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Victims justice preferences in a collectivist, informal setting: The case of Bhutanese refugees in Nepal

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Abstract

An abundance of research has emerged in the last 30 years focusing on justice preferences for victims of crime. In general, findings indicate that victims are interested in aspects of procedural justice, interactional justice, restorative justice, retributive justice and behavior control. Under certain conditions, however, these preferences may vary. One dimension that may lead to individuals diverging in their justice preferences is that of culture. The large majority of victimological research on victim legal preferences has been conducted in western jurisdictions. The current research adds to that body of knowledge by examining a different group: Bhutanese refugees residing in refugee camps in Nepal. This examination focuses on their collectivist status and how such cultural differences lead to different styles and characteristics of conflict resolution. It is hypothesized that victims in a collectivist society will primarily be interested in restoration, while voice to the decision maker, voice to the other party and retribution will not be important in predicting overall satisfaction. A multiple regression analysis confirms the hypotheses regarding voice toward the offender, restoration and retribution. Possible reasons for the remaining findings are discussed.

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Keywords: Collectivism; Crime victims; Justice preferences; Culture

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1. Introduction

1.1. Victims justice preferences

The meaning of justice for victims of crime has been a recurring topic of study for the past 30 years (Shapland et al., 1985). The research on victims' justice preferences reveals recurring themes. Many victims find information, respect, voice, retribution, deterrence and restoration important, although the relative priority of these needs varies (Shapland et al., 1985; Allen et al., 2006; Umbreit et al., 1994; Wemmers et al., 1995; Strang and Sherman, 2003; Orth, 2002). These preferences have also been translated into victims' rights in national and international legal instruments, for example the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power¹ or the Framework Decision on the Standing of Victims in Criminal Proceedings² (Groenhuijsen and Letschert, 2008; Groenhuijsen and Pemberton, 2009). In meeting victims' needs during justice procedures, both aspects of the procedure and the outcome must be considered.

Procedural justice refers to the extent to which procedures are perceived as fair (Thibaut and Walker, 1975) and is often measured by examining the level of process-control afforded to parties in a conflict resolution procedure. Process control, which is commonly referred to as 'voice', consists of control of the development and selection of information during the procedure. Research into restorative justice processes, moreover, emphasizes the independent importance of expression and communication with the wrongdoer (Pemberton, 2010; Roberts and Erez, 2004; Sherman and Strang, 2007). Interactional justice refers to the treatment participants receive from authorities and can further be divided into interpersonal and informational justice (Bies and Moag, 1986). Interpersonal justice refers to the level of respect and propriety shown toward victims. Research on interpersonal justice has revealed that victims emphasize a need for dignified treatment and respect (Wemmers et al., 1995). Concerning informational justice, research has revealed that keeping victims informed about the developments in their case and information about their rights is positively associated with their satisfaction with the procedure (Shapland et al., 1985; Sims and Myhill, 2001; Wemmers, 1999).

From the perspective of the victim, the outcome of the process can be conceptualized in three ways: retribution, deterrence and victim restoration. Retributive justice refers to the notion that the perpetrator should be punished in proportion to the harm that was committed; the punishment is an end in itself and imposed on the offender simply because he deserves it (Carlsmith et al., 2002; Darley and Pittman, 2003). Punishment as deterrence considers the extent to which it prevents future wrongdoing (Carlsmith et al., 2002). Victim restoration, the repair of the harm caused, can refer to both material and immaterial aspects of the outcome: compensation is an example of the former, while receiving an apology from the offender or a symbolic gesture on the part of the community at large are examples of the latter (e.g. Strang, 2002; Okimoto and Wenzel, 2008).

The body of evidence supporting these findings is substantial; however, consideration must be given to the conditions under which these findings hold true. Research has focused on Western nations (Erez and Bienkowska, 1993; Erez and Tontodonato, 1992; Johnson, 2007; Kelly, 1984; Shapland et al., 1985; Wemmers et al., 1995), while there is significantly less evidence of victims' experiences in non-Western societies. This is relevant because Western,

¹GA Res. 40/34 of 29 November 1985.

²2001/220/JHA, 15 March 2001.

developed societies may be relevantly different from both non-Western and/or developing countries. There is good reason to assume an impact of these cultural norms on justice preferences. The most prominent difference relates to the individualism–collectivism dimension (Triandis et al., 1988), with most, if not all, Western societies being defined by high and increasing individualism (Putnam, 2000). An additional common trait of these jurisdictions is the existence of highly formalized criminal justice systems as the main avenue for remedies in the aftermath of crime. The diversity in systems worldwide performing the latter function is significantly larger in Western societies (Fletcher and Weinstein, 2002), and the features of these systems also may influence victims' preferences.

The current study explores the extent to which the findings on legal preferences of victims can be generalized to populations that do not share these Western characteristics. We report the results of an investigation into the justice preferences of victims of crime among a Bhutanese refugee population living in Nepal. This group is different from the respondents most often sampled in victimological research: Bhutanese society is collectivist, and the refugees in practice tend not to access the formal criminal justice system. Before providing further details on the features of the population examined, we will briefly consider the ways in which individualism and the existence of a formal criminal justice system might influence victims' justice preferences.

1.2. Individualism versus collectivism

Culture influences perceptions of what constitutes satisfactory procedures and decisions in conflict resolution (Leung and Morris, 2002; Lind et al., 1997). The individualism–collectivism distinction³ is often cited as the most defining element describing cultural variation (Hofstede, 1980; Triandis et al., 1988). Individualism refers to “the tendency to be more concerned about the consequences of one's behaviors for one's own needs, interests and goals” (Leung, 1988, pg. 127). Collectivism, on the other hand, has been defined as “the tendency to be more concerned about the consequences of one's behavior for in-group members and to be more willing to sacrifice personal interests for the attainment of collective interests” (Leung, 1988, pg. 127). Collectivism is associated with vertical structures, high interdependence (more weight on maintaining social relationships), intensive in-group relationships, and a definition of self in relation to the collective. Individualism, on the other hand, is associated with horizontal structures, high independence, personal autonomy and self-fulfillment, and basing self-identity on personal accomplishments.

