

Until quite recently it was commonplace to describe victims as the 'forgotten party' in the criminal justice system. Joanna Shapland once defined them as "non-person[s] in the eyes of the professional participants." It would be difficult to apply those terms now. The criminal justice agencies and government departments of England and Wales are awash with committees, working groups and initiatives centred on victims. What used to be called C4 division in the Home Office, a division taken up with the machinery of the higher courts, juries, aspects of the criminal law and its review, the criminal injuries compensation scheme and other matters, is now the Procedures and Victims Unit. Three victims-centred thematic inspections of criminal justice agencies are currently in train. Victim Support, probably the only significant nongovernmental body established to aid and represent victims, has come to straddle the

In short, where once members of the criminal justice system maintained their distance from one who, for the most part, was dismissed as no more than a complainant, a person who could well compromise investigations, trials and reforms, there is now some contest to be seen as benign and well-disposed towards the personal victim of crime. At the very least, the possible impact of new policies on victims are now more or less routinely considered in relevant reports; in the Glidewell Report and the report of the Royal Commission on Criminal Justice, for example, as once they were not. In words once used by Canadian criminal justice policy officials, it has become difficult politically to deny victims. Not all have succumbed; the Bar tends to keep apart, for instance, but a widespread shift is nevertheless perceptible and, like all such shifts, it is self-reinforcing. Where once victims were treated as if they were marginal to criminal justice processes, they have now been awarded some centrality, and the very fact that agencies, government departments and the media can witness one another treating them as important and have come together in committees and other bodies to carry the process forward, have further magnified and objectified their consequence.

The process has not been free of tension and contradiction. Members of some of the organizations which had developed an early stake in the provision of services to victims now appear a little wary as more and more organizations crowd into a field that had formerly been their own. Members of organizations which had once aligned themselves with the offender, or who had professed their neutrality in a conflict-laden justice system, have become occasionally uneasy about their enforced growing proximity to the victim. It has not always been comfortable for probation officers, for instance, to liaise with victims about inmates' release plans and yet retain an unalloyed loyalty to their clients. There has been some confusion as policy networks and schemes proliferate and the boundaries between agencies fray.

The transformation of the moral, practical and political importance of victims has been ragged and without any single

author. It was unwittingly triggered by the work of the victim surveys of the 1980s which disclosed the scale of pain wrought by crime, particularly amongst the most vulnerable. Crime, concluded David Downes, is a 'regressive tax on the poor'. It was inadvertently triggered in the 1970s and 1980s by feminist activists who championed battered and raped women and those who had been subjected to abuse and incest, not, it must be noted, as victims, but as survivors (and the victimised woman remains apart for political and administrative purposes). It was triggered by the discovery that, since predominantly reactive criminal justice agencies could not do much to reduce crime unaided, it was necessary to enlist the aid of victims and witnesses. It was sustained by the dogged, diplomatic work of Victim Support and sympathetic officials over some 25 years. It was amplified by television and the other media which latched on to the suffering of victims as a new diversion in the 1980s. It was amplified too, Reiner and Livingstone argue, because the antinomies between a moral State and immoral offenders have become increasingly unsure in a less deferential world and a victim's palpable distress was required to validate the actions of criminal justice agencies in media narratives.

Politics and victims of crime

Most recently, that transformation has been refracted through the sometimes weakly-linked preoccupations of a new conservatism and New Labour. Victims were mentioned somewhat cursorily in the Labour Party's electoral manifesto; the new Government promised in 1997 to give attention to the neglect of the victim. It committed itself to inform victims of the progress of their case (presently being 'trialedd' in the 'one-stop shop' experiment that is linked to the second *Victim's Charter*) and to provide greater protection for victims in rape and serious sexual offence trials (in response to a scandal of the day in which defendants in two rape cases elected to subject their victims to lengthy and gruelling personal cross-examination). That desire to protect led to *Speaking up for Justice*, a lengthy report, and a

Acknowledging victims needs and rights

Paul Rock outlines the developing interest in victims of crime over the last thirty years and anticipates the impact of the Human Rights Act as victims.

increasingly blurred line between private and public organizations, being both a founder-member and the only NGO on the Government's interdepartmental Victims Steering Group, and subject to charter standards as if it were a formal part of the institutional fabric of the State. Victims are being given a strategic place in the new systems of reintegrative shaming and reparative justice which the Government is installing for young offenders.

