

**VICTIMOLOGY:  
A Contemporary Theoretical Approach to Crime and its Victim**

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**Abstract.** *In this article, the author has provided a brief overview of diverse theoretical conceptions generated in the course of development of victimology both as an independent scientific discipline and as a sub-discipline of criminology. Starting from the concept of penal victimology and moving towards the concept of general victimology, the author presents the victimologists' critical remarks on general victimology as well as the opinions speaking in favour to penal victimology and feminist-oriented victimology. Further on, the author explores the concept of resilience and its significance in the treatment of crime victim.*

**Key Words:** *Penal victimology, general victimology, feminist victimology, resilience.*

INTRODUCTORY REMARKS

Victimology is considered to be a sub-discipline of criminology which includes three different groups of people and their respective interests. This area has been the subject matter of frequent debates and analyses which have brought together the intellectuals, the activists of many non-governmental organizations as well as the law-making authorities, yielding a lot of tension in this "boiling pot" of diverse interests.<sup>1</sup> Some authors have noted that victimology is "a specific and respectable academic and scientific discipline, a new branch in the scientific study of the victim, which is distinguished by its transparent and peculiar spectrum as well as by a comprehensive and interdisciplinary research methodology<sup>2</sup>. In simple terms, as Šeparović states, "victimology is, simply, the scientific knowledge of the victim".<sup>3</sup> Yet, regardless of its principal objective to study the personality of the victim and its conduct in the victim-offender interaction in the mechanism of

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<sup>1</sup> See: Sandra Walklate, *Imagining the Victim of Crime*, McGrawHill, Open University Press 2007, pages 29-30.

<sup>2</sup> See, for example: Alija Ramljak, Miodrag Simović, *Viktimologija*, Paneuropean University Apeiron, Faculty of Law in Banja Luka, Banja Luka 2006, page 3.

<sup>3</sup> See: Zvonimir Šeparović, *Viktimologija – studije o žrtvama*, Informator, Zagreb 1998, page 5.

becoming a victim (victimization),<sup>4</sup> i.e. irrespective of the phenomenological and etiological characteristics of an individual victim's personality and the process of its victimization, it is also necessary to study the collective and abstract victims, including the collective) victims ensuing from the violation of the norms of the International Humanitarian Law or the victims of certain deviant forms of behaviour, such as prostitution or drug abuse.

Some of the well-known victimologists, such as Andzenge for instance, define victimology as "a perception", the way in which an individual or a group of individuals perceive themselves as a victim or victims, which is a subjective perception which significantly affects the degree of their victimization. Nevertheless, Andzenge also emphasizes the importance of the subjective perception of other participants in the process of victimization, which also has a significant impact on shaping the victims' experiences and subsequent behaviour. There may be a huge number of "other participants", i.e. all persons who may know about the victimization (such as: friends, relatives, observers, by-standers and ordinary citizens), including the state authorities and non-governmental organizations which may demonstrate some professional interest in this matter as well as the perpetrator. Each one of these participants brings one's own "subjective" perception into the "objective" event. This kind of perception has the central position in the victimological way of thinking, in the victimological research as well as in the victimological intervention in case when the victimization process is being studied as a social conflict. The primary aim of this therapy is to change the victim's perception and emotional reaction, which is the focal point and the principal goal of the victim's rehabilitation.<sup>5</sup> Hence, the term "victimization" begins to acquire some negative connotations. The people who have been part of the victimization process often refuse to comply with that negative aspect of victimization and are more inclined to using other terms which emphasize their own ability to overcome their hardship.<sup>6</sup> The best illustration that the use of different terminology has a quintessential rather than a formal significance are the terms used to describe the Jewish people who survived the Holocaust in the Second World War. At first, they were designated as "the Holocaust rescued", indicating that they survived owing to the efforts exerted by others. In more recent times, many of these people prefer to be called "the Holocaust survivors" because this new term indicates a change of status - from the passive victims into the active participants in the resistance, whose survival was the result of their own efforts.<sup>7</sup>

In the year 2000, Ben-David presented a new approach called "the Victim's Victimology", which was based on the need for the victimological research and practice. This orientation is aimed at changing the victim's perception; it points out to the importance of the

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<sup>4</sup> Alija Ramljak, Miodrag Simović, loc. cit.

<sup>5</sup> An illustrative example of this is contained a recent survey of the Jewish settlers in the Gaza Strip, during their forced evacuation by the Israeli authorities. In this case, the claim about the importance of the victims' perception specifically refers to the development of victimization and the changes that have occurred in the minds of both the victims and the aggressors in the context of evacuation. The answer was the evacuees' collective singing and the reactions it produced.

