

# **THE POLITICS OF VICTIMIZATION**

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**VICTIMS,  
VICTIMOLOGY  
AND HUMAN  
RIGHTS**

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**ROBERT ELIAS**

# The Theory of Victimization

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and Human Rights*

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## *Preface*

Someone once warned me that to write properly about crime and victimization, one can hardly help examining the society generally. This has been undeniably true. By necessity, I have been unable to consider victimization as a disembodied slice of the American system. Understanding victims and victimization has required more than merely analyzing criminal justice, but rather much wider social, political, and economic relations. Ultimately, I argue that we cannot understand victims apart from the American political economy.

As its title suggests, this book analyzes victims politically, an approach pursued by design, yet unavoidable (to really understand victims) regardless of my intentions. Beginning there, this work has several purposes: First, its political analysis of victims and victimization fills an obvious gap in the victimology literature. Victimology provides a valuable interdisciplinary focus, yet while many sociologists, lawyers, psychologists, and other professionals have been well represented, few political scientists have worked in the field. Consequently, victims and victimization have received little political inquiry.

Second, the book provides an introductory overview of the study of crime victims and victimization; that is, a review of victimology. We have accumulated over forty years of victimological writing and research, most of it emerging in the last twenty years. It has appeared in journals, edited volumes, conference papers, and specialized empirical studies, yet we have done little to comprehensively examine the findings and integrate them into a single analysis. This book provides that synthesis and summary for teachers and researchers. It also acts as a supplementary, introductory textbook for courses on subjects such as victimology, criminology, and legal process, criminal justice, law enforcement, civil liberties, urban studies, political economy, public policy, and human rights. Stu-

dents will acquire both an overview of the field, and a perspective that will likely challenge conventional beliefs. Ideally, the book will generate valuable discussion and debate, and be inspirational as well as educational.

Third, this book proposes a broader victimology that transcends officially defined *criminal* victimization. In particular, it traces the relationship between victimology and human rights, and advocates a "new" victimology of human rights, including victims of both crime and oppression. A society unconcerned with human rights violations, and their victims, can likewise provide little help for crime victims nor any significant reduction of criminal victimization since most crime arises in response to various forms of oppression.

This book derives from my previous work in victimology, criminal justice, and human rights. Working as a researcher with the Vera Institute of Justice's Victim/Witness Assistance Project in New York City several years ago, and then on a book about victim compensation, I began recognizing the political uses of victims, beyond the humanitarian rhetoric, and how victim initiatives very often reflect "symbolic" politics with little tangible improvement of victim rights or assistance. I have been particularly influenced here by non-Americans (not to be confused with un-Americans) with whom I have interacted in various settings. Also, from my human rights work at home and abroad, I began seeing the rights of crime victims as intimately connected to broader human rights concerns, rather than to the American law-and-order initiatives which seek to promote victim rights by restricting the rights of defendants and the general public. In examining victimology's origins, I discovered that as first conceptualized, it too stressed human rights, and not merely criminal victimization. This book strives to recapture those early conceptions.

Since I have been inspired by many people's work, and since this book overlaps at least political science, political economy, human rights, and criminal justice, as well as victimology, I have many people to thank. I do so gladly.

I owe an enormous intellectual debt to many people for their influential ideas: C. Wright Mills, Jeffrey Reiman, Philip Slater, Erich Fromm, Christian Bay, Theodore Roszak, Bertrand Russell, William Ryan, Frances Fox Piven, Richard Cloward, Richard Falk, John Berger, George Orwell, June Jordan, Sheila Rowbotham, Murray Edelman, Howard Zinn, Alan Wolfe, Noam Chomsky, Aldous Huxley, Edward Herman, Murray Bookchin, Albert Camus, Richard Sennett, Ralph Miliband, Hugo Bedau, Ira Shor, Charles Beitz, Chadwick Alger, Isaac Balbus, Frances Moore Lappe, Alice Walker, Joseph Collins, Paulo Freire, Bertram Gross, Barbara Ehrenreich, Milan Kundera, Pablo Neruda, Manning Marable, Cosmas Desmond, James Petras, Herbert Gans, Michael Harrington, Teresa Hayter, Laurie

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In victimology and criminal justice in particular, I have been very influenced by Emilio Viano, Kurt Weis, Wesley Skogan, John Conklin, LeRoy Lamborn, Stanley Johnston, Jan van Dijk, Alan Harland, Joanna Shapland, David Miers, Lynn Curtis, Gary Marx, Gilbert Geis, James Brady, William Chambliss, Charles Silberman, David Friedrichs, Edwin Schur, Julia Schwendinger, Herman Schwendinger, David Greenberg, Elliott Currie, Barry Krisberg, Duncan Chappell, Stephen Schafer, Benjamin Mendelsohn, Ezzat Fattah, Stephen Spitzer, Richard Quinney, Nadine Taub, Shoshana Berman, Jacqueline Scherer, Tony Platt, Paul Takagi, and Nils Christie.