The collectivist–individualist dimension can be assumed to impact victims' justice preferences. As to the procedure, inhabitants of collectivist societies may be more likely to tolerate unequal situations and accept inequalities in power (Brockner et al., 2001). This notion is largely compatible with the concept of power distance, defined as “the extent to which the less powerful members of organizations and institutions (like the family) accept and expect that power is distributed unequally” (Hofstede, 1980). There is a reduced emphasis on the value of offering one's own individual perspective on the matters at hand (Brockner et al., 2001). Subsequently, it may be hypothesized that victims in these societies place less emphasis on voice toward legal authorities. Furthermore, in collectivist cultures, there is a need for relational “face” maintenance which is related to a desire for self-respect (Oetzel and Ting-Toomey, 2003). Face maintenance is concerned with the interactions that occur during conflict

³We understand, however, that there are vast differences within each culture too. Indeed, Triandis (1995) has indicated that within societies, individuals differ on their level of collectivism.

resolution. Inhabitants of collectivist societies are likely to be more sensitive to the influence of what they say on others. Moreover, what they say is largely scrutinized by others. This need for face maintenance restricts emotional expression and exposure individuals may show. Therefore, expression toward the offender is unlikely to be important to these populations.

With regard to the outcome, individuals in collectivist societies are likely to experience a stronger sense of shared identity with other members of their society, including people who transgress against them. This sense of shared identity is an important moderator of justice outcomes (Wenzel et al., 2008). The absence of a shared identity is associated with a punitive, retributive response, while stronger ties with the offender lead to an emphasis on value restoration: priority is given to getting the offender to acknowledge his wrongdoing and show renewed allegiance to shared norms and values.⁴ We should therefore expect victims in collectivist societies to place less rather than more emphasis on retribution as an outcome of justice proceedings in the aftermath of their victimization, due to their closer connection to other members of society.⁵

1.3. Formal criminal justice systems

A common trait of Western societies is the existence of highly formalized and structured criminal justice systems. In the aftermath of crime, victims routinely interact with the criminal justice system and this interaction in turn is likely to influence their needs and preferences (Pemberton, 2009). This is immediately apparent concerning certain procedural needs: a need for participation in a procedure or information about the procedure is by definition contingent on the procedure in question.

But the structure of justice in the aftermath of crime can also be viewed as an influence on justice preferences concerning the outcome. Many restorative justice advocates consider punitive preferences in society to be an artifact of the way that criminal justice functions (Braithwaite, 1989; Christie, 1981; Zehr, 1990). Criminal justice is seen to reinforce the notion that punishment is the main or even sole answer to criminal wrongdoing. Indeed it is often asserted that in the absence of a formal criminal justice system, restorative notions of justice might achieve greater prominence (Braithwaite, 2002). This is not only due to the supposed criminal justice focus on punishment, but also because of the emphasis placed in Western jurisdictions on individual, rather than collective or group rights (Jones, 1999; Mutua, 1996; Shklar, 1964). It has been argued that the conceptualization of individual rights “adversely affect the bonds of community, hierarchy and tradition” (West, 2003), which consequently turns individuals against each other, rather than searching for mutually beneficial, constructive solutions. Although these assertions are regularly called into question (Robinson and Darley, 2007), they do at least stress the importance of reviewing victims’ justice preferences when the formal criminal justice system is not the norm.

Both these topics are addressed in the current study. The overall aim is to explore the extent to which previous findings apply to members of a collectivist society, who do not have practical access to a formal criminal justice system, in this case Bhutanese refugees living in Nepal. Though we do not conduct a direct comparison, we do have four hypotheses. First, voice to the offender will not be an important aspect predicting overall satisfaction. Second, voice to the decision maker will also not be an important indicator of victim satisfaction. Third, retribution will not be a significant predictor of the dependent variable. Fourth, restorative outcomes

⁴This is confirmed by the, albeit limited, body of comparative penological work, see Cavadino and Dignan (2006).

⁵To this we should add that the same is not true for out-group members (Okimoto and Wenzel, 2008).

repairing the harm will be a significant predictor of victim satisfaction. Moreover, we include other predictor variables in our model that we believe from past research will also be important to this population, namely, information, proper treatment and deterrence.

2. Method

2.1. Respondents

The Bhutanese refugees under study were residents of Beldangi 1 refugee camp in Nepal. Since 1990, approximately 100,000 people relocated to refugee camps from Bhutan (Saul, 2000). The exact causes of this departure are disputed. An often cited explanation for expulsion is the threat that this ethnic group posed to the political order. Refugee leaders further point to actions by the Bhutanese government, such as the new Citizenship Act in 1985, the census in 1988, discriminatory cultural protection laws and policies and repression of democratic expression. In demonstration against these measures, many of the Southern Bhutanese people were labeled as anti-nationals and forced to leave.

Similar to its Southeast Asian neighbors, Bhutanese culture can be described as collectivistic (Hofstede, 1987), though as with all cultures, there are variations among individuals. Officially, the refugees fall under Nepali law, and therefore should have the same access to formal justice as the mainstream population.⁶ Rarely, however, do victims go to the armed police force located within the camp or other legal authorities. The majority of victims therefore do not use the formal system but rather rely on informal means to solve their conflicts. The informal system used resembles restorative justice practices, like mediation.⁷ Most commonly, crimes are reported to the sub-sector head who will then often proceed to mediate the case. Each sub-sector head is in charge of his or her sub-sector and is generally the first point of contact for the refugees when there is a dispute. Where conflict remains, the case may be forwarded to further camp or legal authorities, such as the sector-head, the counseling board⁸ or the community watch team.⁹ Furthermore, in some cases, the crime may be reported directly to the armed police forces stationed within the camp. Any one of these individuals may cast the final decision in the victim's case, in addition to the Nepali court system (police or judge). While several decisions may be taken in the resolution of the victim's case, this last step is the focus of the current investigation. Satisfaction with the procedure leading to the final outcome as well as the outcome itself are the two main issues under study.

