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Victimology at the Transition
From the 20th to the 21st Century.

Essays in Honor of Hans Joachim Schneider

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By
the Executive Committee of
World Society of Victimology
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Needed: Victim's Victimology

by

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1. Introduction

The principal aim of this article is to trace and evaluate the emergence, development and current status of the attempts to analyze and explain the phenomenology of victims of crime from a theoretical point of view. Furthermore, it is postulated that there is a need for a victim's internally understood victimology, parallel to feminine feminism (as understood from the female experience), that will serve as a bridge between the humanistic victimology and the academic discipline, between victimology as a social movement and victimology as science, and between victims' suffering and the theoretical study of the phenomenon.

The emergence of the victim of crime as an object of study is largely the product of the past sixty years. In 1937 Benjamin Mendelsohn started the scientific study of victims of crime, and introduced "the science of the victim", for which in 1947 he coined the term "Victimology" (1956). Later on, in 1948, the other (or second) forefather von Hentig, published his book: "The Criminal and his Victim" (1948/1979)\(^2\)

In 1979 the World Society of Victimology was founded in Munster by criminologist like Hans Joachim Schneider and others. This development can be seen as an important milestone in the development and recognition of Victimology as a scientific discipline\(^3\). Twenty years after, it seems appropriate now to reconsider and evaluate the development of Victimology.

The state of the art in Victimology, like other sciences, especially psychology and medicine, must be judged both by the virtue of its scientific development and by the quality of its services for

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\(^2\) Hoffman, 1992; Kirchhoff 1993, Friday, 1989
the victims. From this perspective, an important question arises, what is Victimology? Is Victimology a social movement or a science? Birkbeck\(^4\) in his article entitled 'Victimology is What Victimologists Do, But What Should They Do?' examines the relationship between Victimology as a science and as advocacy for victims, and add a critical examination on victimology as a science. Facing this issue Kirchhoff\(^5\) indicated that the focus of Victimology is twofold: victim assistance and advocacy of their rights, as well as the promotion of research about victims. Both\(^6\) agree that that Victimology needs to develop further its science, and its own "strada of interests and explanations", and address the significance of the area of study for the development of theory within this discipline.

Confronting this subject Friday\(^7\) is more approving; he asserts that Victimology has come of age. Awareness of victim needs and rights, and understanding of the process of victimization has significantly grown and evolved. Victims, their needs and their rights, are consistently acknowledged in word if not in deed. The victim has become a political tool or weapon, the concept and issues have moved from the domain of pioneering social movement to operations within well organized social agencies.

Scientific development is judged by its scope and its depth. Scope without depth makes what we do tenuous, superficial and without essence\(^8\). However from these two dimensions Victimology has still to justify its claim for scientific merit. Using Separovic's (1985) words it seems that the area has resisted, up to now, a successful theoretical comprehension, and there is not enough emphasis nor endeavor in theoretical evolution, or in the development of theoretical explanation for the internal phenomenon of the victimization experience, its process, variables and outcome.

Perhaps this is part of the contemporary general tendencies of the academic field favoring research and measurement of empirical data, which somewhat neglects and adopts a skeptical approach.

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3 Van Dijk, 1999
4 Birkbeck 1983
5 Kirchhoff 1989
6 Birkbeck 1983 and Kirchhoff 1989
7Friday 1 992
towards theoretical endeavors and theoretical papers. Or, perhaps the root of this approach is to be found in the beginning of victimological ideas and observations which were not the product of the study of criminologists or sociologists. It can be traced instead back to the work of poets, writers and novelists. These include Thomas DeQuincey, Khalil Gibran, Aldous Huxley, Marquis de Sade, Franz Werfel among others. Even the first systematic treatment of victims of crime was not the fruit of a scientific study; Benjamin Mendelsohn was a penal lawyer whose initial interest in the victim was in defending suspects by pointing out the victim's contribution to the criminal act. And it took until the time of Von Hentig to lead into scientific research. An important part of any scientific field is the development of paradigmatic structures. Some of the tasks of a paradigm is the identification of important variables and classification systems or typologies. Several typologies of victims are to be found in the Victimological literature. These typologies of victims included up to 13 categories of victims, but most of these typologies named weak individuals or groups as potential victims with woman, the young, the old and the mentally retarded being primary examples.