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bundle of legislative proposals on vulnerable and intimidated witnesses that are now before Parliament.

More generally, the treatment of victims has been set within an ideology of the market that has translated citizens into a semblance of freely-contracting customers, and victims themselves, somewhat tentatively and awkwardly, into the consumers of services supplied by the State. That ideology was embedded in John Major's citizen's charter movement, a movement enthusiastically adopted by his successor, and there have been charters for victims and for court users. The talk contained in those charters reflects some nervousness about the new relations that are being engendered. The first *Victim's Charter* of 1990 talked of 'rights', the second of 1996 of 'standards of service'. The rights of 1990 were not rights as lawyers would understand them; justifiable claims which may be taken to law. The service standards of 1996 which superseded them are not enforceable and no penalties are imposed for noncompliance. But both terms do point to a new role for the victim as an odd species of consumer with recognised and occasionally measurable expectations, and the criminal justice agencies are taking them seriously. The interdepartmental Victims Steering Group consists of representatives of most of the major departments and agencies which touch on victims, and its work has recently been substantially taken up with the twin tasks of supervising the implementation of charter standards in its member organizations and of discussing the recommendations of *Speaking up for Justice*. Charter standards are at best a form of weak near-rights, more aspirational than practical in

character, but they have concentrated the administrative mind and so conferred the beginnings of a new standing on victims.

Victim's rights

Victim Support has certainly been demanding 'rights' for victims since 1995, and those rights will be forthcoming, but they will stem from the second lens to refract the new policies, the *Human Rights Act*. Victims will gain new rights, as we all will under the Act, but how they will do so is as yet a little indeterminate. Victims were not explicitly mentioned in the 1948 European Convention that is at the core of the new Act. Yet rights to a fair trial, privacy, freedom from oppressive treatment, life and liberty cannot but apply to victims, and they may well conflict with allied rights bestowed on defendants when questions of bail, pre-trial procedure, fair trials and the like are considered. In principle, rights are absolute and incommensurable, and it will be interesting to observe how those conflicts will be reconciled. Criminal justice agencies are beginning to mobilise themselves to contend with the impact of the Human Rights Act, some more vigorously than others. Those in the lead are the organizations most obviously driven by the need to apply the new Act, and they include the CPS and Judicial Studies Board. Indeed, the resolution of some cases now before the courts has begun to revolve around an anticipation of the Act's implementation at a point next year. Other, such as the Magistrates Association, await guidance from the higher courts.

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At the beginning of the 1980s academic and political interest in the victim of crime as a separate, substantive issue was in its early stages. That interest was very much fuelled by the view that the impact of crime, though varied, was not to be taken lightly. It was an interest that was given specific expression in the debate around the 'fear of crime'; that is, whether or

Can there be a meaningful victimology?

Sandra Walklate examines the theoretical and conceptual tensions within victimology.

not people's fears were rational or irrational. In other words, how do we make sense of the tensions between what it is which can be objectively observed and what it is that people experience. The nature of that debate, arguably, provides an initial clue to some of the different theoretical and conceptual tensions found within the (sub)discipline of victimology. This brief overview will attempt to offer a flavour of some of those tensions.

Arguably early victimological work of the 1940s was concerned to identify different types of victims in much the same way as early criminological work endeavoured to identify different types of criminals. Such concerns, embedded as they were within the presumptions of differentiation, determinism and pathology (Roshier, 1989) contributed significantly to that which Miers (1989) has identified as positivist victimology. He defines this version of victimology in the

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following way; 'The identification of factors which contribute to a non-random pattern of victimisation, a focus on interpersonal crimes of violence, and a concern to identify victims who may have contributed to their own victimisation'. (Ibid. 3) This is an essentially fair depiction of a victimology concerned to measure the regular patterning of victimisation events (that which can be objectively observed) informed by such concepts as lifestyle and precipitation and which has led the victimological agenda along a particular path largely, though not exclusively, associated with the use and deployment of the criminal victimisation survey.

