

ACR203 – Subject Notes

Crimes, Victims and Justice

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Topic 2 – Victimisation Theories & Trends

The Term 'Victim'

Note: Until 1985, rape in marriage was not legally identified as a crime in Victoria. As a result, women were not legally or socially considered victims of rape.

- To some degree, these beliefs continue to permeate social discourse in a contemporary context:
- *'Rape in marriage is a crime, and it's a serious crime, but as a community we're still hung up on a sense of conjugal rights that a man has - his entitlement to sex from a wife and I think that across the community that people think you can't really have rape in marriage' (Parkinson 2008).*
- Victims across different cultures don't identify their victimisation as a crime.
- Women were, and in some contexts, still are considered the property of their husbands.

Example: 'I thought he had the right to do that. But I didn't feel good and I used to cry. I felt it wasn't right. I felt really dirty. I didn't feel that he honoured me. But I thought that as I was married to him it can't be rape' (Sarah).

- In this way, the notion of the 'deserving' versus 'undeserving' victim becomes contentious and the status a victim receives will impact on the sort of treatment they receive by society, the media and the criminal justice system.

Emergence of Victimology

- Victimology emerged as a discipline after World War II.
- Early origins of Victimology found in the works of Hans Von Hentig, Frederick Wertham, Benjamin Mendelsohn.

Victimology has its origins in two meanings:

- The *victim* is derived from the Latin word *victima*.
- The *-ology* element evolves from the Greek word 'logos', which refers to a system of knowledge.
- In Criminology and socio-legal study, victimology is a major research area.
- Victimology has been labeled an 'essential compliment to criminology's well-established research on offenders' (Fattah 2000: 18).

Rock (1994): Prior to the introduction of Victimology, criminological concerns 'concentrated most squarely on the analysis of crime, criminals and criminal justice' ... the criminal justice process 'tended ... to obliterate the victim'.

Purpose of Victimology

- Study victims of social, moral and legal harms (Dussich 2006);
- Examine all aspects of victimisation: the victim's behaviour prior to the victimisation; the victim's experience; the aftermath of the crime; and the responses to the victim and their victimisation experience by society, the media and the criminal justice system; and
- Analyse the characteristics of victims and their experiences.

Victim Precipitation Theory

- In the 1950s, historical approaches towards victimisation were aligned with Marvin Wolfgang's precipitation theory.
- This theory focuses on the victim's involvement in crime (Mieth 1985).
- Victim precipitation is concerned with how victims provoke, precipitate, trigger and participate in their own victimisation (Fattah 2000).
- Victim's role in the crime seen as motivational – the victim induced, aroused or attracted the offender in some way (Fattah 1991).
- Upholds 'victim-blaming' views and implies shared responsibility
- Victim precipitation was commonly examined in relation to crimes such as sexual assault, aggravated assault, rape, domestic violence and homicide (Von Hentig 1948; Mieth 1985).

Von Hentig (1948): A victim who consents tacitly, co-operates, conspires or provokes...is one of the causative elements.

Degree of Accountability

Von Hentig (1941, 1948) and Mendelson (1956): Categorised victims according to their degree of accountability in the crime.

- The 'guiltiest' victims distinguished from the 'guiltless' victims (Mieth 1985), resulting in 'ideal' versus 'non-ideal' victim labels.
- An example of a guilty and 'non-ideal' victim may include a woman who is walking home alone at night and is sexually assaulted.

Lifestyle Exposure Theory

- Sub-theory of the victim precipitation theory – postulates lifestyle factors that contribute to one's victimisation (Walklate 2005).
- Coined by Hindelang, Gottfredson and Garofalo (1978).
- Highlights the relationship between socio-demographic characteristics and personal victimisation experiences.
- Work, school and leisure pursuits can *shape the opportunity for crime to occur*.

Routine Activity Theory

- Routine Activity theory highlights the '*relationship between conventional and criminal activities*' whereby the victim is seen '*as a contributory agent in the genesis of crime*' (Mieth & Meier 1994).

Cohen and Felson (1979) argue that the occurrence of victimisation is an outcome of the convergence in time and space of three key elements:

1. A motivated offender
2. A suitable target
3. Decreased protection or guardianship

Note: For example, it is believed that women increase their risk of victimisation by spending more time outside the house and commuting to and from work unaccompanied.

