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COMMUNITY and ORDER

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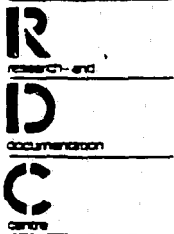
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REGAINING A SENSE OF COMMUNITY AND ORDER

General report of the
16th Criminological Research Conference
of the European Committee on Crime Problems

RESEARCH ON VICTIMIZATION

dr. Jan J.M. van Dijk
The Hague, February 1985

Introductory remarks

Since about 1980 practical victimology has got going in the Western world with a vengeance. In principle this is a very gratifying development. We can but hope that the countries of the Council of Europe will link up with this international movement. However, the rapidity with which all kinds of legal and social provisions for victims are now being created also causes some concern. There may be a risk that victimology is beginning to overtake itself. It is precisely the political success of victimology which makes a critical reflection on its theoretical and empirical principles desirable.

The sixteenth criminological research conference provided a welcome platform for such a reflection. The conference was attended by about 100 participants. The academic world, the civil service and the legal profession, as well as victim support organizations, were well represented. Special mention must be made of the presence of eminent delegations from the USA (4), Canada (3), Finland (3), Israel (3) and Australia (1). The input from these non-European delegations to the debate greatly contributed to its significance.

It seems fitting to start this general report with a citation of the terms of reference of the conference and to see whether or not these terms have actually been met. The reporters were invited by the European Committee on Crime Problems to "consider victimization from the point of view both of the role of the victim in the context of criminal and social policy and the methods of obtaining information about the subject, with particular reference to:

- a. sources of information about victims and methodological problems in this field;
- b. knowledge about fear of victimization and means of reducing this fear;
- c. the implications of (a) and (b) for criminal and social policy, having regard to the development and extension of statutory and voluntary schemes for the compensation of and assistance to victims, and the role that the restitution by offenders can play in such schemes".

During a preliminary discussion of these terms it became clear that the inclusion of fear of victimization posed certain problems. First, some aspects of fear of crime are not strongly associated with direct experience of crime. Feelings of fear are related to a wide variety of other factors besides criminal victimizations. Secondly, it must be borne in mind that fear is not the only, or even the most important effect of a criminal victimization. Victims are known to experience a wide range of feelings, including anger, depression, distress and universal suspicion. It seems unsatisfactory to discuss fear of victimization in the narrow context of actual victimizations only. The subject of fear of victimization must be addressed as an important social phenomenon by itself and not only as an effect of victimization. It seems equally inappropriate to limit a discussion on the aftermath of victimization to feelings of fear. It was felt for similar reasons that policies to reduce feelings of fear ought to be discussed independent from victim oriented criminal or social policies. In sum, it was felt that the terms of reference cover two related but fundamentally dissimilar subjects, both worthy of a research conference.

After some discussion the crime victim, his/her problems and the best ways to assist him/her in coping with them was chosen as the central topic of the conference. This decision was justifiable considering that fear of crime etc. has been the subject of a previous research conference of the ECCP (1978).

In consequence, the introductory report focuses upon some of the definitional problems concerning the concept of a crime victim and attempts to give an overview of the existing ideological currents within the victims' movement. In order to meet the terms of reference it was further decided that the first regular report would deal both with effects of crime on individual victims and with the attitudes of the public towards crime in general, including fear of victimization. In this report the policy implications of findings concerning the effects of crimes are touched upon briefly. The policy implications of research on public attitudes towards crime are discussed in a separate paragraph.

The second regular report deals with the sources of information about victims and methodological problems in this field. The third and last report tackles the subject of social and criminal policies concerning the crime victim sensu stricto to a fuller extent. In sum, the main parts of the four reports deal with research on actual victimization. In the first report a small side step is made into the field of fear of crime studies.

In the introductory report four main currents are distinguished within the victims' movement: the care ideology, the instrumental ideology (either directed at rehabilitation of the offender or at better cooperation of the victim with the prosecutor), the retribution ideology and the abolitionist ideology. It was hoped that this analytic overview might stimulate discussion on policy implications and that, during the course of the discussion, a kind of consensus would be reached concerning the best ways to address the crime victims' situation.

