

## Chapter 2 - The Social Context of Dispute Settlement and the Rise of Law

1. What does *civil law* refer to?

- a. the law of medieval cities
- b. the law of dispute settlement between individuals
- c. the law that promotes peace and harmony
- d. the law that requires civility in public places

ANSWER: b

2. What is the role of a state in addressing crime?

- a. It controls the economy and therefore the amount of crime.
- b. It develops and enforces laws.
- c. It sponsors education programs.
- d. It monitors the fear of crime.

ANSWER: b

3. Which of the following categories best describes the present-day “mode of production” in Canada?

- a. hunting and gathering
- b. horticultural
- c. industrial
- d. pastoral

ANSWER: c

4. Which of the following is a characteristic that a small-scale society is likely to have?

- a. very little collective solidarity across communities
- b. a kinship or cooperative system of dispute resolution
- c. economic inequality between citizens
- d. formal laws enforced by a tiered governmental structure

ANSWER: b

5. “A state of social bonding or interdependency that rests on similarity of beliefs and values, shared activities, and ties of kinship and cooperation among members of a community.” Which of the following concepts does this definition apply to?

- a. mutual dependence
- b. mode of production
- c. collective solidarity
- d. role diffusion

ANSWER: c

6. Which of the following outcomes was a result of the vulnerable existence experienced by hunters and gatherers who travelled often and could not accumulate a surplus of resources?

- a. significant inequality
- b. a strong collective solidarity
- c. high crime rates
- d. strong legal guidelines

ANSWER: b

7. According to the text, what is the main source of order and self-restraint in small-scale societies?

- a. the political processes put in place by leaders
- b. the influence of the church on the state

## Chapter 2 - The Social Context of Dispute Settlement and the Rise of Law

- c. the need to maintain connections required for survival
- d. the passive qualities passed down through generations

ANSWER: c

8. Which of the following is considered a common cause of disputes in hunting and gathering societies?
- a. inequitable food distribution
  - b. poor manners
  - c. excessive substance use
  - d. cruelty to animals

ANSWER: a

9. Which of the following is the major goal of dispute settlement processes in small-scale societies?
- a. to provide restitution to the victimized parties
  - b. to identify and punish perpetrators
  - c. to provide satisfaction to the offended party or parties
  - d. to restore harmony between parties in conflict

ANSWER: d

10. Which of the following might be a response to someone who has committed harm against another in a small-scale society?
- a. a trial would be held and a judge would rule on the sentence
  - b. the victim would be permitted to do whatever he or she wanted to the offender
  - c. the offender may be ostracized from the group for a time
  - d. the offender and victim would be expected to fight to the death

ANSWER: c

11. Which of the following does self- or kin-based redress include?
- a. punishment determined by authorities of the state
  - b. jail terms to be served outside the community
  - c. mediation by respected elders
  - d. punishment administered by the kinship group as a whole

ANSWER: d

12. Which of the following best characterizes self-based systems of redress in small-scale societies?
- a. There are customary expectations about the appropriateness of different punishments.
  - b. There are vague notions of right and wrong behaviour.
  - c. There is a strong centralized authority to mediate disputes.
  - d. Punishment is carried out by a neutral third party.

ANSWER: a

13. Why might small group societies generally ostracize individuals for short periods of time rather than completely expel them as a form of punishment?
- a. The expelled individual may join a competing group.
  - b. The expelled individual may seek revenge against the group through violence.

## Chapter 2 - The Social Context of Dispute Settlement and the Rise of Law

- c. It would mean certain death for the individual expelled and would weaken the group.
- d. It often results in the expelled individual forming his or her own rival group to compete for resources.

ANSWER: c

14. According to Ross (1989), why might an Indigenous victim not testify against an accused in court?
- a. The victim may refuse to testify due to fear or embarrassment.
  - b. The victim may excuse the behaviour of the accused as a normal part of his standing in the community.
  - c. The victim may believe that no crime was committed.
  - d. The victim may refuse to testify because direct confrontation with the accused is considered wrong.