Feminist Movement and Theory

Purpose:

- Challenge previous understandings of victims and their victimisation experiences;
- Understand victimisation as a form of power imbalance between victims and offenders;
- Propose that inadequate attention had been afforded to gendered crimes such as rape, sexual assault and domestic violence;
- Advocate for victims' rights; and
- Lobby for support services to support victims during and in the aftermath of their victimisation experience.

Victimisation Rates and Trends

Key sources for measuring crime victims, and understanding their experiences of crime and the CJS:

- Recorded crime data
- Victim surveys
- Victimisation studies (academic, scholarly research, government/policy driven)

Recorded Crime Data

- Victoria Police – published annual crime data until 2015.
- Crime Statistics Agency (CSA) – since 2015, receives data from the Victoria Police Law Enforcement Assistance Program (LEAP). Publishes quarterly data including offences recorded, alleged offender incidents, victim reports, and family incidents.
- Private Agencies – publish specific data. For example, RACV publishes burglary statistics, using data from the ABS, CSA, Government Reports and their own insurance reports.

Victims Surveys

ABS – National Crime & Safety Survey

- (1975, 1983, 1993, 1998, 2002 and 2005)
- Offered limited insight into victimisation (not annual and did not cater for a sufficient breadth of crime types).

ABS – Crime Victimisation Survey

- (Introduced 2008-09, within the Multi-Purpose Household Survey (MPHS)).
- Asks respondents aged 15 years+ (or 18 years+ for questions regarding sexual assault) about their experiences of selected personal crimes (physical assault, threatened assault, robbery and sexual assault) and selected household crimes (break-ins, attempted break-ins, motor vehicle theft, theft from a motor vehicle, malicious property damage and other theft).

Crime Victimisation Survey 2014-15: A sample of 27,341 fully responding households. Provides a different perspective on crime and victimisation – not dependent upon any agency of the Criminal Justice System.

Victimisation Studies

- Includes research specifically exploring the experiences of crime victims.
- Methods include: quantitative surveys, semi-structured interviews, self-report questionnaires, psychometric tests, participant observations (i.e. in court).

Examples:

- Field, Zander and Hall (2013) applied semi-structured interviews to examine eleven victims of crime and their perspectives on forgiveness.
- Iliadis (2017) undertook semi-structured interviews with key stakeholders, victim support workers and criminal justice professionals to analyse victim perceptions of, and experiences with, victim-focused reforms.
- Can offer unique and richer insights into people's experiences, opinions, attitudes and feelings.

Note: Different research studies may use different methodological approaches, who limits comparability. There is a risk of secondary victimisation/re-traumatisation.

Contemporary Context

Situation 1

- A study into women's attitudes towards sexual misconduct in the AFL found more than 80 women held victim-blaming views towards sexual assault allegations against AFL players (Pierik 2010).
- The study's co-author, Dr Peter Mewett, highlighted these findings in *The Age*, claiming:
 - *'If you get a young floozie flashing her boobs at these guys, then what do you expect them to do?'* (Female Participant cited in Pierik 2010).
 - *'I know this sounds terrible, the girls are the ones that put themselves in a position, they are the ones flirting all over them'* (Female Participant cited in Pierik 2010).

Situation 2

- On 22 September 2012, the disappearance of 29-year-old Jill Meagher in Brunswick prompted an urgent response from the media and the Victorian community.
- Prior to Jill's disappearance, she attended a social event with colleagues at a bar in Brunswick.
- Upon departing, Jill rejected an offer from a colleague to escort her the 700-metre distance home.
- Shortly after, CCTV footage captured Jill being approached by a man.
- They engaged in conversation for around 40 seconds.
- This was the last image of Jill Meagher, alongside her confirmed perpetrator, before her body was found six days later.
- Offender Adrian Bayley was charged with the rape and murder of Jill Meagher
- The outpour of support and concern for Jill was immense, yet the victim precipitation theory was still publicly applied.

For example:

- A man posted on the 'Help Find Jill Meagher' community Facebook page: *'she was obviously at a bar/club, left there in the early hours of the morning, obviously partially pissed/drunk, and she "lead someone on" and the consequences followed her'* (Ford 2012).
- *Herald Sun* journalist, Andrew Rule (2012) described Jill as a 'beautiful, naïve young woman who simply should have known better than to walk down dark, foreboding Hope Street when another route would have served her better and proved safer'.