See: *Trends and Issues in Victimology* (ed. By Natti Ronel, K. Jaishankar and Moshe Bensimon), Cambridge Scholars Publishing, 2008, pp 3-4, <http://www.c-s-p.org/Flyers/978-1-4438-0069-3-sample.pdf>, accessed on 5<sup>th</sup> November 2009

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

scientific methodology which is to be applied in providing for the victim's needs and interests; it also illustrates a change of focus: instead of the generally proclaimed victim's rights, the focal point is now shifted to the victim's self-awareness and understanding of one's individual needs. It is clear that the importance of the "victim's needs"<sup>8</sup> does not undermine the importance of the victim's rights; thus, the former gives an entirely new dimension to the latter.

The old paradigm (primarily addressing the victim's rights) can be observed as an expression of pure morality in relation to the victim, whereas the new paradigm (addressing the victim's needs) demonstrates consideration and care for morality. The new paradigm involves not only the protection of the victim's rights and interests but also the provisions to meet the victim's needs. The current victimological theory articulates this new paradigm both in terms of immediate action and in terms of academic and scientific field of interest. The main action is aimed at changing the perception of victimization, shifting it from the individual to the institutional level and creating a different cultural and social definition of crime.

Some more recent victimological papers clearly point out that "it may be deceiving to think that the demeanour of corporations is irrelevant, even taking into account the narrow definition of crime. In many ways, misdemeanour of corporations may include much more deliberation than most of the perpetrated criminal acts known as the street crime, which are commonly regarded as the acts of criminal conduct or victimization".<sup>9</sup>

Furthermore, there is an expanding liberal stream in victimology whose classification includes not only the victims of the street crime but also the victims who were exposed to some less obvious types of crime, such as the white-collar crime or the structural crime.<sup>10</sup>

This is why Miers notes that "victimology has too many pros to allow any kind of coherence in its own conception of the world",<sup>11</sup> while Rock notices its "Catholic" nature.<sup>12</sup> Indicating to even broader concepts within this discipline, a Canadian victimologist Fattah insists on making a clear distinction between what he calls "the humanistic victimology" and "the scientific victimology".<sup>13</sup> In fact, by making this distinction, Fattah puts forward the standpoints stemming from the comparative analysis of the alleged victimization cases, where these contentions were made either by the proponents of the victim protection movements or by those scholars whose views on victimization could be described as impartial but primarily academic and scientific in nature. The need for such a distinction comes from the time when Fattah's writing was "highly appropriate" in terms of articulating strong and convincing conservative undertones which were combined with the ideas born in the North American victim's protection movement and its ability to draw attention

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<sup>8</sup> *Trends and Issues in Victimology*, op. cit., page 4.

<sup>9</sup> Elias Robert, "Paradigms and Paradoxes of Victimology"

<http://www.aic.gov.au/publications/proceedings/27/elias.pdf>, accessed on 24<sup>th</sup> April 2009

<sup>10</sup> Then, the radical-critical approach brought about a further extension of the subject matter of victimology; thus, in addition to the crime victims, the subject matter of interest ate also the victims of the other forms of human predicament: environment pollution, injuries and damage of health at work, police brutality, discriminatory institutions and arbitrary actions of state authorities and privileged people. Read more on this in: Konstantinović-Vilić, S., Nikolić-Ristanović, V., Kostić, M., *Kriminologija*, Pelikan-PRINT, Niš, 2009, pages 461-462.

<sup>11</sup> Sandra Walklate, loc. cit.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

of the state authorities. Yet, this potpourri of activism and political influence in favour of "hearing the voice of the victims" also developed in the powerful Western European countries, such as England and Wales, in spite of a relatively neutral position of the victim's support movement in these countries.<sup>14</sup> Until the early 1990s, along with the growing number and the variety of groups and individuals that advocated the victims' rights in those countries, there was a process of a growing concentration of victims' political interests.<sup>15</sup>

Consequently, in the course of its development, victimology has branched into a number of different directions, whose contents and time spans varied depending on the approach of the victimologists who been advocating them.<sup>16</sup>

#### THE DEVELOPMENT OF THE CONCEPT OF VICTIMOLOGY - PENAL VICTIMOLOGY

There is a common agreement that the origins of the victimological theory in criminology are indisputably related to the names of the following scholars: von Hentig, Wertham and Mendelsohn. In 1941, von Hentig published an article titled "Remarks on the Interaction of the Perpetrator and the Victim" and later, in 1948, he published the criminology book titled "*The Criminal and His Victim*", where an entire chapter was related to the victim of a crime. Von Hentig perceived the victim as a participant in a crime and classified the victims according to the nature of their participation in a crime. He also emphasized that the study of the victim's role in a crime might lead to better crime prevention.<sup>17</sup>