2.2. Materials

The survey was part of a wider investigation of conflict resolution within the Bhutanese camps in Nepal. The original questionnaire was devised to measure victim experiences of access to justice at a comparative level by examining their justice evaluations in other

⁶The content of this brief summary is provided by personal communication by Ilse Griek, an ethnographic researcher studying the use of conflict resolution within these refugee camps.

⁷For an overview of these mechanisms, see for instance Johnstone (2002).

⁸The counseling board provides mediation to parties in a conflict. It includes the counseling board chief and other wise camp members who discuss the problems with both the victim, offender and their families or other individuals within their network.

⁹The community watch team watches over people in the camps and may apprehend offenders, placing them in safe-rooms for mediation.

jurisdictions. A translation-back-translation was utilized to develop a Nepali version of the questionnaire. After the translation-back-translation returned results in English, the researchers examined the questionnaire to account for construct and item bias as a result of cultural differences. The questionnaire was then pre-tested to understand difficulties and confusion for respondents. Eight research assistants were hired to conduct face-to-face interviews at all the huts within the camp under study. The assistants themselves were Bhutanese refugees, as this was considered vital to achieving a greater response rate, due to the existing trust among inhabitants of the camp. Victims were asked about their experiences with the legal authorities and camp officials, in addition to their overall perceptions of the procedure and the outcome.

2.3. Measures

2.3.1. Independent variables

Each of the predictor variables are operationalized below. All the variables have been established in the literature as determinants of victim satisfaction. Answers for each of the items were measured on a 5 point scale, ranging from 1 (*very small extent/not at all*) to 5 (*very large extent*).

Voice toward the decision maker was measured with the item, “to what extent did the decision maker listen to what you had to say?” An additional item measured voice toward the offender. Victims were asked, “to what extent were you able to express your views to the offender?”

The analysis also included a variable for respect with the decision-maker. As noted above, this may refer to different officials, like the camp sub-sector head, the sector head, the counseling board chief, the police, the judge or a member of the armed police force. Respect was measured asking, “to what extent did the decision-maker treat you with respect?”

One item measured informational justice, which also referred to one of the different officials noted above. Victims were asked, “to what extent did [...] provide you with information about the procedure?”

Retributive justice was assessed using one item. Victims were asked to what extent they felt the offender got the punishment he or she deserved.

Deterrence was also measured with one item, asking respondents to what extent they think that the outcome will keep the offender from doing it again.

Restorative justice by the outcome was measured asking respondents, “to what extent did the outcome repair the emotional harm that was done to you?”

2.3.2. Control variables

The analyses also include the following control variables within the model that may impact victim satisfaction: First, a dichotomous variable was computed for gender (1 = female, 0 = male). Second, crime seriousness was also measured among respondents (1 = *serious crime*, 0 = *less serious crime*).¹⁰ A third dichotomous variable was computed for the victim’s

¹⁰Serious crimes included violence (including domestic violence) and polygamy (occurs rather frequently despite legislation criminalizing this behavior). Less serious crimes included theft and verbal abuse or threats of violence. Because perceptions of seriousness within this population may differ from more common (Western) categorizations, we devised our own ranking system. This was obtained by asking participants who reported more than one crime occurring in the last 5 years were to indicate which crime was the most serious. For example, violence occurred 97 times among the respondents, and was mentioned to be the most serious crime in 65 of those instances, which means that in 67% of cases it was perceived to be the most serious (65/97 = 67%). This percentage was also calculated for the other crimes, and then each crime was ranked by percentage. For each crime, if at least 50% of the respondents considered the crime to be serious, it was categorized as such.

relationship to the offender (1 = *domestic case*, 0 = *no domestic case*).¹¹ Such a relationship has been established in literature as influencing treatment throughout legal proceedings (Simon, 1996). Fourth, victims were asked about the outcome of their case. A multiple response item allowed victims to indicate if their outcome included any of the following: ruling in the victim's favor, ruling in the offender's favor, corporal punishment or incarceration, apology, compensation or no further action was taken by the authority to whom the crime was reported.¹² Fifth, a variable was computed measuring where the last step of the respondent's case was handled (1 = *Camp level*, 0 = *Nepali legal system*)¹³ as restorative means have been found to lead to levels of satisfaction (Latimer et al., 2005).

2.3.3. *Dependent variable*

The dependent variable, victim satisfaction, was a composite measure of procedural satisfaction and outcome satisfaction: (1) To what extent were you satisfied with the procedure and (2) to what extent were you satisfied with the outcome? Values again ranged from 1 (*very small extent/not at all*) to 5 (*very large extent*). Cronbach's alpha = .89.

2.4. *Analyses*

As noted above, we are interested in the exploration of previously determined justice preferences influencing satisfaction. The goal of the following examination is to determine what is important to Bhutanese refugee victims when accessing justice. First, descriptives were calculated for all of the variables. Second, chi-square tests for independence were conducted among the dichotomous control variables. Correlation analysis was then conducted on all of the variables to check for multicollinearity and assess the relationships with victim satisfaction. Third, we conducted independent samples *t*-tests to examine the association between any significant control variables and victim satisfaction. Next, a standard multiple regression was conducted to evaluate which of the independent variables and control variables predicted victim satisfaction. Such a method allows us to explore the interrelation of variables in order to test the theory presented earlier by assessing the relationship between one dependent variable and multiple independent variables (Tabachnick and Fidell, 2007). Consequently, we were able to investigate which variables predicted victim satisfaction. Each of the independent predictor variables was entered into the model simultaneously.

