mentions by victims (41) with a range of violent responses trailing after (Figure 11.9).

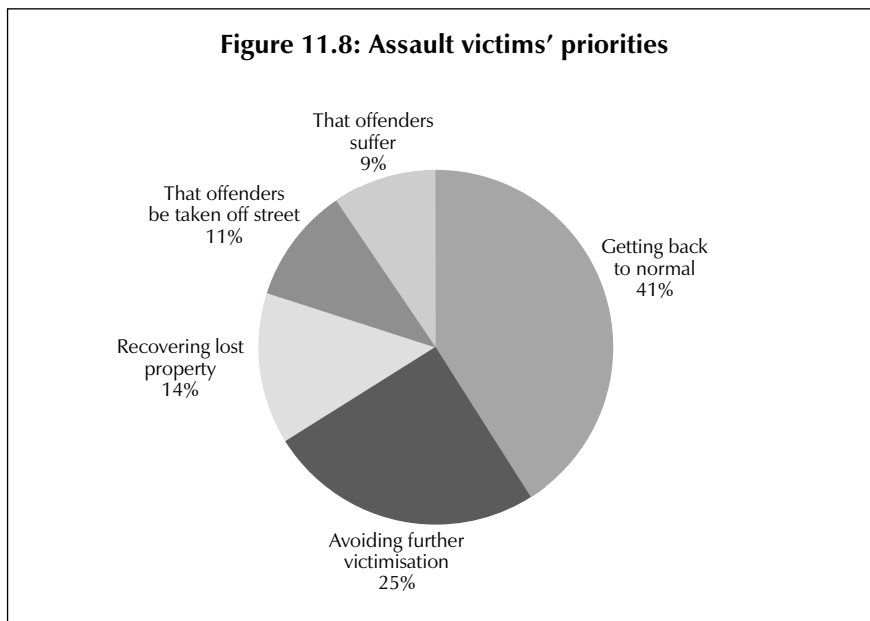


Figure 11.9: Assault victims' outcome preferences