



Victimology

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The Victim Throughout History

The Reemergence of the Victim

The Work of Hans von Hentig: *The Criminal and His Victim*

The Work of Benjamin Mendelsohn: Further Reflections

The Work of Stephen Schafer: *The Victim and His Criminal*

Other Scholarly Efforts

Empirical Studies of Victim Precipitation

The Work of Marvin E. Wolfgang: Patterns of Homicide

The Work of Menachem Amir: Patterns of Forcible Rape

Criticisms and Reactions

A New Approach: General Victimology

The Victim Movement

The Women's Movement

Children's Rights

The Growing Crime Problem

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CHAPTER 1

The Scope of Victimology

Learning Objectives

After reading this chapter, 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 what broad topics victimologists study.
- Describe the victim movement and tell how it increased public interest in crime victims.

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. 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 examine 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.

The Victim Throughout History

Most people take for granted the existence of a 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*, making payment in an amount sufficient to make 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. 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 way to increase their own riches. The barons accomplished this 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.

A second factor that diminished the victim's position was the enormous upheaval that was transforming society. Up until this time, society was predominantly rural and agrarian. People lived in small groups, eking out an existence from daily labor in the fields. Life was a rustic struggle to meet day-to-day needs.

For the most part, people were self-sufficient and relied heavily upon their families for assistance. Families often lived in relative isolation from other families. Whenever a crime took place, it brought physical and economic harm not only to the individual victim, but also to the entire family network. This simple *gemeinschaft* society (Toennies, 1957) could rely on the individual to handle his or her own problems.

As the Middle Ages drew to a close, the industrial revolution created a demand for larger urbanized communities. People took jobs in the new industries, leaving the rural areas and relocating to the cities. They settled into cramped quarters, surrounded by strangers. Neighbors no longer knew the people living next door. As faces blended into crowds, relationships grew more depersonalized. The interpersonal ties that once bound people together had vanished.

As this *gesellschaft* type of society continued to grow, the old victim justice practices crumbled even further. Crime began to threaten the delicate social fabric that now linked people together. At the same time, concern shifted away from making the victim whole to dealing with the criminal. Gradually, the *victim* justice system withered and the *criminal* justice system became its replacement.

Today, crime victims remain nothing more than witnesses for the state. Victims no longer can take matters into their own hands and extract retribution and restitution from their offenders. The victim must call upon society to act. The development of formal law enforcement, courts and correctional systems in the past few centuries has reflected an interest in protecting the state. For the most part, the criminal justice system simply forgot about victims and their best interests.

The Reemergence of the Victim

The criminal justice system spends the bulk of its time and energy trying to control criminals. It was within this preoccupation of understanding criminal activity and identifying causes of criminal behavior that the victim was “rediscovered” in the 1940s. Interestingly, the victim emerged not as an individual worthy of sympathy or compassion, but as a possible partner or contributor to his or her own demise. Students of criminal behavior began to look at the relationship between the victim and the offender in the hopes of better understanding the criminal act.

As interest in victims began to sprout and attract more scholarly attention, writers began to grapple with a very basic issue. What exactly was victimology? Some people believed that victimology was a specialty area or a subfield within criminology. After all, every criminal event by definition included a criminal and a victim. Others countered that victimology was so broad and encompassing that it deserved to stand as a separate field or discipline in its own right. They foresaw the day when college catalogs would list victimology as a major area of study along with such pursuits as biology, psychology, mathematics, political science and other subjects.

Early scholarly work in victimology focused considerable energy upon creating victim typologies. A *typology* is an effort to categorize observations into logical groupings to reach a better understanding of our social world (McKinney, 1950; McKinney, 1969). As we shall see in the following sections, these early theoretical reflections pushed the field in a direction that eventually created an explosive and haunting reaction.

The Work of Hans von Hentig: The Criminal and His Victim

An early pioneer in victimology was German scholar Hans von Hentig. As a criminologist, von Hentig spent much time trying to find what made a criminal a criminal. As he focused on crime victims, Hentig began to wonder what it was that made the victim a victim. The key ingredient, according to Hentig, was the criminal-victim dyad.

In an early publication, von Hentig (1941) claimed that the victim was often a contributing cause to the criminal act. One example would be an incident where the ultimate victim began as the aggressor. However, for some reason, this person wound up as the loser in the confrontation. Von Hentig's message was clear. Simply examining the outcome of a criminal event sometimes presents a distorted image of who the real victim is and who the real offender is. A closer inspection of the dynamics of the situation might reveal that the victim was a major contributor to his or her own victimization.

Von Hentig expanded upon the notion of the victim as an *agent provocateur* in a book called *The Criminal and His Victim*. He explained “increased atten-