2.5. *Results*

The total sample consisted of 165 participants residing as Bhutanese refugees in Nepal. Details of the control variables are presented in Table 1. Of the respondents, 24.2% are male

¹¹These cases included crimes perpetrated by relatives, including (ex) husbands, (ex) wives, brothers, sisters, mothers, fathers, daughters, sons, uncles, aunts, and all in-laws.

¹²For the multivariate analysis, a dichotomous variable was computed, categorizing each of the outcomes into those that were positive for the victim and those that were negative for the victim (1 = positive, 0 = negative).

¹³To calculate this, a dichotomous variable was created from the item measuring the last step. The item was assigned a value of 1 (camp-level) if the sub-sector head, sector-head, counseling board, camp secretary, or gender focal point handled the case and a 0 (Nepali legal system) if the APF, Nepali police, Nepali Court or Chief District Officer handled the case.

Table 1
Percentages of control variables ($n = 165$).

Variable	Percent	Variable	Percent
Gender		Outcome	
Male	24.2%	Victim's favor	53.7%
Female	75.8%	Corp. punishment/incarceration	10.3%
Relationship to offender		Apology	43.4%
Domestic	52.1%	Compensation	11.1%
Non-domestic	47.9%	Defendant's favor	2.9%
Seriousness		Nothing done	15.8%
<i>Very serious</i>			
Violence (or attempted)	45.5%		
Polygamy	12.7%		
<i>Less serious</i>			
Theft	7.3%		
Verbal abuse/threat of violence	34.5%		
Level of decision-maker			
Camp level	80.0%		
Nepali legal system	20.0%		

and 75.8% are female. Victims were surveyed on the most recent crime they experienced.¹⁴ This choice also provided for the smallest possibility of memory bias. Violence or attempted violence was the most common crime (45.5%), followed by verbal abuse or threat of violence (34.5%), polygamy (12.7%) and theft (7.3%). Moreover, 52.1% involved a domestic case, committed by a direct relative of the victim. Additionally, 80.0% of the victims in the sample ended with camp-level means of conflict resolution (sub-sector head, sector-head, counseling board or the camp secretary), while the remaining 20.0% reached some formal level (armed police forces, Nepali police or the Nepali court system). Because of the use of the informal system, there were various outcomes that would not be familiar to the (western) formalized system. Of the respondents whose offender was apprehended, outcomes (more than one are possible) included that (1) the decision maker ruled in favor of the victim (53.7%), (2) the offender was incarcerated or there was some form of corporal punishment (10.3%),¹⁵ (3) the offender apologized (43.4%), (4) the victim received compensation (11.1%), (5) the decision maker ruled in favor of the defendant (2.9%) and (6) nothing was done after the crime was reported (15.8%).

The mean score for victim satisfaction was 3.21 ($SD = 1.24$), which denotes a score between a moderate and a large extent. The mean of the procedure variables was 3.22 ($SD = .86$). The mean of the outcome of the procedure was 2.44 ($SD = 1.15$). The highest value of the independent variables was for respect ($M = 3.78$, $SD = .95$). This score was then followed by voice ($M = 3.66$, $SD = 1.20$) and information ($M = 3.31$, $SD = 1.10$). All of these variables fell within the “moderate extent” to a “large extent” range. The remaining independent variables fell within the small to moderate extent range. Voice toward the offender had a mean value of 2.84 ($SD = 1.35$) followed by repairing the harm ($M = 2.67$, $SD = 1.37$), deterrence ($M = 2.42$, $SD = 1.43$) and retribution ($M = 2.22$, $SD = 1.30$). Results are displayed in Table 2.

¹⁴Since the questionnaire also investigated the prevalence of crimes in the camps, victims were also asked about other crimes they experienced.

¹⁵Some reported examples of corporal punishment included being beaten with bamboo, having to walk on rough stones, being forced to do squats and being forced to kneel down for 5 h at a time.

Table 2
Means and standard deviation of satisfaction and independent variables.

Variable	M	SD
<i>Dependant variable</i>		
Were you satisfied with the procedure/with the outcome?	3.21	1.24
<i>Procedure</i>		
Did the decision-maker treat you with respect?	3.78	.95
Did the decision-maker listen to what you had to say?	3.66	1.20
Did the decision-maker provide you with information?	3.31	1.10
Were you able to express your views to the offender?	2.84	1.35
Mean score for procedure variables	3.22	.86
<i>Outcome</i>		
Did the outcome repair your emotional harm?	2.67	1.37
Will the outcome keep the offender from doing it again?	2.42	1.43
Did the offender get the punishment he/she deserved?	2.22	1.30
Mean score for outcome variables	2.44	1.15

The correlations (Pearson’s *r*) between the variables in the model are displayed in Table 3. All of the independent variables except the level of the decision maker and whether the respondent received compensation are significantly correlated with victim satisfaction. Satisfaction was most strongly correlated with the extent to which the outcome repaired the harm ($r = .72$). Among the independent variables, correlations did not exceed $r = .62$ (between the extent to which respondents received information and the extent to which respondents were treated with respect). Multicollinearity was assessed by calculating the VIF and Tolerance values. These values met the standards of <10 and $>.10$, respectively, indicating no multicollinearity.

To further examine the differences among the control variables, we used chi-square tests for independence to investigate the significant associations that resulted from the correlation analysis. There were differences between gender and the domestic relationship category, $X^2(1,$

Table 3
Intercorrelations among independent and control variables and victim satisfaction.

