

Sociology 4099: Victimology

Lecture Notes Week 1:

Victimology: Past, Present and Future:

Today, as an introduction to this course, I will be giving you a general overview of victimology, past, present and future.

A Brief History:

Early victimological notions were not developed by sociologists or criminologists, but by poets, writers and novelists (such as Thomas deQuincey, Khalil Gibran, Aldous Huxley, Franz Werfel - even the Marquis de Sade!) The first systematic treatment of crime victims appeared in 1948 in Hans Von Hentig's book The Criminal and His Victim, where, in contrast to the static, unidimensional view of the offender that had dominated criminology to that point, he suggested a new dynamic approach that pays equal attention to the criminal and the victim. Specifically, he focused on the interaction between offender and victim, and the possible contribution of the victim to the final result (e.g. either by inciting or provoking the offender, or by fostering a situation likely to lead to the commission of a crime). Von Hentig's book was followed by a number of studies that dealt with victim types, victim-offender relationships, and the role victims play in certain types of crimes (e.g. assault, robbery, fraud, and blackmail).

The term victimology was coined in 1948 by American psychiatrist Frederick Wertham, who used it in his book The Show of Violence and stressed the need for a science of victimology.

During the early years, literature on crime victims remained relatively small when compared to criminology, and the need to thoroughly study victims largely escaped the attention of criminologists for over a century. In the 1970's, individual studies of the victims of specific crimes began to be overshadowed by large-scale victim surveys which transformed the micro approach into a macro approach. Their primary purpose was to determine the volume of victimization, identify the victim population, and establish the socio-demographic characteristics of crime victims. While useful to the study of trends and patterns in victimization, and to the analysis of the social and spatial distribution of some types of crime, these revealed very little about the social and personal settings in which these crimes took place. Such surveys were of limited value in understanding the psycho and sociodynamics of criminal behavior, the process of victim selection, victim-offender interactions, the victim's dynamic role in various crimes, and so forth.

During the 1980's, however, a great wave of important books increased the stature of this topic such that, at present, the study of crime victims has become an integral part of criminology. Currently, the need to consider victims of crime in criminological studies may appear obvious and axiomatic, but the nature, importance and standing of victimology continues to generate a

great deal of comment and controversy (e.g. Rock called it a “relatively amorphous discipline”/ Cressey a hodgepodge of ideas, interests, ideologies and research methods”). Nevertheless, victimology has the potential for reshaping the entire discipline of criminology

In the last 25 years, victimology has undergone a major transformation. Early victimology was concerned almost exclusively with causal explanations of crime and the victim’s role in those explanations. The theoretical framework proposed by Von Hentig focused mainly on characteristics of victims, their relationships and interactions with their victimizers, and the analysis of victim behavior as a situational variable (i.e. as a triggering or precipitating factor). This guided the pioneering research carried out between the 1950's and 1970's. During this time, concern for the plight of crime victims could be found primarily in the modest state compensation programs to victims that began to be implemented in the 1960's.

However, as the feminist movement began to champion the causes of victims of sexual assault and domestic violence, they soon began to generate a great deal of sympathy for a largely disenfranchised group. Earlier victimology, portrayed by Clark and Lewis (1977) as “the art of blaming the victim,” began to change. A new focus for victimology soon took shape: helping and assisting crime victims, alleviating their plight, and affirming their rights. A political movement was born and victimology became increasingly defined and recognized through its applied component. In some respects, victimology shifted from an academic discipline to a humanistic movement; from scholarly research to political activism. This served to refocus the notion of criminality on conventional crimes that had a direct, immediate, tangible victim (e.g. sexual assault as opposed to corporate crime), as well as fostered a “get tough” approach in criminal justice policy.

The decades of the 1980's and 1990's could best be described as a period of evolution and consolidation for victimology. In the last few years it has become firmly established on the academic scene, with a substantial increase in the number of universities offering courses, the number of victimological books, periodicals and articles published, the emergence of a number of national and regional societies of victimology, and international symposia now being held once every three years. Indeed, the General Assembly of the UN formally approved “A Declaration of Basic Principles of Justice for Victims of Crime and Abuse” in 1985. Finally, the last twenty years have seen the creation and extremely rapid expansion of victim assistance programs all over the globe - where they were essentially unheard of before.