ANSWER: d

15. During a dispute settlement on an Ojibway reserve observed by Rupert Ross (1989), what was the focus of the intervention conducted by the Elders?
- a. the past history and reputation of the disputants
  - b. the cleansing of the spirit for the future
  - c. reconstructing the details of the specific incident
  - d. fair compensation for the victim

ANSWER: b

16. For dispute settlement purposes, advisors are men who have a high social status within a small-scale society. Which of the following qualities is this status based on?
- a. hunting, fishing, and trapping
  - b. fighting, hunting, and speaking
  - c. speaking, writing, and artistic ability
  - d. birth order, family lineage, and property ownership

ANSWER: b

17. In a small-scale society, the power of advisors who settle disputes is based on which of the following?
- a. hereditary position
  - b. ability to enforce compliance
  - c. moral authority
  - d. connection to kin on both sides of the dispute

ANSWER: c

18. According to Rupert Ross (1989), how do the dispute resolution processes of small-scale societies compare to those generally used in Canada today?
- a. They are in direct contrast.
  - b. They are fairly similar.
  - c. They are exactly the same.
  - d. They cannot be compared easily.

ANSWER: a

19. Which of the following defines the elite class?

## Chapter 2 - The Social Context of Dispute Settlement and the Rise of Law

- a. age and long-standing membership in the community
- b. membership in several kinship groups
- c. ability to make wise decisions with little hesitation
- d. ownership of resources and power over decision making

ANSWER: d

20. Max Weber saw power as the ability to realize one's goals despite resistance from others. Which of the following best characterizes power in small-scale societies compared to more modern, complex societies?

- a. The power to make decisions was shared by members of the group.
- b. The power to make decisions was held only at an institutional level.
- c. Power was formally encoded in law and authority.
- d. The legitimate use of power was held by an elite few.

ANSWER: a

21. Which of the following was a key factor in the shift from using mutually agreeable dispute resolution processes to a power pyramid consisting of a small group of elite decision makers?

- a. a decrease in resources to be used in bargaining
- b. a lack of interest in reaching harmonious resolutions
- c. an increase in women in small communities
- d. the emergence of economic surpluses

ANSWER: d

22. Which of the following statements best represents the changes to crime and dispute resolution that emerged as hunting and gathering societies shifted to pastoral, horticultural, agricultural, and industrial societies?

- a. theft and contract disputes arose as issues and fines became possible sanctions
- b. assaults increased and courts were created to resolve disputes before judges
- c. poaching and theft were rampant but dispute resolution did not change significantly
- d. domestic assaults were of primary concern and mediation became the primary method of dispute resolution

ANSWER: a

23. Under Anglo-Saxon law, who could be paid a fee as compensation for the rape of a woman?

- a. the victim
- b. the victim's mother
- c. the victim's husband or father
- d. the victim's father or brothers

ANSWER: c

24. Which of the following was the economic foundation of the feudal system?

- a. retail merchants
- b. agriculture
- c. manufacturing
- d. international trading

ANSWER: b

25. What is the term for the system of economic and social organization that included a central farm owned by

## Chapter 2 - The Social Context of Dispute Settlement and the Rise of Law

the landlord and small land holdings for a class of bonded farm labourers?

- a. tribalism
- b. feudalism
- c. agrarianism
- d. industrialism

ANSWER: b

26. In the early feudal era in England, how were serious disputes typically settled?

- a. duelling with pistols
- b. money compensation and fines
- c. kin-based redress systems
- d. jury trials

ANSWER: b

27. Which of the following was an important consequence that followed the consolidation of power by lords in England?

- a. They returned to a system of kin-based dispute settlement processes used in hunter-gatherer societies.
- b. They developed a body of law to deal with disputes.
- c. Dispute settlement practices used in small-scale societies were reinforced.
- d. They held elections among the serfs as a means to develop the political structures necessary to enact new laws.

ANSWER: b

28. Norman kings saw themselves as the injured party when a crime was committed because the harm was against their peace. What was the implication of this development for the future of dispute settlement in western societies?

- a. Contract and tort laws emerged.
- b. Lords were increasingly recruited to better deal with crime on their properties.
- c. The state took on more responsibility over harms committed by one individual against another.
- d. Greater responsibility was placed on families to punish members that committed harms against other families.

ANSWER: c

29. Which of the following best describes common law?

- a. the law that is common to a group of different countries
- b. the law that regulates the relationships between countries
- c. the law that regulates access to Crown land
- d. the law that is available to all individuals

ANSWER: d

30. During the reign of Henry VIII, which of the following was true of the state?

- a. It was essentially irrelevant.
- b. It replaced feudalism.
- c. It was largely controlled by the king with support from the merchant class.
- d. It was staffed with members of the nobility.