Do these observations represent the reality in an objective way, or perhaps do these claims represent the subjective perspective of the writers, the media or even a certain views within community at large? Perhaps the beliefs that the victim is poor, weak, and often a female serves as a pacifier to the powerful policy makers, and reassures many of the scientists, that they are not at risk of victimization themselves as most of them are male, able and strong.

Coupled with this question another question arises - What is the place of the victimologist's personal views, values and perspectives when writing a paper or a book, doing research, or teaching?

The positivist victimologists will suggest: ignore your personal views when taking the role of

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8 Friday, 1999
9 Fattah, 1989
10 Hoffman, 1992
11 Schneider, 1982; Wolfgang and Singer, 1978
12 Drapkin and Viano, 1974
a scientist, and make use of personal standpoints only in private life. The normative sociologist\textsuperscript{13} will suggest: use them, as no one can really be objective. This is not an argument about the value of objectivity, but a disagreement about what place personal views should take and about the usefulness of values in science.

This paper will try to present the need for a 'Victim's Victimology', or 'Normative, Victimology', as a scientifically efficacious way to explain phenomenon in the realm of Victimology, and to illustrate the Victim-Victimizer dyad from an subjective point of view.

2. Victimological frameworks

The Greek "0" and "I-o-g-y" in "victimology" suggest a special branch of science. This designates the framework of Victimology within the realm of science and thus suggests an obligation to comply with the scientific rules and accepted methods of research and theoretical evolution and elaboration. In turn, the implied scientific character of victimology suggests a focus on problems that are researchable by empirical methods\textsuperscript{14}

Considered from the standpoint of its theoretical rather than its practical or social policy concerns, Victimology is a step toward the emancipation of emphasis on the Criminological preoccupation with the criminal offender (Cohen, 1988). If it is moving away from a preoccupation with the offender, what, then, is it moving toward?

From the beginning victimological thoughts were divided into several different strands. Even the first victimologists Mendelsohn and Von Hentig differed in their basic assumptions on the boundaries of Victimology. Mendelsohn perceived Victimology as a new discipline overlapping but separate from criminology, or from other connected disciplines\textsuperscript{15} while Von Hentig saw victimology as a sub-discipline of criminology.\textsuperscript{16} Furthermore Mendelsohn\textsuperscript{17} did not stop with crime victims alone, and developed a theory of "general victimology", aimed

\begin{itemize}
\item 13 Yaziv 1997
\item 14 Cressey, 1988
\item 15 Mendelsohn, 1976
\item 16 Von Hentig, 1948/1979
\item 17 Mendelshon 1969, 1973
\end{itemize}
at helping victims of all kinds - including victims of events beyond human control - earthquakes, hurricanes etc. Von Hentig\textsuperscript{18} and his followers, on the other hand, tend to restrict their definitions to "penal Victimology" dealing with victims of crime alone.

This debate is still in progress with some more recent attempts to resolve it. Knudten\textsuperscript{19} tried to expand the definition of subjects of Victimology, but still kept within the perimeter of human made causes. He proposed "that Victimologists expand their conceptualization and definition of Victimology to include the five categories of criminal/penal, political, economic, familial and medical victimology". In addition to these, we can add the category of activist victimology or, to adopt the distinction between what Fattah (1989?) named 'humanistic Victimology' and 'scientific Victimology'.

