

# VICTIMOLOGY: CONCEPTUAL CONTOURS

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For a really long time, the law has fixated its consideration more on the privileges of the criminal than on the casualty of the wrongdoing. It's about time that we turn around this pattern and put the most elevated need on the casualties and potential casualties. (Gerald R. Passage) Back rub to congress, June 1975<sup>12</sup>

By and large the entire consideration is paid by the wrongdoing agents and the courts on the lawbreakers. They are worried about the casualty of the wrongdoing just for identification of the wrongdoing and to substantiate or distort the indictment story. The suspect is captured, brought under the steady gaze of the court, the casualty helps the arraignment as an observer of the wrongdoing. The sentence or exoneration as the case might be relies upon the proof. The idea of criminal improvement has enlarged the territory of criminal changes e.g. arrival of the guilty parties on post trial supervision or parole and other reformative techniques are being connected to the culprits to make them fit to live in the general public. Criminology is for the most part worried about the offenders their social foundations, the reasons for guiltiness, techniques for discipline and wrongdoing aversion and so on. Little consideration has been made on the casualty either as instigator of wrongdoing or as meriting security of organization and society for recovery in a respectable and noble way.

## Reasonable Contours of Victimology

Victimology as a scholarly term contains two components: One is the Latin word "Victima" which converts into "casualty" and the other is the Greek word "logos" which implies an arrangement of learning, the bearing of something unique, the course of instructing, science, and a teach. In spite of the fact that compositions about the casualty showed up in numerous early works by such criminologists as Beccaria (1764), Lombroso (1876), Ferri (1892), Garofalo (1885), Sutherland (1924), Hentig (1948), Nagel

(1949), Ellenberger (1955), Wolfgang (1958) and Schafer (1968), the idea of a science to ponder casualties and "victimology" had its root with the early compositions of Benjamin Mendelsohn (1937; 1940), these prompting his original work

where he really proposed the expression "victimology" in his article "A New Branch of Bio-Psycho-Social Science, Victimology" (1956). It was in this article he proposed the foundation of a worldwide society of victimology which has worked out as expected with the production of the World Society of Victimology, the foundation of various victimological organizations (counting the creation in Japan of the Tokiwa International Victimology Institute); and, the foundation of global diaries which are presently additionally a piece of this organization.

Victimology, is a genuinely new subfield or region of specialization inside criminology. Criminology is a fairly wide field of concentrate that envelops the investigation of law making, law breaking, and societal responses to law breaking. Victimology, much like criminal equity, falls into the third of these territories. Victimology doesn't have any subfields inside itself; truth be told, there are couple of speculations, and practically zero schools of thought. Backpedaling to criminology, there are four subfields: penology (and the human science of law); wrongdoing (at times alluded to as mental criminology); similar (and verifiable) criminology; and victimology.

Andrew Karmen, who composed a content on victimology entitled Crime Victims: An Introduction to Victimology in 1990, extensively characterized victimology: "The logical investigation of exploitation, including the connections amongst casualties and guilty parties, the collaborations amongst casualties and the criminal equity framework — that is, the police and courts, and amendments authorities — and the associations amongst casualties and other societal gatherings and foundations, for example, the media, organizations, and social developments." In contract to the meaning of victimology given by Andrew Karman, Roberson has given victimology an alternate shade. He opines, since victimology started from the investigation of wrongdoing, some would state that victimology is the investigation of wrongdoing (not exploitation) from the point of view of the victim.<sup>3</sup> a thin sense, Victimology is the experimental, accurate investigation of casualties of wrongdoing and thusly is nearly identified with criminology and consequently might be viewed as a piece of the general issue of crimes. In a more extensive sense, Victimology is the whole group of learning in regards to casualties, exploitation and the endeavors of society to protect the privileges of the casualty. Subsequently, it is made out of learning drawn from such fields of criminology, law, drug, brain science, psychiatry, social work, legislative issues, instruction and open organization. Victimology in its most basic shape is the investigation of the casualty or casualties of a specific wrongdoer. It is characterized as "the careful investigation and examination of casualty qualities" and may likewise be called "casualty profiling".<sup>4</sup>

While clarifying the extent of victimology, John Dussich has extended the extent of concentrate in connection to victimology. He watches, "Victimology" is a scholarly logical teach which thinks about information that portrays marvels and causal connections identified with exploitations. This incorporates occasions prompting the exploitation, the casualty's involvement, its repercussions and the moves made by society because of these exploitations. In this manner, victimology incorporates the investigation of the antecedents, vulnerabilities, occasions, effects, recuperations, and reactions by individuals, associations and societies identified with exploitations.