Variable	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.
1.Satisfied	.20 ^b	.18 ^b	.06	-.08	.42 ^a	-.27 ^b	.20 ^a	.32 ^a	.04	-.60 ^a	.34 ^a	.64 ^a	.40 ^a	.40 ^a	.55 ^a	.66 ^a	.72 ^a
2. Gender	-	.34 ^a	.14	.03	-.04	-.15	.16 ^b	.06	-.18 ^b	-.14	.05	.14 ^b	.11	.15 ^b	.19 ^b	.12	.23 ^a
3. Domestic	-	.34 ^a	.11	-.06	-.17 ^b	.15	-.03	-.25 ^a	-.05	.08	.08	.11	.04	.07	.06	.12	
4. Serious	-	.34 ^a	.11	-.06	-.17 ^b	.15	-.03	-.25 ^a	-.05	.08	.08	.11	.04	.07	.06	.12	
5. Level decision	-	.18 ^b	.06	-.08	.42 ^a	-.27 ^b	.20 ^a	.32 ^a	.04	-.60 ^a	.34 ^a	.64 ^a	.40 ^a	.40 ^a	.55 ^a	.66 ^a	.72 ^a
6. Victim favor	-	.14	.03	-.04	-.15	.16 ^b	.06	-.18 ^b	-.14	.05	.14 ^b	.11	.15 ^b	.19 ^b	.12	.23 ^a	
7. Offender favor	-	.14	.03	-.04	-.15	.16 ^b	.06	-.18 ^b	-.14	.05	.14 ^b	.11	.15 ^b	.19 ^b	.12	.23 ^a	
8. Corp./Incarc.	-	.14	.03	-.04	-.15	.16 ^b	.06	-.18 ^b	-.14	.05	.14 ^b	.11	.15 ^b	.19 ^b	.12	.23 ^a	
9. Apology	-	.14	.03	-.04	-.15	.16 ^b	.06	-.18 ^b	-.14	.05	.14 ^b	.11	.15 ^b	.19 ^b	.12	.23 ^a	
10. Compensation	-	.14	.03	-.04	-.15	.16 ^b	.06	-.18 ^b	-.14	.05	.14 ^b	.11	.15 ^b	.19 ^b	.12	.23 ^a	
11. Nothing done	-	.14	.03	-.04	-.15	.16 ^b	.06	-.18 ^b	-.14	.05	.14 ^b	.11	.15 ^b	.19 ^b	.12	.23 ^a	
12. Views offender	-	.14	.03	-.04	-.15	.16 ^b	.06	-.18 ^b	-.14	.05	.14 ^b	.11	.15 ^b	.19 ^b	.12	.23 ^a	
13. Voice	-	.14	.03	-.04	-.15	.16 ^b	.06	-.18 ^b	-.14	.05	.14 ^b	.11	.15 ^b	.19 ^b	.12	.23 ^a	
14. Information	-	.14	.03	-.04	-.15	.16 ^b	.06	-.18 ^b	-.14	.05	.14 ^b	.11	.15 ^b	.19 ^b	.12	.23 ^a	
15. Respect	-	.14	.03	-.04	-.15	.16 ^b	.06	-.18 ^b	-.14	.05	.14 ^b	.11	.15 ^b	.19 ^b	.12	.23 ^a	
16. Deservedness	-	.14	.03	-.04	-.15	.16 ^b	.06	-.18 ^b	-.14	.05	.14 ^b	.11	.15 ^b	.19 ^b	.12	.23 ^a	
17. Deterrence	-	.14	.03	-.04	-.15	.16 ^b	.06	-.18 ^b	-.14	.05	.14 ^b	.11	.15 ^b	.19 ^b	.12	.23 ^a	
18. Repair harm	-	.14	.03	-.04	-.15	.16 ^b	.06	-.18 ^b	-.14	.05	.14 ^b	.11	.15 ^b	.19 ^b	.12	.23 ^a	

$n = 165$) = 17.95, $p < .001$, indicating a medium effect size (Cohen, 1988) where males were significantly less likely to be the victim of a domestic crime. Victims in the domestic relationship category were also more likely to suffer from serious crimes, $X^2(1, n = 165) = 5.67$, $p < .01$, between a medium and large effect size.

We also examined the association between gender, victim–offender relationship, seriousness, level of decision-maker and each of the possible outcomes using chi-square tests. For most combinations the correlation analysis revealed no significant associations, and therefore we did not include them in subsequent analyses. Whether or not the judge ruled in favor of the victim or the offender, incarceration or corporal punishment, an apology and nothing being done after reporting did not have a significant association with any of the remaining four control variables. Receiving compensation was also significantly related to the victim's gender and the victim–offender relationship. Males were more likely to receive compensation, $X^2(1, n = 165) = 4.05$, $p < .05$ and respondents who had a domestic relationship with their offender were less likely to receive compensation, $X^2(1, n = 165) = 8.58$, $p < .01$.

Independent samples *t*-tests were then conducted to examine the relationship between the control variables and victim satisfaction when there was a significant correlation (Table 4). Women ($M = 3.36$, $SD = 1.32$) were significantly more satisfied with their experience than men ($M = 2.74$, $SD = 1.32$). Victims of domestic crimes ($M = 3.45$, $SD = 1.27$) were significantly more satisfied than victims of non-domestic crimes ($M = 2.98$, $SD = 1.37$). Victims who received an outcome ruled in their favor ($M = 3.64$, $SD = 1.09$) were more satisfied than those who did not ($M = 2.49$, $SD = 1.41$). Furthermore, victims who received an outcome ruled in the offender's favor ($M = 1.20$, $SD = .27$) were less satisfied than those who did not ($M = 3.28$, $SD = 1.31$). Victims whose offenders received corporal punishment or prison time ($M = 3.97$, $SD = 1.08$) were significantly more satisfied than those which did not ($M = 3.11$, $SD = 1.34$). Victims who received an apology ($M = 3.59$, $SD = .99$) were more

Table 4

Means, standard deviations and significance testing of control variables and victim satisfaction.