Later on, Mawby and Walklate (1994) contributed to the debate on the extent of Victimology, where they believed that Victimology is the body of knowledge which regards victimization as a social phenomenon, and identified main 'types', or streams of victimological thoughts, parallel to those in Sociology and/or Criminology. They differentiated between three main strands: Positive Victimology, Radical Victimology, and Critical Victimology. In addition they presented the sub-area of Critical Criminology as the fourth stream, that they believed was still missing.

Another way of looking at the streams or trends in Victimological thought was identified by Van Dijk\textsuperscript{20}. He suggested that choice of subject and interpretation of findings in victimology are guided more by ideological preferences, than by a set of clear and tested ideas. In accordance he suggested the distinction between ideological perspectives, such as: rehabilitation, feminist and insurance. In addition he stated that he believed the experiences of crime victims cannot be understood without regard for the social-legal dimension.

\textsuperscript{18} Von Hentig 1941, 1948/1979
\textsuperscript{19} Knudten 1992:p. 45
\textsuperscript{20} Van Dijk 1992
Contiguous with Friday’s emphasis on the importance of a paradigm for Scientific Victimology that will define the questions to be asked, this paper will introduce the need for a framework within which to interpret phenomenon. Victim's Victimology, or Normative Victimology, along with the Normative Sociology may serve as a theoretical arena for elaboration and developing the needed Victimological scientific paradigms.

In order to elaborate the idea of the need for a new theoretical framework, a short description of the existing main strands seems to be needed:

3. **Positive Victimology**

The key characteristic of Positive Victimology; as argued by Miers, is to identify the predominate factors inherent in individuals contributing to victimization, and the focus on interpersonal crimes while identifying victim's precipitation.

The positivist Victimologist drew attention to the victim, and the socio-cultural factors that are most likely to produce victims. Their main issues are why some persons become victims more so than others, and what are the consequences of the recognition of victimization and its impact on the general social condition and the law.

It is important to recognize that the positive school of criminology sought to explain the world around them. The use of scientific technique was important to the positivists. Data was collected in order to explain different types of individuals and social phenomena. Positivism's main feature or focus is systematic observation, and the accumulation of evidence, and objective fact within a deductive framework. Along with this trend, positive victimology

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21 Friday's 1992  
22 Yaziv, 1997  
23 Miers 1989  
24 Miers, 1989  
25 Ziegenhagen, 1977  
26 Shoham and Hoffman, 1991
insisted upon the separation of the scientist academic from the humanist activist\textsuperscript{27}, thus striving for objectivity and value free science\textsuperscript{28}, and insisting on the primacy of empirical data, verification and 'scientific methods'\textsuperscript{29}. This view of science ascertains victimology as mainly an effort to explain and observe victimizing events, and to identify their measurable characteristics, without any concern to the value of these characteristics - bad or good, desirable or petrifying\textsuperscript{30}.

Although the positivists drew attention to the victim of crime as an object of study and to the role of the victim, their concern was largely confined to offences of violence between non-strangers to which the victim was considered to have contributed\textsuperscript{31}. Wrongly, they assumed that everybody knew what the term "victim" meant\textsuperscript{32}, and considered the term victim as being self-evident by the mere fact of suffering an injury by a criminal act, without any consideration to the social meanings attached to the label of 'victim', versus that of injured, handicapped, raped or robbed individual\textsuperscript{33}.

However, there is still a serious controversy on the scope of Victimology - whether it is restricted solely to victims of crime, has a more general view of social victims including victims of crime, or utilizes even a broader range and includes victims of all kinds of oppression\textsuperscript{34}. Still another consideration is about the cause of the injury or loss - natural cause versus human behavior, or intentional behavior as opposed to negligence or accident\textsuperscript{35}). Landau and Freeman-Longo\textsuperscript{36}, in an attempt to solve this debate, try to free the definition of the term victim from any value judgment. Similar to Birkbeck\textsuperscript{37}, in accordance to them 'a victim is any individual, group or institution harmed or damaged by others or events who/which may or may not perceive himself as