In an extremely smaller way Anthony Walsh and Craig Hemmens have portrayed that victimology is the investigation of the hazard factors for and outcomes of exploitation and criminal equity approaches managing casualties and exploitation. The hazard factors for exploitation

<sup>1</sup> Quoted in McDonald, F. William, manager, Criminal Justice and the Victim, p.17 Sage Publications Beverly Hills. London, 1976

<sup>2</sup> Srivastava, S.S., on Criminology and Criminal Administration, part 20 Victimology p.299, second version 2002, Central Law Agency

<sup>3</sup> Dussich, John P.J. Victimology-Past, Present and Future - site www.unafei.or.ip

<sup>4</sup> <http://en.wikipedia.org>

are essentially the same as the hazard factors for misleading as far as sexual orientation, race, age, sex, individual qualities, and neighborhood.

Reverberating comparable notions the World Society of Victimology has depicted victimology as the logical investigation of the degree, nature and reasons for criminal exploitation, its results for the people included and the responses thereto by society, specifically the police and the criminal equity framework and in addition willful laborers and expert helpers.<sup>5</sup>

From these definitions, one can see that victimology includes the investigation of:

- victimization
- victim-guilty party connections
- victim-criminal equity framework connections
- victims and the media
- victims and the expenses of wrongdoing
- victims and social developments

Considering every one of these parameters it can be reasoned that victimology is the logical investigation of the sociology of (man - made) casualties, exploitations by Human Rights infringement including wrongdoing and the (current and alluring) responses towards both. As a sociology victimology amasses and creates information in what could be depicted as a round procedure. It is symbolized by a grouping of particular advances conceptualizing the way toward examining victimology as a cycle of foci. It empowers one to begin anytime. One stage prompts the following. A few investigations go the entire circle, some go just a piece of it. Some examination may experience it again and again. For all intents and purposes, one can begin the cycle anytime. This victimological travel leads from asking beforehand unasked (or unanswered) inquiries to definitions and from that point to a learning base of what one know effectively about the issue. From here advances take one to estimation issues and operationalization and portrayal, to the gathering of information and data, and to the investigations of information. The finish of the hover prompts the understanding of examples, regularities, acquainted connections and probabilities, offering advisers for the foundation of speculations either got from existing hypotheses or carefully detailed from the translation of the examples saw in information. These speculations may be additionally investigated. This is impossible without the announcement of hypothetical endeavors from which advance speculations or desires can be inferred. From these, desires on conceivable information can be planned, desires and expectations that lead researchers to new stations in the circle.

Recorded Development of Concept of Victimology

Early victimological ideas were not created by criminologists or sociologists, yet rather by artists, authors, and writers. Thomas de Quincey, Khalil Gibran, Aldous Huxley, the Marquis de Sade, Franz Werfel, are just a couple of those authors who can be depicted as abstract victimologists.<sup>6</sup>

The logical investigation of victimology can be followed back to the 1950s.

Until at that point, the essential focal point of research and scholarly examination in the field of criminology was on criminal culprits and criminal acts, instead of on casualties. Two Criminologists, Mendelsohn and Von Hentig, started to contemplate the other portion of the wrongdoer/casualty dyad: the casualty. They are presently viewed as the "fathers of the investigation of victimology."<sup>7</sup> But the term victimology was begat in 1949 by an American specialist, Frederick Wertham, who utilized it without precedent for his book 'The Show of Violence', in which he focused on the requirement for an investigation of Victimology. In their endeavors to comprehend wrongdoing, these new "victimologists" started to think about the practices and vulnerabilities of casualties, for example, the protection of assault casualties and qualities of the kinds of individuals who were casualties of wrongdoing, particularly kill victims.<sup>8</sup>

In 1941 Von Hentig distributed an article with the title "Comments on the Interaction amongst Perpetrator and casualty". Later he distributed "The Criminal and his Victim", a criminological course reading in which he dedicated a part to the casualty. He regarded the casualty as one of the members in a wrongdoing. Casualties were arranged by the idea of their association in the criminal demonstration. It was suspected that an investigation of the casualty's part may bring about a superior counteractive action of wrongdoing.