ANSWER: c

## Chapter 2 - The Social Context of Dispute Settlement and the Rise of Law

31. Which of the following was the main function of the Black Act of 1723?

- a. to allow the Crown to expropriate Church property
- b. to expand the penalties courts could impose against commoners
- c. to encourage common people to become land owners
- d. to support the institution of slavery

ANSWER: b

32. What was the nature of the relationship between the Crown and the merchant class during the mid-1500s?

- a. The Crown created small-scale societies within its ranks to be managed by merchants.
- b. The merchant class became the subject of increased legal sanctions imposed by the Crown.
- c. The merchant class supported the Crown in return for the creation of a stable legal system.
- d. The Crown decreased its demands on the merchant class.

ANSWER: b

33. When Karl Marx coined the term “bourgeois class” he was referring to which of the following social groups?

- a. common farmers
- b. serfs
- c. the capitalist ruling class
- d. feudal lords

ANSWER: c

34. The growing importance of legal contracts, lawyers, and laws against theft and embezzlement were all the result of the emergence of which of the following?

- a. feudalism and the feudal lords
- b. capitalism and a merchant class
- c. the sovereigns and Norman kings
- d. industrialization and the assembly-line form of manufacturing

ANSWER: b

35. Under capitalism, which of the following was used to maintain social relationships?

- a. customs
- b. parliament
- c. kinship
- d. contracts

ANSWER: d

36. According to the text, the state was created to represent the interests of the bourgeois class. What does the text suggest is the role of the state in modern society?

- a. to define the nature of how social relationships will be conducted
- b. to act as a democratic agent to support the needs of the working class
- c. to regulate commercial relationships between groups
- d. to protect the property and interests of the bourgeois class

ANSWER: d

37. What is the principal instrument used by the state to regulate human activity, ensure social order, and

## Chapter 2 - The Social Context of Dispute Settlement and the Rise of Law

prevent, control, and resolve disputes in modern societies?

- a. laws and legislation
- b. the restorative justice system
- c. the army
- d. Crown prosecutors

ANSWER: a

38. What is the primary role of law?

- a. to determine how society will evolve
- b. to ensure that individuals have rights
- c. to regulate some aspects of criminal behaviour
- d. to govern all aspects of human activity

ANSWER: d

39. Which of the following terms is used to describe those who lobby the state to change laws?

- a. have-nots
- b. bourgeois
- c. legislative legacies
- d. moral entrepreneurs

ANSWER: d

40. Which of the following best represents the implications of powerful transnational corporations?

- a. They increase the power of the state.
- b. They decrease the power of the state.
- c. They do not affect the power of the state.
- d. They lead to monopoly.

ANSWER: b

41. According to Reasons (1981), the Ford Pinto design problem was an example of which of the following?

- a. crimes without victims
- b. victims without crimes
- c. crimes with victims
- d. neither crimes nor victims

ANSWER: b

42. Which of the following statements exemplifies the argument that laws alone cannot always control behaviour?

- a. Advisors could not always force compliance with recommendations they made to resolve a dispute.
- b. Feudal lords developed a body of law to deal with disputes after they consolidated power in England.
- c. Norman kings saw themselves as the injured party when a crime was committed.
- d. Transnational corporations are often successful in pressuring governments to be exempt from certain laws and regulations.

ANSWER: d

43. While harm to individuals in the workplace is often classified as accidental, some believe assault charges should be laid. Why is this not the general practice?

- a. it is too difficult to prove who committed the crime in the case of large corporations
- b. there is no mechanism in the Criminal Code to charge corporate leaders with offences

## Chapter 2 - The Social Context of Dispute Settlement and the Rise of Law

- c. the state must balance harm done to individuals with the need to keep corporations running in order to employ many
- d. harm to workers and the public is very rarely caused by the practices of large corporations

ANSWER: c

44. When a nation-state is ineffective in ensuring peace, security, good government, and protection from harm to large portions of humanity, which of the following is most negatively affected?

- a. common law      b. rule of law
- c. sovereignty      d. stratification

ANSWER: b

45. The textbook discusses how the interests of corporations have been given a higher priority than those of all other members of society. Which of the following are implications of this?