In the present report I will indeed try to relate the general drift of the discussions to the four ideological currents within applied victimology (or victimology, as I called the enterprise of actually doing something for victims). The search for a unifying theme of the conference is made rather difficult, however, by the inclusion of the subject of public attitudes. Neither the tentative definition of a crime victim in the introductory report - a definition which refers to the civil law concept of the damaged person - nor the overview of pro-victim ideologies seem to have much relevance for research on fear of crime or concern about rising crime rates. A rather narrow definition of a (crime) victim seems appropriate for a discussion on the rights of victims but makes little sense with regard to fear of crime. Citizens with strong feelings of fear of crime may be considered as victims but do not normally qualify as victims in a legal sense. At first sight the four pro-victim ideologies also seem wholly irrelevant for the study of fear of crime. At a more abstract level of interpretation, though, the care ideology may be relevant for understanding the heightened interest of sectors of the general public in fear of crime. In the past many criminological researchers were preoccupied with the ideal of rehabilitating offenders. The problems of both actual crime victims and of those who feel threatened by crime were often neglected. The disillusionment with rehabilitation has opened many people's eyes to the negative effects of crime.

Both the crime victim and the 'prisoner of fear' are no longer viewed as fictions, constructed by opponents of a humane and rational criminal policy. Both are now seen as real persons with real needs. Fear of crime has evolved into a focus of humanitarian concern and policy oriented research. Crime-related care ideology seems to have widened its focus. It now directs its attention at offenders, victims and those who feel threatened by crimes. These three groups are now all recognized as legitimate target groups of 'rational and humane' policies concerning crime problems.

Viewed from this angle, the interest in the problems of victims and the interest in, for example, the fear of crime of the elderly have common ideological roots.

The relevance of the four 'victimagogic' ideologies for the study of fear of crime may not be limited to the care ideology. According to the rhetoric on law and order of the sixties, fear of crime generates a demand for a sterner criminal policy. Although this notion was usually based upon beliefs rather than upon empirical findings, recent studies on fear of crime have indeed discovered a measure of intolerance among certain groups. This discovery puts those who have humanitarian concerns about both offenders and the fearful in a quandary. Possibly, some of the real needs of the fearful cannot be satisfied without hurting the interests of certain groups of offenders. Researchers or practitioners who seek to promote humane policies towards both offenders and those who feel threatened by them may discover that they can't have their cake and eat it. Like the pro-victim lobby, they will subsequently be torn between the care model -from which they receive their primary motivation- and the retribution model which is suggested to them by their new 'clients'. So, both the care and the retribution ideology may prove to be as equally relevant for a discussion on fear of crime as to the plight of actual victims. In this sense it may be possible to point to one dominant theme of the conference: the dialectic between the care model and the justice model within a humanitarian concern with offenders, victims and those who feel threatened by crimes. In the following paragraphs I will first discuss the research findings presented at the conference on concern about crime and fear and reflect upon their policy implications. I will then move on to discuss actual victimization, its aftermath and victim services. In a final paragraph I will comment upon the ideological tensions within the victims' movement which surfaced during the conference.

Concern about crime

At the 1978 conference, the conclusion was drawn that concern about rising crime rates must be distinguished from fear of crime. A highly negative judgement about the level of crime in society is often found among parts of the public which do not feel personally threatened by crime. Some new research findings presented at this conference seem to confirm this point of view. New studies also support the hypothesis that the demand for harsher penalties is voiced more loudly by those who are concerned about crime in society than by those who feel personally threatened by crime. Contrary to conventional wisdom both actual victims and those who worry most about crime tend not to be particularly supportive of harsher and more repressive criminal policies. If we are looking at the retribution model as one of the ideological sources of the victim' movement, then the research on public attitudes towards sentencing deserves special attention. As has been established again and again in opinion polls, a large majority of the population of Western societies regards the sentences inflicted upon offenders as too lenient. Although the actual sentencing policies vary considerably between nations, the population's discontentment with 'soft judges' appears to be universal. This very universality raises some doubts concerning the validity of the finding. In the first report, research findings are cited which show that respondents have little knowledge about actual sentences and express rather liberal opinions on sentencing when invited to suggest a precise sentence in a particular criminal case themselves, as opposed to passing a more general view. Dutch research has also shown that a majority of those who support severe sentences as a suitable way to combat crime are equally supportive of various non repressive policies (Van Dijk, 1984). General questions on the severity of sentences may be understood by many as a question about their moral judgement on vicious criminal acts. An opinion that sentences are too lenient may then be a socially desirable way of expressing one's moral indignation about serious crime. Better educated respondents are often found to be less critical of sentencing policies. This may partly be due to the fact that they are less inclined to give socially desirable answers to such general questions.

These are sound arguments for not taking at face value the finding of opinion polls that the public demands harsher punishment of offenders or even supports the reintroduction of capital punishment.

In my opinion it would be erroneous, however, to discard such findings as just an artefact of ill designed opinion polls. Public criticism of soft sentencing may not be a well-informed judgement on actual sentences, but its prevalence does testify to the public's deeply felt moral condemnation of serious crime. In some countries the percentage of the public which regards the assumed sentencing tariffs as too lenient seems to have gone up. In the Netherlands the percentage of the population which agrees with the statement that offenders must be treated instead of punished has declined significantly from 73 in 1972 to 49 in 1983. Again, such a trend does not indicate a general rejection of 'soft', non-custodial options.

