RESPONSE

Underscoring the importance of fieldwork when drafting notes from the field

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> It is a capital mistake to theorize before one has data. Insensibly one begins to twist facts to suit theories, instead of theories to suit facts (Sherlock Holmes).

In *Framing the relationship: victim support and restorative justice*, Antony Pemberton offers a clear, scholarly elaboration of a thesis originally developed by Weitekamp et al. (2002) to capture the way in which groups in the victims' arena align with one another, the principal contention being that

> restorative justice schemes seem to do fairly well in countries where a weak victim support system exists, while in countries with strong victim support systems restorative justice schemes do not play a major role or are almost nonexistent (157).

He works at a level of scale, generality and abstraction, examining phenomena throughout Europe from afar. There is merit in such an approach – it invites reflection, comparison and a search for universals, yielding an interesting and often challenging argument. It stimulates theorising. But it also lacks empirical grounding. Pemberton himself is candid about the matter, declaring at the outset that:

> I do not intend to offer any thorough going attempt to survey this landscape but instead will more modestly attempt to marshal the literature on the framing of social problems within social movements to suggest a potentially illuminating typology of this relationship.

He writes about an array of ideal-typical configurations: competition, antagonism, irrelevance, cooperation and synergy, but almost none is fleshed out with substantive detail. Only two victim support organisations, the German *Weiβerring* and the Dutch *Slachtofferhulp Nederland*, are introduced by name, but then merely in passing. All other references to victim support, victim services and restorative

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justice in Europe are anonymous. They are treated as if they are much of a muchness, largely interchangeable, irrespective of provenance, membership, history, goals, role and location, one body pretty well identical to the next for almost all analytic purposes. In an examination of framing practices, that will not do. Such organisations are diverse, and their framing practices are complex and diverse in proportion (see Brienen & Hoegen, 2000; van Dijk, 1988).

A pragmatist once complained that it is a disease of language to assume that phenomena bearing the same name are the same. And that is a problem of misidentification and misunderstanding which is compounded because Pemberton's analysis lacks external corroboration. *Framing the relationship* is a scholarly disquisition on scholarly disquisitions, paying no heed to what those – whose actions and framings he attempts to position – might actually think, say and do. It reminds one a little of Stan Cohen's lament about the state of the academy: 'Commentaries on commentaries. All sense of the world gone …' (Cohen, 1979: 12).

This is not just a challenge for the academy. Victims' actual voices are also often missing from the organisations whose framings are critical to the formation of the politics of alignment. They too are anonymous, voiceless and, for the most part, interchangeable (although a minor exception is made for women and girls who have suffered violence). We actually know rather little about how they may come to define themselves *as* victims (if indeed, they do so), and thereby assume an identity and worldview, however ephemeral they might be (Rock, 2002). Many may become victims without ever knowing it. Others may imagine erroneously that they have become victims. It is possible for victims wrongly to classify the offence that has been done to them. And the criminal law may be immaterial when they do believe that they have been victimised. After all, as Bittner put it (1990: 249), people typically call the police because 'something is happening that ought not to be happening and about which someone better do something now.'

Most victims indeed, as Pemberton acknowledges, have little or no contact with the criminal justice system or the world of restorative justice. So it was that, in 2022-2023, the Crime Survey of England Wales estimated that there were some 8.7 million crimes, three quarters of which were recorded by the police. As many as 1.2 million offenders were proceeded against in 2022, and just over a million were convicted (CSEW, 2023). Some offences like burglary, rape and domestic violence have pitifully low clear-up rates.[1] It is thus perhaps unremarkable that many victims appear to display such little awareness of the recourses available to them or of the very existence of restorative practices.[2]

1 https://victimscommissioner.org.uk/news/annual-report-2020-2021/.

2 See Restorative Justice APPG Inquiry into Restorative Practices in 2021/2022, *Report on the Inquiry into Restorative Practices in 2021/2022* (https://rjappg.co.uk/inquiryreport/). Another report stated that 'Two polls commissioned by the Restorative Justice Council showed that in October 2013, 22% of people had heard of restorative justice and in April 2015 this figure had risen to 30%. A third poll commissioned by the Restorative Justice Council, taken between 22 April and 9 May 2016 showed that 28% of the public are aware of restorative justice' (https://publications.parliament.uk/pa/cm201617/cmselect/cmjust/164/164.pdf).

This was the case – that is, this aforesaid lack of or low awareness – even with criminal justice insiders, at least in England and Wales; for example, when I sought recently to map the relations between bodies campaigning for and supporting victims in England and Wales, it became evident that many were so abundant, small, local and short-lived that they knew – and cared to know – very little about one another (2023). Even major figures may have only a hazy conception of the work done by others. It is certainly intriguing that public intelligence about support and restorative justice is riddled with gaps. So it was that Victim Support, the premier such organisation in England and Wales, told me that they have no information about the number of restorative conferences that take place.[3] Jim Simon, the Chief Executive Officer of the Restorative Justice Council, concurred,[4] as did Meredith Rossner, a prominent scholar in the field. Throughout, then, there is scant evidence that framing is prevalent.

I write as an empiricist. Antony Pemberton writes *ex hypothesi*. *Framing the Relationship: Victim Support and Restorative Justice* could well lead to fertile work in the field, seeking as it does to dwell on the important problem of how institutions align with each other, but more needs to be done. We should not pretend to know more than we do. The next stage could well be to move on to explore, chart and test at close quarters the social processes which coax frames to emerge and affect action,[5] by laying out, as Howard Becker (1986) might have put it, how people in the world of victim support and restorative justice do things together. We are otherwise at risk, as the ethnomethodologists used to say, of interpreting practical activities with rules that are alien to them, as if we were using the rules of draughts to explain a game of chess. How else can we possibly know whether a model is actually sound?

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3 Personal communication, 24 April 2024.

4 He said, 'Unfortunately, this information is not publicly available and whilst the UK's MOJ does collect data on the number of cases, this is published and is only available through FIO requests. The data that has been collected over the years has been gathered using this format but has been inconsistently responded too. Therefore, it is difficult to give figures with any great confidence.' Personal communication, 23 April 2024.

5 Herbert Blumer (1954: 9) put it that it was imperative to bring 'social theory into a close and self-correcting relation with its empirical world so that its proposals about that world can be tested, refined and enriched by the data of that world'.

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