

VICTIMS STILL

THE POLITICAL MANIPULATION
OF CRIME VICTIMS

Robert Elias

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To Jennifer and
to my grandmother, Madeline

Preface

T.S. Eliot wrote about times when “we had the experience but missed the meaning.” This aptly describes what has happened with policy initiatives for crime victims over the last dozen years. By all appearances, this was a time when victims were finally taken seriously, when a flurry of new rights and services would lead to concrete improvements in victims’ treatment. More important, these developments would reduce the victimization that people suffered from both crime and the criminal process.

Seeing those hopes fulfilled was the experience of sincere and hard-working victims’ advocates in the 1980s and early 1990s. But the real meaning of these initiatives leaves us with a far more depressing reality. Most victim policy has fallen far short of the substantive changes we had hoped for, and criminal victimization continues at alarming levels. The revolution in crime control, which was built around restoring the victim’s role, has not succeeded. There is evidence that officials never thought it should.

The real meaning of the last dozen years has everything to do with what most officials really want. They have wanted greater state control and a new dose of law-and-order crime policies. That is exactly what they have gotten. To achieve this end, they have been quite willing to use crime victims to help rally their cause. Behind the flurry of new policy and the very few victims’ initiatives of any real substance, the real political agenda was to enhance conservative crime policies and social policies. As we will argue here, the real meaning of this experience is that victims have been politically manipulated. As a result, victims are victims still.

In the early 1980s, in *The Politics of Victimization* (Oxford University Press), I developed a theory—with the help of many others—about the likely manipulation of crime victims by government officials. While the theory seemed correct, based on limited information, I lacked the results of what was to become the apparent heyday for victim policy during the remainder of the 1980s and the early 1990s. Now the results are in, gathered not so much by me but by closer and more astute observers (whose research I will review herein) who had high hopes—and now have strong doubts—about whether the victims' movement has been successful after all. If the message of victims' manipulation was not absorbed before, then it will simply have to be sent again.

Many people will hate this book. Certainly I am critical of the conservatives who have held power these many years, but I am equally as critical of liberals. Criminal-justice personnel will not appreciate what I am saying even though I argue that they, too, have been frequently victimized by the law-and-order status quo. Dedicated victims' advocates will not want to hear what I have to say about the results of all their hard work; and most victimologists and criminologists will not agree with me that our work should be broader and take social conditions more seriously. Even some feminists might deplore my rejection of more force as the means to end male violence. Most important, victims might dislike this book, especially those who believe so deeply in the apparent gains that have been made over the years.

If I am wrong, then those who disagree will be little bothered by my faint words. If I am right, then perhaps these words will provide food for thought for fundamentally redesigning not only the victims' movement, but also our culture generally. We should not be fooled by existing victim policy, and rather than amiably bidding our problems goodbye—as if they either have been solved or cannot be solved—we should find ways to take those problems more seriously and embrace alternative policies that will get rid of them once and for all.

Although writing is often a lonely endeavor, I have several people to thank for their direct and indirect support. I am very thankful to Jennifer Turpin for her personal and intellectual support. I am grateful to my friends Bill Hoynes, Valerie Forman, Deirdre Burns, Maryanne Wolf, Andrea Oseas, and Susan Brisson. I would like to thank my University of San Francisco colleagues Lois Lorentzen, Miriam Felblum, Richard Kozicki, Scott McElwain, Roberta Johnson, Tony Fels, and Else Tamayo. Many thanks also to the university's Faculty Development Committee and especially to Uldis Kruze for a grant that helped me complete this research. I appreciate the help provided by

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I would like to thank members of my family for their encouragement, including André Elias, August Elias, Patricia Barcel, and Madeline Foran.

Robert Elias
Berkeley, California

*Everything that needs to be said has already been said. But since
no one was listening, everything must be said again.*

ANDRÉ GIDE

*Americans never solve any of their problems; they just
amiably bid them goodbye.*

GEORGE SANTAYANA

*But in a free country you cannot fool all of the people all of the
time. Some of them will have a talent for fooling themselves, and
they will insist on exercising it.*

AUBREY MENEN

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1

Still Victims After All These Years

Americans are so demoralized and self-degraded, you could throw them into a stewpot and they'd stand up and salt themselves.

Gary Indiana

Promises, Promises

As I write, the City of Angels is burning. A dozen years ago, Ronald Reagan launched new, get-tough policies that unleashed police departments across the nation. Seven years later, George Bush defeated Michael Dukakis for the presidency on the strength of his racist Willie Horton ads, further escalating our violent response to crime.

These policies were rationalized in the name of crime victims. More law and order—a tougher official stance—would protect victims and end the scourge of crime. Almost four years after Bush's election, Los Angeles exploded in reaction to years of official neglect toward the social victims of American culture (Davis, 1992). The riots were sparked by yet another incident in a long pattern of police brutality—a direct product of the White House's promotion of official violence. Rather than convicting the offending officers—whose videotaped beatings so conclusively proved their guilt—the Simi Valley jury instead saw in Rodney King their worst fears: a black Willie Horton terrorizing white cops and white communities. A city erupted; the president solemnly deplored the violence.

The decade of the crime victim, launched by Reagan's 1981 presidential task force, has instead produced more victims than ever, more fear of crime,

more racism and sexism, and more desperation (Messerschmidt, 1986). How does this help crime victims? Despite all the promises of the past dozen years, Americans are still victims of crime in unprecedented numbers, and are further from any real hope or solutions than ever before.

Who Benefits From Victim Policy?