I also have been greatly affected by the work of Michael Parenti and Eduard Ziegenhagen. I particularly appreciate their pre-publication reviews of this book, and their helpful suggestions, many of which I have taken.

I have benefitted immeasurably from my work in the last several years with the Vera Institute of Justice in New York City, with the courts in Washington, Brooklyn, Newark and Boston, with crime victims in Brooklyn and Newark, with human rights groups in Boston and New York, with the Tufts University Center for European Studies in Talloires, France, with the International Institute of Human Rights in Strasbourg, and with human rights organizations in Geneva, where I wrote a portion of this book.

On a more personal level, I gratefully acknowledge two political scientists who have, unwittingly or not, provided me indelible (and I fear unreachable) models of scholarly work and achievement: James Eisenstein and the late Graham Wootton. I likewise appreciate the support given by many colleagues at Tufts University and the intellectual and moral stimulation provided by many of my undergraduate and graduate students. At Oxford University Press, my editor, Susan Rabiner, her assistant, Rachel Toor, and my copyeditor, Rosemary Wellner, have been very patient and helpful as well.

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Looking back at all these influences, I wonder whether readers will see any of my own ideas. I am tempted to take full and exclu-

sive credit only for any good ideas herein, but I assume that readers know better.

I complete this preface, considerably disheartened as the predictable results of the current American administration become all too readily apparent. I shudder thinking about the new victims it creates both at home and abroad, yet stand convinced that better days lie ahead. Like the writer Bruce Franklin, I console myself by looking "toward a future in which the victims become the force destined to destroy empires and build new nations."

*Cambridge, Mass.*  
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R. E.



# *Contents*

## **1. The Hidden Dimensions of Victimization: Victims, Victimology, and Human Rights / 3**

- Political Inquiries / 3*
- A Political Analysis / 5*
- Overview / 7*

## **2. Rising Stars: Victims and Victimology / 9**

- The Evolving Victim / 10*
- The Cultural Victim / 13*
- An Emerging Victimology / 17*
- The Scope of Victimology / 21*
- Conclusion / 25*

## **3. False Images: The Social Reality of Victimization / 27**

- Victimization Level / 28*
- Victimization: What, Who, and Where / 47*
- Conclusion / 67*

## **4. Casting Blame: The Sources of Victimization / 69**

- Institution Blaming: Regulatory Failures / 74*
- Offender Blaming: Criminal Characteristics / 78*
- Victim Blaming: Victim Precipitation / 82*



*System Blaming: Politico-Economic Structures / 89*

*Conclusion / 105*

## **5. Handling Pain: The Impact of Victimization / 107**

*Costs of Victimization / 108*

*The Psychological Effects of Victimization / 116*

*Conclusion / 131*

## **6. Adding Insult to Injury: Victims and Law Enforcement / 132**

*Victim Motives / 134*

*Victim Impact on Enforcement / 139*

*Enforcement's Impact on Victims / 160*

*Female Victims and Law Enforcement / 165*

*Conclusion / 170*

## **7. Victim Advocacy: The Functions of Doing Good / 172**

*Victim Problems / 172*

*Approaches to Victim Assistance / 173*

*The Functions of Victim Advocacy / 188*

*Conclusion / 191*

## **8. Oppression: Victims and Human Rights / 193**

*The Evolution of Human Rights / 195*

*The Social Reality of Oppression / 200*

*The Sources of Oppression / 209*

*The Impact of Oppression / 215*

*Victims and Human Rights Enforcement / 217*

*Human Rights Advocacy / 220*

*Conclusion / 226*

**9. The Politics of Victimization / 229**

*Politics, Science, and Power / 230*

*Politics and Social Reality / 232*

*The Political Economy of Helplessness / 233*

*The Politics of Misery / 235*

*The Politics of Disenchantment / 236*

*The Symbolic Politics of Advocacy / 238*

*The Political Economy of Oppression / 240*

*Politics and the New Victimology / 241*

**Notes / 246**

**Name Index / 373**

**Subject Index / 389**

***The Politics  
of Victimization***





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# 1

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## *The Hidden Dimensions of Victimization: Victims, Victimology, and Human Rights*