On the contrary, a large majority of the Dutch population is in favour of alternative sanctions like community service and compensation orders. But, increased criticism of lenient sentencing and the diminished support for the treatment philosophy surely suggests an increased demand by the public that penal norms are maintained by some kind of punitive action. In this sense the services of the Criminal Justice System seem to be more in demand than ten years ago.

Fear of crime

Important advancements have been made in the study of fear of crime since the 1978 conference. Distinctions are presently made between the awareness of the risk of victimization by a property crime and anxiety about crimes against the person. Both assessments appear to be related to particular emotions and forms of preventive behavior. As would be expected, anxiety about sexual or violent crimes is more likely to be accompanied by emotions like fear and to generate avoidance behavior. One of the major challenges in this area of research is to produce better measures of emotional aspects, for example, by measuring the psychophysiological and biochemical symptoms of a high level of fear.

In the report of the 1978 conference (Van Dijk, '79) much attention was given to the paradoxical finding that many of those individuals who show most anxiety about crime are not those most likely actually to be victimized (for example, women and the elderly). Several hypotheses have been brought forward to explain the discrepancies between the distribution of the subjective assessment of victimization risks and avoidance behaviour on the one hand and the distribution of objective victimization risks on the other.

Firstly, it has been suggested that the elderly succeed in minimizing their potentially very large victimization risk for predatory crime by avoiding going out on the streets. This hypothesis was not born out by multivariate analyses of victimization risks. Elderly persons and women who go out frequently do not have particularly high victimization risks.

According to another hypothesis, the emotional and behavioral responses to risk assessments are dependent upon the assessment of the severity of the consequences of a victimization. Avoidance behavior is to be seen as a function of both risk assessment and the assessment of possible consequences. This explanation seems indeed plausible.

According to a third hypothesis, supported by research evidence, anxiety about crime is partially a response to perceived neighborhood decline. Persons who express anxiety about crime do in fact feel ill at ease about various mild forms of disorder in the area in which they live. In the literature cited by Mayhew in her report, several forms of 'incivility' are listed which generate anxiety about crime. These include graffiti, deteriorating buildings, public drunkenness, street soliciting by prostitutes, gambling and the presence of hoodlums and drug addicts.

A related hypothesis has been put forward to account for the prevalence of avoidance behaviour shown by young girls in urban areas of the Netherlands. According to the department of women's studies of the University of Leyden (Ensink and Albach, 1983) such avoidance behaviour has been wrongly interpreted by criminologists as an exaggerated fear response. It should be understood as a rational response to the constant exposure of young women to mild forms of sexual harrasment. In my opinion, sexual harrasment can be viewed as a special form of incivility directed at young women.

It is remarkable that the research findings on the incivility factor have attracted little attention from the protagonists of the abolition of penal justice. The discoverers of this factor themselves seem equally disinclined to relate their findings to the notions of radical criminological theory. In my opinion, the finding that many residents of the inner cities avoid the streets on account of the perceived prevalence of various forms of deviant behaviour, including the free expression of male sexuality, has important implications for decriminalization policies. One of the crusading issues of radical criminology is the decriminalization of 'victimless crimes' like gambling, drug-taking, obtrusive or commercial expressions of sexuality, vagrancy, and several mild forms of psychiatric 'illnesses' (Miller, 1972). Another crusading issue is the idea of labeling: deviant acts are better accepted by the community if the perpetrators are not labeled and set aside as criminals or patients by the official authorities. In the seventies, criminal policies on gambling, exhibitionism, prostitution, pornography, drug-taking and vagrancy have been liberalized. In addition, governmental agencies who deal with social problems have reduced their interference (partly as a conscious policy, partly for budgetary reasons). The recent discovery of the 'incivility factor' suggests that the capacity of local communities to absorb deviant or obtrusive acts has been overestimated. The phenomenon of fear of crime seems to be propelled by a kind of law and order crisis at the level of urban neighborhoods. The limits of tolerance have recently become manifest in Amsterdam, an European city notorious for its tradition of tolerance. In the autumn of 1984, the residents of several inner city neighborhoods started to patrol the streets in response to problems created in particular by heroin addicts.

The incivility argument sheds a new light upon the division between concern about crime and fear of crime. Those who are concerned about rising crime rates and demand harsher punishment tend to have conservative political views across the board. Those who are personally worried about crime and avoid the streets respond among other things to a perceived breakdown of the social order in their immediate environment. The latter finding points to the emergence of a law and order crisis among the inhabitants of the inner cities, especially among women and elderly. Both the concerned citizens and the fearful ones seem to respond negatively to certain over-optimistic notions about crime and deviance.