Crime will always be with us, we are told. There is only one way to confront it—with force. We need more police, firepower, and punishment, even though we already lead most other nations in exercising this kind of force. Even then, we can hope to achieve only so much.

With this philosophy, we have encountered another, almost predictable, escalation of crime, highlighted by increasing brutality, drug violence, domestic abuse, mass murders, abductions, sexual assaults, and hate crimes. As with previous crime waves, we have a set of household words for the current threats: Killeen and Howard Beach, Bundy and Salcedo, New Bedford and Central Park, Stockton and McDonald's, and so forth. Although they get less press than Zsa Zsa Gabor did a few years ago for slapping a police officer, these crimes do provoke official and media reaction. Yet the reaction is always the same: We must use more force, but after all, crime will always be with us.

In the face of each new crime wave, we get the same old answers from Democrats and Republicans, liberals and conservatives alike. Conservative Republicans such as Reagan and Bush are not the only ones supporting law-and-order strategies against crime. Recently, liberal Democrat Joseph Biden successfully sponsored a new Senate crime bill. It provides no new strategies; it only intensifies what has already failed: Biden tells us the bill is the "toughest ever." What passes as "new" crime policy repeats what we have tried before: building more prisons, beefing up police forces, curbing defendant's rights, increasing penalties. So, we launch yet another war on crime to accompany our failing war on drugs.

People support these wars; but as they fail, their frustrations sometimes lead to aggression, which is the other side of the coin from the riots in south-central Los Angeles. People such as Bernhard Goetz, New York's so-called subway vigilante, launch their own violence against the problem, taking the law into their own, often racist, hands. Aside from vigilantism, people have few real alternatives to official crime policy. Victims, in particular, are frustrated.

In the last dozen years, we have tried something new to combat crime. We have shifted our focus from the crime and the criminal to the victimization and the victim. In the 1980s and early 1990s, victim policy has blossomed from the local to the national levels. Victims have been the subject of extensive new legislation that addresses victims' needs, rights, and services. We must help victims more; we must make them central again to law enforcement and criminal justice. But, to really address the victim's plight, officials predictably tell us, we must get tougher on crime and curb offender rights—even public rights generally: Increased police powers help victims the best. With this approach, we have witnessed the heyday of victim concern. Laws have proliferated, victim organizations have flourished, and victim rights have escalated. But what have the actual results been for victims?

Has legislation produced concrete improvements or has it only been symbolic? Have appropriations gone primarily to victims or instead to officials? Do new victim services help most victims or only the relative few? Has the victims' movement made a real difference for victims or has it been officially coopted? Have officials comforted victims or blamed them for their own victimization? Do harsher policies toward offenders really help victims or do they make victimization even more likely? Do crime policies help victims or do they use victims to perpetuate age-old, law-and-order ideologies? Do victims have more rights in practice or merely on paper? Are they helped or are they still victimized in the criminal process? Does victim policy help us aim at crime's root causes or does it divert us with crime's symptoms? Has the new victim policy been a sincere gesture or has it instead used victims for official objectives? Most important for victims, has victimization decreased or has it continued apace?

As we will see, it is hard to answer most of these questions positively for crime victims. Rather than offering real improvements, most victim policies still leave people victimized: by crime, criminal justice, and the political process. Victims are still manipulated after all these years.

The Political Manipulation of Victims

In the chapters ahead, we will examine how victims have been politically manipulated and what might be done to develop a more substantive and independent victims' movement.

First, we will review how officials define the crime problem. Their definitions help determine which victimization will—or will not—be taken seriously. This, in turn, profoundly affects whether victims are really taken seriously. Just as important, the public absorbs official conceptions of the crime problem largely through the media. We will show how the media, apparently lacking any memory about the anticrime strategies we have used repeatedly yet unsuccessfully, needlessly perpetuate official solutions that help increase rather than decrease victimization.

Next, we will examine the extensive new legislation that has emerged for victims, providing an array of apparent new rights and services. We will argue that those gains are far more apparent than real, and that victims have instead largely been used to promote conservative, law-and-order agendas. Then, we will examine the victims' movement, in particular, distinguishing between the "official" victims' movement—which reinforces establishment policies—and "hidden" victims' movements—which challenge the status quo, and therefore have been marginalized. Here, we can better see the weaknesses of the victims' movement in producing real change for both crime victims and other victims.

Officials repeatedly launch wars, purportedly to reduce victimization. By examining the government's most recent war on drugs, we will show how these wars not only fail to reduce crime, but also create significant new victimizations instead. Besides the violence of war, officials likewise advocate the violence of punishment. Victims are selectively enlisted in this crusade to fill ever more prisons. We will show, however, that victims do not necessarily want revenge and that harsh punishments create more, not less, victimization. In other words, victims are solicited to pursue policies that contradict their own best interests.

Finally, we will contrast the war strategy against crime with a peace strategy. We will see why officials really prefer war to peace, and how a more non-violent social justice strategy can be much more effective in reducing victimization, both social and criminal. We will end with some proposals for how to create a new American culture and thereby develop a society that produces fewer victims.

We begin by examining the public's common understanding of the nature and causes of crime. Does this perception needlessly sell us short on what can be done to significantly reduce victimization? Are conventional strategies counterproductive? Because mainstream crime policy has repeatedly failed, why do we not know more about this failure, and why do we not hear

more about the many alternatives that have been devised? Most Americans get their conceptions of crime and punishment from the media, yet the media uncritically convey official solutions that do not work. Why are the media so complacent, and how does the media's amnesia about the repeated failure of our many wars on crime help increase victimization?