

DECONSTRUCTING VICTIMOLOGICAL THEORY— TESTING ITS PRACTICAL CHALLENGES

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ABSTRACT

With the increase in scholarly research leading to the development of victimology theory and its practice in the previous century, fundamental changes have arisen with respect to laws protecting the rights of the victims. Their prime objective was to focus on assisting the individuals who have been victimised and to increase the various educatory and training programmes which focus on victims, apart from overall progress in victimological research. Here comes the need to deconstruct the existing theories to find out the resultant implications to make better the theories which may emerge in the course of research. This phenomenal progress in the subject has paved the way to have a huge impact on the positive developments with respect to the treatment of victims across the world. Most of the nations have rallied around the United Nation's principles advocating for justice for individuals who have been subjected to the abuse of power or crimes.

The invocation of various cultural changes which were brought about in the 20th Century has also had a lasting impact on the subject. Victimology also recognises its deep roots in various traditions surrounding the cultures of various social groups including languages, institutions, social organisations, events, value systems and beliefs, various leading victimologists developed the concept of victimhood and offered different definitions and theories. The Victimology theorists like Mendelsohn also played a critical role in the development of the victims' rights movement and victim assistance practices. Although victimology provides a sustainable resource in the implementation of victim assistance programs and rights laws, a major challenge in victimology is defining the victim and whether or not an individual is involved in their victimisation.

This paper aims to find solutions to the phenomenon of victimisation, by tracing the various victimological theories. The evolution of victims' rights and victimology in modern human history and the challenges it presents within the discipline will also be discussed further in this paper. The objective of this research paper is to bring out a viable and practical approach in deconstructing or deciphering, the Victimological Theory in simpler terms for better understanding as well as interpretation. The deconstruction of Victimological Theory was done using the Doctrinal Research method, concentrating mainly on secondary sources, as a source of data and information while sticking to the legal framework of the theory.

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I. INTRODUCTION

Victimology is a word coined by French lawyer Benjamin Mendelsohn in his 1947 publication *A New Branch of Bio-Psycho-Social Science, Victimology*.¹ According to Dussich, “as an academic word the term *Victimology* is derived from the Latin word *Victima* which translates to the modern English word *Victim* and *Logos* a Greek word that refers to discipline, the direction of science or teaching and a system of knowledge”.² According to Clevenger et al., “Mendelsohn’s article provided a blueprint and vision for victimology as a discipline”.³ The primary objective of victimology is to engage scientific tools in studying the relationship between an offender and a victim. Victimologists explore its causes and the impact it has on the injured party. For example, instead of simply hypothesising why one group of persons are more likely to be victims as against another, victimologists try to use scientific tools to conduct scientific research in order to find the causes or reasons why the former group is more vulnerable than the latter. More importantly, the focus of victimology is also on who the offenders are. Victimology traces the relationship of the victim with the offender, whether they were in the same family, or they worked together, or were they complete strangers, or were they persons having an intimate relationship and also the causal relationship with the crime and the victim focusing on the question as to why that victim has been targeted and what role did they or their characteristics or attributes play in the causation of the said crime.⁴ At its inception, victimology focused on developing theories that would offer insight into victimisation. As the science progressed with time, its primary focus shifted to identifying victimisation and measuring its frequency. The paper explores the challenges victimologists experience in the practice of victimology. Though there are many victimology theories, there is a vast gap between identifying the root causes and finding clear cut solutions to the problem of bypassing or avoiding victimisation. The focal point of this research is to find ways to bridge the gap between understanding the problems of the victim and the causative elements that instigated the offender to indulge in the act of crime, by deconstructing the already available theories in the area. It also explores the effectiveness of these theories in shedding proper light into the elements that

¹ Mendelsohn, B., “New biopsychosocial horizons: victimology”, 1947, Paper presented to the Psychiatric Society of Bucharest, Coltzea State Hospital, Hungary.

² Dussich, J.P., “Victimology—past, present and future” (2008), 131st International Senior Seminar, Visiting Experts’ Papers, pp. 116-128, at p.116, available at <https://www.academia.edu/33111426/VICTIMOLOGY_PAST_PRESENT_AND_FUTURE> (Last Visited on January 25, 2022).

³ Clevenger, S., Navarro, J.N., Marcum, C.D. and Higgins, G.E., *Understanding Victimology: An Active-Learning Approach*, Routledge, 2018, at p.116.

⁴ Van Dijk, J.M., “*Introducing Victimology*” (1999), Paper on the Ninth Symposium of the World Society of Victimology, at p. 2, available at <<http://rechten.uvt.nl/victimology/other/vandijk.pdf>> (Last visited on January 24, 2022).

force the offender himself\herself to end up as a victim in the process, thus minimising the harm that can occur after victimisation.

II. THE GENESIS OF VICTIMOLOGY

Religious texts such as the Koran, Torah and Bible describe individuals who have been subjected to suffering by an offender as *udhiya*, *korban* and Victim respectively.⁵ These individuals are defined as intended sacrifices. As the Bible was translated from Latin to English in 1497, the word victim was adapted from the Latin word 'victima' and applied to beings that have been killed for religious sacrifice practices as written in 1536 by John Calvin, a French theologian.⁶ As Calvin's seminal textbook was translated to Dutch, Greek, German, English, Italian and French in the middle of the sixteenth century, Jesus was described as an expiatory victim whose victimhood brought redemption to the world. 'Victima' as a reference to an individual who has endured suffering has influenced the modern English language. As the world moved towards the concept of modern nation state, the citizen came to the center and as per the Social Contract Theory, the State is the only entity which has monopoly over violence, and it has a duty to safeguard each and every citizens right over the value of their life which attained a status of being sacrosanct, hence in contemporary society, a victim is not referred to as a person whose pain is a sacrifice but rather an individual who suffers because the value of his or her life has been violated.

The first records documenting the compensation to victims can be traced to King Ur-Nammu, written in the Sumerian language in the twenty-first century BCE the laws provided compensation to individuals who experienced bodily harm. King Ur-Nammu's code gave precedence to the concept of victim rights. Another example can be seen wherein 1215, King John of England signed the Magna Carta which became the first national constitution in modern history that protected individuals from unfair practices undertaken by the government.

Victimology is the scientific study of victims of crimes, a sub-discipline of criminology. It seeks to study the relationship between victims and offenders; the persons especially vulnerable to crimes and the victim's placement in the criminal justice system.⁷ While tracing the origins of criminology from the 1880s, anything resembling victimology was simply the study of crimes from the perspective of victims back then. A more scientific study of victimology can be witnessed through the 1940s and 1950s. The two criminologists, Mendelsohn

⁵ Viano, E., "Victimology and Its Pioneers", 1 (2) (1976) *Victimology: An International Journal*.

⁶ Dussich, J.P., "The Evolution of International Victimology and its Current Status in the World Today", (1) (1) (2015) *Revista de Victimologia / Journal of Victimology*, pp.37-81.

⁷ Siddique, A., *Criminology Problems and Perspectives*, Uttar Pradesh (India), 1993, at p.505.