Von Hentig examined wrongdoing and casualties in the 1940s, and Steven Shaffer later distributed 'The Criminal and His Victim'. Their investigation of murder concentrated on kinds of individuals who were well on the way to be casualties of manslaughter. The probably sort of casualty Von Hentig distinguished is the "depressive write" who was viewed as a simple target, reckless and clueless. The "ravenous compose" was viewed as effortlessly hoodwinked in light of the fact that his or her inspiration for simple pick up brings down his or her regular inclination to be suspicious. The "wanton compose" is especially defenseless against stresses that happen at a given timeframe in the life cycle, for example, adolescent casualties. Von Hentig's last sort was the "tormentor," the casualty of assault from the objective of his mishandle, for example, the battered lady. Von Hentig's work given the establishment to examination of casualty inclination that is as yet obvious in the writing today. Wolfgang's examination taken after this lead and later speculated that "numerous casualty encouraged murders were, actually, caused by the oblivious want of the casualties to carry out suicide." Viewed from the viewpoint of » criminology, victimology at first committed quite a bit of its vitality to the investigation of the how casualties contribute — purposely or accidentally — to their own particular exploitation, and potential ways they may impart obligation to wrongdoers for particular violations.<sup>9</sup>

The principal orderly treatment of casualties of wrongdoing showed up in 1948 in Hans Von Hentig's book *The Criminal and His Victim*. In the fourth piece of the book, under the provocative title 'The Victim's Contribution to the Genesis of the Crime,' Von Hentig reprimanded the static unidimensional investigation of the wrongdoer that had overwhelmed criminology until at that point. In its place he proposed another

<sup>5</sup> [www.worldsocietyofvictimology.com](http://www.worldsocietyofvictimology.com)

<sup>6</sup> Fattah Ezzat A. Victimology Past, Present And Future site [www.erudit.org/revue/crimino/2000](http://www.erudit.org/revue/crimino/2000)

<sup>7</sup> Theoretical Perspectives of Victimology and Critical Research site [www.ojp.usdoj.gov/ovc/help/nvaa](http://www.ojp.usdoj.gov/ovc/help/nvaa)

<sup>8</sup> Theoretical Perspectives of Victimology and Critical Research site [www.ojp.usdoj.gov/ovc/help/nvaa](http://www.ojp.usdoj.gov/ovc/help/nvaa)

<sup>9</sup> Theoretical Perspectives of Victimology and Critical Research site [www.ojp.usdoj.gov/ovc/help/nvaa](http://www.ojp.usdoj.gov/ovc/help/nvaa)

dynamic and dyadic approach that gives careful consideration to the criminal and the casualty. Von Hentig had treated the theme before in a paper distributed in the Journal of Criminal Law and Criminology in 1940/41.<sup>10</sup>

In 1947, Mendelsohn exhibited a paper in French at a congress in Bucharest in which he authored the term victimology. Like Von Hentig he attracted consideration regarding the part played by casualties in accelerating violations of brutality, for instance through incitement. For Mendelsohn, a safeguard guide, casualty precipitation was an alleviating condition in dispensing discipline for the guilty party. 91 over the span of his legitimate practice, Mendelsohn talked with his customers to acquire data about the wrongdoing and the casualty. He saw the casualty as one factor among numerous in the criminal case. His examination of data about casualties drove him to conjecture that casualties had an "oblivious bent for being victimized."<sup>11</sup>