\begin{footnotesize}
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\item[27] Fattah, 1989
\item[28] Mawby and Walklate, 1994
\item[29] Birkbeck, 1983
\item[30] Yazive, 1997
\item[31] Miers, 1989
\item[32] Miers, 1989; Kirchhoff, 1994
\item[33] Ben-David, 1986
\item[34] Fattah, 1989
\item[35] Bienkowska, 1992
\item[36] Landau and Freeman-Longo, 1990 p. 272
\item[37] Birbeck 1 983
\end{itemize}
\end{footnotesize}
such, or is or ought to be recognized by others as a "victim". However in this definition there is no suffering and no feelings, and the underlying values by which the "victim" is labeled are not explicit.

Thus in correspondence with Friday's brilliant description of Positive Victimology\(^{38}\): "Victimology as a science cannot be isolated from reality - even difficult realities, yet as a science there is a need to step back. The perspective of distance is not disinterest nor is it repudiation of the humanness of the Victimological enterprise; it is a reaffirmation of the importance of being able to differentiate between objective and subjective reality for the benefit of scientific progress."

However, while positivist victimology may continue to yield many valuable insights into susceptibility to criminal victimization, its traditional concerns to identify victim types, to concentrate on interpersonal crime and to focus on victim participation in crime, all suffer from serious theoretical and operational difficulties. These difficulties in turn inevitably limit the power of positivist victimology to explain everyday experience of recognizing individuals as victims, and more importantly of identifying the factors that encourage some varieties of suffering to be recognized as victimizing events while others are not.

4. Radical Victimology

Radical Victimology can be traced back to the work of Benjamin Mendelsohn. However this radical strand seems to be an offspring of the Radical Criminology, and it also takes after Radical Sociology\(^{39}\). At first glance victims of crime seem eminently suited to be within the subject matter of the radical theoretical debates of the 1970s, yet it was offenders who were perceived to be the victims of repressive ideologies and practices\(^{40}\). The radical perspectives whether within sociological writing, criminology or victimology share a number of essential principles. First, radical theory assumes that society is

\(^{38}\) Friday 1992 p.2
\(^{39}\) Simpson, 1989
\(^{40}\) Meers, 1989
made up of many conflicting groups. Second, laws are designed to support or, at least, perpetuate the capitalist economic structure. Third, problems in society such as crime, poverty and victimization can be solved only by a major change in the social order\textsuperscript{41}.

From this point of view, the main instrument of formal social control is the penal law, and the law enforcement system. This system, left alone, may deteriorate into a system that uses pure repression not only of the offender but ultimately of mankind\textsuperscript{42}. Therefore radical victimologists concern themselves no longer exclusively with victims of criminal acts, but with man made victimization, victims of human rights violations, and victims of abuse of power, and therefore presuppose the consideration of oppression, race, stratification and oppression by the state.

Moreover, all these brought about an alternative perspective, which called into question the role of the law within capitalist societies in defining both social constructs: that of the criminal, and that of the victim. Accordingly, Radical Victimology draws attention to the way in which the criminal justice system has its influence on the definitions of criminal acts and on its victims, and thus constructs which crime we see, and which we do not see. From this perspective Falandysz\textsuperscript{43} believes that the real criminals very seldom appear in court, as they are the powerful and privileged in society, thus usually they are beyond the criminal law (he names many sorts of political, religious, national or racial oppressions as examples).

Therefore it seems that the main task of Radical Victimology is to establish the discipline as one in which the central concern is the question of human rights (Elias, 1986), such as for victims of police forces and law enforcement institutions, victims of war and state violence. Using a more general term, Radical Victimology focuses on the victims of oppression of any sort\textsuperscript{44}. Obviously Radical Victimology encompasses all kind of victims, as was already reflected by Mendelsohn's ideas.

