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## FREE THE VICTIM: A CRITIQUE OF THE WESTERN CONCEPTION OF VICTIMHOOD

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### ABSTRACT

In Western languages those affected by crime are universally labelled as 'victims', meaning the sacrificed ones. According to the author this practice seems to originate from the association of the plight of victims with the suffering of Jesus Christ. In his view, the victim label, although eliciting compassion for victims, assigns to them a social role of passivity and forgiveness that they may increasingly find to be restraining. He analyses the narratives of eleven high-profile victims such as Natascha Kampusch, the couple McCann and Reemtsma to illustrate this thesis. The article continues with a critical review of biases deriving from the unreflexive adoption of the victim label in various schools of thought in victimology and criminal law. Finally, the author argues for the introduction of stronger procedural rights for crime victims in criminal trials and for a new focus within victimology on processes of victim labelling.

**Keywords:** victims of crime — labelling — procedural rights — narratives

### INTRODUCTION

The English term *victim* is derived from the Latin word for sacrificial animal, *victima*. The English language is not alone in calling persons affected by crime the sacrificed ones. In fact, all Western languages use words referring to sacrificial animals for victims of crime. In Romance languages terms are used that are likewise derived from the Latin word *victima*. In German victims are called *Opfer*, a word meaning both the sacrifice and the sacrificed object. In Dutch this double meaning is avoided by adding the word for slaughter. The Dutch word is *slacht-offer*, meaning the object that is slaughtered by way of sacrifice. In Icelandic the word used is *Förnarlamb*, meaning the sacrificial lamb. In modern Greek, Hungarian and all Slavic languages similar concepts

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are used. We have not found a single exception to the rule that Western languages as well as modern Hebrew and Arab refer to those affected by crime with words denoting sacrifice and/or sacrificial objects (Van Dijk, 2006; 2008b; Fletscher, 2007).

The choice of the *victima* label for victims of crime in so many languages is puzzling for several reasons. Why have these languages not opted for the more neutral terms that are used in, for example, Chinese and Japanese where the victim is called the harmed party? It seems melodramatic and strangely lacking in respect to call human beings suffering from the after effects of crimes slaughtered animals. The *victima* label precludes any hope of a rapid recovery or, in fact, of any recovery at all. Moreover, the use of the label puts the behaviour of the perpetrator in a strangely favourable light. By calling the affected persons sacrificial objects, the speaker suggests that the perpetrator has been motivated by higher, unselfish motives. The perpetrator is put in the venerable position of the sacrificing priest. The same objection has been raised against the use of the word holocaust for the genocide of the Jews by the Nazis. Holocaust means a sacrifice by fire. As Kamins (2005) comments, the word holocaust implicitly suggests that the killing of millions of Jews has somehow served a higher purpose. For this reason Israeli people — and Jewish people generally — have started to avoid the concept and to refer to the *shoah* instead (*shoah* meaning the God forsaken disaster).

As noted by British victimologist Paul Rock (2004) victims of crime are increasingly harbouring reservations about being called victims. This observation is confirmed by Spalek (2006): 'If the stereotype of victim as "passive" and "helpless" is perpetuated in dominant representations of victimhood, during a time when individual strength is valued in society, then both males and females may increasingly refuse to situate themselves in terms of victimhood'. According to Rolf Kleber, Dutch expert on the treatment of psychotraumatized, increasing numbers of victims resent the negative connotations of the label which seems to deny their potential strengths (cited in Van Teeseling, 2001). By being called victims, victims of crime feel 'locked in'. Typical for the rejection of the victim label by victims are statements made by Natascha Kampusch, high-profile victim of a kidnapping in Vienna that lasted for eight years. In an interview with a British newspaper she stated: 'I am not a victim simply because other people say I am. Other people cannot make you a victim, you can only do that yourself (...) I want to be taken seriously and for the events of my case not be swept under the doormat' ('I am not a victim', *The Telegraph*, 20-08-2007). In The Netherlands, a former world champion in judo accused her former coach of sexually abusing his pupils, saying: 'I never felt myself a victim and this is not an act of retaliation either. But other, less strong judokas could become victims and I want to prevent that' (cited in Römken and Dijkstra, 1996). In the USA likewise several high-profile victims have publicly rejected the victim status (Cole, 2006). A typical example is the testimony of the victim of a brutal attack in Central Park, Treshi Meili, who presents herself in a

book called *A Story of Hope and Possibility* as a *survivor* (Meili, 2003). The proposal by American feminists to replace the negative concept of victim by survivor in cases of violence against women has met with near universal approval<sup>1</sup>. In formal texts of the government, rape victims or victims of domestic violence or human trafficking are now duly called survivors and victim support programmes survivor agencies.

In this article I will first try to unravel the etymological origins of the increasingly critiqued *victima* label. When has the usage of the label in Western societies commenced and for what reasons? I will try to demonstrate that the content of the *victima* label in Western languages originates from the late Christian imagery of Jesus Christ. The label has become used when common people in Western Europe started to recognize the passion of Christ in fellow human beings suffering from crime or disaster. A first pointer to this is the Icelandic concept of *Förnarlamb* mentioned above. This concept seems to be directly derived from the Catholic (and Lutheran) concept of Jesus as the Lamb of God (*Agnus Dei*). As the next part of this reconstruction, I will try to unravel the various implications of the *victima* label for the treatment of crime victims in our culture. Since this is largely uncharted territory this enquiry must be explorative in nature. As material I will mainly use stories from high profile crime victims such as Natascha Kampusch and Treshi Meili mentioned above. The analysed victim narratives tell a very different story to conventional representations of passive suffering. They also reveal how society's response to crime victims tends to turn from sympathy into antipathy when victims defy the expected victim role. Although the results of such narrative analysis can only be tentative and should be followed up by further empirical research, they do seem to point to serious biases in current representations of victims. I will therefore subsequently argue that the young discipline of victimology, by uncritically adopting the concept of the 'victim' as its subject-matter, has reproduced many of the underlying assumptions and connotations of that label. I will discuss hidden biases in early penal victimology, studies centering around the concept of psychotraumatic stress disorder, reformist criminal victimology and early versions of restorative justice. In the closing paragraph I will exhort victimologists to pay more attention to hidden processes of victim labelling and their potentially harmful, restricting consequences for those so labelled. The ultimate objective of this essay is to launch a discussion on the need for victimology to break away from conventional modes of thinking about victims as 'victims' and become more self-reflexive.

## IN THE SHADOW OF CHRIST

According to the main available dictionaries, the word *victim* has in most European languages been in use for centuries only metaphorically such as in expressions that someone is a 'victim of his own ambitions'. The first use of the word *victim* for a human being emerged in theological texts around the time of

the Reformation. According to my research, one of the oldest appearances of the word *victima* as a word for a human being can be found in the book *On the Institutes of the Christian Religion*, written in classical Latin by the lawyer and religious reformer Johannes Calvin and first published in 1536<sup>2</sup>. Calvin used the word *victima* as a special name for Jesus Christ in an elaboration of the sacrificial nature of the Crucifixion. The leading dictionary of the Dutch language mentions as the oldest citation of the word *slachtoffer* in a figurative sense a religious text from 1557. In this text the Lord Jesus is called the 'victim of our sins'<sup>3</sup>. The leading dictionary of the French language, *Le Robert*, gives as the oldest citation of the word *victim* a reference by the playwright Corneille dating from 1642. In this citation Jesus Christ is called a '*victime volontaire*'. The word *victim*, according to the Oxford Dictionary, appeared for the first time in the English language in the so-called Rhemian Bible, written by scholars at the English College in Rheims in the 16th century (Oxford Dictionary, 1978). It was initially only used as a name for sacrificial animals. In English, the word *victim* seems to have been used for a human person for the first time only in 1736. In that year it was, according to the Oxford Dictionary, used as an honorary name for Jesus Christ, the Crucified, in a translation of the New Testament. Christ was called the *expiatory victim*: the person who through his victimhood redeemed mankind. A cursory check on etymological dictionaries of other European languages confirms that the word *victim* is used to refer to Jesus Christ.

The use of the victim concept as a special name for Jesus Christ in European languages will initially have impeded rather than facilitated a broadening of its meaning to ordinary human beings. Such usage would probably have struck religious people as blasphemous. In no ancient or modern version of the Bible, are victims of crime ever called victims. They are referred to as the beaten ones. Chronologically the broader usage only commenced in the 17th century, at least a century after the concept was first used for Jesus Christ. In the English language, where the concept as mentioned appeared somewhat later on the scene than elsewhere, the first wider use of the term *victim* for victims of crimes and disasters happened not before the end of the 18th century (Rock, 2004). The adoption of the word *victim* in this broader sense has everywhere occurred within colloquial language. In no language was the word *victim* first introduced as a technical, legal term. In most languages the first citations of the word in its broader sense do not even necessarily refer to victims of crimes but to victims of disasters generally.