*One of the first goals of any society is to make its inhabitants feel safe. More of our collective resources are devoted to national security and local safety than to any other need. Yet Americans feel far less safe, both at home and abroad, than they did fifty years ago. Our nuclear arsenal, the guns under pillows, and the multiple locks on city doors betray our fears without easing them.*

*PHILIP SLATER, The Pursuit of Loneliness*

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### POLITICAL INQUIRIES

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Americans are a frightened people. We anticipate victimization even more than we experience it, although much actual victimization does occur. We mostly fear being robbed, raped, or otherwise assaulted, or even killed. Yet, while these crimes have captured our imaginations, they comprise only part of the victimization we suffer. We face not only the danger of other crimes, but also countless other actions that we often have not defined or perceived as criminal, despite their undeniable harm. We may have a limited social reality of crime and victimization that excludes harms such as consumer fraud, pollution, unnecessary drugs and surgery, food additives, workplace hazards and diseases, police violence, censorship, discrimination, poverty, exploitation, and war. We suffer victimization not only by other individuals, but also by governments and other

social institutions, not to mention the psychological victimization bred by our own insecurities.

Yet, for all our fears and suffering, we often understand victimization only very narrowly. We accept superficial explanations and solutions that perpetuate standard clichés and ignore the political roots of victimization. Instead, suppose we learned that historically many groups have been accepted as legitimate (i.e., acceptable) victims, and that such groups exist among us today? What if crime victims have been backed by interests that may care less about victims and more about other goals, and promote policies that may create more victims not fewer?

Suppose we discovered that how we define crime and victimization may have little to do with objective harms, causing us to overcriminalize lesser harms and undercriminalize, if not ignore, greater harms? What if we learned that law enforcement sought to maintain or manage crime, not to prevent or reduce it, or sought social control of certain population groups, not crime control? What if crime waves, media coverage, and official crime statistics had little to do with the real victimization level? What if we found our fears and insecurities about crime artificially manipulated for political purposes? Suppose we discovered that most people commit crime, not just certain groups? What if the real career criminals were corporate offenders, not common criminals? What if we found that victims have often been offenders before, and vice versa? What if we discovered that we were as likely to be victimized by a friend or relative as by a stranger? And suppose we learned that victims served important political and symbolic functions in criminal justice which better explain official concerns for victims than humanitarian impulses?

What if we knew the major sources of victimization, but claimed we had little knowledge and therefore refused to act? Suppose we discovered that the United States had the highest imprisonment rate in the world? What if we learned that victims often support anti-crime policies that will not reduce crime, and may increase it? And what if we discovered that we blame much crime and victimization on victims themselves?

Suppose we found that those who most feared crime have the least chance of victimization? What if we learned that victimization increases as law enforcement spending increases, and that we bear the expense unequally? Suppose we discovered that those least able to bear crime's burden suffer the greatest victimization? What if we found that crime provides big business for people we consider legitimate entrepreneurs?

What if we learned that despite official calls for victim participation, judicial personnel rarely require substantive victim involvement, and usually consider it an intolerable burden on their work?

What if victims' most frequent involvement in law enforcement amounted to agreeing to dismiss their case? Suppose we found that court officials did not practice or seek an adversarial contest, but rather cooperated in producing rapid dispositions? In other words, what if we learned that the legal process was much more an administrative proceeding than a judicial one?

Suppose we discovered that defendant's rights received as little protection as victim rights and, in any case, had little to do with victim prospects in criminal justice? What if we discovered that victims suffer a second victimization in the criminal process? What if victims practically never attended trials because practically no trials ever occur, and suppose that at those few that do, victims found themselves on trial as much as the defendants? Suppose we found that officials regard crime and victimization as an attack on society, and not on individual victims? And what if we discovered that the best participation for victims in law enforcement may be no participation at all?

Suppose we discovered that some forms of victim advocacy had numerous ulterior motives, goals and functions that rendered tangible assistance either secondary or irrelevant? And, what if we learned that some forms of victim assistance, such as victim compensation, might make victims more dissatisfied with government and criminal justice than if no program had existed at all?

Finally, what if we learned that victim rights could be best pursued through human rights initiatives? What if we discovered that rights may depend more on political and economic power than on universal standards and formal constitutional protections? And suppose we found that crime and oppression have common sources, and that oppression may cause crime, and vice versa?

If we learned all these things, then we might seriously question our criminal justice system, and perhaps other institutions as well. Asking some serious political questions will be one of our primary objectives.