However, the political orientation of those who feel personally threatened by crime and deviancy is still different from the traditional conservative position on these issues. The victims of neighbourhood decline or other forms of incivility tend to be sceptical about traditional cures for their problems, like a crackdown on local crime. Indeed, a purely penal and repressive approach to the variety of incivilities generating fear of crime in the inner cities would run counter to the concept of a democratic and culturally heterogeneous society. It is unlikely that such an approach will ever be successful. Efforts to reduce fear must be based primarily upon the activities of local communities. An imaginative search for ways to support and extend existing patterns for informal social control by local residents seems to be called for. For this reason the promotion of European versions of neighbourhood or block watch programs, such as the programmes being developed by the Metropolitan Police in London- seems worthy of careful experimentation. The introduction of such programmes was chosen by the conference as its main recommendation on the issue of fear of crime.

The concept of neighbourhood crime watch programmes can be seen as an expression of increased public awareness and public responsibility for social problems at the level of neighbourhoods. Crime watch programmes can be seen as an offshoot of the care ideology, in particular of the trend towards community care. However, compared to other good neighbourhood programmes, like aid to the sick or handicapped, organized cooperation with the police in noticing suspicious or undesirable situations, has some less friendly aspects. In the programmes at issue, local residents help their neighbours by imposing norms of conduct upon other neighbours or visitors from outside. They seem to be responding both to the community care ideology and to a new grass roots demand to preserve neighbourhood order and peace. Not unlike the victims' movement, the movement to reduce local anxiety about crime seems to be affected by quite diverse and potentially conflicting ideologies.

The experience of being a crime victim

Victimization surveys and beyond

Victimization surveys were originally designed to measure the incidence of crime and assess the reasons why criminal incidents are introduced or fail to be introduced into the criminal justice system. The second report, by Ms. Zaubermann, gives an authoritative overview of the many methodological problems which befall the crime surveyor who seeks to measure the true volume of crime. In the course of discussion, several participants pointed to the many other uses of victimization surveys besides the original one of providing national statistics on crime. Victimization surveys may best be seen in a consumer's perspective, that is as studies into the perceptions, experiences and needs of those among the public who define themselves as victims of a crime. Victimization surveys typically address the reasons for reporting or not reporting incidents to the police. Lack of confidence in the perceived efficacy of law enforcement agencies has been found to be a major argument for not reporting. Victimization surveys are currently being used routinely by police forces for the planning and evaluation of new, service-oriented, ways of policing. The political significance of victimization surveys is nicely illustrated by the fact that totalitarian regimes are unlikely to allow such studies to be conducted in their countries. In recent years attempts have been made to include sets of questions about the psychological impact of crime on victims and about attitudes towards state compensation schemes, victim support schemes and other provisions. These extensions of national victimization surveys are paralleled by small scale studies among particular groups of victims, who are interviewed in depth about their experiences (Maguire, 1984). The samples of the latter studies are mostly drawn from police registers or from the registers of compensation funds or victim support schemes.

In the future though, specialized studies among victims who have not come into contact with any such agencies seem indispensable. Victimization surveys can probably be used as efficient screeners for this type of research. In short, the victimization surveys seem not yet to have reached their full potential. A standardized European victimization survey, comparable to the extensive national surveys of the Netherlands and the United Kingdom, would provide an excellent opportunity for cross national comparisons of victim services in the Council of Europe countries and would have important policy implications. Initiatives to this end by the ECCP would be greatly welcomed by criminological research institutes all over Europe.

In the first and third report the currently available research literature on the experiences of crime victims is summarized. Both Mayhew and Villmow make apologies for not being able to present a coherent body of knowledge concerning these experiences. Reading through their valuable summaries one is, nevertheless struck by the consistency of some of the findings of the first evaluation studies on victim services. In the following paragraphs I will follow the victim on his (or her) path through the various relevant agencies: the police, victim support schemes, the courts and the state compensation fund. I shall then try to identify the basic needs of crime victims, as suggested by their responses to existing services. In the concluding paragraph, I shall reflect upon the policy implications of this tentative perspective and relate it to the ideological currents within the victims' movement.

Reporting to the police

A substantial minority of those who report crimes to the police are dissatisfied with the treatment they receive. Several researchers have identified insufficient provision of information on the progress of the investigation as a major source of dissatisfaction. Besides, many victims would welcome practical information about insurance, repairs, crime prevention and any other available services.