In 1947, Mendelsohn presented his article in a scientific conference held in Budapest; in the article, written in French language, he used the neologism "*victimology*" for the first time. Very much like von Hentig, the focus of Mendelsohn's attention was the role of victims in the process of "*victim precipitation*" in a violent crime, as a result of provocation, for example.<sup>18</sup> This concept implies that the victims contribute to their own victimization by some characteristics that make them more prone to victimization. In Mendelsohn's opinion, the victim's behaviour has to be taken into consideration as a mitigating factor in deciding on the perpetrator's punishment. For this reason, the most important political criticism aimed against penal victimology was that this subcategory of victimology actually triggered the arguments that the victim shall be blamed for his/her predicament. From the historical point of view, in his early works in 1956, Mendelsohn pointed out to the victim's role in a crime, advocating that the perpetrator could defend himself by claiming the victim's partial responsible for the victimization. However, in his later works, the victim's participation in a crime was analyzed only for the purpose of explaining the dynam-

<sup>14</sup> Such an outcome is best illustrated by the theoretical and scientific assertions that the difficulty in determining the concept of some academic discipline is related to the designation of its subject matter, the research methods applied in studying the subject and different ideological conceptions and approaches of researchers. See, for example: Slobodanka Konstantinović-Vilić, Vesna Nikolić-Ristanović, *Kriminologija*, Faculty of Law's Centre for Publications in Niš, Niš, 2003., page 18.

<sup>15</sup> Sandra Walklate, loc. cit.

<sup>16</sup> Read more on this in: Konstantinović-Vilić, S., Nikolić-Ristanović, V., Kostić, M., op.cit., page 461.

<sup>17</sup> See: Jan J.M. van Dijk, "*Introducing Victimology*", page 1. <http://arno.uvt.nl/show.cgi?fid=77963>, accessed on 4<sup>th</sup> November 2009

<sup>18</sup> Ibid.

ics of the criminal conduct, without even the slightest intention to classify the victim as a potential participant in a crime.<sup>19</sup>

Unlike Hentig, in the course of developing a more legalistic approach in his typology of victims, Mendelsohn later changed his original concept of "*the victim's culpability*" into the concept of "*the victim precipitation*". Hereafter, the concepts of the victim's lifestyle and "the victim precipitation" were the core of the traditional approach to victimology; these concepts are the best illustration of what Miers (in 1989) called the positivist victimology. The positivist victimology implies "identifying the factors that contribute to the non-random victimization pattern, focusing on the interpersonal violent crimes, and endeavouring to identify the victims who are prone to contribute to their own victimization".<sup>20</sup> Grouping similar conceptions under the concept of "positivist victimology" corresponds to what Sandra Walklate identified (later in 1989) as "conventional victimology", and to what Karmen identified (in 1990) as "conservative victimology"<sup>21</sup>.

Under these conceptions, the concept of crime implies any common crime which occurs "in public", such as robbery or street crime. Therefore, it is an ordinary criminal act present in everyday life, which involves neither the private sphere of one's home nor the inner sphere of business corporations. This conception of a crime is closely related to the conservative approach in politics, which was subject to discussion/criticism in the first social movements that stood up for the victims' rights. This type of approach was also typical for the initial research on criminal victimization. On this matter, Karmen wrote: "In victimology and the victims' rights movement, the conservative politicians see the criminal justice system as a "guarantor" of retributive justice which provides victims with the satisfaction that the perpetrators will be punished for the committed crimes."<sup>22</sup>

Yet, it is impossible to consider the phenomenological and etiological aspects of the street crime and its victimological connotations without analyzing the context of social and retributive justice as well as the incidence of poverty, as a major crime factor that affects this relation.

There are a couple of questions that may be asked concerning the relationship between the social justice and the criminal justice. Considering the social justice, what is necessary for a society to be constituted on the principles of fairness? In terms of criminal justice, what are the basic presumptions of a fair and just punishment?<sup>23</sup> The presumption that usually speaks in favor of social justice is that a society can be fair and just only when it has taken steps to secure a fair distribution (redistribution) of social wealth; in case there is no equal distribution, the society should at least make the necessary provisions to meet the basic needs<sup>24</sup> of the members of that society. On the other hand, the presumption in

<sup>19</sup> Jan J.M. van Dijk, op. cit., pages 2-3.

<sup>20</sup> See: Sandra Walklate, op. cit., pages 31-32.

<sup>21</sup> Ibid.

<sup>22</sup> Walklate, S., op. cit., pages 32 and 36.

<sup>23</sup> See: an article on the significance of the concept of restorative justice for establishing a balance of interests of the victim, the society and the delinquent; Kostić, M., "Uspostavljanje standarda za restorativnu pravdu"(Establishing the Restorative Justice Standards), *Temida*, Beograd, no. 1, March 2007., pages 5-14.

<sup>24</sup> There are different criteria for the classification of the basic needs. The literature identifies a number of divisions depending on the nature of these needs: general and specific needs; constant and variable needs; indispensable and dispensable needs; deferred and urgent/pressing needs; natural, physical and extravagant needs; real and hypothetical needs; etc. It is particularly significant how these needs are satisfied. Thus, they

support of the criminal justice implies that punishment can be fair and just only if it is based on clear retributive principles.<sup>25</sup>

The redistributive concept of social justice and the concept of retributive criminal justice are the two basic foundations which are frequently interrelated. One of these grounds is empirical in nature and the other one is normative in nature.