The use of the term *victims* in informal language most probably hinged on the incremental humanization of the imagery of Jesus Christ, starting in Renaissance religious art and culminating in highly realistic pictures and sculptures in popular Christian art. An important source of inspiration for the broader *victima* concept may well have been the extremely popular Passion Plays which have for centuries presented explicit imagery of the passion of Christ to large audiences. The adoption of the broader meaning of the concept

may also have been facilitated by the growing awareness by modern man of the Crucifixion as a case of scapegoating. In the words of the legal philosopher George Fletscher, Jesus 'was at once the sacrificial lamb to redeem mankind from the Fall, and victim of a crime of torture and biased prosecution' (Fletscher, 2007). At any rate, in our view, across the Western world ordinary people have in the course of the 17th or 18th century started to recognize in the suffering of fellow human beings the passion of Christ. They have accordingly started to apply the *victima* label, once coined and strictly reserved for Jesus Christ, to suffering human beings in general.

The *victima* label's first and foremost connotation is that of compassion or co-misery. By labelling those affected by crime or disaster *victims*, speakers express their compassion with their deep and innocent suffering. In this view, Nils Christie's often cited concept of the 'ideal victim' as an innocent old lady (Christie, 1986) can be understood as grounded in Christian theology: the victim is seen as a person in the image of Jesus Christ<sup>4</sup>. An important secondary connotation of the Christian *victima* label besides compassion is that of forgiveness. From the Cross Jesus directed himself to God the Father with the words: 'Forgive them, Lord, because they do not know what they are doing' (Luke, 23:32). In his dying moments Jesus practised what he had preached all his life. In his Sermon on the Mount Jesus admonishes the believers to turn the other cheek to tormentors (Matt. 5:38). The New Testament is replete with statements about the duty of believers to forgive their enemies. For example, believers are encouraged to forgive recidivist sinners 70 times 7 times (Matt. 18:22). For Nietzsche the imagery of the Crucifixion of Jesus symbolizes everything he finds at fault in Christianity: 'He does not resist, he does not stand up for his rights, he doesn't move to protect himself, even worse, he asks for it. And then he prays, he suffers, he loves together with and in his tormentors' (Nietzsche, 1969, translation from German by the author). Several critics of the conclusions of Nietzsche's book, the anti-Christ, express their appreciation for his understanding of what it means to act in the spirit of Christ (e.g. René Girard in Müller, 1996).

Christian forgiveness is not just a theological construct. Many Christian churches in their daily pastoral practice call upon crime victims to forgive their offenders (Cooper-White, 1995). In contrast, revenge is considered to be one of the main sins in Catholic morality. In Dante's *Divina Commedia* especially gruelling places in Hell are reserved for those who bear grudges or have actually retaliated against their attackers (Dante, 1321). The success of the Truth and Reconciliation Commission in post apartheid South Africa owed much to the Christian belief in forgiveness of Bishop Tutu and many of the participants (Tutu, 1999). The Dutch Dominican theologian Andre Lascaris, in his book *The Sovereign Victim*, explicitly calls upon crime victims to recognize in their offenders sufferers like themselves and to offer forgiveness in the spirit of Jesus Christ (Lascaris, 1993). And indeed the late pope Paulus Johannes II visited the perpetrator of an assassination attempt in his prison cell in order to offer him

forgiveness. Another glaring example of Christian forgiveness in action was provided by the American Amish communities when one of their members had shot down a class of school children. TV viewers around the world have seen how the day after the disaster bereaved family members offered forgiveness to the perpetrator's wife. In the view of the Amish their *Gelassenheit* in victimhood directly follows from their commitment to follow the example set by the life of Jesus Christ (Kraybill *et al.*, 2007).

Up to late medieval times, victims and their families in Europe had a right to seek revenge for murder and other serious crimes. Especially among noble families this right to retaliate wrongs with impunity has been maintained up to the 16th century (Bianchi, 1985). In many cultures offenders could not only be killed with impunity but such acts of revenge were even seen as a holy duty for family members of the deceased (Miller, 2006). Gradually this right of revenge was more and more regulated and replaced by the payment of restitution to the victim (Schafer, 1986). As Bianchi (1985) recalls, in many cities in Europe official sanctuaries were set up wherein offenders were safe from reprisals from victims. Some of these sanctuaries have been in operation up to as late as the 18th century. This institution of sanctuaries bears testimony to the continued, practical significance of the ancient right of victims to take revenge.

The newly imposed moral imperative for crime victims to renounce their traditional right of revenge and/or blood money requests them to abandon a once powerful legal position in relation to the offender. Victims are expected to make a significant sacrifice on behalf of the community. In conventional Western sociology in the tradition of Durkheim (1858–1917) criminality is seen as socially functional because it reinforces moral cohesiveness through punishment of the offender. This optimistic point of view is based on the tacit assumption that victims will refrain from retaliatory action. The functionality of crime presupposes effective silencing of the victim.

The social treatment of crime victims in modern times puts them into the position of scapegoats in primitive cultures and mythology. According to the story in the bible book Leviticus, the Israelis absolve themselves of their sins by putting these on the goat's shoulders and sending him to his death in the desert. In secular terms, the scapegoat absorbs the social tensions within the community and cleanses the community through his subsequent expulsion. Crime victims are likewise invited to restore the peace disturbed by the offenders by sacrificing their right of revenge.

According to the French-American philosopher René Girard all religious rituals are essentially sacrificial (Girard, 1977). Building on this theoretical perspective, the Swiss criminologist Ch. Robert proposed an interpretation of the criminal trial as a secular ritual sacrificing the accused (Robert, 1986). To me Girard's theory suggests an interpretation of criminal justice as a ritual sacrificing the victim's interest through symbolic exclusion on behalf of the community. In his elaborate analyses of scapegoating rituals, Girard has demonstrated how successful scapegoating mechanisms presuppose sincerity

on the side of those who arrange the expulsion (Girard, 1977; 1986)<sup>5</sup>. The violence against the scapegoat must in Girard's words be seen as 'good violence', in the sense that for the ritual to be effective, the attackers must be honestly convinced of the rightfulness of their accusations and the legitimacy of the violence afflicted on their targets. Ideally, the scapegoat admits his guilt and agrees to his expulsion<sup>6</sup>. Just like scapegoats in a Girardian sense, the crime victim is excluded from criminal justice procedure as a matter of course. Crime victims are supposed to offer their offenders forgiveness voluntarily and unconditionally and to refrain from legal action.

Etymologically the hypothesis that society by calling those affected by crimes victims makes them into the quasi-scapegoats of the crime, is well-founded. At a deeper etymological level, the word *victim* means literally the scapegoat<sup>7</sup>. By calling the figure of Jesus Christ a victim, modern theologians such as John Calvin have, wittingly or unwittingly, acknowledged that he stood in a long tradition of scapegoats killed to bring peace to the community. This secular interpretation of the Crucifixion has been first suggested by British anthropologist Sir James Frazer and later elaborated by the French philosophical anthropologist René Girard just mentioned. According to the latter, in his book *Violence and the Sacred*, the quintessential characteristics of a scapegoat are, besides his complicity in his own downfall, his incapacity to retaliate (Girard, 1977). Peace can only be truly restored if the scapegoat such as the tragic hero Oedipus in *Oedipus Rex* is resigned to his fate. In this light Jesus Christ by instantaneously forgiving his tormentors fully qualifies as a self-sacrificing scapegoat and as an ideal model for crime victims.

It appears a stroke of linguistic genius that by calling those affected by crimes *victims*, society can acknowledge their deep and innocent suffering and at the same time express its firm expectation that they will sacrifice their right of revenge. By calling crime victims *victims* in the image of Jesus Christ, they are socially constructed both as suffering objects worthy of society's compassion and as the active subjects of a sacrifice. This double meaning of the concept may be the reason behind the label's ready adoption in so many Western languages in the 17th century. The adoption may also have been facilitated by the fact that in many Western languages as well as in Arab, the words for sacrificed and sacrifice are the same (*ein Opfer sein / ein Opfer bringen*). The label of victim contains the connotation of someone bringing a sacrifice.

To summarize our analysis so far, the first use of the word *victim* for human beings in Western languages was as a special name for Jesus Christ. Thereafter, the word *victim* has in modern times come into use as a label for fellow human beings suffering from the effects of disasters including crimes. Against the background of Christianity, the label elicits expectations of compassion on the part of the labellers and meekness and forgiveness on the part of the person so labelled. Peace-making after the commission of a criminal act is a core value in all Christian or post-Christian cultures. To a lesser degree it is also part of prevailing Jewish and Islamic moralities<sup>8</sup>. Christianity, however, stands out

with the moral imperative of unconditional forgiveness as exemplified by the life of Jesus Christ. The role expectations of passive suffering for crime victims seem stricter in Christian cultures than in the other religions of Abraham. In Freudian terminology, Christian morality seeks not the regulation but the total repression of the urge to take revenge (Jacoby, 1983).