Victimology Today:

Victimology today can best be described in terms of seven topics, each of which will be dealt with in turn:

1. Data gathering and theory formulation;
2. Theoretical models;
3. New Legislation;
4. Victim Compensation;

5. Offender restitution;
6. Victim-offender mediation; and
7. Victim Services.

1. Data gathering and theory formulation: One of the tasks of victimology is to collect empirical data on crime victims, chiefly through victimization surveys. These are conducted at local, regional, national, and international levels, with some being carried out on a regular basis. Each of these provide a wealth of information, allowing for a thorough analysis of the temporal and spatial patterns and trends in various types of victimization. As well, they can be used to measure things like fear of crime, satisfaction with police action, reasons for not reporting the incident to police, the consequences of victimization, etc. They may also examine the measures taken by respondents to prevent certain types of offences, or to minimize the chances of future victimization. Some have even attempted to examine whether there is an interrelationship between victims' offending acts and their victimization.

Despite the methodological and practical problems of these surveys, they have allowed researchers to collect a huge amount of data that is rich in variety and detail. Thanks to victimization surveys, we now know that criminality and victimization are clustered within certain groups and certain areas, and that there is much greater affinity between offenders and victims than has been commonly believed. This is not to say that all victims of crime share the attributes of their victimizers. It is only to stress that the two populations have several common characteristics (e.g. disproportionately male, young, urban residents, of lower socioeconomic status, unemployed, not in school, unmarried, and - in the U.S. - Black). Victimization surveys reveal that victims disproportionately share these same characteristics - indeed are strikingly similar. As well, several researchers have discovered that victims and offenders in crimes of assault are related in terms of shared responses to perceived situations of physical or psychological threat. The frequency with which some individuals become involved in violence-prone situations will affect both their chances of using violence and of being recipients of violence. Who will end up being the victim and who will be legally considered the offender depends, quite often, on chance factors rather than deliberate action, planning or intent. Thus, victim/offender roles are not necessarily antagonistic, but are frequently complementary and interchangeable.

An important development in comparative victimology has been the implementation of standardized victimization surveys across international borders - in an attempt to avoid the problems of comparing data collected by means of different instruments using different methodologies. These were first used in 1989, with follow-up surveys in 1992 and 1996.

Despite this proliferation of victimization surveys and their unquestionable utility, it is not yet clear what they do measure exactly and what their long-term objectives are. Victimization is an individual, subjective, and culturally relative experience, and the feeling of being victimized does not always coincide with the legal definition of victimization. So what are victimization surveys trying to measure? These, needless to say, are two different realities, and a problem with interpreting these data.

2. Theoretical models: The wealth of data collected mainly through victimization surveys has led to various theoretical formulations. Models have been developed to offer plausible explanations for the variations in victimization risks, and for the clustering of victimization in certain areas and certain groups. Two major types of theoretical formulations have emerged: (i) Theories that emphasize socio-structural, cultural, and institutional factors; and (ii) Situation-oriented theories.

The first group emphasizes that patterns of victimization reflect the economic and power structure of a society. Socio-cultural theorists argue that marginalized, powerless minorities that have been pushed towards the edge of society are often forced into becoming victims. Structural violence and discrimination turns into personal violence (Galtung). The social pressure imposed on marginalized minorities leads to social disorganization, decay of relations and communities causing a propensity to become a victim (D. Smith, G. Jajoura, T. Miethe and D. McDowell). Cultural theorists add that customs, tradition, religion, and the ideology of society are the subjective form of socio-structural victimization, since the structure of the economy and the system of power influence views, value concepts, and the stereotypes of a society (Berrill, Schulthess, and Hunter). Finally, institutional theorists take these arguments one step further, and look at the functioning of institutions within such a power structure, and how the bureaucratic procedures, uneven power distribution, and management styles within such institutions function to victimize those being “served” by staff. Essentially, these structural theories focus on power relations to explain the data and predict victimization.

The second group, situation-oriented theories, focuses more on specific, contextual interactions between victims and offenders than structural variables. For example, there is the controversial concept of victim precipitation (Wolfgang, 1958), which sees the origin of victimization in a misguided *offender-victim interaction* where victim behavior is *misinterpreted* by the offender. Similarly, *lifestyle theories* (Garafalo, 1978) assert that victimization is associated with certain lifestyles, with constantly recurring behaviors where one is exposed to situations bearing a high risk of victimization. This has evolved into the routine activity theory (Cohen and Felson, 1979), which asserts that three elements are essential for victimization: the existence of motivated offenders, the presence of a suitable target object for criminal action, and the absence of persons effectively able to protect the target against a violation of the law. The central factors underlying this approach are opportunity, proximity/exposure, and facilitating factors. A number of variations on these situation-oriented models have emerged, such as the opportunity model (Cohen et.al, 1981), the Dutch model (Van Dijk and Steinmetz), and the comprehensive system proposed by Fattah (1991).