- a. mandatory minimum sentences for executives of corporations that break the law
- b. increased harm to workers, consumers, and the environment
- c. increased regulations to prevent street and environmental crimes
- d. the inability of corporations to maintain their competitive positions in the global marketplace

ANSWER: b

46. Which of the following is a key characteristic of restorative justice?

- a. It provides a forum for corporations to voice their needs.
- b. Offenders have a more significant role in the process.
- c. Retribution is the ideal outcome.
- d. The state provides clearer sentencing guidelines.

ANSWER: b

47. Within the context of the overall theme of Chapter 2, what is the significance of the restorative justice dispute settlement processes?

- a. It epitomizes how the state now controls the settlement of disputes between individuals.
- b. It represents a dispute settlement mechanism that was commonly used in pre-modern societies.
- c. It has been shown to be ineffectual in modern complex societies in resolving disputes between individuals.
- d. It is the culmination of the tough criminal laws imposed by the state and enforced by the criminal justice system.

ANSWER: b

48. Which of the following violates a principle of restorative justice?

- a. helping communities reintegrate victims and offenders
- b. restoring social relationships
- c. having judicial figures make key decisions
- d. reconciling offenders with those they have harmed

ANSWER: c



## Chapter 2 - The Social Context of Dispute Settlement and the Rise of Law

49. For most of human history, people have used laws to resolve disputes.

- a. True
- b. False

ANSWER: False

50. Social context is fundamentally important in understanding the existence and operation of different dispute settlement systems.

- a. True
- b. False

ANSWER: True

51. In order to understand social order, criminal law should be seen in an historical and social context that considers the full spectrum of dispute settlement practices

- a. True
- b. False

ANSWER: True

52. In criminal law, the state declares itself the injured party based on the type of offence.

- a. True
- b. False

ANSWER: True

53. In small-scale societies the adversarial system of justice thrived until industrialization was introduced.

- a. True
- b. False

ANSWER: False

54. In small-scale societies individualism was critical to the survival of members.

- a. True
- b. False

ANSWER: False

55. In hunting and gathering societies, influence was based on access to material resources.

- a. True
- b. False

ANSWER: False

56. In small-scale societies, disputes were exclusively settled by the political authority in that society.

- a. True
- b. False

ANSWER: False

57. There are no real differences between small-scale societies and complex industrial societies as far as dispute settlement is concerned.

## Chapter 2 - The Social Context of Dispute Settlement and the Rise of Law

- a. True
- b. False

ANSWER: False

58. Women played a significant role in resolving disputes that arose in small-scale societies.

- a. True
- b. False

ANSWER: False

59. The rule of law has become a primary force in controlling behaviour in modern societies

- a. True
- b. False

ANSWER: True

60. Peasants and workers were the driving influences behind how early Parliament was formed.

- a. True
- b. False

ANSWER: False

61. The power of the state is so unchallenged that laws are rarely shaped by special interests in society.

- a. True
- b. False

ANSWER: False

62. Canada is one of the few nations that does not recognize sexual assault by a spouse to be a crime.

- a. True
- b. False

ANSWER: False

63. Transnational corporations remain some of the easiest interest groups to control and regulate through laws.

- a. True
- b. False

ANSWER: False

64. The ability of a state to maintain authority is only as good as its legitimacy in the eyes of citizens.

- a. True
- b. False

ANSWER: True

65. There are no real similarities between restorative dispute settlement processes today and those in existence in small-scale societies of the past.

- a. True
- b. False

ANSWER: False

## Chapter 2 - The Social Context of Dispute Settlement and the Rise of Law

66. The restorative justice approach in Canada is currently limited to Aboriginal communities.

- a. True
- b. False

ANSWER: False

67. Advocates of restorative justice seek to return the focus of the justice system to repairing the harm that has been done to the victim and the community.

- a. True
- b. False

ANSWER: True

68. The restorative justice approach helps empower the victims of crime in any community by increasing their participation in the dispute resolution process.

- a. True
- b. False

ANSWER: True

69. Identify and discuss at least three differences between small-scale societies and complex industrial societies.

ANSWER: Answers will include some or all of the following elements.

1. The small-scale society existed pre-state and all members were considered equal. Once the state evolved, a hierarchy developed so that there were individuals with more power and control than others and this impacted laws, production, status, and all other aspects of social life.