Variable	Satisfaction (<i>M</i> / <i>SD</i>)	Significance testing	Effect size
Gender		$t(162) = -2.60, p < .05$ (two-tailed)	.05
Male	2.74 (1.32)		
Female	3.36 (1.32)		
Relationship to offender		$t(162) = -2.26, p < .05$ (two-tailed)	.03
Domestic	3.45 (1.27)		
Non-domestic	2.98 (1.37)		
Outcome victim favor		$t(161) = -5.47, p < .01$ (two-tailed)	.15
Yes	3.64 (1.09)		
No	2.49 (1.41)		
Outcome offender favor		$t(161) = 12.90, p < .01$ (two-tailed)	.51
Yes	1.20 (.27)		
No	3.28 (1.31)		
Corp. punishment/incarc.		$t(161) = -2.43, p < .01$ (two-tailed)	.04
Yes	3.97 (1.08)		
No	3.11 (1.14)		
Apology		$t(161) = -4.09, p < .001$ (two-tailed)	.09
Yes	3.59 (.99)		
No	2.74 (1.56)		
No action taken		$t(160) = 14.22, p < .01$ (two-tailed)	.56
Yes	1.67 (.61)		
No	3.55 (1.14)		

satisfied than victims whose offenders did not apologize ($M = 2.74$, $SD = 1.56$). Finally, when reporting led to no action, victims were less satisfied ($M = 1.67$, $SD = .61$) than when action was taken (3.55 , $SD = 1.14$).

A standard multiple regression (Table 5) was conducted to assess the predictive power of the independent variables on victim satisfaction, as noted above. We included those variables that had a significant association with the dependent variable. After examining the results of the bivariate analyses, we condensed the outcome category. A dichotomous variable was created to measure whether the outcome was positive or negative for the victim ($I = positive$, $O = negative$).¹⁶ R for regression was significantly different from zero, $F(11, 163) = 31.79$, $p < .001$. The total variance explained by the regression model as a whole was 75.3%. We use the beta values to examine the contribution of each of the variables. First, for the control variables, only whether or not the outcome was positive for the victim was significant ($\beta = .25$). Of the independent variables, the extent to which the outcome repaired the harm had the largest impact on victim satisfaction ($\beta = .31$), followed by voice ($\beta = .28$) and deterrence ($\beta = .25$). Retribution, voice toward the offender, information and respect were not significant.

3. Discussion

The mean score for victim satisfaction was 3.21, denoting a satisfaction level between a moderate and large extent. In general, the means of the outcome variables were low, each indicating a satisfaction level between a small extent to a moderate extent. The mean score for reparation of harms was 2.67, the mean score for deterrence was 2.42, and the mean score for retribution was 2.22. Victims were most positive about the item measuring respect ($M = 3.78$) signifying a satisfaction level between a moderate and large extent. The mean scores for voice (3.66) and information (3.31) also denoted satisfaction levels between a moderate and large extent. Univariate analysis also revealed several findings; most interestingly, domestic violence victims were more satisfied than victims of non-domestic crimes.

With regard to the independent variables, there were also several striking findings. The regression analysis revealed that voice toward the decision maker leads to satisfaction while the expression of views toward the offender is not a significant predictor. Respect and information did not qualify as significant predictors. Furthermore, while victims were concerned with behavior control and repairing the harm, they were not retributive.

The univariate analysis revealed that domestic violence victims are more satisfied than victims of other crimes. As noted, the victim–offender relationship was included as a control variable because research generally shows domestic violence victims to be *less* satisfied with their justice experiences. In the multivariate analysis, however, the significance disappeared. It appears that after adjusting the model, other variables are involved in this association. Furthermore, victims were more likely to receive a positive outcome than the offender. While roughly the same number received compensation or incarceration of the offender, a much larger number received apologies, or a combination of these possibilities. Only in a minority of the cases was the outcome in favor of the defendant. Despite these outcomes, the outcome independent variables were all rated low (between a small extent and a moderate extent).

We first presented a theoretical framework on which to base our hypotheses. Justice preferences fall into two categories: procedural quality and outcome quality. Procedural quality

¹⁶Positive outcome included an apology, a ruling in the victim's favor and or incarceration/corporal punishment. Negative outcome included a ruling in the offender's favor or nothing being done.

Table 5
Determinants of victim satisfaction.

Variable	Unstandardized coefficient B	Standardized error	Standardized beta coefficient β
<i>Control variables</i>			
Female	-.07	.14	-.02
Domestic	.16	.12	.06
Serious	.07	.12	.02
Positive outcome	.88	.17	.25*
<i>Procedure</i>			
<i>Procedural justice</i>			
Voice to offender	-.03	.05	-.03
Voice	.31	.07	.28 *
<i>Informational justice</i>			
Information	-.01	.07	-.01
<i>Interpersonal justice</i>			
Respect	.02	.08	.01
<i>Outcome</i>			
<i>Retributive justice</i>			
Deservedness	.07	.06	.07
<i>Behavior control</i>			
Deterrence	.24	.05	.25*
<i>Restorative justice</i>			
Repair harm	.31	.06	.31*

* $p < .001$.

refers to the treatment provided during justice proceedings and is highest when victims have voice toward the decision-maker, are able to express themselves toward the offender, are treated with respect and are provided with information throughout the procedure. Outcome quality refers to the fairness and usefulness of the legal outcome and may be obtained through behavior control, retribution and reparation of harms.

Based on this framework, we put forth four hypotheses for victims within a collectivist society. First, we hypothesized that this population may be less likely to value the opportunities to express feelings to the offender. Second, they similarly would not be concerned with voicing themselves toward the decision maker. Third, victim satisfaction for this population is not likely to be the result of retribution. Fourth, reparation of harms would be predictive of victim satisfaction. Each of these hypotheses was confirmed, except for the expectation that voice toward the offender would not be a significant predictor of victim satisfaction.