\textsuperscript{41} Shoham and Hoffmann, 1991
\textsuperscript{42} Kirchhoff, 1990
\textsuperscript{43} Falandysz, 1982
\textsuperscript{44} Quinney, 1972
While the positive victimologist's main concern is to identify causality of victimization, and to safeguard objectivity, the Radical Victimologist points to and fingers the victimizer - the oppressor, the state, the social order and the privileged\textsuperscript{45}. Radical thesis is centered in the context of the interplay of racial stratification, gender class exploitation, and public discourse on who is intellectually, or otherwise, able, and who is not. Moreover, changes in cultural meanings and practices about crime and its victims is heavily constructed through politics and ideological imperatives of intellectual racism, gender, and class discriminations\textsuperscript{46}. Although radical theory poses some interesting questions and provides a fascinating mode of analysis, there are several areas with which it needs to concern itself.

First there is still need to further establish the interrelation between economic and political transitions in society, the capitalist state and penal law. The links between the economic structure, criminal activity and victimization would be better established by looking into the broader question of how the inequality in society effects the definition of crime and its victim.

Four factors must be taken into account to understand victimization or crime: the offender, the victim, the police, and the social control processes both formal and informal. Each of these is emphasized in different versions of victimological and criminological theories, but all four must be taken into account together. Crime must be recognized as a social relationship that is profoundly affected by both microcontexts and macrocontexts\textsuperscript{47}.

Another basic difficulty as described by Elias\textsuperscript{48} is whether this analysis is suitable for defining and measuring victimization. While suffering can be objectively agreed upon, there is still some uncertainty regarding the implementation of radical victimological ideals outside of United States, in less developed societies.

\footnotesize{\textsuperscript{45} Falandysz, 1982 \textsuperscript{46} Brewer, 1995 \textsuperscript{47} Young, 1987 \textsuperscript{48} Elias 1986}
Positive Victimology, strives for achieving objectivity, and objective measures of actual victimization. In accordance with this, Kirchhoff advises that "victimologists should be aware that the victims can be used by different ideological positions."

It seems this last point discloses an immanent and unavoidable contradiction within the Radical Victimology - the definition of the oppressor as the victimizer is usually a subjective one, but in this view the term endeavors for objectivity. Facing this contradiction it is questionable whether this idea of radicalism can provide Victimology with an appropriate theoretical paradigm, and a framework for better empirical study (Mawby & Walklate, 1994).

5. Critical Victimology

Critical Victimology according to Mawby and Walklate is an attempt to examine the wider social context of victimology; it involves the analysis of the policy response and service delivery to victims of crime. These schools of thought were influenced by the Critical Criminology founded in the mid 1970s, and the serious debate surrounding traditional and critical theory.

Critical theory seems to be of the utmost practicality to Criminology, even more so because its founders have since taken a less partisan and doctrinaire view of it. However this notion is still in debate. Some criminologists sustain that critical criminology is an umbrella term for related scholar endeavors, such as feminism, left realism and postmodernism. While others believe that this perspective gives cohesion to these fields of work, and provides a context and a frame of reference for the criminological study. Still there are also those who argue that critical criminology has been largely an attempt to revise the history of criminological inquiry, its main concern is criticism per se, and in substance it is synonymous with left realism.

49 Kirchhoff 1990:23
50 Mawby and Walklate 1994
51 Bertrand, 1986
52 Schwartz, 1989
53 Caringelia-MacDonald, 1997
54 O'Reilly-Fleming, 1996
As for Critical Victimology the question to be asked is how do these ideas contribute to the field, to the scientific study and the understanding of the victim as an entity. An examination of the literature of the Critical school reveals that it provides a more convincing theory of the individual than that of mainstream writings both in Criminology and Victimology. The critical school is committed to viewing the individual as a purposeful actor, and an active agent and not as a mere adaptor to social structural influences.\(^{55}\)

Another important distinction of the critical school is aptly expressed by the difference between the etiological paradigm of control in positivistic thought, and the paradigm of control found in the labeling approach. Critical victimology emphasizes the role of values in the social process of identifying a victim as such.\(^{56}\). Thus it seems that that critical victimology is an attempt to resolve some theoretical falters, but there is still the problem of understanding the structural and cultural formation of concepts, ideas and labels.