70. Relationship to the mode of production. Small-scale societies were primarily involved in hunting and gathering and all individuals played a key role in acquiring, sharing, and consuming goods for survival and prosperity for all. Once the structure shifted there were classes created and a more individualistic focus began. 3. Dispute resolution in small-scale societies was conducted through cooperation and kinship ties and various methods were used to keep the peace. Ultimately, no one individual had more power than another because no one had a surplus of goods and it was in everyone's best interests to keep the peace for survival. Once the state evolved, disputes were resolved by the state with power residing with individuals who had power and status.

PTS: 1 REF: The Social Context of Dispute Settlement and the Rise of Law; The Transformation from Small-Scale Society to the State Key: Bloom's Higher Order

2) Identify and discuss the nature of community-based dispute resolution processes in small-scale societies, and those controlled by the state in more complex societies.

ANSWER: Answers will include some or all of the following elements.

- Community-based dispute resolution: focuses on restoring order, which can enhance productivity among community members and contribute to positive relationships, allows all members of the community to be involved, and provides opportunities to ensure survival of all members of society.
- State-controlled dispute resolution: removes the community-level involvement; provides a controlled approach that results in clear penalties laid out for those who have broken laws and follows guidelines set by the elite members of society that often serve their interests more than those of the lower classes.

## Chapter 2 - The Social Context of Dispute Settlement and the Rise of Law

71. Describe the nature of dispute resolution among traditional Inuit and Ojibway.

*ANSWER:* Answers will include some or all of the following elements.

- The village was called together to consider a hypothetical event that may happen in the future and all present were asked to consider how this might be handled peacefully.
- The victim and offender or “miscreant” were further called before an Elders Panel and asked for their views on appropriate compensation.
- A private meeting with an Elder was conducted to complete the process of restoration of each participant to the community.

72. What were the most common reasons for disputes in small-scale societies of hunter-gatherers and how were they typically resolved?

*ANSWER:* Answers will include some or all of the following elements.

- Some common causes of disputes included adultery, failure to honour marriage agreements, the taking of women by the enemy, improper distribution of food or other resources, theft, murder, laziness, and stinginess.
- Resolution was most commonly sought through self- or kin-based redress that could include discussion between the victim and perpetrator or violence at the other extreme. - Advisors were used occasionally as well and this involved seeking out a distinguished member of the community to make a recommendation.
- Ultimately, the goal was peaceful resolution and restored harmony.

73. How has the emergence and consolidation of social and economic power in human societies influenced dispute settlement systems? More specifically, how has it influenced the emergence of the rule of law as the primary mechanism through which disputes have increasingly been resolved in most societies?

*ANSWER:* Answers will include some or all of the following elements.

- With transformation of hunter-gatherer societies into pastoral, horticultural, agricultural, and industrial societies, the emphasis on face-to-face conflict resolution decreased. Accumulation of goods, wealth, and power by a few led to a change in social order as the elite became influential on decision making and laws were created to protect their interests.
- The accumulation of property also increased instances of theft. The merchant class was eventually supported by the Crown and a reciprocal relationship was established to protect the class position and fortunes of the merchant class in exchange for their support of the legislative and judicial power of the Crown.

74. Discuss how the dispute settlement mechanisms in small-scale society were geared to the needs of that particular society.

*ANSWER:* Answers will include some or all of the following elements.

- Small-scale societies were collectivistic as opposed to individualistic and dispute-resolution methods reflected this.
- Dispute resolution was largely left to community members to address on their own and resolutions were geared to restoring harmony. Given the reliance on all members of the community to participate in all aspects of life geared to survival, there was no time or room for discord as everyone was valued.

75. Based on information provided in the chapter, discuss the role of women in small-scale societies with regard to disputes and their resolutions.

## Chapter 2 - The Social Context of Dispute Settlement and the Rise of Law

*ANSWER:* Answers will include some or all of the following elements.

- Many disputes in small-scale societies centred around women.
- Women were considered valuable to production and survival so any issues involving marital infidelity or enemies taking women were treated with the highest concern.
- They were seen as assets to control and there was great interest in preserving their role in communities.
- They were not, however, used as advisors to dispute resolution. Men, apparently, held this role predominantly.

76. Describe changes in dispute settlement that occurred in England with the arrival of the Norman kings.

*ANSWER:* Answers will include some or all of the following elements.