## **IMPLICATIONS OF THE VICTIM LABEL FOR VICTIMS**

We will now turn our analysis to the question how the moral imperatives attached to the *victima* label shape the treatment of crime victims in Western societies. According to our hypothetical conclusions, the 'ideal victim' is innocent, suffers deeply but is ready to forgive his offender nevertheless. The community from its side is expected to show compassion and respect to persons who comply with the label's expectations. Where the forgiveness of the victim is supposed to be unconditional, the offer of compassion is not. Those victims who belie or defy their label contravene unspoken but powerful Christian values. They thereby forsake their entitlement to compassion and respect and may even provoke anger and moral indignation instead.

The defining elements of the victim label are taken for granted in both colloquial language and in the discourse of victimology, the study of those so labelled. This makes it difficult to find ways of exploring the validity of the hypotheses outlined above. Data from positivist victimological research such as those collected in victimization surveys or through structured interviews with victims about their coping with the after effects of their victimization, have greatly contributed to our knowledge of the prevalence and key consequences of victimization. But such positivist data seem of little help to explore at a more fundamental level how victims are construed by society and responded to by their environment. The issue under investigation is not, for example, to what extent victims suffer from neatly described mental disorders such as post traumatic stress syndromes. The issue is whether focussing on such disorders when describing those affected by crime is objectively justified or reflects a hidden bias resulting from the labelling of such persons as victims. We want to hear from the protagonists themselves what happened to them and how others reacted to their situation without imposing our preconceived understandings of victimhood. A victimology that questions the very concept of victimhood poses severe methodological challenges (Walklate, 2007). When victimology feels unsure whether it knows the right questions, data gathering cannot consist of question-answer exchanges with victims.

A possible way to try to understand the authentic voices of victims is narrative analysis (Riessman, 1993). Within criminology the narrative approach has been used widely in studies of delinquency, including by analysing autobiographies of high profile ex-offenders such as that of the French writer Jean Genet (Bennett, 1981). A new and promising source of information on victimization are autobiographical accounts of high profile victims such as

those of Natascha Kampusch and Meli Treishi mentioned above. These narratives not only give a personal, uncensored account of how these persons have experienced and interpreted their victimisation but also of how they have experienced society's response to it. We have studied more or less extensive narratives of a total of eleven victims from six different countries. They come from very different walks of life, ranging from two adolescent girls (Sabine Dardenne and Natascha Kampusch), a successful middle-aged professional (Meli Treishi) and two internationally renowned scholars (John Tulloch and Jan Philipp Reemtsma)<sup>9</sup>. Most of them have published fully-fledged autobiographies or have spoken about their experiences in one or more in-depth interviews. Natascha Kampusch has given several extensive interviews and saw biographies written about her experiences both by two English journalists and by her mother (Sirny-Kampusch, 2007). We will use these victim testimonies for a first, tentative review of our views on victim labelling and victim scapegoating. At some points we have added citations from other victims, taken from collections of in-depth interviews with victims (e.g. Lemonne *et al.*, 2007).

Autobiographical accounts cannot, of course, be taken at face value. They are shaped by cultural conventions and parts may serve the personal interests of the protagonist (Atkinson and Delamont, 2006). There are two reasons why narratives of high profile crime victims seem of special interest. Although some biographies of victims have become best sellers, they have not yet developed into a 'genre'. None of the eleven narratives studied seems influenced by any of the others. In this respect they appear to be truly authentic. Secondly, high-profile victims have as public figures little room to be untruthful about the facts of their case. Although their accounts of what happened are by definition subjective, their factual contents can be checked against independent information available on the worldwide web, e.g. in the web-based Wikipedia. On the negative side, it could be argued that high profile victims who publish their victimization stories are probably not representative of other, less resilient victims. Issues of validation are a recurrent concern in narrative analysis. The results of narrative analyses should preferably be tested in further research before generalizations are made (Riessman, 1993). We will return to this issue at the end of the next paragraph.

## **VICTIM NARRATIVES: UNEXPECTED INNER STRENGTHS, VENGEANCE AND POST TRAUMATIC ALTRUISM**

The first common thread in the testimonies of the eleven victim/survivors is that they have all discovered unexpected inner strengths while coping with their victimisation and/or its aftermath. Sabine Dardenne, survivor of a kidnapping by Dutroux observes: 'I found out that I was apparently a strong little girl' (Dardenne, 2004). Natascha Kampusch commented in an interview soon after her release from eight year captivity: 'It was immediately clear that I was the

stronger of the two. He was never my boss' (*Das Bild*, 29 August, 2006). Later she would observe: 'It was soon clear to both of us that he had got himself involved with the wrong type'. Terry Waite records in great detail how during his year long kidnapping he forbade himself to feel sorry for himself. He commented about himself and his family that the ordeal of his kidnapping 'while making us vulnerable, had strengthened us both individually and collectively' (Waite, 1993). Hank Heijn, the Dutch widow of an industrialist murdered by his kidnapper, mentions at several places in her autobiography, written by a journalist, that she had repeatedly surprised herself by her own strength (Verburg, 2006). Most of the other victims whose autobiographies were studied express themselves in similar words.

It could be argued, as said above, that victims who manage to write books about their stories must by definition possess considerable inner strength. In this they may not be representative of all victims. However, the existence of unexpected deposits of inner strength in many crime victims has in recent years been confirmed in numerous clinical studies. It forms part of the recently discovered phenomena that are called 'victim resilience' (Bonnano, 2004) and 'post traumatic growth' (Zoellner and Maercker, 2006). The proportion of victims who experience unexpected inner strengths or personal growth seems in fact larger than those suffering from stress disorders. In this respect, the high profile victims may be more representative of larger groups of victims than has been assumed. The simultaneous discovery of the phenomena of victim resilience and post traumatic growth by clinical psychologists and the new publishing trend of victim biographies is probably not coincidental. Both events seem dependent on the growing awareness in Western societies that the experience of being victimized by serious crime amounts to more than deep suffering. They both bear testimony to the gradual unravelling of conventional representations of victimhood in Western culture.

A second recurrent theme in the testimonies is the victim's feelings of anger towards the offender and a related refusal to offer him forgiveness. In the case of Sabine Dardenne, one of the surviving victims of Dutroux, the anger is deeply felt and expressed without misgivings. She was keen to offer testimony at the trial in order to make sure that Dutroux would not come off lightly. She recalls how upset she was when Dutroux and his wife at the end of his trial asked her for forgiveness and how she categorically refused to offer forgiveness in her last speech to the court. She also recalls how one of her fellow victims answered a TV reporter asking about Dutroux's request for forgiveness: 'I hope he chokes in his apologies'. In the testimony of Mukhtar Mai the experiencing of feelings of anger towards her attackers is presented as an antidote to depression: 'For several days, I go insane with helplessness. I cannot go on living like this, lying down, shrouded in my shawl! Finally, out of nowhere, a surprising fit of anger saves me from my stupor. Now it is my turn to seek revenge. I could hire men to kill my attackers'. She acknowledges the surprising healing power of admitting and expressing feelings of anger and revenge. 'How does one survive

dishonour? How does one overcome despair? With anger, at first, with an instinct for revenge that resists the tempting solution of death, an instinct that allows one to recover, go forward, act' (Mukhtar Mai, 2006). In an interview with Dutch journalists, Mukhtar Mai denied that for her offenders forgiveness was an option: 'If they are not punished by the court, Allah will have to do it' (Van Dijk, 2008a).

In many other testimonies, the victims describe their ongoing struggles with feelings of anger. Natascha Kampusch expressed ambivalent feelings towards her kidnapper. In the first interviews she expressed sympathy for his mother in relation to the kidnapper's suicide. At the same time she called him her tormentor (*Beule*). Commentators have interpreted her ambiguity as a sign of overidentification with the once all-powerful kidnapper, the so-called Stockholm syndrome. Jan Philipp Reemtsma recalls how he was overwhelmed by deep sorrow when confronted for the first time with the photo of his kidnapper in the media. After a while his sorrow like that of Mukhtar Mai, transformed into a reverie about how he would torment his kidnapper. In his autobiography Reemtsma quotes a statement from another kidnapping victim how internalised concepts of civility make one feel ashamed about experiencing such fantasies of revenge<sup>10</sup>. Although Reemtsma respects the man for his restraint, he himself cannot share his feelings of shame. On the contrary, one of his greatest coping problems is, in fact, that the enforced intimacy of their relationship during the commission of the crime prevents him in his own eyes from hating the offender strongly enough for what he has done to him and his family. Reemtsma strongly resents his ambivalent feelings towards the offender and sees this as one of the most traumatic aspects of his kidnapping. In spite of this ambivalence, there can be no doubt about his desire that justice is done. In a trial of two co-defendants, Reemtsma participated in the procedure as co-prosecutor to impress upon the court the severity of the crime committed against him and his family. Arjan Erkel in his biography about his long term captivity likewise acknowledges he entertains ambivalent feelings towards his kidnappers due to such forced intimacy (Erkel, 2005). The testimonies of nearly all eleven victims testify to the prevalence, strength and healing power of feelings of anger and revenge. Those of Kampusch, Reemtsma and Erkel also reveal how victims of kidnapping struggle with fantasies of violent retaliation, either because of their Christian values or of their ambivalent feelings towards the offender. One of the crime victims interviewed by Lemonne *et al.* (2007) reports on the discrepancy between the popularity of the revenge motive in films and literature and its repression from public life: 'Whatever one may feel, in real life such acts are not allowed, and for good reasons, that is a necessity. But what I want to say is that films and literary books reflect sentiments that come from deep down and which I have experienced myself and that one has to get these under control and that the criminal justice system as it now operates, is of little help with all this'<sup>11</sup>.