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### A POLITICAL ANALYSIS

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This book examines victims, victimology, and human rights. It provides an introductory review of conventional victimology, which studies criminal victimization. Thus, it will stress the experience of crime victims, largely within the American context, but informed also by comparative perspectives. It will examine criminal victimization, its sources, its impact, and our official, public, and private responses. It tries to better understand crime and criminal justice, through the victim's perspective, which also provides a much starker and more poignant picture of crime and victimization.

We respond here to the crime victim's new resurgence during the last two decades, yet our analysis will differ significantly from standard victimological works. Much victimological literature pits the offender against the victim, emphasizes the criminal's supposed "paradise" of rights, protections and programs, and bemoans the victim's fate by comparison. Much other victimological writing does quite the opposite, emphasizing victim precipitation and implicating victims in their own victimization. Despite victims' rising (if ever so slowly) star, we still often regard the victim ambivalently, almost as if "victimization" implied "loser" in our strongly success-oriented society. If we do not actually implicate victims for their victimization, then we at least often scorn them for their bad luck.

We will examine the great amount we have learned about crime victims, but we will not blame victims, nor will we blame offenders. In fact, the greatest evidence may support the view that *both* are victims. In any case, we will argue for a victimological analysis that rejects stereotypes and questions conventional wisdom about crime, victimization, and criminal justice, and which analyzes victims in a broader, more political context.

We emphasize a political approach not merely because victimology, as an interdisciplinary science, has perhaps been overly dominated by legal, sociological, or psychological perspectives, and not a political one, although that is undoubtedly true. Rather, a political perspective represents not merely another approach, but one uniquely equipped to understand victims, victimization and even victimology in a much broader and perhaps more comprehensive context. A political approach may shed valuable new light on what we know about victims, and on what directions we should pursue in the future.

Some have suggested what political science might offer the study of criminal justice: It might help us measure the impact and consequences of government programs on serving their formal objectives. It might measure their impact on informal objectives, as well. And it might bare the competing mind sets of researchers and practitioners.<sup>1</sup> Yet this may represent only a very limited political science agenda, doomed to asking only very restricted questions, to accumulating only very limited knowledge, and to proposing few or no solutions for public problems. It may represent, in other words, an unnecessary, political science of helplessness and hopelessness.

Political science and political analysis can offer much more. They could, among other things, investigate the fundamental sources of laws and policies. They could investigate the relationship between political power and crime control. They could examine justice's impact on different groups, races, sexes, and classes. They could help discover victimization's sources. And they could create alternative policy and structural models to reduce victimization and strategies to achieve them.



The more one examines criminal justice, the more one discovers how it cannot be understood, either as micro or macro policy, outside a broader political analysis. In many ways, to study criminal justice is to study the broader society, and a political analysis will shed much light on that inquiry. Thus, we will analyze criminal justice politically, emphasizing political economy and organizational behavior as two important explanatory variables. By approaching criminal justice from the victim's perspective, we will also provide a politics of victimology, which attempts to develop, among other things, a political theory of victims and victimization.

While we will review the standard victimological literature, emphasizing a political perspective, we will also explore a "new" victimology that examines victims and victimization much more broadly than most researchers have thus far. We seek a more encompassing and imaginative victimology. As Emilio Viano has argued:

It is important for victimologists not to repeat the same errors of atomized thinking, researching, and theorizing that have characterized quite a portion of criminological research, nor should they overlook the real causes of victimization, as criminology did with crime.<sup>2</sup>

Thus, we will try to dissolve the "mental prison"<sup>3</sup> that often characterizes how we think about victimization, and substitute a new, broader conception that considers not only common crime but also corporate and state crime, that examines not only individual criminals but also institutional wrongdoing, and that encompasses not merely traditional crime but all crimes against humanity. In sum, we will wed victimology to human rights.

A "new" victimology would, ironically, only return us back to our original conception of victimology, established over forty years ago. Back then, we defined victimology as the study of *all* victims, not merely *crime* victims. We should recapture that focus.

Our analysis will review the victimological literature, and use it to help pose controversial questions, frequently political ones, concerning our conventional wisdom about crime, criminals, victims, victimization, and criminal justice.

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## OVERVIEW

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In the chapters ahead, we will consider the crime victim's evolving, historical role, as well as "cultural" victims, as found in our literature and social perceptions. We will analyze victimology's scientific and political development, and its scope, considered both within and beyond its relationship with criminology. We will examine the politics of how we define and convey popular conceptions of vic-