Of extraordinary hugeness to the advancement of victimology as a field of research in its own particular right was a book by S. Schafer distributed in 1968, entitled "The Victim and his Criminal; an examination into practical duty". As the title, which rewords the title of Von Hentig's established reading material, shows, the casualty is at the core of this monography. Schafer presents victimology as the autonomous investigation of the connections and collaborations amongst guilty party and casualty previously, amid and after the crime. In expansion to casualty precipitation in the occasions bringing about the criminal demonstration, the commitment of the wrongdoer to make great by remunerating his casualty is currently additionally observed as a component of the topic. This view was shared by the Dutch criminologist Nagel in his distributions on the "victimological thought" in criminology. Like alternate pioneers, Nagel contended for an interactionist victimology. He was especially keen on the connection amongst guilty party and casualty after the commission of the wrongdoing. As he would like to think the criminal equity framework should mean to fulfill the guilty party's requirement for penance, the casualties requirement for revenge and their joint requirement for compromise. Fattah, a Canadian criminologist who distributed a book entitled: La victime: est-elle coupable? ("Is the casualty to fault?") in 1971 - and one of the speakers at the Amsterdam symposium - can likewise be viewed as having a place with the original of correctional victimologists. These spearheading creators were all criminal legal advisors and additionally criminologists. Their field of intrigue was the casualty as key figure in the social procedures coming about to and following from criminal acts. The endeavors at concentrate the part of the casualty as co-precipitator of the wrongdoing proceeded in the exact investigations of Wolfgang (1958), and later in those of Amir on assault (1971). The key thought here is "casualty precipitation" as an unbiased, non-lawful idea which can clarify the event of criminal acts.

More often than not, course books of Victimology allude to Hans von Hentig and to Benjamin Mendelsohn as the principal victimologists, the "Establishing Fathers" of Victimology. Hans von Hentig is the acclaimed creator of early spearheading logical commitments. Generally reference is given to Benjamin Mendelsohn, particularly to his introduction in 1947 in Rumania as the principal event that the word Victimology was utilized and another science, victimology, was outlined. It gives the idea that the historical backdrop of Victimology begins with these two creators in the fifth decade of the twentieth century.<sup>12</sup>

Dr. Hans Von Hentig, a legal counselor, and Dr. Henry Ellenbager, a specialist, happen to be the two pioneers in the territory of victimology which the previous called 'victimogenesis'. These two regarded victimology as a piece of criminology since it identifies with causation and anticipation of wrongdoing while Mendelsohn thought it to be a different train having respect to its point and structure. A lion's share of the people associated with the subject hold that victimology should be dealt with as a piece of criminology which can't be viewed as a train restricted to a lawbreakers easily.<sup>25</sup><sup>13</sup>

## VICTIMOLOGY AND PENAL JUSTICE SYSTEM

"The level of human advancement in a general public can be judged by entering its detainment facilities. A progress can likewise be judged by how it treats casualties of wrongdoing."

### Law in Primitive Society

The assessment of antiquated codes demonstrates that the law which they show in unordinary amounts isn't genuine criminal law. Every single socialized framework concur in drawing a qualification between offenses against the state or group and offenses against the individual, and the two classes of wounds, along these lines kept separated, call Crimes and Wrongs, criminal and delicta. The punitive law of antiquated groups isn't the law of violations; it is the law of wrongs, or, to utilize the English specialized work, of Torts. The individual harmed continues against the transgressor by a normal common activity and recuperates pay in the state of cash harms in the event that he succeeds. On the off chance that the critiques of Gaius be opened at where the author treats of the reformatory law established on the Twelve Tables, it will be seen that at the leader of the common wrongs perceived by the Roman Law stood Furtum or Theft. Offenses which individuals are familiar with see solely as violations are only regarded as torts, and not burglary just, but rather ambush and rough theft are related by the jurisconsult with trespass, criticism and defamation. All indistinguishable offered ascend to an Obligation or vinculum juris, and were altogether compensated by an installment of cash. This idiosyncrasy, anyway is most firmly brought out in the united laws of the Germanic clans. Without an exemption, they depict an enormous arrangement of cash remuneration for murder and with few special case as substantial a plan of pay for minor wounds. 'Under Anglo-Saxon law' composes Mr. Kemble 'an aggregate was set on the life of each liberated individual, as indicated by his rank and a relating total on each twisted that could be perpetrated on his individual, for almost every damage that should be possible to his social liberties, respect or peace; the whole being bothered by unusual conditions.' These piece are clearly viewed as a significant wellspring of pay; profoundly complex guidelines direct the title to them and the duty regarding them; and, they frequently take after an extremely unconventional line of devolution, on the off chance that they have not been vindicated at the perish of the individual to whom they have a place. In the event that thusly the rule of a delict, wrong or tort be that the individual who endures it,