The empirical ground implies that some form of redistributive justice is essential for reducing the crime rate in the developed industrial societies. The inequality in the distribution of income has a direct impact on the crime rate. In other words, the larger the disparity of wealth between the upper and lower layers in the society, the higher the crime rate. Yet, the crime rate can be even higher in those societies which have a larger number of the people from the lower social classes living below the minimum income necessary to meet their basic existential needs.

The normative ground implies that the prescribed criminal sanctions are flawed at the moment of their delivery and application, particularly in case when they are issued to the people who have not had access to social justice before the commission of a criminal offence; hence comes the claim that "the retributive justice is possible only in the context of redistributive social justice".<sup>26</sup>

These and similar theoretical differences in opinions had an impact on the further development of victimology. A significant moment in its development was the year 1968 when Schafer published the book *"The Victim and His Criminal: A Study into Functional Responsibility"*. The title, which is a paraphrase of the title of Hentig's books, shows that the victim is "the core of this monograph".<sup>27</sup> Schafer defines victimology as an independent study on the victim-offender relationship and interaction before, during and after the crime.

As an additional elaboration of the "*victim precipitation*" into the events resulting in a commission of a criminal act, there is the clarification of the offender's obligation to act in good faith by indemnifying the victim, which is also the subject matter of victimology. This concept was developed by a Dutch victimologist Nagel in his analysis of "the victimological thought" in criminology. Very much like other "pioneers" in this area, Nagel advocated the interactionist victimology. He was primarily interested in explaining the victim-offender relationship after the commission of the offence. In Nagel's opinion, the criminal justice system should be aimed at satisfying the both the social need to

are classified into: personal needs (which are related to each individual who personally decides on the manner, time, type and priority in meeting these needs); common needs (which are expressed within a circle of interested parties, thus making the synthesis of common rather than the mechanical sum of personal needs), and general social needs (which are satisfied within the society, under the same conditions for all members of the community). Taken from: Kostić, M. "Potrebe, socijalne razlike i kriminalitet"(Needs, Social Differences and the Crime), the Conference Proceeding from: *Uzroci i posledice socijalne diferencijacije u našem društvu danas (Causes and Effects of the Social Differentiation in the Society Today)*, Priština, 1997, pp 223-229.

<sup>25</sup> William C. Heffernan, John Kleining: "Introduction", taken from *From Social Justice to Criminal Justice, Poverty and Administration of Criminal Law*, (ed. By William C. Heffernan, John Kleining), 2000, Philosophy, pages 1-24.

<http://books.google.com/books?isbn=0195129857> accessed on 7th July 2009; Also see the assumptions of the classical school of criminal justice: Konstantinović-Vilić, S., Nikolic-Ristanović, V., Kostić, M., op. cit., pp 266-267

<sup>26</sup> Ibid.

<sup>27</sup> Jan J.M. van Dijk, op. cit., page 2.

punishing the offender for the committed act and the victim's need for retribution as well as the need for reconciliation.<sup>28</sup>

In his book "*Is the Victim to Blame?*" published in 1971, Fattah showed that he was also among the first scholars who supported the development of penal victimology.

All of these authors, whose pioneering work contributed to establishing victimology as an independent discipline, were practitioners: either criminal lawyers and/or criminologists. Their field of interest was the victim, as the key figure in the social processes that resulted from or resulted in a criminal act. Further efforts to study the role of the victim, as a person who "precipitates" into a crime, were reflected in Wolfgang's empirical research in the year 1958, as well as in Amir's research on rape. The focal point of their research was the victim and its "precipitation" into a commission of a crime; as a neutral and non-legalistic approach, it was expected to explain all the manifest forms and characteristics of a criminal act.

The interests of these first victimologists had an influence on the formation of one of the main streams of victimology which has been developing ever since. This stream is called *penal victimology*, as compared to the so-called *general victimology*. For the proponents of penal victimology, the area of interest is defined by criminal law; thus, victimology is a study of the victims of illegal criminal acts, which are incriminated in accordance with the criminal law provisions. The research in this field of victimology correlates the data on the causes of a crime with the data on to the victim's role in generating the crime. Penal victimology looks into the dynamics of the victim-offender interaction. Quite appropriately, an alternative name for this approach would be interactionist victimology.

#### SUBSEQUENT DEVELOPMENT OF VICTIMOLOGY

The second major orientation in the development of victimology is usually called *general victimology*. Like in penal methodology, Mendelsohn was the first who explicitly elaborated on this type of victimology. In the year 1956, in one of his post-war works, Mendelsohn presented his general idea on what he called "*victimity*",<sup>29</sup> which was to be

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<sup>28</sup> Ibid.