We illustrated earlier that procedural justice literature is supported by research which concludes that voice is largely important to parties engaging in conflict resolution. In line with earlier research (Brockner et al., 2001), we hypothesized that a desire for voice may be less identifiable in non-western countries due to expectations of more vertical structures and higher levels of power distance. The research of Brockner et al. (2001), however, also found that it was power distance itself (rather than culture) that interacted with voice. The results here may also suggest that this need for voice transcends cultural boundaries, and should be perceived as a more universal preference. The power distance literature, for example, does not preclude voice being important in non-western societies high in power distance, only that this relationship may be less accentuated in such cultures. Moreover, due to the nature of the setting under study, it is possible that the camp authorities are not perceived as hierarchical relationships, but may be perceived to be part of the in-group to an extent.

There are several limitations to the current study. First, while we can make several hypotheses for reasons behind certain justice preferences, the cross-sectional nature of the research design does not allow for causal inferences. There may be other variables which distinguish this group from western societies. Second, we are not able to directly compare the findings surrounding this population to similar research of other western populations. Though further research could set out to conduct such comparisons, it would still be difficult to find a comparable sample with similar features. A third limitation concerns some of the item measures. Collectivism is not measured at the individual level. Triandis (1995) has indicated that within societies, individuals differ on their level of collectivism. Variations within an individual's collective nature may be a cause for variations in justice preferences. Further research could integrate an individual-level variable. Though we recognize this limitation, we do agree that some cultures can indeed be more collectivistic than others. Fourth, the indicators were each composed of single item measures, where multiple-item scales may be preferable to increase reliability. Fifth, one characteristic of collectivism is that those behaviors associated with collectivism are primarily applied to members of the in-group. It would have been beneficial to measure how the victim perceived the offender and the decision-maker to get a greater understanding of their preferences.

Further research could include multiple item measures, focusing particularly on the research questions in this article. For example, retribution was measured with one item examining perceptions of deservedness. Multiple items, including preferences for punishment, would provide more accurate measures for such a concept. Moreover, cross-cultural research can offer comparative research, despite the limitation of an inherently different sample. Research may examine, for example, procedural justice (i.e. voice toward the decision maker) and the interacting effect culture plays in determining the importance of these justice preferences. This can include, as noted, measures of collectivism or power distance at the individual level, using a more randomized design.

4. Conclusion

Despite the limitations of this research, the findings contribute to the body of knowledge on justice preferences at a cultural level. Although an abundance of research exists on victim preferences of justice, the added value of this study lies in the fact that it examines individuals living in a collectivist society. Furthermore, these preferences may be influenced by the near absence of a formal justice system. For this particular sample, the quality of the procedure appeared unimportant, with the exception of voice toward the decision maker. The results further indicate that restorative outcomes are more important to these victims than retributive ones. There are also many similarities between both types of societies, suggesting that cultural differences may not be as widespread as often thought, illustrated by a universal need for voice to the decision maker, behavior control and reparation of the harm. Such findings indicate the extent to which previous findings may be generalized to the current populations being examined. Indeed, this was only a first look at the justice preferences of Bhutanese refugee victims, yet it allows for much thought on further cross-cultural research.