<sup>10</sup> Fattah, Ezzat A. - Victimology Past, Present and Future, www.erudit.org/reveu/crimino/2000

<sup>11</sup> Theoretical Perspectives of Victimology and Critical Research site www.ojp.usdoj.gov/ovc/help/nvaa

<sup>12</sup> Kirchoff, Gerd Ferdinand - Perspectives on Victimology - The Science, the Historical Context, the Present  
www.restorativejustice.org/articles

<sup>13</sup>

and not the state, is imagined to be wronged, it might be affirmed that in the earliest stages of statute the subject depends for insurance against brutality or misrepresentation not on the Law of Crime but rather on the Law of Tort.<sup>14</sup>

The origination of offense against God delivered the top notch of mandates; the origination of offense against one's neighbor created the second; yet the possibility of offense against the state or total group did not at first deliver a genuine criminal statute. However it isn't to be assumed that an origination so basic and basic as that of wrong done to the state was needing in any crude society. In the Homeric trial-scene, the question, as though explicitly planned to draw out the qualities of crude society, isn't about property however about the organization for a homicide. The State did not take from the respondent a creation for any off-base expected to be done to itself, yet guaranteed an offer in the pay granted to the offended party basically as the reasonable cost of its opportunity and inconvenience. Mr. Kemble explicitly doles out this character to the Anglo-Saxon *bannum* or *fredum*. Antiquated law outfits different confirmations that the most punctual managers of equity reenacted the likely demonstrations of people occupied with a private fight. In settling the harms to be granted, they took as their guide the measure of retaliation liable to be demanded by an abused individual the situation being what it is of the case. This is the genuine clarification of the altogether different punishments forced by antiquated law on guilty parties got in the demonstration or not long after it and on wrongdoers identified after extensive delay.

In the initiation of social orders family life comprised at first of children and little girls, siblings and sisters under the suzerainty of the oldest part. Numerous joint families made up the general public. The leader of the family was, the lord of the family, its lawgiver, judge and minister. This is known as the man centric framework, the primary type of government known to history. The energy of the father in these families was total; he could even kill any of his kids. It was *Patria Potestas* as known to the Twelve Tables. The above record demonstrates that from individual to family and from family to state is the advancement of old society. In these two phases of the improvement of society there was little valuation for criminal duty, in light of the fact that the sole tension of the individual was self-conservation and in the second stage the sole nervousness of the family was to ensure it against outside assaults as an important means for its protection. Obviously, in the family phase of the general public, some kind of a train was implemented among the individuals from the family by the *Patria Potestas*. In the event that there was some fight between them it was alluded to the arbitrament of the leader of the family, and he would review the wrong of the oppressed individual from the family. Be that as it may, the head of one family had no ward past his family. Hence, it ended up important to advance some gadget for uniting a few families; this was finished by the improvement of the factions. With the improvement of faction, the beginning of law showed up however in an exceptionally rough shape; and along these lines the social orders created. Sir Henry Maine in his commended book *Ancient law* has expressed that "the reformatory law of antiquated groups isn't the law of wrongdoings, it is the law of wrong; or to utilize the English specialized word, of Tort. The individual harmed continues against the transgressor by a conventional common activity, and recoups remuneration in the state of monetary harms, in the event that he succeeds."<sup>73</sup>

In help of the view, the antiquated routine with regards to intensifying homicide by installment of 'blood cash' to the beneficiaries of the individual slaughtered is referred to by Alfred in his book on *Criminal Law of England*. In this manner

On the off chance that the considerable toe be struck off, given 20sh a chance to be paid as bot. In the event that it be the second toe let 15sh be paid as bot.

Wer was a value set upon a man as per his rank throughout everyday life. In such a man was slaughtered, the wer was to be paid to his relations. Bot was the remuneration paid to a man who was only harmed. Wite was the fine paid to the ruler or different rulers in regard of an offense.