A third dominant theme that cuts across the testimonies of the eleven victims is their commitment to engage in social activities on behalf of other victims of misfortune. This theme is so ubiquitous and so pronounced that it cannot be coincidental. Ger Vaders, survivor of the first terrorist attack in The Netherlands, became a leading figure in the development of victim support in his country. Treshi Meili gave up her job at a leading merchant bank to work for charity organisations besides doing voluntary work for a victim support group in New York (Meili, 2003). Mukhtar Mai not only confronted her attackers in court but used the compensation obtained to set up schools for girls in her village. Natascha Kampusch has set up a fund for victims from which she donated in 2008 a significant sum to the victims of a new horrendous kidnapping in Austria (the Fritzl case). Terry Waite runs an organization providing relief to poor communities in developing countries. Arjan Erkel is also engaged in various forms of charity work. Hank Heijn expresses pride in the decision of her children to spend part of their father's inheritance on a charity organization. Reemtsma, inheritor of a family fortune, has continued his many charitable donations including the funding of a research centre on social problems including the effects of collective victimization. To these examples one can easily add important initiatives from other high-profile victims such as, in the United Kingdom, the Jill Dando Institute of Crime Science, established by the fiancé and friends of a murdered TV personality and the Lamplugh foundation founded by the mother of a murdered woman. In the USA, the family of Ron Goldman, killed by O.J. Simpson decided to spend the sums forfeited from the offender in a civil law suit on the establishment of a fund to support survivors of violent crime. The inclination of crime survivors to engage in activities supporting other victims of misfortune seems very common indeed. It is perhaps one of the most common manifestations of post-traumatic growth.

The themes of resilience, fantasies of revenge and post-traumatic altruism are clearly at odds with conventional representations of victimhood in terms of passive suffering and helplessness. What is special about the theme of unexpected inner strength is not that it is so common but that the protagonists have themselves been surprised by it. It seems as if an important aspect of the experience of being a victim is experiencing that the personal experience does not fit the internalised stereotypes of passivity and helplessness. Especially important seems to be the mismatch between the self-perceptions of victims and how they are perceived by their environment. Victims who want to remain faithful to themselves are forced to resist their assigned social roles as victims. About Reemtsma, the following observation was made by a German criminal law professor: 'Not only was Reemtsma a sharp observer of the outside world's facts (thereby helping the police very effectively in their investigation)'. (...) 'He was also in a position — financially, intellectually, and personally — to reject the role society and the criminal justice system assigns to most victims' (Prittwitz, 1999). In Germany several family members of victims of the German terrorist group Baader-Meinhoff have recently for the first time after thirty years

presented their stories to the media and started to raise questions about the state's handling of the attacks. One of them, Elisabeth Buback, expressed to me at the occasion of a conference at Tilburg University in March 2008 about victims of terrorism her satisfaction about this more active role: 'As family members of the victims we have always been passive. Victims. I have suffered a lot from that. The only thing you can do is to undergo everything and listen to the sympathy from others. This is very unpleasant'. The social tensions resulting from the expectation of passivity and the wish of some victims to play a more active role in investigation or prosecution, deserve a closer analysis.

## **REACTIVE SCAPEGOATING OF VICTIMS**

A recurrent thread in the testimonies of the victims deals with the discrepancy between their self-image as autonomous individuals with considerable strengths and legitimate demands and the limiting social expectations of their environment. All eleven victims tell painful stories about the negative responses they experienced from their social environment, the media and/or certain officials to a more active role. These experiences of secondary victimisation could be interpreted as instances of straightforward victim blaming. As discussed in the literature, blaming the victim is a well known defense mechanism that serves important psychological functions for those confronted with the victimisation of others (Ryan, 1971). By blaming the victims for their fate, we can reassure ourselves we live in a just world (Lerner, 1980; Eisenberger, 2003; Underwood, 2004)<sup>12</sup>. At second sight, a different, more specific mechanism seems to be in operation. In all cases, the victims seem to have provoked the negative responses not by the threatening severity of their victimisation and its consequences but, on the contrary, by their resilient coping style. It seems to have been precisely their autonomy and activism that has triggered negative responses. Jacoby (1983) in his book defending a freer expression of the cry for revenge, observes how the social environment of crime victims resents the assertiveness of victims: 'We prefer to avert our eyes from those who persist in reminding us of the wrongs they have suffered (...) Such people are disturbers of the peace; we wish they would take their memory away to a church, a cemetery, a psychiatrist's office'.

The negative responses to victim resilience have been aptly described and interpreted by Mrs Lamplugh, mother of a murdered daughter who, as mentioned, transformed her grief into social activities including a campaign for more security at work. She remembers how her environment reacted with overt criticism to her activist coping style, for example by openly implying that her lack of debilitating grief showed that she had never really loved her daughter very much. She has herself interpreted these responses as informal sanctioning of behaviour that breached the role expectation of a victim: 'A good victim is before anything else someone who is negatively defined: not intelligent, not visible, not verbal, not angry. The only permitted mode is: keep sobbing and be

silent' (cited in Van Teeseling, 2001). One of the most painful experiences of Reemtsma concerns his treatment by professional colleagues specializing in mental trauma. He was scheduled to present a paper at a conference of the International Study Group for Trauma, Violence and Homicide some weeks after his release and had looked forward to the occasion. Upon his arrival, he found out that the organizers had without any consultation taken his name off the list of speakers/participants. They had judged him unfit to participate in the meeting 'considering what he had gone through' (Reemtsma, 1996).

The theme of disciplining responses to victims also emerges in the autobiography of Sabine Dardenne, one of the survivors of the crimes committed by Dutroux. Sabine Dardenne recalls how her refusal to undergo psychiatric treatment triggered aggressive responses from her environment. In his court case Dutroux imputed the existence of a ring of highly placed persons abusing kidnapped children for which he had only carried out orders. This conspiracy hypothesis was eagerly taken up and amplified by the Belgian media and eventually also accepted by the prosecuting judge. Sabine Dardenne saw through this hypothesis as a ruse from Dutroux and decided to speak out against it at a press conference. To belittle the significance of her testimony she was subsequently depicted by the prosecutor as an unreliable witness who had been heavily drugged throughout her ordeal (*De Morgen*, 25 February, 2003). One newspaper called her dismissively 'Mrs Dardenne, the Witness, as she now suddenly is called' (Dardenne, 2004). As a matter of fact, according to medical evidence she had hardly been given any drugs and her version of what had happened was later fully substantiated by the court. In her book she expresses the anger she felt about the way she was treated and why she decided to speak up in public: 'I was not a small dead girl. I was twenty and alive, I could not go on excusing myself for what had happened to me for the rest of my life (...) I did not believe that fantastic story about a major network'. She also discusses her refusal to accept psychiatric treatment — 'I am not a mental patient' — against strong pressure from her environment. In the case of Sabine Dardenne, it is well documented that the prosecutor and some journalists turned against her the moment that she raised her voice and countered the prevailing interpretation of her case.

In the case of the kidnapping of Natascha Kampusch, the world witnessed initially an international outpouring of sympathy and compassion with the victim and her mother. When it surfaced thereafter that she had accompanied her kidnapper once or more on an outing to a ski resort, newspapers started to hint that she had perhaps been an accomplice to her own kidnapping. Suddenly her surprisingly strong and balanced performance in the media upon release was interpreted as evidence that she might not have been a victim at all. This suspicion was expressed in both the Austrian and international press (Van Dijk, 2008). According to the largest Dutch newspaper, *De Telegraaf*, the Austrian police expressed doubts about the involuntary character of Ms Kampusch's stay in the cellar (*De Telegraaf*, 16 September, 2006). A British newspaper

published the new story under the headline: 'Victim or Villain: Austria decides' (*The First Post*, 20 September, 2006)<sup>13</sup>. In the meantime her mother had entered the public arena by openly criticizing that Natascha was kept away from her by psychiatrists and the police. Ever since local Austrian media as well as part of the British press have not only scandalised Natascha's stardom but also relentlessly pursued her and her mother with a stream of wild allegations (Sirny-Kampusch, 2007). Both mother and daughter were supposed to have been somehow accomplices in the kidnapping. Although all allegations were later found to be groundless by an Austrian court, two British journalists published a book repeating all the innuendo, culminating in the conclusion that she would never be able to live a normal life as long as she 'denies herself and the world the truth. But for the moment she seems content to enjoy the sphere of stardom' (Hall and Leidig, 2007). The secondary victimisation of Natascha and her mother by the media has the characteristics of a modern day witch hunt. Within weeks the initial sympathy with their suffering had turned into an outpouring of hatred and aggression. They seem to have brought this upon themselves by presenting themselves in the media as assertive personalities, thereby violating the image of the meekly suffering, helpless victim.