<sup>29</sup> In more recent approaches to the study of restorative justice and victimology, some authors present certain terms which are not commonly used in the domestic literature on victimology. Thus, the term "victimity" implies all common characteristics of all victims, the term "victimal" means: having the character of a victim; and "victimogenesis" implies the origin or the cause of victimization. See: Dr. John Dussich, Keynote speech for the 12<sup>th</sup> *Annual Restorative Justice Conference in Fresno Oct 20 '06*, <http://peace.fresno.edu/rjp/docs/2006Dussich.doc>, accessed on 9<sup>th</sup> November 2009

In their works, Russian victimologists emphasize that the key concept of victimology in the Soviet Union is "victimity" (the cited article was published in 1991). This term signifies two perspectives: according to the first perspective, victimity is seen as a set of personal characteristics that affect one's risk of becoming a victim of criminal victimization, and according to the second perspective, victimity is a path which leads to a crime. By observing these "victimal" characteristics, it is possible to observe a number of other characteristics: the socio-psychological personal characteristics, the characteristic that determine social roles and functions, the biopsychological characteristics (age and gender), as well as those characteristics that reflect a person's pathological condition (mental or somatic disease). The empirical research of "victimity" as a result of a crime includes the work of Frank (Frank, 1972), who studied murder under aggravating circumstances. J.Gilinkij, L. Ivanov, "Victimology

reduced by providing for preventive action and the victim assistance. In his later works, Mendelsohn proposed establishing victim clinics which would provide victim assistance based on a specific theory of personal, social and cultural rehabilitation.<sup>30</sup>

Therewith, Mendelsohn's interest was diverted from crime and crime prevention to the prevention and mitigation of victimity, in the broadest sense. Mendelsohn believed that the subjects of research should be not only the victims of crime and power abuse but also the victims of accidents, natural disasters and other "acts of God".<sup>31</sup> He advocated the development of general victimology, as a discipline which would be independent from criminology and criminal law and which would help countries to minimize human suffering and plight. This kind of attitude was certainly the result of Mendelsohn's personal experience, given the fact that he was himself a victim of the violation of the fundamental human rights during the Second World War.

Although Mendelsohn had never been personally involved in instituting specific privileges for the victims, he may still be considered the spiritual father of what is now called "victims' movement", which has been in expansion ever since 1970s in both developed and less developed countries. The obvious results of the movement's activities in many countries are the legal provisions governing criminal procedure, which have been changed to ensure a better legal position to the victims of crime. Victimologists have become the victims' spokespersons of the, whereas the conventional victimology has been transformed into the victimology of immediate action. In line this global change, over the past twenty years, clinical studies (which were primarily focused on victims of crime and accidents) have also included other types of victims. The key element in this field of research is how to help people under stress and trauma and how to prevent and treat the effects of the post-traumatic stress. In spite of the fact that many criminologists, criminal law practitioners and social psychologists have made a significant contribution to this field by providing the specific academic input, Van Dijk considers that most of "the work in this field has been done or is still being done by psychiatrists and clinical psychologists".<sup>32</sup>

The scope of this type of research is not confined to the victims of crime only. The exact nature of severe life-threatening events that cause traumatic stress is of little practical relevance. Therefore, the focal point should on the treatment and prevention or the mitigation of detrimental consequences.<sup>33</sup> The post-traumatic stress disorders have been diagnosed with the accident victims, as well as with the victims of natural disasters or catastrophes.

For this reason, Mendelsohn designated this victimological orientation as general victimology. From all the above, it is clear that this orientation differs from others not only in the definition of the subject matter that victimology deals with but also in the stated focal point, which is to provide assistance or treatment rather than to analyze the

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in the USSR (Union of the Soviet Socialist Republics): Theoretical Approach and Empirical Research" (*From Victims and Criminal Justice*, P 160-178, 1991, Gunther Kaiser, Helmut Kury, et al., eds.—See NJC- 132477); <http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=132483> accessed on 9<sup>th</sup> November 2009

<sup>30</sup> Jan J.M. van Dijk, op. cit., page 3.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Many studies are aimed at exploring the issues of the Holocaust survival and the other Second World War activities pointing to the best methods to help the victims in their conduct. See: Ibid.



genesis of victimization. The slogan that would correspond to the basic idea behind this orientation would be that "victimology should not be aimed at studying and interpreting the victims but at helping them. Thus, an alternative name for this concept could be "the assistance-oriented victimology".<sup>34</sup>

General victimology has been subject to political criticism as well. The key argument is that people who have sustained some minor difficulty may also claim to be victims, thus ignoring their personal responsibility. The United States of America is the state which is claimed to be the representative of "the culture of objections." In that context, there is a frequent reference to "the therapeutic culture" and "the industry of victimization." However, taking into account the serious nature of victimization as a subject matter of victimological debate, this critical position is of no relevance as an isolated discussion issue. However, the critical remarks on the possible exaggerations of "applied victimology" (as van Dijk observes) must be received with approval.<sup>35</sup>

In many countries, general victimology is institutionally linked to the victims' legal representation and their access to certain social services in developed countries. The critical evaluation studies carried out by independent researchers are of vital importance for a better operation of these social services. The proponents of penal victimology are seldom "generous" in providing professional assistance to the victims; they are more prone to posing "*logical*" questions concerning the theoretical grounds and effectiveness of the provided assistance. They are quite helpful in balancing the exaggerated allegations on the victim's social status which are usually provided by special interest groups.