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References

- Allen, J., Edmonds, S., Patterson, A., Smith, D., 2006. Policing and the Criminal Justice System - Public Confidence and Perceptions: Findings from the 2004/05 British Crime Survey. Home Office Online Report. Home Office, London.
- Bies, R.J., Moag, J.S., 1986. Interactional justice: communication criteria of fairness. In: Sheppard, B. (Ed.), *Research on Negotiation in Organizations*. JAI Press, Greenwich, CT, pp. 43–55.
- Braithwaite, J., 1989. *Crime, Shame, and Reintegration*. Cambridge University Press, Cambridge, England.
- Braithwaite, J., 2002. *Restorative Justice and Responsive Regulation*. Oxford University Press, Oxford.
- Brockner, J., Ackerman, G., Greenberg, J., Gelfand, M.J., Francesco, M., Chen, Z.X., Leung, K., Bierbrauer, G., Gomez, C., Kirkman, B.L., Shapiro, D., 2001. Culture and procedural justice: the influence of power distance on reactions to voice. *Journal of Experimental Social Psychology* 37, 300–315.
- Carlsmith, K.M., Darley, J.M., Robinson, P.H., 2002. Why do we punish? Deterrence and just deserts as motives for punishment. *Journal of Personality and Social Psychology* 83, 284–299.
- Cavadino, M., Dignan, J., 2006. *Penal Systems: A Comparative Approach*. Thousand Oaks CA, London.
- Christie, N., 1981. *Limits to Pain*. M. Robertson, Oxford.
- Cohen, J., 1988. *Statistical Power Analysis for the Behavioral Sciences*. Lawrence Erlbaum Associates, Inc, Hillsdale, NJ.
- Darley, J.M., Pittman, T.S., 2003. The psychology of compensatory and retributive justice. *Personality and Social Psychology Review* 7, 324–336.
- Erez, E., Bienkowska, E., 1993. Victim participation in proceedings and satisfaction with justice in the continental systems: the case of Poland. *Journal of Criminal Justice* 21, 47–60.
- Erez, E., Tontodonato, P., 1992. Victim participation in sentencing and satisfaction with justice. *Justice Quarterly* 9, 393–417.
- Fletcher, L.E., Weinstein, H.M., 2002. Violence and social repair: rethinking the contribution of justice to reconciliation. *Human Rights Quarterly* 24, 573–639.
- Groenhuijsen, M.S., Letschert, R.M., 2008. *Compilation of International Victim Rights Instruments*. Wolf Legal Publishers, Nijmegen.
- Groenhuijsen, M.S., Pemberton, A., 2009. The EU framework decision for victim of crime: does hard law make a difference? *European Journal of Crime, Criminal Law and Criminal Justice* 17, 43–59.
- Hofstede, G., 1980. *Culture's Consequences*. Sage, Beverly Hills, CA.
- Hofstede, G., 1987. The applicability of McGregor's theories in South East Asia. *Journal of Management Development* 6, 9–18.
- Johnson, I.M., 2007. Victims' perceptions of police response to domestic violence incidents. *Journal of Criminal Justice* 35, 498–510.
- Johnstone, G., 2002. *Restorative Justice: Ideas, Values, Debates*. Willan Publishing.
- Jones, P., 1999. Human rights, group rights, and peoples' rights. *Human Rights Quarterly* 21, 80–107.
- Kelly, D.P., 1984. Victim perceptions of criminal justice. *Pepperdine Law Review* 11, 15–22.
- Latimer, J., Dowden, C., Muise, D., 2005. The effectiveness of restorative justice practices: a meta-analysis. *The Prison Journal* 85, 127–144.
- Leung, K., 1988. Some determinants of conflict avoidance. *Journal of Cross-Cultural Psychology* 19, 125–136.
- Leung, K., Morris, M.W., 2002. Justice through the lens of culture and ethnicity. In: Sanders, J., Hamilton, V.L. (Eds.), *Handbook of Justice Research in Law*. Kluwer Academic/Plenum, New York, pp. 343–378.
- Lind, E.A., Tyler, T.R., Huo, Y.J., 1997. Procedural context and culture: variations in the antecedents of procedural justice judgments. *Journal of Personality and Social Psychology* 73, 767–780.
- Mutua, M., 1996. The ideology of human rights. *Virginia Journal of International Law* 36, 589–657.
- Oetzel, J.G., Ting-Toomey, S., 2003. Face concerns in interpersonal conflict: a cross-cultural empirical test of the face negotiation theory. *Communication Research* 30, 599–624.
- Okimoto, T.G., Wenzel, M., 2008. The symbolic meaning of transgressions: towards a unifying framework of justice restoration. *Advances in Group Processes* 25, 291–326.
- Orth, U., 2002. Secondary victimization of crime victims by criminal proceedings. *Social Justice Research* 15, 313–325.
- Pemberton, A., 2009. Victim movements: from varying needs to diversified criminal justice agenda's. *Acta Criminologica* 22, 1–23.
- Pemberton, A., 2010. *The Cross-Over: An Interdisciplinary Approach to the Study of Victims of Crime*. Maklu Publishers, Antwerpen/Apeldoorn/Portland.

- Putnam, R., 2000. *Bowling Alone: The Collapse and Revival of American Community*. Simon & Schuster, New York.
- Roberts, J.V., Erez, E., 2004. Communication in sentencing: exploring the expressive function of victim impact statements. *International Review of Victimology* 10, 223–244.
- Robinson, P.H., Darley, J.M., 2007. Intuitions of justice: implications for criminal law and justice policy. *Southern California Law Review* 81, 1–67.
- Saul, B., 2000. Cultural nationalism, self-determination and human rights in Bhutan. *International Journal of Refugee Law* 12, 321–353.
- Shapland, J., Willmore, J., Duff, P., 1985. *Victims in the Criminal Justice System*. Avery Publishing Company, Brookfield, VT.
- Sherman, L., Strang, H., 2007. *Restorative Justice: The Evidence*. A Report to the Smith Institute. University of Pennsylvania, Jerry Lee Center of Criminology and the Esmée Fairbairn Foundation.
- Shklar, J., 1964. *Legalism: Law, Morals and Political Trials*. Harvard University Press.
- Simon, L.M., 1996. Legal treatment of the victim-offender relationship in crimes of violence. *Journal of Interpersonal Violence* 11, 94–106.
- Sims, L., Myhill, A., 2001. *Policing and the Public: Findings from the 2000 British Crime Survey*. Home Office Research Findings No. 136. Home Office, London.
- Strang, H., 2002. *Repair or Revenge?* Oxford University Press, Oxford.
- Strang, H., Sherman, L.W., 2003. Repairing the harm: victims and restorative justice. *Utah Law Review* 1, 15–42.
- Tabachnick, B.G., Fidell, L.S., 2007. *Using Multivariate Statistics*. Allyn & Bacon, Boston, MA.
- Thibaut, J.W., Walker, L., 1975. *Procedural Justice: A Psychological Analysis*. Erlbaum, Hillsdale, NJ.
- Triandis, H.C., 1995. *Individualism and Collectivism*. Westview Press, Boulder, CO.
- Triandis, H.C., Bontemp, R., Villareal, M.J., Asai, M., Lucca, N., 1988. Individualism and collectivism: cross-cultural perspectives on self-ingroup relationships. *Journal of Personality and Social Psychology* 54, 323–338.
- Umbreit, M.S., Coates, R.B., Kalanj, B., 1994. *Victim Meets Offender: The Impact of Restorative Justice and Mediation*. Criminal Justice Press, Monsey, NY.
- Wemmers, J., 1999. Victim notification and public support for the criminal justice system. *International Review of Victimology* 6, 167–178.
- Wemmers, J., Van der Leeden, R., Steensma, H., 1995. What is procedural justice: criteria used by Dutch victims to assess the fairness of criminal justice procedures. *Social Justice Research* 8, 329–350.
- Wenzel, M., Okimoto, T., Feather, N., Platow, M., 2008. Retributive and restorative justice. *Law and Human Behavior* 32, 375–389.
- West, R., 2003. *Re-imagining Justice: Progressive Interpretations of Formal Equality, Rights, and the Rule of Law*. Ashgate Publishing.
- Zehr, H., 1990. *Changing Lenses: A New Focus for Crime and Justice*. Herald Press, Scottsdale, PA.