In 2007 a new crime story caught the attention of the international media: the disappearance from a hotel room of the daughter of a British couple holidaying in Portugal. The day after their daughter's disappearance the couple took immediate action by appealing to the general public through the international media to assist them in tracing down their daughter. They later also expressed reservations about the professionalism of the Portuguese authorities. In the initial media stories the couple was accused of having been insufficiently diligent as parents by leaving their daughter in their apartment unguarded. This initial criticism could still be interpreted as a straightforward case of victim blaming, offering parents across the world the reassuring information they were looking for: good parents have nothing to fear. But soon the allegations became more extreme and the parents were now accused of either having killed their daughter themselves or to have been instrumental in her kidnapping. The police announced that they were officially regarded as suspects (*BBC News*, 8 September, 2007). As a German TV reporter commented, many people felt suspicious about the couple right from the outset because of their activist stance (*The Guardian*, 6 June, 2007). They had behaved in an un-victim-like way by not exhibiting the passive behaviour deemed normal for victims. A year later all accusations were found to be utterly groundless and both the involved media and the Portuguese authorities were forced to offer apologies for the false allegations made<sup>14</sup>. As in the case of Natascha Kampusch, the parents McCann seem to have paid the price for having defied the canon of the passive and helpless victim.

The painful experiences of Natascha and the couple McCann show a striking similarity with those of Ger Vaders, one of the survivors of the first train hijacking in The Netherlands by Mollucan terrorists in 1976. Vaders became a

public figure and wrote a book and several articles about his experiences. When Vaders and other survivors were liberated, they expressed themselves more critically about the behaviour of the government before and during the hijacking than that of the terrorists. They were subsequently publicly diagnosed by a psychiatrist as suffering from the so called Stockholm syndrome. In his book Vaders critiques the arrogance of the psychiatrists involved and writes that he had experienced their involvement as an attempt to incapacitate him as a professional journalist and critic of the government: 'I had the feeling that my autonomy was once again taken away from me. They knew what my problem was and what would be in my best interest. Everything I said or did was pressed into their theory and thereby dismissed. It was a way of incapacitating me' (Vaders, cited in Van Teeseling, 2001). Vaders became an active promoter of better services for victims and critical member of a governmental advisory group: 'I felt strongly that things should be done differently. That we should get rid of the way we are treating victims as losers, dependent children. As if such experiences turn you from one day into the other into a retarded person. To be a victim seemed to mean that others were free to decide what I had to think, feel and do. And thereby they take away your last shred of self-esteem. In my view unacceptable. Humans always remain individuals. They deserve respect' (Vaders, cited in Van Teeseling, 2001). Vaders' commitment to help victims of later hijackings was not universally appreciated by the clinical professionals. Besides, his understanding for the motives of the terrorists had made him politically controversial. He and his family became the target of smear campaigns, the recipients of death threats and he was forced to resign from his post as editor of a local newspaper. His biographic publications have, understandably, a somewhat bitter undertone.

The more recent testimonies of John Tulloch, survivor of the London underground bombing in 2005, seem in many respects to echo those of Vaders. The heavily wounded face of Tulloch, who is professor of media studies at Brunel University, became the iconic image of the impact of the bombings in British media. The newspaper *The Sun* published the photograph of his face on its front page under the heading 'YOU'RE RIGHT TONY!', thereby indicating that he supported the bill for tougher anti-terrorism legislation introduced by the Blair government (*The Sun*, 8 November, 2005). He had never given permission for the use of the photograph to any media and in fact was strongly opposed to both the invasion into Iraq that in his view had triggered the bombing attack and the proposed legislation. As noted down by a reporter of *The Guardian*, Tulloch refused to be a 'passive, voiceless victim' (*The Guardian*, 10 November, 2005). At a conference at Tilburg University organised by INTERVICT, he expressed his anger about the way *The Sun* had appropriated his identity: 'I was indeed the man of the photograph but at the same time, I was much more than just victim. I am someone with a personal opinion, while victims only serve to convey the prevailing political agendas of the media. And that is exactly what happened when the *The Sun* put my wounded face on its front page' (Tilburg Research,

March 2008). Tulloch chose to present his real identity to the media in interviews and eventually wrote a book about his experiences (Tulloch, 2006). He expressed understanding for his attackers who in his view had been misled and misused by people who stayed behind the scenes. His criticism of the government provoked furious responses from bloggers and some publicists who accused him, just as Ger Vaders experienced thirty years ago, of being a friend and supporter of terrorists (Tulloch, 2006). Reemtsma recalls how a leading German newspaper published, against the wishes of his wife, a photo of his wounded face sent to her by the kidnappers. Journalists took it for granted that he and his family would be available for them and responded aggressively if they were not. He detects a general pattern of the media disrespecting the privacy of victims, for example by portraying a visibly dismayed and scared face of Sabine Dardenne upon her release from the house of Dutroux. In his experience victims are not supposed to claim any right to privacy. Their personal life is seen as public property (Reemtsma, 1997).

In the secondary victimisation of the victims at issue, a distinct pattern can be discerned. In the first instance, the victims are met with sympathy and are offered all sorts of support. As long as the victims duly accept the help given and do not interfere with the official handling of their case, victims can in principle count on a sympathetic response to their plight. However, victims should be careful to comply with their role expectation of vulnerability and helplessness. Victims that show resilience such as Reemtsma and Mrs Lamplugh can expect to be censured and criticized. As soon as victims start to reclaim their autonomy by criticizing their treatment and/or interfering with the official investigation or prosecution of the official assessment of the case, the response pattern of the environment can even switch into a negative mode. In the case of Sabine Dardenne, the prosecutor tried to neutralize statements made by her at a press conference about her case by imputing that she had been heavily drugged. In other cases the very claim of the victims to have been victims was put into doubt and allegations were made that they should actually be seen as co-offenders. Within a week of her release Natascha Kampusch was in the words of her lawyers made from a victim into an offender. To some extent Vaders and Tulloch have undergone the same treatment. They have been accused of sympathy with the offenders. In the case of Mukhtar Mai the response by the Pakistani authorities to her confrontational stance against her offenders and their accomplices within the police has been outrageously negative as well. The former president of Pakistan accused her not only of smearing the reputation of the country but also of financially exploiting her victimization and using it as a 'route to riches' (Mukhtar Mai, 2006). As mentioned, Hank Heijn, wife of a businessman killed by his kidnapper, discovered her inner strength. Her environment suggested to her she should seek psychiatric help which she adamantly refused. Significantly, the reviews of her biography provide an example of a biased response to strong crime victims. In an otherwise positive review, the reviewer singled out for criticism the many references in the book to

the resilience of Mrs Heijn (*NRC.Handelsblad*, September 29, 2006). These references had apparently struck him as signs of complacency inappropriate in a biography. The review was ironically titled 'Mrs Widow Ironside' ('De Ijzersterke Weduwe').

The ambivalence or even hostility exhibited by the media towards high-profile victims that have defied the canon of victim-like, passive behaviour, asks for a psychological analysis. In the milder cases, the negative response to victims seems to be caused by miscommunication. The social environment is taken by surprise by such behaviour and fails to respond adequately to it. In the more blatant cases, such as those of Ger Vaders, Natascha Kampusch and the parents McCann, the allegations against the victims were so extreme that it seems as if the aggressive emotions raised by the offender's crime are redirected against the victims. Such a phenomenon of redirected aggression towards an innocent target, is known in modern psychology as scapegoating. Not just in mythology but also in real life communities can restore internal peace by ventilating pent up aggression against a single group member who is expelled from the group on account of his imaginary deviancy. Examples are the lynching of black Americans in times of economic hardship in the southern states of America or the lynching of immigrants in today's South Africa. In this special case the victims of crime fail to live up to the implied expectation of meekness. They are, in the words of Jacoby, disturbers of the peace (Jacoby, 1983). They are subsequently brought into line by the authorities and the media through acts of victim blaming. Through wild allegations that they have been accomplices of the offender, the powerful feelings of aggression and fear stirred up by the crime are redirected at them<sup>15</sup>.

