

SECOND EDITION

VICTIMOLOGY



William G. Doerner / Steven P. Lab

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CIP

*To our loved ones:
Rita, Billy, Chris and Susan, Danielle*

Chapter 1

Chapter 1

LEARNING OBJECTIVES

After reading Chapter 1, you should be able to:

- Explain how early society handled victim problems.
- Understand the meaning of retribution and restitution.
- Discuss the change from a victim justice system to a criminal justice system.
- Outline the early interest in victim typologies.
- Account for the attention paid to victim precipitation.
- Summarize what Wolfgang found out about homicide victims.
- Report on Amir's victim precipitation study.
- Evaluate the reaction to Amir's victim precipitation study.
- Critique the shortcomings that underlie victim precipitation.
- List the areas that fall under "general victimology."
- Provide an overview of the broad topics studied by victimologists.
- Talk about the victim movement and tell how it increased public interest in crime victims.

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Chapter 1

The Scope of Victimology

INTRODUCTION

Something not very funny happened on the way to a formal system of justice. The victim got left out. As strange as it may sound, the bulk of history has seen crime victims become further removed as an integral part of dealing with criminals. Fortunately, this trend is beginning to reverse itself. Recent years have seen an increased interest in the plight of victims of crime and an increase in moves toward reintegrating the victim into the criminal justice system. This chapter will look at the role of the victim throughout history and will trace the elimination of the victim from social processing of criminal acts. We will see how victimology emerged and we will investigate the resurgence of interest in the victim.

KEY TERMS

agent provocateur
critical victimology
deterrence
gemeinschaft
general victimology
gesellschaft
lex talionis
mala in se
restitution
retribution
typology
victim compensation
victim precipitation

THE VICTIM THROUGHOUT HISTORY

Most people take for granted the existence of the formal criminal justice system. They do not realize that this method of handling deviant activity has not been the norm throughout history. Indeed, the modern version of criminal justice is a relatively new phenomenon. In days gone by, responsibility for dealing with offenders fell to the victim and the victim's kin. There were no "authorities" to turn to for help in "enforcing the law." Victims were expected to fend for themselves, and society acceded to this arrangement.

This state of affairs was not outlined in any set of laws or legal code. With rare exceptions, written laws did not exist. Codes of behavior reflected prevailing social norms. Society recognized murder and other serious affronts as *mala in se* (totally unacceptable behavior). However, it was up to victims or their survivors to decide what action to take against the offender. Victims who wished to respond to offenses could not turn to judges for assistance or to jails for punishment. These institutions did not exist yet. Instead, victims had to take matters into their own hands.

This does not suggest that there were no provisions for victims to follow. Society recognized a basic system of retribution and restitution for offenders. In simplest terms, *retribution* meant that the offender would suffer in proportion to the degree of harm caused by his or her actions. Often times, retribution took the form of *restitution*, or making payment in an amount sufficient to render the victim whole again. If the offender was unable to make restitution, his or her kin were forced to assume the liability.

This response system emphasized the principle known as *lex talionis*—an eye for an eye, a tooth for a tooth. Punishment was commensurate with the harm inflicted upon the victim. Perhaps the most important feature of this system was that victims and their relatives handled the problem and were the beneficiaries of any payments. This arrangement was truly a “victim justice system.”

This basic system of dealing with offensive behavior found its way into early codified laws. The Law of Moses, the Code of Hammurabi (2200 B.C.) and Roman law all entailed strong elements of individual responsibility for harms committed against others. Restitution and retribution were specific ingredients in many of these early codes. Part of the rationale behind this response was to deter such behavior in the future.

The major goal of *deterrence* is to prevent future transgressions. The thinking is that the lack of any enrichment or gain from criminal activity would make these acts unattractive. Retribution and restitution attempt to reestablish the status quo that existed before the initial action of the offender. Thus, removing financial incentives would make it not profitable to commit crimes.

This basic system of dealing with offensive behavior remained intact throughout the Middle Ages. Eventually, though, it fell into disuse. Two factors signaled the end of this victim justice system. The first change was the move by feudal barons to lay a claim to any compensation offenders paid their victims (Schafer, 1968). These rulers saw this money as a lucrative way to increase their own riches. The barons accomplished this goal by redefining criminal acts as violations against the state, instead of the victim. This strategy recast the state (the barons being the heads of the state) as the aggrieved party. The victim diminished in stature and was relegated to the status of witness for the state. Now the state could step in and reap the benefits of restitution.