The need of victims to be informed by the police may be more readily expressed by victims in structured interviews than other less tangible, 'emotional' needs. There is ample evidence from in depth interviews that victims are particularly sensitive to the way they are personally approached by police officers. According to several researchers, many victims experience an acute need to be 'reassured' by the police. Others state that victims expect the police to recognize their status as someone who has been wronged by a fellow citizen. Such statements are pointers to not yet fully understood needs of crime victims. Possibly the nature of these needs can best be described by giving examples of the kind of treatment most deplored by victims.

Many victims express dissatisfaction with police officers who are distrustful, callous or cynical. Such observations are often viewed as evidence of secondary victimization. It can also be regarded as evidence of the existence of positive needs which could be met by the police but presently are not. I will come back to the meaning of victims' particular abhorrence of police cynicism in the concluding paragraph.

Victim Support Schemes

Since 1980 victim support schemes have mushroomed in several Council of Europe countries, notably in the UK, the Netherlands and France.

Victim support schemes typically recruit volunteers who provide a short-term crisis service to crime victims in the first days after victimization.

Victims with serious problems are subsequently referred to other agencies for professional counselling or social work. The volunteers assist victims in their dealings with insurance companies, the police, the prosecution, the courts and state compensation schemes. The main task of the volunteers is often described as expressing community concern, providing moral support, comfort and reassurance. Representatives of VSSs stress that the leading principle should be that victims must not be locked into a special role -made into a suitable case for prolonged treatment, as it were- but encouraged to regain their self-confidence as quickly as possible and return to their normal pattern of life. The frequent mention of terms like expressing concern, providing reassurance or helping to regain self-confidence once again are pointers to the existence of certain basic needs of victims which cannot be described in a simple, straightforward way.

One of the policy recommendations endorsed by the conference is that victim support schemes must cooperate closely with the police. Strong practical arguments can be put forward for this cooperation. The police have a near monopoly on information about who perceives him or herself to be a victim of a crime. Referral policies have been found to be crucial for take-up rates of VSSs. The experiences of the schemes currently working in the UK show that VSSs need to have direct access to police information on victims in order to be able themselves to contact victims. Experiments with indirect referral by the police have consistently shown poor results. Several factors seem to undermine the efficacy of indirect referral policies. First of all, indirect referrals depend upon the victim's positive decision to contact an unknown agency to ask for assistance in coping with unknown and often somewhat unclear 'emotional' or practical problems. At the police station, many victims are in a state of shock and unfit to make such decisions. They will deny a need for help, although they would in fact have welcomed a visit by a volunteer the next day (Holtom, 1985). Many police

officers tend to forget their duty to inform victims about VSSs altogether. Others restrict their referrals to victims who conform to a stereotype of vulnerability, such as persons above the retirement age or women or those who show clear signs of emotional distress. The officers' belief that VSSs can only assist special categories of vulner victims is yet another symptom of their lack of understanding.

The victim's position in penal proceedings

If the offender is arrested, the victim is sometimes required to act as a witness. In most European countries the victim can ask the penal judge to decide upon his/her civil claim concerning damages. However, in most countries the victim has no role in any penal proceedings nor any right to be informed about his/her case. Studies have shown that many victims wish to be informed about essential decisions concerning the case against their offender and about the trial's outcome. A Canadian study showed that victims who have attended the trial and are informed about the outcome tend to have a reduced demand for harsh punishment and to feel less unsafe (Hagan, 1983).

Victims tend to have ambivalent feelings about the idea of getting involved in actual decision-making or in mediation programs. According to some, they would nevertheless welcome some form of consultation or representation. The conference generally acknowledged that victims need to receive more information. Many words of caution, however, were expressed concerning the proposals for a stronger input from victims or their representatives in decision-making processes at the prosecutorial or court stage. The majority point of view was that provisions or rights for victims must not be introduced at the expense of offenders. In my opinion the most convincing argument for a cautious approach in this area is the obvious lack of any clear conception of what victims really want from the courts. The proposals for direct involvement of victims may eventually prove to be the inevitable next step for those who wish to advance the interests of crime victims. At present, however, the protagonists of so-called victim impact statements to the judge or the right of victims to veto bail or parole have failed to provide sound research evidence of the victims' felt need for such innovations.

Compensation from the offender or from the state

Although the available research evidence is admittedly scarce, authors like Sessar (1984) and Shapland (1995) seem to agree that victims greatly appreciate the imposition of compensation orders upon offenders (known as restitution in North America), even if such measures do not fully cover their actual losses. The standard objection to restitution is that most offenders are never arrested

or if arrested, prove to be insolvent anyway. This objection may be valid from the perspective of a narrowly defined care ideology. From the point of view of the retribution model, monetary restitution and reparation by the offender -the duty to render personal services to the victim- is clearly an ideal option. The offender is made to feel responsible for the effects of his deeds and forced to make good. The high level of satisfaction with restitution, expressed by those victims who have actually received it, and its obvious appeal for other victims, are important indications of what victims really want.