In the context of Christian culture the label of the victim offers both a carrot and a stick. It offers compassion on condition of meekness. But those who do not comply with the condition of passivity and, for example, speak up at press conferences about their case run a risk of making themselves the target of the feelings of aggression generated by the crime<sup>16</sup>. In these cases victims are not just treated as scapegoats symbolically by denying them the right to seek revenge or restitution but in the very real sense that their perceived deviance triggers an outpouring of hatred against them. Since in this special case the aggression caused by the crime is redirected on to the victims in response to their assertiveness, the phenomenon described could be called *reactive victim scapegoating*.

## **VICTIMOLOGY: IS IT GUILTY?**

As said at the beginning, no scholarly attention has ever been paid to the deeper meanings of the colloquial word *victim* (Fletscher, 2007). Victimologists have sometimes mentioned the word's original meaning but the religious connotations have never been the subject matter of any serious analysis or

reflection. Through this negligence, the young discipline was bound to unwittingly reproduce the stereotypes and value judgements that the victim label conveys. The successive strands of victimology have all in their own ways been blind to aspects of victimization that fall outside the scope of the *victima* label.

Early victimologists like Mendelsohn and Von Hentig developed typologies based on the extent of the victim's own culpability (Van Dijk, 1999). The preoccupation of the first victimologists is neatly summed up in the title of Fattah's first monograph on the subject: *La victime, est-elle coupable?* (Fattah, 1971). It has been pointed out that an analytical focus on the victim's guilt can be misused for victim blaming, especially when applied to victims of sexual violence (Eisenberger, 2003; Goodey, 2005). Early victimologists have indeed often exhibited precious little sensitivity for victims. As a matter of fact, Mendelsohn purposefully developed his first victim typologies as analytical tool for his work as defence lawyer. With hindsight early victimological analyses can be seen as criminological expressions of the biases about victims of crime prevailing among many criminal lawyers at the time. In the earliest victimological studies the experiences or needs of victims seem of little interest to the authors. They were more interested in offenders.

The second wave of victimological studies focused less on the victim's possible guilt and more on the various emotional problems and needs of crime victims during and after the crime (Van Dijk, 1999). The central theoretical challenge was to understand how victims cope with traumatic experiences and how they can best be assisted therein. Victimological research became largely centred round the clinical concept of Post Traumatic Stress Syndrome (Horowitz, 1986). The new, therapeutically oriented victimology was definitely more victim-friendly than early penal victimology and has contributed to the development of the first generation of evidence-based interventions (NICE, 2005). Nevertheless critics have recently exposed serious biases in this strand of treatment-oriented victimology. Ditton (1999) found that victimological studies of victims' problems tend exclusively to focus on feelings of fear and to ignore feelings of anger. Clinical studies confirm that feelings of anger and hostility are as common or even more common among victims of crime as feelings of depression or fear (Orth and Wieland, 2006). On the basis of a literature review, Winkel (2007) concludes that 'results suggest that anger and hostility are substantially associated with PTSD among trauma-exposed adults: they highlight the stereotypical nature of the common notion that individuals with PTSD are full of helplessness and fear, but not of anger and hostility. Anger and hostility appear to be central attributes of traumatized individuals suffering from PTSD'. In the same publication Winkel observes that the term victimization 'is more easily associated with passivity and flight than with activity and fight. These implicit associations may not correspond with reality'. The treatment model in victimology seems to have reproduced and reinforced the stereotypical image of the victim as weak and passive rather than as angry

and action-oriented. According to Ditton (1999) and Goodey (2005) a fearful, passive victim in need of help is a more convenient person for support agencies and government alike to manage than an angry one, actively seeking punishment of the offender or changes in society. In our view, victimology by uncritically using the existing concept of victimhood was trapped into repeating prevailing misconceptions about victims, even regardless of possible institutional stakes. Standardized therapeutic interventions such as those developed by Foa and colleagues are geared toward overcoming the inclination to avoid fear-inspiring memories (Foa *et al.*, 1995). In these interventions the need to come to terms with feelings of anger is largely ignored (Winkel, 2007). According to Cooper-White (1995) victims of sexual abuse can be seriously re-traumatised when urged to forgive their offenders by religious counsellors. It is therapeutically important for them to express their anger against their abusers. As philosophers as Jacoby (1983) and psychologists like Frijda (1993) have explained, feelings of vengeance can help to restore ego strength and self esteem and to deter potential offenders. In their view the repression of these feelings in modern society is both therapeutically counterproductive and dangerous for society.

### **CRIMINAL JUSTICE REFORMS: BETWEEN A ROCK AND A HARD PLACE**

Organisations for victim support have over the past three decades campaigned politically for reforms that would make the administration of criminal justice more victim-friendly (Sebba, 1996; Groenhuijsen, 1999). Invariably, proposals for more rights for crime victims within criminal justice have met with fierce opposition from prominent criminal lawyers. Erez *et al.* (1997) provide an overview of this opposition in the USA (see also Sarat, 2002; Fletscher, 2007). In essence the opposition centres round the belief that victim rights would upset the balance in criminal justice between the prosecution and the defence and invite a more punitive culture within the courts (Erez *et al.*, 1997). A leading Dutch criminal lawyer expressed these concerns by warning that extended victim rights will inevitably lead to a 'demonization of the offender' (Buruma, 1994). Opponents of victim rights are convinced that giving voice to victims will allow them to express their intrinsic need for tough sentences. They consider the exclusion of the victim from criminal procedure as 'good violence' in the sense that this serves the societal interest of preserving humane sentencing policies. In reality the presumption of the victim's intrinsic punitiveness is largely a myth. Empirical victimological research has consistently shown that crime victims are not more punitive than the public at large (Waller and Okihiro, 1978; Umbreit, 1989; Shapland *et al.*, 1985; Sessar, 1992; Van Dijk, 1994; Maruna and King, 2004; Hough and Park, 2002; Doak and O'Mahony, 2006). An analysis of the results of the latest round of the International Crime Victims Survey confirms that opinions about the preferred

sentence of a recidivist burglar show no significant differences between victims and non-victims across the world (Van Dijk *et al.*, 2007). As explained by Reemtsma in his recent book, most crime victims, however angry at their offenders, do not seek revenge in criminal justice but satisfaction of their sense of justice (in German: *Genugtuung*) (Hassemer and Reemtsma, 2002; see also Prittwitz, 1999). Evaluation studies have confirmed that procedural rights for crime victims such as the right to address the court do not by themselves result in more severe sentencing (Erez, 1999; 2000; Erez and Rogers, 1999; Doak and O'Mahony, 2006). In spite of this overwhelming evidence refuting the assumed punitiveness of the victim, victim-friendly reforms in criminal justice remain controversial in legal circles in many countries (Rock, 2004; Groenhuijsen, 2008). To accommodate concerns about the severity of sentences, newly introduced rights of victims to speak up in court have in many countries, including England and Wales and The Netherlands, been limited to the right to present a statement on the impact of the crime, prohibiting victims freely expressing views on sentencing (Van Dijk, 2008).

Restorative justice has been put forward by some victimologists as a promising alternative approach for criminal justice from the perspective of both offenders and victims (Fattah, 1999). Proponents of restorative justice are less inclined than conventional legal scholars to ascribe extremely punitive attitudes to victims. In the seminal publication of Christie the 'ideal victim' of criminal justice is portrayed as a frail, utterly innocent and helpless old lady (Christie, 1986). As we have argued, this 'ideal victim' is based on an idealized conception of victimhood, rooted in Christian morality, that does not stand up to empirical scrutiny. One would expect proposals for restorative justice to be grounded in empirical victimological research. In this respect Christie's article is unconvincing. His notions on real victims are based on his personal experiences as a victim of a prank and of a minor theft, ignoring victimological knowledge on the characteristics and needs of victims. As noted by Dignan (2005), Braithwaite in his classical book on reintegrative shaming, another theoretical cornerstone of restorative justice, also remains silent about the needs of crime victims as discussed in victimological literature (Braithwaite, 1989). Bianchi (1985), a Dutch criminologist promoting restorative justice both in The Netherlands and in Canada, gave one of his key books the subtitle, '*The Return of the Victim in Law*'. But nowhere in this book is there any mention of empirical research on victim needs. Research reports on the needs of crime victims have appeared since the mid 1970s in both North America and Europe (e.g. Knudten *et al.*, 1976; Van Dijk and Dumig, 1975; Waller and Okihiro, 1978; Shapland *et al.*, 1985). The early protagonists of restorative justice, such as Braithwaite, Christie and Bianchi have ignored available research-based knowledge on victim needs, most notably their need to see the offender brought to justice. Like clinical victimologists, many of these early protagonists ignored the anger and hostility of many victims of serious crimes and their need for punishment. Christie's vision of victims is therefore as much a social construction as the ideal

victim of criminal justice criticized by him. It is, in fact the socially constructed, 'ideal victim of restorative justice'. This 'ideal victim' is free of anger and revenge, ready to meet the offender and to accept his apologies and to offer forgiveness in return. Considering that victims of anti-social behaviour in real life are typically angry at their offenders, Acorn accuses early protagonists of restorative justice such as Bianchi of sentimentality (Acorn, 2004).