In nations where Mohammedan law is entirely taken after; even now a murder might be cleansed by installment of 'blood cash' to the relations of the perished, if they concur. The possibility that all wrongdoings are wrongs against the state or total group, and that it is the correct capacity of the state to seek after without reference to the people wronged, is an origination of similarly modern development. The Mohammedan criminal law grouped all offenses as acquiring of one of these classes of disciplines specifically:

- (1) Kisas or striking back including diyut-the cost of blood crime;
- (2) Hud-Specific punishments theft, theft and so forth;
- (3) Tazeer or optional punishment<sup>15</sup>

The investigation of improvement of the organization of criminal equity demonstrates that in the crude society the harms to be granted to the casualty of a wrongdoing were resolved based on retribution.

The historical backdrop of crude criminal law might be said to have gone through four phases. In the underlying stage, it included the possibility of damage to the state or group damage, yet the state permitted the wronged to retaliate for himself on the transgressor. At that point in the second stage, when violations are duplicated the state is constrained to assign its forces to specific commissions and not singular people wronged, to research the wrongdoing conferred as well as to rebuff the specific wrongdoer in the event that he is turned out to be blameworthy. In the third stage, a further improvement is made. Here the assembly did not sit tight for the commission of a wrongdoing keeping in mind the end goal to name a commission to examine and rebuff the criminal. It designated a perpetual commission to attempt certain classes of violations in the desire that they would be executed. The fourth stage is achieved when these commissions as opposed to being periodical or intermittent, are constituted into lasting seats, their judges being named by unmistakable principles and their ward characterized and the particular offenses and the punishments forced in this way additionally certainly laid down.<sup>16</sup>

No record of the historical backdrop of criminal law in the crude stage will be finished unless one additionally follow the improvement of the law of manslaughter. In the most punctual stages manslaughter as a wrongful demonstration showed up in religion before it showed up in the criminal law. Manslaughter for quite a while stayed in numerous regards a common off-base. A native may start an indictment or murder. Such procedures were known as common activities and not arraignments. The blamed was not captured pending the trial but rather likewise taboo to enter the holy place. Indeed, even after the trial started, he could get away from capital punishment by willful outcast. Purposeful murder was rebuffed by death and reallocation of products; while automatic crime was rebuffed by expulsion for a restricted period. In specific cases, the closest relative of the casualty could pardon him and the blamed could return before the lapse for the time of outcast. In

<sup>14</sup> Quoted in McDonald, F. William, editorial manager, *Criminal Justice and the Victim*, Preface, p.10, Sage Publications Beverly Hills. London, 1976

<sup>15</sup> Pillai, P.S.: *Criminal law - ninth Edition*, Bombay, N. M. Tripathi, Pvt. Ltd, 2000,

<sup>16</sup> Nigam, R.C, *Principles of Criminal Law part 1, History of Criminal Law*

the Hebrew Code the death penalty was accommodated manslaughter. It delighted in "he that smiteth a man, and he passes on, should unquestionably pass on." However, in genuine practice in uncontrollable issues at hand "blood cash" could be paid. As saw above, crime was both a religious and also a lawful off-base. Despite the fact that the punishment for murder was set down in the before code, the wrong still remained common damage for which a financial remuneration could be got. On the off chance that the slayer was not to be followed the remuneration cash could be got from his relatives. Be that as it may, it was anything but a general run the show.

The Hittite Code contained a law rendering the closest occupants pecuniarily subject to the relatives of the killed, i.e. the casualty. The following improvement in the Criminal law is the Roman Criminal law, to be specific in the times of Justinian. The Roman attorneys in their circumstances gave criminal law a logical premise and accuracy. They partitioned wrongdoings into three classes i.e.

- (I) Public Judicia,
- (II) Extra-ordinaria Crimina
- (III) Privata Delicta

Open Judicia. These identified with violations which were particularly taboo by specific laws under characterized punishments like demise or outcast. These offenses were injustice or lawful offense. They were attempted by judges who were delegates of the old changeless commission.

Additional ordinaria Crimina. Additional ordinaria Crimina were offenses for which no exceptional Quaestio and no uncommon discipline were given. In such offenses disciplines were left to the circumspection of the judge. They might be contrasted with what are referred to customary law as offenses of crime.

Privata Delicta. Privata Delicta were offenses for which an uncommon activity was separate including an unequivocal outcome for the harmed gathering, for example, activity furti or activity injuriarum.