In his critical remarks, Van Dijk notes that some clinical studies of crime victims have completely neglected the criminal law nature of the victim's problems and, instead, there is a focus on the patient's clinical symptoms. Criminal law practitioners sometimes gladly accept the medical approach to the victims. If the issues pertaining to the victims of crime can be successfully passed on to the professions in charge of medical treatment, then the criminal justice system "should not be concerned with this matter and can exclusively deal with the relationship between the state and the offender".<sup>36</sup> In this case, there is no political pressure to change the existing criminal procedure. Therefore, Van Dijk emphasizes once again the role of penal victimologists and their cooperation with the feminist-oriented victimologists in providing support against such professional coalitions which fail to act in the best interest of the victim.

Generally speaking, many criminologists presented other critical attitudes on this subject matter, frequently in a broader context. For instance, in 1992 Cressey provided a fairly rigorous critical opinion on victimology in general as well as on the treatment of victims. He said, "Victimology is ... a non-academic program arbitrarily assembling a "hodgepodge" of diverse ideas, interests, ideological attitudes and research methods ... ; it is characterized by the incompatibility between the two equally advantageous approaches to human hardship – the humanistic and the academic ... (However), the humanistic approach is likely to be blamed for being more of a propaganda than a scientific study, whereas the academic approach is blamed for being insufficiently focused on social

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<sup>34</sup> Jan J.M. van Dijk, op. cit., page 5.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

action. It might be better to exclude all the assumptions which are detached from others and which are associated with some other area outside the umbrella of victimology."<sup>37</sup>

As a matter of fact, Cressey's harshly expressed view is very similar to Van Dijk's critical opinion on general victimology and clinical approach to victims. In his interpretation of Cressey's resentment and bitterness, Elias further explained that Cressey's approach was actually a result of an exaggerated victimological standpoint articulated by the victims' spokesmen, whose "zeal" to promote policies in favor of victims "affects our ability to conduct an objective scientific research".<sup>38</sup>

Cressey's thoughts were reverberated by Fattah, who pointed out that victimology had strayed away from the theory and scientific research too much, and "started leaning towards ideology, activism and politics. The victims' representatives are sometimes so eager to depict the outrageous nature of the crime that they often end up with a distorted version of the crime, its impact, its frequency and its victims"<sup>39</sup> To illustrate his point, Fattah provides an example pertaining to dangers of "the missionary fervor" often practiced by the victims' representative: "the "Crusade" against child abuse often resulted in false charges, the presumption of guilt, hasty and unnecessary separation of the child, as well as in raising unnecessary fear and suspicion among parents, professionals in charge of child care and the children themselves. The victims' representatives ran the risk of the victims' stigmatization as vulnerable and helpless human beings, thus securing unjustified special treatment for them (given the fact that the victims should be entitled to assistance in any society)."

Harding's critical opinion was similar to those expressed by Cressey and Fattah. He pointed out that the politicization of victimology "perverted" the criminal justice, and had disastrous consequences for both approaches. Harding emphasized that the victims' rights movement had a selective approach to promoting the victims' rights (in terms of selecting individual victims), and he criticized the unjustified assumption that the victims' rights were more important than the rights and values of the society at large. This perpetuates the false (deadlock) battle between the interests of the victims and the interests of the perpetrators, the battle which promotes inefficient and conservative crime policy.<sup>40</sup>

#### ON RESILIENCE IN VICTIMOLOGY

Regardless of the academic debates, the possibility of becoming a crime victim is omnipresent in everyday life. It is an indisputable fact is that the victims of any criminal act inevitably face a new challenge: to deal with the fear they have sustained and subsequent reactions to that fear. "Their world has been turned upside down and they have to handle it the best they can."<sup>41</sup> Some victims are so traumatized that they may

<sup>37</sup> See: Robert Elias, "*Paradigms and Paradoxes of Victimology*", p 9.