The hypothesis that the early versions of restorative justice presupposed an 'ideal victim' is supported by the fact that victims participating in some of the early programmes were thoroughly prepared for their participation in the procedure. Umbreit, for example, developed detailed guidelines for the preparation of victims in restorative justice. The victims are, in the words of Pavlich (2005), trained to 'adopt a particular identity': they should keep control of their emotions as far as possible, and never become abusive or revengeful (...) If possible, victims are encouraged to forgive (...). Burt Gallavay, another founding father of restorative justice, asserted: 'I do not think that we can live with a situation where victims are permitted to be passive by-standers in the healing process or, worse, are encouraged to harbor and nurse vengeance and hatred' (cited by Richards, 2005).

In the goals and hidden assumptions of early restorative justice one immediately recognizes the impact of the Christian ethos of forgiveness. In the USA the first operational programmes of restorative justice in the USA, called Victim Offender Reconciliation Programmes were indeed launched by faith-based institutions such as the Mennonite Church. One of its protagonists, Zehr, has been outspoken about his Christian beliefs: 'The boundaries of love are expanded over the course of biblical history, until Jesus urges us to love not just our own kind but also our enemies and to practice forgiveness' (Zehr, cited in Acorn, 2004). In The Netherlands, Herman Bianchi, professor of criminology at the Calvinist free university in Amsterdam, deplors the loss of Christian values in criminal justice over the past three centuries: 'All attention was devoted to the suffering of Christ, which is fine, but people started to forget the imperative to reconcile themselves with each other' (Bianchi, 1985). In the view of Bianchi victims of serious offences including homicide would be better off if their cases were settled out of court. In his practical proposals he called upon the Dutch government to reinstall the late medieval right of churches to act as sanctuaries for offenders on the run from prosecutors and/or victims (Bianchi, 1985). In his view churches should be called upon to play a central role in the implementation of restorative justice. For good reasons the theologians Allard and Northey (2000) herald restorative justice as a renaissance of traditional Christian values. In the words of Pavlich: 'the now pervasive values of restoration, healing, reintegration, forgiveness and compassion within restorative governmentalities often derive from theological roots. Church-based restorative justice initiatives seemed to align particularly well with community mediation-panels and victim-offender reconciliation programs' (Pavlich, 2005).

In recent years, early restorative justice programmes have been critiqued for being based on unproven notions of the capacities and needs of victims (Acorn, 2004; Dignan, 2005; Richards, 2005; Pemberton *et al.*, 2007). The most central objection concerns the positioning of restorative justice as an alternative to criminal justice. Proposals for restorative justice as a new paradigm ignore the symbolic function of criminal justice for many victims of serious crime. Recognition and reassurance from the criminal justice system are a core need of victims of crime (Ten Boom and Kuijpers, 2008). As expressed by Jan Philipp Reemtsma, the sentencing of the offender by a criminal court is 'an expression of solidarity with the victim'. It is a gesture of 'excluding the offender and welcoming the victim back to the community' (Reemtsma, 1996)<sup>17,18</sup>. In response to such criticism a new generation of restorative justice programmes is no longer positioned as an alternative to criminal justice but as an integrated part of it (Shapland *et al.*, 2006). Current programmes tend also to be more victim sensitive and to fully acknowledge the legitimacy of feelings of anger and indignation (Strang, 2002; 2004). According to Strang (2004) victims in restorative justice should be allowed to express 'their feelings of anger, fear and outrage as well as their desire for the offender to be hurt as much as they have been hurt'. Since the early proposals, restorative justice has undergone fundamental changes. Typically, Marc Umbreit, one of the pioneers of restorative justice in the USA, renamed his Victim–Offender Reconciliation Conferences into Victim-Sensitive Victim–Offender Mediation and, finally, into Victim-Sensitive Offender Dialogues (Umbreit *et al.*, 2001). This name change implies a tacit admission that the earlier programme was insufficiently victim-sensitive or at least was perceived to be so. His current programmes for family members of victims of homicide no longer seek mediation between offender and victim but simply offer the victims an opportunity to meet their offender.

According to conventional criminal justice experts, victims are too vengeful to be given voice in criminal proceedings. If they are given access to the trial, their role is often so heavily conditioned by procedural and substantive limitations that their participation may be subjectively unsatisfactory for them (Van Dijk, 2008). Although many of the early restorative programmes were not specifically victim-oriented, victims were often invited to participate. However, their participation was predicated on the presumption that they would arrive in a spirit of reconciliation which may have been at odds with their true feelings. Victims seeking therapeutically useful responses from either conventional criminal justice or unreformed restorative justice found themselves between a rock and a hard place. Wherever they went, officials stood ready with preconceived notions of how they should behave themselves. In the context of both systems, those labelled as victims were treated with suspicion and with little understanding or regard for their true needs and authentic views.

## VICTIM LABELLING: A NEW RESEARCH AGENDA

Holley and Brewster (2006) have in a paper read at the International Symposium of the World Society of Victimology in Orlando argued for a new direction in victimology that takes processes of victim labelling as its main subject matter. This proposal was grounded in their own analysis of the support given to victims of the Katrina disaster. With this plea for a new direction in victimology they stand in the tradition of Viano (1989), Miers (1989; 1990) and Rock (2002) who have all argued for more attention to be paid to the process of victim labelling. In their shared view 'victim status' is claimed or 'searched' by victims and subsequently asserted, evaluated and verified by their social environments. Significantly, Miers' first publication on victim labelling deals with the operations of the British fund for state compensation for victims of violence (Miers, 1980). When victims succeed in their negotiations they may, in the formulation of Viano, receive 'society's recognition and possible support'. Although I agree that labelling processes should be a new top priority within victimological research, protagonists of labelling theory, just cited, seem to be insufficiently aware of the hidden, negative connotations of the label deriving from the Christian ethos of forgiveness. At stake in the labelling processes are not just entitlements of victims to services and/or access to law. The victim status provides those so labelled with a new social identity that serves important functions for society but may be harmful for themselves. According to Walklate (2007) negotiations about victim status are far from value-free but reflect 'socially constructed cultural values associated with notions of the 'ideal victim'. More specifically, the ideal victim in Western culture is, as discussed above, someone who suffers in silence, or, in the words of the Amish *in Gelassenheit* and who forsakes his natural right of revenge upon the offender. Crime victims are confronted with a set of preconceived ideas about their emotions and behaviour, including a set of moral imperatives or role expectations. Victim labelling is thus to be seen as a process activated by the victims' social environment wherein victims must either accept a status limiting their freedom of behaviour or actively engage in re-negotiating their identity.

A further implication of this view is that victim labelling should not focus on the process of screening of victim-clients by formal institutions providing services such as state compensation or support schemes. Such labelling by service providers in formal settings should be seen as a special category of victim labelling. Victim labelling in a broader sense takes place in both informal and formal settings and may entail both benefits and negatives for those so labelled. On the positive side victims in modern societies can, as discussed, expect sympathy and support both from their social environment and, in most Western societies, from an increasing number of official organisations (Van Dijk and Groenhuijsen, 2007). On the other hand, the connotations of passivity and helplessness may be perceived by victims as therapeutically unhelpful and even as stigmatising (Römkens and Diekstra, 1998). As Spalek notes 'they may

even reject services, despite the harms experienced, due to their distaste for the label "victim" and the kind of stereotypes it elicits' (Spalek, 2006). As discussed, the victim label with its Christian connotations, implies forgiveness of the offender. This expectation may elicit concerns about an activist stance. Even minor deviations from the expected, passive victim role will raise suspicions and may trigger negative value judgements. In extreme cases, victims openly contesting their expected roles of passive sufferers, may even, as discussed, become the target of scapegoating mechanisms and be re-construed as offenders or accomplices.

Victim labelling processes as outlined above would seem to be an important and promising field of victimological research. Our analysis of the autobiographies of high profile victims needs to be followed up by research into the narratives of ordinary victims, for example by studying diaries of recently victimized persons or through in-depth open interviews or focus groups (Lemonne *et al.*, 2007). Such research would probably not only strengthen and expand the body of victimological knowledge but also contribute to the development of less stereotypical notions of victims in society. Analyses of victim labelling could help to create more opportunities for crime victims in Western societies to freely express their real feelings and wishes both in informal settings and in court. It would, in other words, help to liberate victims from existing cultural constraints. It seems also time for victimology to follow the example set by 'positive psychology' and give more attention to possible benefits of painful life events (Seligman and Csikszentmihalyi, 2000). The new direction in victimology should not focus exclusively on possible disorders and needs of victim for treatment or services. Victimology should start looking for means to 'nurture strengths' of victims and to assist them in benefitting from their negative experience and/or transforming their suffering into social or political action to prevent crimes or assist victims. If this happens, the victim labelling perspective could contribute to the development of a 'positive victimology'.