The use and deployment of the criminal victimisation survey in both the academic and policy arenas has been one of the influential factors underpinning the observable increasing concerns with the crime victim during the 1980s. Yet despite the obvious value attached to the empirical findings which work conducted under this umbrella has generated, such findings are nevertheless limited. As the definition offered by Miers (1989) quoted above illustrates, such work focuses our attention on what has been called conventional crime (Walklate, 1989) and subsequently takes the meaning of the term victim itself to be self-evident; identifiable either as a consequence of individual suffering or as defined by the law (that which can be observed). There is little sense to be gained from this kind of work as to how the law or the state may actively contribute to the victims that we see or do not see or the ways in which individuals may actively resist, campaign against, or survive the label victim (that which people subjectively experience). For an appreciation of processes such as these it is necessary to look for a different version of victimology; that which has been called radical victimology.

Essentially a radical victimology again parallels somewhat a radical criminology, concerning itself with 'victims of police force, the victims of war, the victims of the correctional system, the victims of state violence, the victims of oppression of any sort'. (Quinney, 1972:315). For Quinney all of these victims could be rendered visible by calling into

question the role of the capitalist states in defining the social construction of both the offender and the victim. There are different strands to this kind of victimological concern, from that to be found within the work of Elias (1986, 1993) closely associated with the whole question of human rights, to that found within radical left realism's call for an 'accurate victimology' understanding 'problems as people experience them' (Young, 1986: 23-4). Despite its commitment to the criminal victimisation survey technique, this latter version of radicalism has been very successful at offering a much more detailed picture and analysis of who the victims of crime are, especially in identifying the extent of racial and sexual harassment. Moreover this approach has also included some efforts to explore the question of victimisation of 'commercial crime' (Pearce, 1990).

In general terms then, radicalism within victimology endeavours to shift the conceptual framework of the discipline from one which is primarily concerned with the victims of crime as defined by the law to one in which both the law, the application of the law, and the state, are all considered to be problematic; although it has to be said that such concerns have not developed into a coherent research agenda comparable to that associated with positivist victimology. Part of the reason for this, arguably, is a result of the failure of radicalism, in its various forms, to break away from the hold of positivism. In order to identify a break with this hold it is necessary to move outside the victimological realm to feminism.

Feminism and victimology

The marginalisation of feminism by victimology has been commented on on more than one occasion. The challenge posed by feminism for victimology runs deeper than the preferred use of the term survivor rather than victim, the genealogy of that term notwithstanding. Feminism raises fundamental questions about what counts as knowledge and a rational knowledge production process. The work generated within feminism, whilst not itself centrally concerned with criminal victimisation per se, has drawn

attention to rape, domestic violence, child abuse, and sexual harassment as legitimate areas of concern. In so doing it poses two challenges to more conventional victimology work; on the one hand it problematises the 'safe haven' of the home offering a different conceptualisation of 'crime' and 'victim'; and on the other hand posits the mechanism whereby such a patterning of criminal victimisation is produced: patriarchy. In other words, rather like the versions of radicalism discussed above, this kind of work endeavours to think critically about the processes underpinning the victims we see (that which can be observed) as opposed to those that we fail to see (that not so readily observable).

Summary

To summarise; positivist victimology offers us a picture of the victim and the patterning of criminal victimisation as conventionally defined and readily visible. Radical victimology (despite its limitations) and feminism offer us a picture of the victim, and the patterning of criminal victimisation, which differently render the law and the (patriarchal) state problematic in the production of such patterning, and not so readily visible. Each of these approaches have been differently utilised in the political and policy domains to downplay or highlight the plight of the crime victim at different historical moments. What is now without question is that no political voice is likely to talk about the problem of crime without addressing the concerns of the crime victim. So despite, what some would see as both the theoretical and empirical impoverishment of victimology, the debates that this work has generated have not been without their uses. Some would argue, however, that in order for our understanding of both the patterning and the processes of criminal victimisation to be improved it is necessary to transgress some of the conceptual boundaries alluded to here (see for example, Mawby and Walklate, 1994). Such a view may ultimately question the validity of centring the crime victim per se at all in constructing a 'meaningful victimology'; such a construction, however, is another story...

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