3. New Legislation: In addition to the empirical and theoretical developments noted, there has been a flurry of victim legislation in recent years throughout the world. Since the passage of the UN Declaration, so-called Victims’ Bills of Rights have been passed in many countries and territories. Indeed, despite an unsuccessful attempt to change the U.S. Sixth Amendment to provide a legal basis for protecting victims’ rights, almost every American State has passed statutes acknowledging basic rights for victims (e.g. the right to be notified about and to participate in judicial proceedings, to promptly get back recovered property, to be protected from

intimidation and harassment, and to receive restitution or compensation). Similar legislation was passed in Canada, Australia, Britain and other European Countries.

Of course, such initiatives have not been without their critics - from a number of perspectives. One particular initiative that received a great deal of criticism is the victim impact statement, which is designed to allow victims some input in the court's decision by providing a statement of the impact the victimization had on their lives and their families. It was argued that these compromise the objectivity of the judicial process, and, for that reason, was not adopted in parts of Australia, and has been the subject of constitutional wrangling in the U.S. as ostensibly violating the Eighth Amendment.

4. Victim Compensation: Redress to crime victims in the form of monetary compensation by the state was the first attempt in recent history to alleviate the plight of crime victims and to improve their lot. This began in New Zealand in the 1960's, and quickly spread to Britain, the U.S., Canada, and throughout the world.

Most programs have been operating for more than a quarter of a century and many have been subjected to varying kinds of assessments and evaluation. Essentially, these have revealed that action has not matched political rhetoric. Economic hardships and budgetary restraints have greatly limited the scope of compensation as well as the number of victims who receive help. The evaluations suggest that the sums victims get from the schemes are, for the most part, token amounts, and that the programs in reality fulfil no more than a symbolic function. Only a very tiny proportion of victims end up receiving any compensation, and, for those who do, it is more often than not too little and too late. Indeed, those who apply for and go through the compensation process - even those who end up receiving some funds - have been found to be less satisfied than those who do not apply.

For example, most victims of property crime are excluded from state compensation, but do not have and cannot afford private insurance. In 80% of cases the offender is neither identified nor caught - and the few that are arrested, charged and convicted are frequently so poor or insolvent that nothing can be obtained from them through a civil judgement. Moreover, in most cases the collection of criminal fines takes priority over the payment of civil damages or restitution/compensation orders.

In cases of violent crime, for which these schemes were primarily designed, the conditions of eligibility are so tight that only a small fraction qualify. In most systems eligibility is contingent upon reporting the offence and the victim's willingness to cooperate with the criminal justice system. Many have a means test ensuring that compensation is only given to the poorest of the poor. Most exclude violence among family members, and many mitigate or exclude victims who provoke or otherwise contribute to their own victimization. There is also a high minimum limit set below which victims do not qualify. The burden of proof is on the victim, and it is often very difficult to prove that the injury resulted from a criminal attack when there are no witnesses and the offender has run away. Moreover, most funds do not provide funds to compensate the victim's emotional pain and suffering. Not only do a large number of

victims not qualify because of these restrictions, many are deterred from applying by the lengthy bureaucratic procedures, the investigative process, and the fact that many victims are simply unaware of the existence of these programs. Since, in many jurisdictions, the programs are poorly funded, and the budget is determined in advance, there are deliberate attempts not to publicize these programs. As such, the few successful applicants end up receiving minuscule amounts as compensation for their victimization.

Yet, in spite of the lip service that is paid to crime victims in these programs, several governments have decided to increase the resources available by transferring some of the burden to offenders. This is done through a levy called a victim fine surcharge, which is imposed on those offenders who are sentenced to a fine.