The positive judgement of many victims on restitution is in striking contrast with their rather negative evaluation of state compensation schemes. Some of the shortcomings of the schemes, like their bureaucratic procedures, stringent eligibility requirements and obscurity may be remedied by technical improvements and more generous funding. The discussions at the conference gave little hope that such improvements will indeed be implemented. Although France has recently extended the scope of its programme, the exemplary schemes of the UK and Ireland will be reduced. More importantly, the results of evaluation studies have put into doubt the validity of some of the assumptions underlying the schemes. According to some, the main thrust behind the establishment of state compensation schemes was not a commitment to a care ideology but a growing uneasiness of criminal justice officials about the imbalance between the rights of offenders and those of victims. The idea of a state compensation scheme for a limited group of 'token victims' appealed to such officials as an inexpensive way to redress the balance. In this view, state compensation was introduced as a kind of symbolic diversion programme for crime victims. Whatever may be the goal of the schemes, evaluation studies suggest that they are, at any rate, not valued very highly by those few victims who actually receive a grant. A victim's bad experiences with the police, the prosecutors or the courts are in no way relieved by a grant from a compensation fund. Victims apparently demand certain services of the criminal justice system itself which cannot be substituted by a monetary hand out, however welcome the money may be. The current state compensation schemes appear to be an unsatisfactory response to victims' needs.

Assessing victims' needs

At the end of the discussions, one of the participants said that he had noticed a tone of pessimism throughout the conference. Evaluation of existing provisions for victims seemed to have yielded rather negative results and to suggest, in fact, that in this area, like in so many others of criminal policy 'nothing works'.

Many of the programmes designed to alleviate the victim's situation do indeed show disappointing results. Considering the strong political and ideological inputs to most of the programmes and the dearth of knowledge about victims' needs, disappointment about the programme, efficacy were bound to come. The victims' movement seems to have reached the stage where the ideological chaff must be separated from the wheat.

Of the four main ideological currents within the victims movement the instrumental approach was criticized most severely. It was generally felt that victims must be valued in their own right and that their needs must be catered for as a separate priority of social and criminal policies. If a more sensitive treatment of victims leads to a closer cooperation with justice functionaries this must be seen as a bonus, not as a goal.

In reality, programmes for victims which aim at a better performance of victims as witnesses seem to be largely unsuccessful anyway. A reserved attitude was also expressed concerning forms of mediation, probation or parole which require the victim's active involvement. The settlement of disputes by mediators may provide solutions for victims who stand in a special (and lasting) relation to the offender. In most other cases, such diversionary options seem to impose an additional burden upon the victim and to expose him/her to the risks of additional harm.

Options which primarily serve the interests of the offender or of overburdened courts must not be promoted as quasi-provisions for victims. Uncritical support of such programmes may indeed discredit the victims' movement. It may well be that certain categories of victims are quite willing to participate in such programmes. Nevertheless, they should not be presented as a service to victims but as a opportunity for victims to serve the community.

More critically, several programmes which are genuinely designed to serve the interests of victims seem to show rather poor results as well. Victim support schemes in many countries are clearly still in an experimental stage. Obviously, more research and careful experimentation is needed. At this stage, the most pressing need may be for a better understanding of the victims' basic needs. The results of new experimental programmes will probably offer more practical guidance if they can be integrated into some kind of theoretical perspective on victims' needs.

Mayhew writes in her report that the needs of crime victims "have often been considered alongside a wider range of victimising events in terms of some current social-psychological orthodoxies" ... "One of the effects of this is that the impact of the crime is often presented in emotive terms".

She continues to express the view that the victims' movement is in danger of exaggerating the consequences of crimes for victims by applying uncritically concepts and theories from social psychology and psychiatry, such as post-traumatic stress disorder. In my opinion, a dominant input from these disciplines may also blind victimologists to certain unique and maybe particularly serious features of the crime victim's situation. Crimes are wilful contraventions by fellow citizens of basic rules of conduct. The meaning of such acts for either the actor or the recipient cannot be understood fully without taking into account the existential significance of social rules. The victims' movement may therefore be in danger of describing reactions to crimes in inappropriate and misleading terms. Although the emotional impact of ordinary crime may not be very severe, there may be other serious needs of a moral or cognitive nature which must be addressed.