## NOTES

- 1 Julia Osmond, UN goodwill ambassador for the fight against human trafficking spoke in a documentary 'The Forgotten Ones' of M. Plätzer, commissioned by INTERVICT, about the awkwardness of the victim label: 'There is a kind of stigma that victims feel uncomfortable with; the use of the terminology "victim" is synonymous with weakness, synonymous with shame. The people that I have met who are victims, are survivors, they are resourceful, alive and productive'.
- 2 'In short, the script provides us with no other purpose for the arrival of God's Son in human flesh and his Father's command thereto than to make Him a victim (in Latin: *victima*) in order to reconcile us with the Father' (translation from Dutch by the author).
- 3 Gnapeus, cited in *Het Woordenboek der Nederlandse Taal* (online).

- 4 Christie himself regards the concept of the innocent 'ideal victim' as a feature of criminal justice which seeks to emphasize the victim's innocence in order to underline the perpetrator's guilt. This interpretation is shared by Fletscher who discusses the dichotomous nature of the criminal concept of guilt as opposed to the more flexible concept of guilt in tort law (Fletscher, 2007). Both authors mistakenly assume that the victim concept with its various connotations originates from legal language based on philosophies of criminal justice. The historical evidence lends no support to this interpretation. As said, the concept first appeared in informal language. In ancient criminal language in English, French, Dutch or Swedish the affected party was called the private prosecutor or private party in the trial but never the victim. The victim concept has only very recently been adopted in legal language.
- 5 René Girard's early books offer psychological interpretations of works of world literature revolving around the twin concepts of mimesis and scapegoating. In his later work he applies the same interpretative scheme to a wide range of anthropological and theological topics. He received honorary doctorates from many universities including the Free University of Amsterdam in 1985 and was elected to the French Academy of Sciences in 2004. The Free University maintains a website about his work ([www.renegirard.nl](http://www.renegirard.nl)). A recommended introduction to his work is Fleming (2004).
- 6 One of Girard's favourite examples of a scapegoat in mythology is Oedipus. In the tragedy *Oedipus Rex* by Sophocles, Oedipus fiercely and convincingly resists the accusations brought against him in the first instance. When he senses the collective need to find a scapegoat for the city's problems, he acquiesces in his fate by cutting out his eyes and accepting banishment from Thebes (Girard, 1987).
- 7 According to the Oxford English Dictionary (1978), the word *victim* is related to the German word *Weihen* as in *Weihnachten* (Christmas), meaning to consecrate and to the Sanskrit word *Vinakti* which means to single out or set apart. At the deepest etymological level the word *victim* refers those who, like Jesus Christ, have become sacred after having been singled out as scapegoats.
- 8 We will not comment in any detail on the special trajectories of the *victima* label in modern Hebrew and Arab (see Van Dijk, 2008). It seems important to point out, though, that in the context of Islam the words *Dchiya* (or *Qurbani*) seem to refer not only to the sacrificial object but also or even primarily to the sacrificial attitude of Abraham and his son. The word *Dchiya* is etymologically closely related to the word used for the Islamic Holiday of the Sacrifice which celebrates Abraham's readiness to sacrifice his son and is sometimes called the Feast of Abraham. In our view a powerful connotation of the Arab concept of victimhood is the expectation that victims, although not as in Christianity under any moral obligation to forgive their offenders, will do so by way of charity. About retribution the Quran teaches 'Tooth for tooth, and wounds equal for wounds. But if anyone remits the retaliation by way of charity, it is an act of atonement for himself' (*Quran*, v:48; cited in Ali, 1983).
- 9 Natascha Kampusch is the survivor of a kidnapping in Vienna, Austria that lasted for eight years (Hall and Leidig, 2007; Sirny-Kampusch, 2007). Sabine Dardenne is one of the survivors of a serial kidnapper and abuser of minors, Marc Dutroux, in Belgium (Dardenne, 2005). Treshi Meili was attacked and

- severely wounded while jogging in Central Park, New York (Meili, 2003). John Tulloch was one of the survivors of the terrorist attacks in the London underground. Jan Philipp Reemtsma was kidnapped from his house in Hamburg for two weeks by professional criminals to collect ransom (Reemtsma, 1998). Mukhtar Mai is the survivor of a gang rape in a small rural village in Pakistan (Mukhtar, 2006). Other victims whose published testimonies were studied include Ger Vaders, Dutch victim of a train kidnapping in The Netherlands in 1976 (cited in Van Teeseling, 2001), Mrs Heijn, bereaved widow of a murdered victim of kidnapping for ransom (Verburg, 2006), Diana Lamplugh, mother of a murder victim in the UK (cited in Van Teeseling, 2001), the couple McCann, parents of a kidnapped daughter in Portugal and Arjan Erkel, a Dutch field director of *Medicines sans Frontières*, kidnapped for ransom (Erkel, 2005).
- 10 'Mann schämt sich über die Grösse des Hasses bei aller erlernten  
Ziviliziertheit'.
- 11 'En tout cas dans la vraie vie, on ne peut pas, et sans doute tant mieux, c'est  
nécessaire. Mais ce que je veux dire, c'est que le cinéma ou la littérature  
repondent à un appel du corps, que j'ai senti et qu'il faut apprendre à maîtriser et  
l'appareil judiciaire fonctionne de telle manière qu'il nous laisse en plan avec ce  
truc'.
- 12 In a collection of interviews with victims and survivors the sister of a murder  
victim is quoted as saying: 'it was as though Seth had done something shameful  
— and, in a way, he had. His murder had proved that crime might touch  
anyone. If my brother was not somehow to blame for his death, then no one  
was safe?' (Neiderbach, 1986).
- 13 Then, two weeks after her escape, it was reported that Natascha not only  
regularly left the house with her kidnapper, Wolfgang Priklopil, but had also  
travelled on holiday with him to a ski resort. It appeared inconceivable that this  
girl, such a strong character in media interviews, had not been able to escape  
before she did. Overnight, she became — in the fickle public mind — villain  
not victim, and the hate mail is flooding in. 'She has been playing us all for  
fools', wrote one disgusted Viennese' (*The First Post*, 20 September, 2006).
- 14 A full and detailed account of the events in the McCann case, including the  
initial allegations against the parents, can be found in Wikipedia as well as on  
the pages of a dedicated website, *Find Madeleine, Gerry's log*.
- 15 Further research into this phenomenon seems warranted. In a study into the  
motives of victims of medical malpractice suing for compensation many  
mentioned anger about being labelled as mentally unstable by the medical  
doctors involved as a main motive to take legal action against them (Vincent *et al.*, 1994). In our own ongoing research among victims of medical malpractice  
and man-made disasters we have come across several examples of similar  
negative labelling of victims by those responsible for their situation.
- 16 Tragic examples of secondary victimisation of survivors can be found in the  
hostile reception given to repatriated shoah survivors reclaiming lost property  
or children. Outbursts of violent anti-semitism have not only happened in post  
war Poland (Gross, 2006) but in milder forms also in The Netherlands  
(Lipschits, 2001). In the final chapter of his classical study of the Dutch shoah,  
the historian Presser cites a high ranking civil servant as commenting that 'Jews

- should be careful not to put our sympathy for them at risk by being too demanding' (Presser, 1968).
- 17 'Nevertheless punishment of the offender is very important for the victim. Not because it satisfies his wish of revenge which it usually does not, but because the punishment shows the solidarity of the community with the victim. The punishment excludes the offender and thereby includes the victim. The punishment of the offender conveys in essence the same message as the many friendly letters of people who say: "welcome back" '. In German: 'Gleichwohl ist für das Opfer die Strafe von hoher Bedeutung. Nicht weil sie die Rachebedürfnisse erfüllt, denn das tut sie meistens nicht, sondern weil die Strafe die Solidarität des Sozialverbandes mit dem Opfer demonstriert. Die Strafe grenzt den Täter aus und nimmt damit das Opfer herein. Die Strafe für den Täter ist im Grunde nichts anderes, als es viele freundliche Briefe von Menschen sind, die sagen: "Welcome back" ' (Reemtsma, 1996).
- 18 After the completion of this article, I read a narrative of a French high-profile victim-survivor, the French philosopher Susan Brison (2002). Much of what she writes resembles the narratives analysed here. About the trial she writes: 'Still, when it was time for me to stand up front and give my testimony, I was grateful for their presence, for the uniforms, the guns, the judge's robes, the jurors in their precisely placed seats — the signs of law and order, of decorum, of 'civilization', that had vanished during my assault. The props were all in place for me to tell my story'.

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