5. Offender restitution: Restitution by the offender to the victim was one of the earliest forms of redress given to those who suffered injury or harm through the actions or negligence of another (Wergild). This has recently reemerged as a means of redress in property offences as well as in violent crimes. The problem is that the vast majority of offenders are either unemployed or do not have the financial means that would make it possible for victims to collect restitution. As well, in many countries, the collection of penal fines takes precedence over restitution orders. As such, financial restitution figures in only a small proportion of cases, and it is doubtful whether, in the near future, it will become a viable alternative to state compensation as a means of redress to the victim.

6. Victim-Offender Mediation: Another important development in recent years has been the rediscovery of restorative justice. Widely practiced in small, agrarian, rural societies, restorative justice has a long and rich history in the aboriginal communities of Australia, Canada's First Nations and Inuit communities. Quasi-universal disenchantment with the punitive, retributive justice system encouraged those calling for justice reform to seek alternatives to the current system of punishment. In 1977 Nils Christie published Conflicts as Property, in which he explained that the root problem of the system is that conflicts were stolen from their legitimate owners, the victims, and became the property of professionals rather than people. This work provided a strong impetus to those calling for the replacement of the current, ineffective system with the constructive practices of dispute settlement, conflict resolution, mediation, reconciliation and reparation. Advocates of restorative justice point out that in addition to its devastating effects on offenders, their families, and the larger society, the current system of punishment serves to intensify the conflict rather than solve it.

Spearheaded by the Mennonite Church, victim-offender reconciliation programs were set up in Canada and the U.S. in the mid 1970's, and then spread to many other countries - rapidly growing in popularity. The early programs have now been in existence for over 20 years, and the movement is expanding at a rapid pace - even here in N.S.

However, despite the appeal and popularity of the notion of victim-offender mediation, the goal of reconciliation proved to be difficult to achieve in practice. In most programs the primary objective became to ensure restitution by the offender to the victim and to see that the

offender fulfil the obligations agreed upon in the mediation agreement.

7. Victim Services: The last 20 years have witnessed an unprecedented development in the field of victim services. The expansion of service programs for victims of crime in the U.S., Canada, the U.K. and many other countries has been nothing short of phenomenal. In 1990 Davis and Henley estimated the number of programs in the U.S. to be over 5000, where 20 years earlier there were none.

Most assistance programs, particularly those housed in police departments, refer victims, according to their needs, to existing services within the community. Some provide special assistance to certain categories of victims, such as victims of sexual assault, child victims, victims of family violence, etc. Rape crisis centres and shelters for battered women are currently operating in many places. Overall, the two most important services provided by victims assistance programs are information and moral support.

Despite enormous strides, much remains to be done. Victim support remains a “grassroots,” low budget enterprise that relies on the good will and hard work of volunteers. Moreover, major projects aimed at fulfilling victims’ needs were often set up without regard to, or even investigation into victims’ expressed needs (Willmore and Duff, 1985). Considering this, some have argued that victims’ interests were never the motivating force behind new initiatives (Rock, 1990). Some have argued that victims were merely being used by a right-wing, law and order constituency to further their agenda (Mawby and Gill, 1987); others that victims services really serve official needs, not victims’ needs (Elias, 1983).

The Future of Victimology:

In what follows, I will review Fattah’s (2000) assessment of future trends in victimology under 5 headings:

1. Towards a realistic approach;
2. A growing emphasis on research, particularly qualitative research;
3. A declining need for advocacy and partisan ship;
4. The demise of therapy; and
5. The future of the restorative justice system.

1. Towards a realistic approach: Fattah predicts that many of today’s young activists will eventually realize that some of their well-intentioned demands are neither reasonable nor practicable, and would, if implemented, likely lead to an unfair, unjust, and one-sided justice system. Instead, he predicts many in the victim movement will become more pragmatic in their approach - much as many of the “new criminologists” of the 1960’s and 1970’s have given way to “left realism” and “radical realism.”

He argues, for example, that the current dominant view in victimology of a guilty offender and an innocent victim will slowly give way to the more realistic and empirically

defensible view of two human beings caught in a web of intricate social relationships and human emotions. Correspondingly, he argues that “harmful vindictiveness” will make room for a more balanced community response. Moreover, not claiming “excessive” rights for victims will not politically jeopardize the implementation of those that are more fundamental.

Fattah argues that such realism will lead to the redefinition of the subject matter of victimology, away from the political and ideological movement it has been in danger of becoming. Instead, he sees it moving towards a truly scientific enterprise that gathers its data using acknowledged research methodology, and bases its action on scientific theory, not on political ideology.