The conference advocated the development of research programmes on victims' needs based upon, inter alia, social-psychological theories such as the just world theory. Concentration upon the sociological or anthropological aspects of the victim's experience is particularly to be recommended. In a recent article, Fisher (1984) reports on the first results of what she calls 'a phenomenological study of being criminally victimized'. In her study, she attempts to understand the victim's experience within his/her own subjective world and articulates some crucial elements of his/her experiences and needs in a most convincing way. She writes:

'The above accounts (transcripts of open interviews with victims of ordinary crimes, vD) reveal that the trauma of criminal victimization is not only deeper than distress over physical loss, but deeper even than fearfulness of future victimization. Most radically traumatized is the victim's sense of community. The social order of one's immediate world has been disrupted. Everyday faith in shared values, continuity, and control over one's life has been undercut. Reciprocity among citizens no longer is taken for granted. One's own integrity is brought into doubt through discovering an urge to do violence to the offending person. To repeat: victimization jars and sometimes fractures the foundation of the victim's social harmony and community'.

Fisher's understanding of the crime victims' experience has important implications for victim services. She writes for example:

'Victims who spoke of the police saw them as key representatives of social order. They appreciated the calm, business-like, serious attitude of persons who received their calls, and of the police who came to investigate. Likewise, victims felt reassured when police increased their understanding of the crime, thereby transforming randomness into order (...). These police procedures are more than professionalism and good public relations; they are also important for victims' regaining a sense of order, control and confidence in the community'.

Fisher's findings perfectly accommodate some of the conclusions reached at the HEUNI Conference on Victims in 1983 (HEUNI, 1984). During the HEUNI Conference, reference was made by Hulsman to the need of people involved in unexpected disturbing events for a reordering ritual. The most pressing need of crime victims may be to be reassured that the act of the offender was abnormal and that the victims' own sense of life and values is not at error. The HEUNI report writes: 'In this sense a reordering ritual serves to maintain and fasten the sense of life and values which was offended by that event. There are many examples of such reordering rituals. Research shows that what people expect when they denounce a certain event to the police is in the first place support of their idea that what happened to them was wrong and abnormal, and second, sympathy in their state of disarray'.

What crime victims seem to need most of all is to be reassured by authoritative others that they still live in a basically civilized world.

Victim services

These new insights into victims' needs provide a valuable frame of reference for an evaluation of the various pro victim programmes and the ideologies underlying them.

Some protagonists of the care ideology are influenced by clinical theories on stress or coping behavior and see a major role for trained counsellors and therapists. With regard to the victims of ordinary crimes with no previous personality problems, this approach seems inappropriate. Referrals to professional care persons may even aggravate a victim's doubts about his/her capacity to understand the social rules of society.

State compensation schemes serve several symbolic functions. They have been the first expression of society's concern about the crime victim's situation. They are based, however, upon the assumption that financial problems are a central part of the crime victim's plight and/or that his/her problems can, at any rate, be substantially alleviated by means of financial compensation. These assumptions appear to be fundamentally mistaken. Apart from this, the present schemes have very limited scope. This means that many applications must inevitably be rejected. The experiences of rejected applicants may add to their sense of bewilderment and isolation. On reflection, there is little reason for governments who have established state compensation schemes to be complacent about their policies concerning crime victims. The establishment of compensation schemes must be seen as no more than a first step towards a serious policy concerning crime victims: step which might eventually prove to have been in the wrong direction.

The most important achievement of the care ideology is the establishment hundreds of victim support schemes in several European countries. The volunteers working for these schemes are by definition qualified to help victims to regain a sense of community. In the light of our present understanding of crime victims' needs the cooperation of the schemes with the police has great psychological significance. Coordinated efforts by the police and a voluntary agency to reassure crime victims will be particularly effective. On the other hand, antagonistic relationships between the police and such agencies will greatly hamper the capacity of either institution to satisfy victims' needs.

It follows from our present understanding of victims' needs for a reordering ritual that the proper state agency to serve them is the criminal justice system. For a long time penal experts have assumed that crime victims are exclusively and unambiguously interested in severe, retaliatory sentencing. This belief has led liberal-minded penal lawyers and administrators to be distrustful and unsympathetic to crime victims. Others have imposed harsh punishments upon offenders as a way to satisfy the victims' need for revenge. Both responses are based upon the same erroneous image of the crime victim as a person dominated by the desire to get even with the offender. In reality, the victim's need for a reordering ritual may not be punishment-oriented at all. To quote once more from Fisher's article: 'Some professionals also said that reading our structural analyses modified their hard-on-crime attitudes. In particular, retaliation now seemed to perpetrate the 'us-them' alienation that victims and violators feel toward each other. These professionals became more favorable to the view that restoration of a sense of community and order, for victim and violators alike, is enhanced by restitution to the victim by the offender'.

Some victims' advocates who are influenced by the 'retribution ideology' want crime victims to play an active role in the penal proceedings or even to have a determining influence upon the trial's outcome. It seems doubtful whether such active involvement in penal decision-making will be reassuring for victims. They will have to play a role in an adversarial or semi-adversarial setting and thus be exposed to verbal attacks by defence counsel.