<http://www.aic.gov.au/publications/proceedings/27/elias.pdf>, accessed on 24<sup>th</sup> April 2004

<sup>38</sup> Robert Elias, op. cit., page 12.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> James K. Hill, "Victimization, Resilience and Meanings-Making: Moving Forward in Strength", *Victims of Crime Research Digest, Issue No. 2*, Department of Justice Canada,

[http://www.justice.gc.ca/eng/pi/rs/rep-rap/rd-rr/rd09\\_2-rr09\\_2/pl.html](http://www.justice.gc.ca/eng/pi/rs/rep-rap/rd-rr/rd09_2-rr09_2/pl.html), accessed on 9<sup>th</sup> November 2009

experience personal and mental health problems which further impede their daily existence. However, many of them manage to "withstand the storm" without seeking professional help, even avoiding to call for any assistance of the victims' services. These people are considered to be able to pull together their inner sources of strength and rebuild their own lives. The professionals who deal with crime victims usually encounter the victims after they have been largely exhausted by victimization. Thus, there is a common agreement that all people who suffered any kind of victimization are traumatized. In fact, crime victims are considered to be able to express different levels of resilience and a wide range of reactions, positive and negative attempts to overcome the hardship and the ability to move forward.<sup>42</sup>

In the 1990s, some psychological studies have given rise to a new orientation which was based on the results of the research on individual differences concerning stress sensitivity. This "health-oriented" orientation was based on the experts' belief that "the human species has the inherent capacity to overcome the adverse life circumstances and situations", which implies the resilience.<sup>43</sup> This claim is supported by the biological, physical composition of the human body, i.e. its muscular and skeletal system.<sup>44</sup>

The individuals who have the capacity for resilience are actually people who have a certain mind-set including postulates or attitudes about themselves, which affect their actions and the skills they develop. On the other hand, their actions and skills have an impact on the mind-set, which altogether generates a continuous, interactive and dynamic process between the two.<sup>45</sup>

In literature, there is a common belief that every single person has the capacity for resilience. However, in order to develop resilience, one must experience some plight and hardship, which certainly calls for some support.<sup>46</sup> In some academic circles, there is an opinion that resilience is a distinctive feature of only those individuals who have already experienced some stress and overcome some hardship. Even so, it is a concept that should become the primary focus in the personal life of every single individual, regardless of whether the person had already experienced some distress of major proportions. For, there is no doubt that each individual is exposed to some degree of stress and subject to challenging situations on the daily basis.<sup>47</sup>

The resilient mind-set of one's personality includes several factors, such as: the sense of control over one's own life; the ability to reinforce one's resilience to stress; empathy; demonstrated communication skills and other interpersonal skills; genuine problem-solving and decision-making skills; setting realistic goals and expectations; learning from

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<sup>42</sup> Ibid.

<sup>43</sup> The word resilience can be defined in many ways, such as: the ability to "bounce" back in the frame; position or the ability of regenerating the strength, spirit, humour, in the fast, enthusiastic way. Psychological force itself is a man's ability to successfully overcome the psychological stresses and the strains of modern society.

See: *Psychology of New Hope and Faith*

<http://www.occult-advances.org/nc-spi-new-hope-faith.shtml> accessed on 26<sup>th</sup> May 2009

<sup>44</sup> Resilience of the physical features of individuals is reflected in the self-healing abilities of the human body (broken bones, muscle injuries et cetera, the people who can be self cured)

<sup>45</sup> See: Robert Brooks, Sam Goldstein: *The Power of Resilience*, page 3.

<http://books.google.com/books?id=IFevbnWr5MAC&printsec=frontcover&dq=Resilience#PPP1,M1> accessed on 26<sup>th</sup> May 2009

<sup>46</sup> See: *Psychology of New Hope and Faith*, loc. cit.

<sup>47</sup> Robert Brooks, Sam Goldstein: *The Power of Resilience*, loc. cit.

both successes and failures; acting as an efficient member of the community; living a responsible life based on the fundamental human values; the feeling of being special when acting for the benefit of others, et cetera.<sup>48</sup>

However, today's extensive literature on resilience has been preceded by the theoretical considerations and research conducted by a psychologist Amy Werner, who is considered to be the founder of the idea of resilience<sup>49</sup> in developmental psychology. She is often referred to as "the mother of resilience" because of her initial and fundamental research in this area. Werner conducted a thirty-year study on the residents of Kauai Island. The sample included 505 respondents who were born in 1955. Half of the children, whose parents were workers on the sugar cane plantations, were born in poverty. As the sugar industry collapsed in the difficult years to come, it almost certainly meant that these children would be living in poverty as well. The respondents were growing up in an environment full of with fear, abuse and alcoholism. Starting from the theoretical concept of a victim in order to foresee the future lives of these children, Werner believed that we could come to a simple conclusion that the future lives of these children would definitely be delineated by the age of 20, in such a way that they were most likely to carry on living the life of crime, alcoholism, unemployment and desperation. However, the research demonstrated that one third of these children did not fall into such predicament. In fact, they were good pupils and started their successful careers, describing themselves as "competent adults".<sup>50</sup>

