

*Victims and Criminal Justice: Asian Perspective* EDITED BY TATSUYA OTA  
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Professor Ota is to be justly congratulated for this pioneering collection of papers which attempt to look at the criminal justice systems of Asia from a victim-oriented approach. No less than ten different jurisdictions are represented: Hong Kong, Japan, Korea and Taiwan in East Asia; Indonesia, Malaysia, the Philippines, Singapore and Thailand in Southeast Asia; and India in South Asia. One may, of course, complain about the absence of some major jurisdictions, principally, China, but anyone who has been engaged in the process of procuring scholarly work in the English language from the region will understand. The writing of academic articles in English is very far down the priority list of most jurisdictions in Asia and, simply, one publishes what one finds, or not at all. It should not surprise that the reader will also be struck with the "unevenness" of the collection: the chapter on Malaysia is tantalizing, but too brief; the chapter on Hong Kong is engaging, but light on the law. What may be more reasonable to expect is a bit more editorial polishing: mistakes in grammar, syntax and idiomatic expressions abound; and Professor Ota's otherwise masterly pan-Asian conspectus of victimology in the Introduction appears to have been written without apparent reference to the rest of the book.

Yet none of what has been said should detract from the importance of this volume. It has never, to the best of my knowledge, been attempted. It is a gold-mine of information about the particular victim-related laws and practices in place in the respective jurisdictions. There is much that is useful in the book about the various institutions and systems which are

in place for victim compensation, victim participation in the criminal process, and perhaps most importantly, victim assistance and protection. Some chapters go further to present a critical appraisal of the victim oriented measures which are in place, notably Professor Ota's own chapter on Japan, and Professor Wing-Cheong Chan's chapter on Singapore. These essays leave the reader with a hunger to find out how the other more descriptive pieces would have sounded like, if they had adopted the same critical posture.

The final observation is not really a criticism of this work, but a thought which was inspired by its reading. Is there really an *Asian* perspective to victimology? Going through the chapters, one is tempted to come away with the idea that the fundamental debates in Asia are no different from those which rage elsewhere, most if not all of which stem from the predominant conception of criminal proceedings as a matter solely between the offender and the State, to the exclusion of all others, and especially the victim. Here and there, some interesting elements surface: the traditional *barangay* justice in the Philippines and the *hukum pidana adat* of Bali; the modern legislative innovations of Singapore in the form of "family conferencing" in juvenile justice and compulsory "community mediation" for minor crimes; and the subtle practice in Japan of withholding prosecution on the basis of offender-victim settlement. There is also the terse but pregnant observation that Asians are culturally averse to openly contentious activities like claiming their rights in court, the implication being that victim, and perhaps community, centered alternatives might work well. All of these need deeper investigation: traditional forms of dispute settlement may be reintegrative, but also oppressive; modern procedures in the name of victimology may be using victims as a guise for greater punitiveness. "Western" discourse on victimology is plentiful, and it is hoped that with works such as these, there will, in time, be an equally sophisticated Asian discourse in criminal justice in general, and victimology in particular.

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