- Norman kings gradually accumulated power by controlling more land and as a result they were seen as the harmed parties in disputes.
- The notion of “the Crown” as injured party came with the notion that it was the “King’s peace” that had been disturbed.
- Compensation was paid to the Crown rather than to the kinship groups and distancing the justice system from the individuals in the community to be governed by a central authority.

77. The merchant class supported the aspirations of the Crown in England during the Industrial Revolution. Explain what the advantages of this arrangement were for both parties.

*ANSWER:* Answers will include some or all of the following elements.

- The Crown had the power to create laws and to dispense justice using these laws but the breakdown of the feudal system meant a decline in revenue from taxes.
- Negotiations took place with merchants where land was used as collateral for loans at a time when merchants were gaining power through trade expansion.
- The state, staffed by the merchant class, would define the social order and Parliament would pass laws.
- Ultimately, the merchant class supported the Crown in exchange for legal mechanisms that would strengthen their class position and increase their fortunes.

78. Using two examples, illustrate the impact of interest groups on legislation. Indicate the nature of the legislative change or lack of change, the specific interest groups involved, and the way in which the interest group was able to influence legislation.

*ANSWER:* Answers will include some or all of the following elements.

- Feminists lobbied against laws that protected men and defined women and children as property of men.
- Sexual assault became recognized as a crime against the woman who was victimized rather than against the male figures in her life (father, brothers, husband), and husbands can now be charged with raping their wives.
- Attempts to control amphetamine production failed because of the power of a group that gave large donations to political campaigns to stop any changes.

79. Explain the term “moral entrepreneur” and give an example of one, with rationale.

*ANSWER:* Answers will include some or all of the following elements.

- Moral entrepreneurs use lobbying and public pressure to change legislation. This is often done using moral arguments about good and bad and often focuses on issues that are not agreed upon by

## Chapter 2 - The Social Context of Dispute Settlement and the Rise of Law

all.

- An example is gun-control lobbyists who argue either that guns require greater control through legislation and penalties or that individuals are entitled to make their own decisions and have the right to carry guns. Both sides base their arguments around notions of morality, rights, and the greater good.

80. Define “transnational corporation” and describe how the actions of some manage to transcend laws that are used to hold individuals accountable. Provide a real-life example for illustration.

*ANSWER:* Answers will include some or all of the following elements.

- Transnational corporations operate across nations, and this makes it difficult to determine which laws they are required to abide by and how they are to be held accountable and by whom.
- - Additionally, it is difficult to determine who to prosecute since it is difficult to track accountability for decisions and actions down to one or several individuals in large corporations.
- - The text provides the example of the Pinto car; there also are examples of mining deaths, oil spills, and pollution dumped in waterways for which it is challenging to ensure accountability for harms done.

81. Despite the move away from small-scale conflict resolution and the emphasis on solutions that restore order in a community, there is still a need to ensure that all citizens respect the rule of law and the solutions reached. If this respect erodes, the text asserts that citizens may become unwilling to comply with state rules. Describe an example of a potential issue that may result in the erosion of confidence in the state.

*ANSWER:* Answers will include some or all of the following elements.

- Corporate dumping of chemicals into water and land resulting in disease that is not monitored or penalized by government.
- Extreme income disparity such that the rich are getting rich and the poor are getting poorer without resources to change their fate.

82. What does it mean to say that a society is “tough on street crime, but soft on suite crime?”

*ANSWER:* Answers will include some or all of the following elements.

- The state must be seen as providing protection from harm, safety, and guidance, and all must be equal under the law. Where this is not the case based on status, power, and prestige, victims may not have the voice to seek redress.
- - A system that supports the “haves” rather than the “have-nots” creates disparity in how crimes are defined and how our justice system treats those who have been victimized or broken the laws.
- - Corporations, along with the wealthy, powerful, and prestigious, have a different experience in the criminal justice system than those with fewer resources or the ability to advocate for themselves.

83. Outline the main assumptions of a restorative justice approach.

*ANSWER:* Answers will include some or all of the following elements.

- As with small-scale dispute resolution from the past, restorative justice seeks to restore relationships and to heal communities.
- Repairing harm is a priority that is believed to lead to safer and more productive communities as opposed to simply punishing an offender and ignoring the voice and rights of victims.