Many victims will have ambiguous feelings about this option and indeed prefer to reassume their normal life. Some of them may be pressed into their prosecuting role by the prosecutor or by family members (who are often more fiercely punitive than the victim his/herself). When the offender is eventually acquitted, they may feel defeated and indeed victimized by their social environment and/or the State.

According to the protagonists of the ideology of abolitionism the present criminal justice bureaucracy is for various reasons, incapable of carrying out a satisfying reordering ritual. In their view, both offenders and victims would be better catered for if criminal incidents were dealt with by means of civil litigation or some form of non penal mediation. For certain types of crimes, simpler and more efficient reordering rituals than the criminal trial can indeed easily be imagined. The police have traditionally performed such peace-making functions. In many countries it seems doubtful, however, whether satisfactory

reordering rituals can be staged outside the criminal justice system for more serious crimes. Those who seek the abolition or radical reduction of the criminal justice system are of the opinion that penal norms must not be maintained and reasserted by an anonymous bureaucracy. Contraventions of such norms must instead be made the subject of negotiations between the citizens themselves. This opinion may be at odds with the victim's need to be reassured by authoritative others about the validity of his/her normative views.

The conference's most important policy recommendations call for radical changes in the attitudes and professional self images of police officers, prosecutors and judges. Police officers must be taught that their desk-side manners are as important to victims as bedside manners of doctors are to patients. Police officers must be trained to express to victims their belief in the maintenance of law and order and to control their private despair about crime control and soft prosecutors or judges in particular. Police officers or prosecutors should inform victims about penal procedures and substantive law and about prosecution or sentencing guidelines. They must in all cases inform the victim about the progress and outcome of his/her own case. For the sake of the victim, judges must deal with criminal cases speedily and in a consistent way. Deviations from guidelines or usual tariffs must be clearly explained to the victim. Finally, the conference called for a wider use of restitution by the offender to the victim. Restitution orders force the offender to admit his fault by making good to the victim. Even when the sum paid is modest, the ordering of restitution by the judge is psychologically of the greatest significance for victims. The positive value of such orders will be completely negated, however, if the offender fails to pay up. For this reason, such orders must be adapted to the offender's earning capacity and be rigidly enforced as quasi-fines by the state.

On reflection, none of the four different pro-victim ideologies seems to square fully with the victim's real needs. Both the instrumental and the abolition models cannot be acknowledged as appropriate frames of reference for the victims' movement at all. Both the care model and the retribution model appear to have serious limitations and flaws. The models, however, complement each other. The ideal package of victim services seems to be a mixture of community-based care provision and a less bureaucratic criminal justice system.

Literature

- Dijk, J.J.M. van The Extent of Public Information and Nature of Public Attitudes towards Crime, in: Public Opinion on Crime and Criminal Justice, Collected Studies in Criminal Research, Vol. XVII, Strasbourg, Council of Europe, 1979.
- Dijk, J.J.M. van On the Pragmatic and Ideological Aspects of Public Attitudes towards Crime Control, paper given to the British Society of Criminology Day Conference 'Crime, Sentencing and Public Opinion, Oct. 6th, London, 1984.
- Ensink, B. and F. Albach Fear of Sexual Violence: Irrational Fears or Justified Anger? R.U. Leiden, Werkgroep Vrouwenstudies, 1983 (in Dutch).
- Fisher, C.T. A Phenomenological Study of Being Criminally Victimized Contributions and Constraints of Qualitative Research, Journal of Social Issues, no. 1, 1984.
- Hagan, J. Victims before the law, Butterworths Criminology Series, Toronto, 1983.
- HEUNI Towards a Victim Policy in Europe, Helsinki Institute for Crime Prevention and Control, no. 2, Helsinki 1984.
- Holtom, C. Lecture about the development of victim support schemes in the UK given to a conference of the Dutch Platform for Victim Support on December 14. To be published in Dutch in Justitiële Verkenningen, April 1985 (Slachtofferhulpprojecten in Groot-Brittanië).
- Maguire, M. Victims' Needs and Victim Services: Indications from Research, paper to the Third International Institute on Victimology, Lisbon, Nov. 1984.
- Miller, W.B. Ideology and Criminal Justice Police: some current issues, Journal of Criminal Law and Criminology, no. 2, 1973.
- Sessar, K. Public Attitudes towards Offender Restitution in Germany, paper given to the Annual Meeting of the American Society of Criminology, Nov. 7-11, 1984, Cincinnati, Ohio.
- Shapland, J.M., Willmore, J. and Duff, P. Victims in the Criminal Justice System, Farnborough, Hants, Gower (forthcoming).