2. A growing emphasis on research, particularly qualitative research: Fattah argues that political activism to affirm victims’ rights and to improve their lot has left research lagging behind. He states: “One has to wonder why it is that when the field of victims services is flourishing, research on the effects of victimization and on the impact of victim assistance is hard to come by. And yet it seems obvious that individualized care, individualized assistance, and personalized treatment or counselling require a profound knowledge of the differential impact of victimization and the differential needs of crime victims. Clearly this is an area that offers golden opportunities for original, empirical qualitative research, but it is not by any stretch of the imagination the only one. Being a young discipline, many areas of victimology remain virgin territory and have yet to be explored by inquisitive and adventurous researchers. The coming years will witness a growing realization that action not backed by research is a mere ideological exercise, and that practice not grounded in theory is dangerous and potentially harmful. An obvious need for solid empirical research will make itself felt.”

Fattah argues that the type of research most urgently needed is qualitative in nature. Traditional, quantitative victimization surveys will probably lose much of their popularity due to the fact that the additional knowledge gained from the repetition of these surveys, particularly at short intervals, will not be sufficient to justify the mounting costs. It will be argued that the large sums spent on these could be better spent to fund much needed qualitative research, or to add to the resources of poorly funded victim assistance programs.

3. A declining need for advocacy and partisan ship: Fattah argues that the phenomenal success of the victims movement in focusing attention on the plight of crime victims has resulted in many concrete changes, from consciousness-raising to institutional reforms. It is just this success, he argues, that will reduce the need for partisanship and advocacy so notable throughout the 1980's and 1990's. Instead, he predicts that efforts, energies and funds will gradually and slowly shift to the areas of victim assistance and victim support. “The ideological fights of the past are bound to give way to sound, objective, non-biased, and non-partisan research. This research will be aimed at finding better and more effective ways of helping victims, alleviating their suffering, and preventing their future victimization.”

4. The demise of therapy: Fattah comments that recent empirical developments indicates that “victim therapy” contains the risk of unintentional harm. As such, he predicts that, “despite the

vested interest and the enormous financial and professional benefits that a huge army of therapists currently reaps from ‘treating’ victims, I can safely predict the demise of victim therapy in the not too distant future.” He compares this to the once extremely popular theme of treating (and thereby rehabilitating) offenders, which has largely fallen into disrepute. Instead, he asserts that the natural healing powers of the human psyche that are being interfered with, and hindered by professional therapies, are bound to reaffirm themselves...Reinforcing the natural healing powers of the psyche, strengthening the family and social networks of potential and actual victims, will be seen as preferable for alleviating human suffering rather than the current ‘healing enterprise.’”

5. The future of the restorative justice system: Finally, Fattah predicts that the future of victimology will largely depend on the extent to which the paradigm of restorative justice is accepted and implemented. As societies are continually evolving and changing, justice paradigms must change as well. Fattah argues that the traditional goals of expiation and atonement will not be in harmony with the post-industrial society of the 21st century. Instead, the notion of risk and harm are gradually replacing those of evil, wickedness, and malice, and are bound to become central concepts in the social and criminal policies of the future. Future policies of crime control will largely be based on risk assessment, risk management, risk coverage, risk reduction, and risk prevention. The measurement of harm: physical, material and mental, will likely become the central component of the social reaction to crime. The primary aims of such a response will be redress, reparation, and compensation. All of these fit neatly with the restorative justice paradigm.

Fattah argues that such a paradigm shift will have a profound impact on the victimology of the future. Whereas in the past two decades victims of crime have been exploited by “law and order” types to pursue get tough approaches; they have been dismissed by others as vengeful, vindictive, and even bloodthirsty. Such use and dismissal of crime victims is a caricature that does little justice to the actual people involved. While some may suffer so that they demand retribution, this cannot necessarily be said of many crime victims whose primary goals are healing, recovery, redress, and prevention. Thus, if the primary purpose of social intervention is to restore peace, redress harm, heal injury, and prevent repetition of the offence, then it is easy to foresee the application of the restorative justice paradigm as the way of the future.

In the end, Fattah asserts that the policies advocated by victimologists in the future, as well as victimological practice and action, will be very different from those of yesteryear and today. “If there is a safe prediction to be made about victimology of the future, it is that it will become a truly scientific discipline and a truly humanistic practice.”

References:

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