Another point of view is expressed by Sumner\(^ {57}\) who believes that while these theoretical developments do vary depending upon specific cultural and jurisdictional contexts, they nevertheless represent changes that need to be connected with wider socioeconomic and political circumstances. Thus, Critical Victimology constitutes an attempt to appreciate how the generative mechanisms of capitalism and patriarchy set the material conditions in place within which different victims' movements have flourished. These notions provide the critical edge in understanding the particular impact that research agendas and policy initiatives mayor may not have.\(^ {58}\).

However it seems that the critical view of crime is an attempt to construct an agenda on law and order that appeals to working class experience; this is problematical under the conditions of postmodernity. In order to find a common ground in the contemporary postmodern environment, it is necessary to retheorize and develop ideals that are more universal.

\(^{55}\) Maguire, 1980  
\(^{56}\) Miers, 1989  
\(^{57}\) Sumner 1990  
\(^{58}\) Naffine, 1995
Still the attempt to overcome this fragmentation process has eroded the concept of differences embedded in the Critical Victimology approach\textsuperscript{59}.

It seems that parallel to criminology's plight there is a need also in victimology for an attempt to recognize the emergence of a debate between a human rights criminology, sensitive to the possibilities of repression and control, and an alternative perspective predicated on some notion of social defense and a realistic program of crime prevention and control across free market Europe\textsuperscript{60}.

It seems that although the critical criminology school emphasizes social powers, and the role of values in the social process of victimization, it is still contaminated with the same problem that a remedy is offered for. This approach does not find a common ground for a theoretical paradigm, nor does it give voice to victims themselves.

6. Normative Victimology or Victim's Victimology

Sered\textsuperscript{61} made a very important distinction between academic debate whose purpose is solely for the sake of enhancing knowledge, and between scientific analysis that contains affirmation for action. Along this line, Van Dijk\textsuperscript{62} in his "rapporteur's" report at the 6th International Symposium on Victimology recommends that "an awareness of the ideological foundations of our policy recommendations is an important first step toward a more mature Victimology".

Social scientists similar to their colleagues in the physical sciences strives for value-free research, and for the distinction between the objective and neutral role of the scientist, and the scientist as a person and citizen at large with his values and beliefs. Science from this standpoint

\textsuperscript{59} Lippens, 1995
\textsuperscript{60} Van-Swaamingen & Taylor, 1994
\textsuperscript{61} Suzan Sered, 1998
\textsuperscript{62} Van Dijk 1992 p. 18
is value free, but the scientist may, before or after his scientific work give his personal opinion, and make a nonobjective judgment to describe his/her beliefs.

Before the re-emergence of the women's movement in the late 1960's, the social science's literature was mainly heedless to the question of the anti-woman bias, and its outcome. In the last decade many professionals have acknowledged that power may routinely be distributed unequally by gender, and thereafter social sciences have begun to address gender stratification. Feminism as a social movement and as a scientific field has emerged. However examination of the feminist's literature raises a critical question if a person can be value free and if his/her scientific work can ever be uninfluenced by his/her values.

Without going into this debate, it is quite obvious that even if in his/her research the social scientist is value free, then his/her questions and topics reflect his/her interest and thus the corresponding values and beliefs. As a result Victimology has many faces, reflecting victimologists fields of interests, values and believes.

What is needed is the acknowledgment of this process within the definition and elaboration of what I call 'Normative Victimology' parallel to 'Normative Sociology'. Similar to Feminism, which enable the voice of the females to be heard, and give the full stage to ideas and values from this standpoint, there is a need for victim's victimology, that will pronounce the victim's standpoint, values and ideas. Although this branch or field in Victimology theory has not been acknowledged before, its roots can be traced in previous writings and thoughts.

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