There is a similar example in the research conducted by John DeFrain and his associates. They examined a group of 40 adults who were abused during childhood. The researchers' goal was to determine whether the adults had any "scars" from their childhood, which was confirmed by every single one of the respondents. The test results further demonstrated that 11% of respondents saw themselves as people who were barely surviving, while 83% of respondents said they had overcome the experiences from their childhood and built a better life for themselves. Yet 57% of all respondents had confirmed that they had no one to talk to.<sup>51</sup>

The results of these studies are only an illustration that learning about the resilience is important for the victims of crime. For example, Casarez-Levison has developed a simple model demonstrating how people move from the position of members of the general population to the position of a victim, and further on to the point when they can be called "the survivors". She pointed out that victims move from the state of mind preceding the commission of a crime (pre-victimization) to a criminal offense (victimization) and, further on, to the initial control and adjustment (transition) and, ultimately, go on with their lives (the resolution). Moreover, the model is simplified by the fact that the focal point in this process is the psychological strength that a person could have demonstrated

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<sup>48</sup> Ibid.

<sup>49</sup> The research into resilience have shown that individuals successfully develop in spite of the poor living conditions or running a risk of a mental illness, thus demonstrating that the factors that are often called risk-factors are not reliable predictors of psychopathology. Read more on this in: Zotović, M., "Stres i posledice stresa: prikaz transkionističkog teorijskog modela"(Stress and its Effects: an Overview of the Tranxionistic Model), *Psihologija*, 2002, Vol. 35 (1-2), 3-23, [www.doiserbia.nbs.bg.ac.yu/.../ft.aspx?id=0048-57050201003Z](http://www.doiserbia.nbs.bg.ac.yu/.../ft.aspx?id=0048-57050201003Z), accessed on 21<sup>st</sup> January 2009

<sup>50</sup> See: *Psychology of New Hope and Faith*, loc. cit.

<sup>51</sup> See: *ibid.*

even before and during the criminal events, as well as the personal stamina which is even more apparent now that the person is ready to face the crime and move forward.<sup>52</sup>

Peterson and Seligman identified the character traits of resilience and abilities which people living in different cultural settings have in common. The list includes the character traits of resilience, which are chosen on the basis of one's abilities, including: a) *wisdom and knowledge*: creativity, curiosity, open-mindedness, love or learning to love, potentials; b) *valour*: courage, persistence, propriety and vitality; c) *humanity*: love, kindness and social intelligence; d) *justice*: civil spirit, fearlessness and leadership ability; e) *temperance*: forgiveness/mercy, humility/modesty, prudence and self-control; f) *transcendence*: appreciation of beauty, gratitude, hope, humor and wit.<sup>53</sup>

There is no doubt whatsoever that the abovementioned characteristics are certainly necessary in the process of facing the state of criminal victimization and successfully coping with the participation in the criminal justice system, or facing criminal charges in court (in case when the victim is blamed for the crime). In fact, the professionals who are daily in charge of helping the crime victims are believed to be spending most of their time developing and/or fostering many of these characteristics in the victims they work with. From the clinical perspective, it is easier to develop these qualities in the persons who already have them in their personal mind-set than attempt to develop completely new characteristics in a person who has never had them before, especially during stressful periods.<sup>54</sup>

The issues related to resilience in the victimological approach are impossible to confine to a single standpoint, conclusion or approach. However, some authors, such as Hill, point out that it would be useful for the professionals working with victims to assume a positive approach to overcoming obstacles and to be aware of resilience as the major factors which can contribute to the victim's ability to understand what actually happened and to go on with his/her life. This essential feature of personal strength can be identified and developed even with the most frustrated victims of crime. By encouraging victims to draw upon their strengths and by facilitating the victim's positive attitude to overcome the trauma, the society supports the victims and helps them develop awareness of what actually happened to them.<sup>55</sup>

This brief overview of the major considerations in the contemporary victimological theory and practice is to remind us that the sustained trauma and the pain of criminal victimization have to be borne with the spiritual strength and dignity. The awareness of this fact and its constant reinforcement is even more important to those who have experienced some form of victimization.

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<sup>52</sup> James K. Hill, loc. cit.

<sup>53</sup> See: *ibid.*

<sup>54</sup> See: *ibid.*

<sup>55</sup> See: *ibid.*

## **VIKTIMOLOGIJA - SAVREMENI NAUČNI POGLED NA KRIMINALITET I NJEGOVU ŽRTVU**

**Miomira Kostić**

*U radu autorka je ukazala na raznovrsnost shvatanja tokom razvoja viktimologije kao samostalne naučne discipline ili kao poddiscipline kriminologije – počev od penalne ka opštoj viktimologiji. Iznela je kritičke stavove viktimologa o opštoj viktimologiji i stavove u korist penalne i feministički orijentisane viktimologije. Bavila se pitanjima značaja rezilijentnosti u tretmanu žrtava zločina.*

**Ključne reči:** *penalna viktimologija, opšta viktimologija, feministička viktimologija, rezilijentnost.*