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Victims and Criminal Justice

Particular Groups of Victims
Part 1

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G. Kaiser / H. Kury / H.-J. Albrecht

with the assistance of

H. Arnold

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Günther Kaiser, born in 1928, Dr. jur., Director of the Max Planck Institute for Foreign and International Penal Law in Freiburg i. Br. and Professor for Criminology and Penal Law at the University of Freiburg i. Br. and Zürich.

Helmut Kury, born in 1941, Dr. phil., Senior research scholar at the Max Planck Institute for Foreign and International Penal Law in Freiburg and Lecturer at the University of Freiburg i. Br., Department of Psychology.

Hans-Jörg Albrecht, born in 1950, Dr. jur., Senior research scholar at the Max Planck Institute for Foreign and International Penal Law in Freiburg i. Br.

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6. Needs and Expectations of Crime Victims

Victims of Reported Crime
- Their Expectations, Needs, and Perspectives.
An Inquiry of Crime Victims Concerning Victim
Protection, Victim Support, and Mediation.

Michael C. Baurmann, Wolfram Schüdler

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1. Starting Point for the Present Study

When analyzing victim support schemes, it becomes clear that there is known not much about the needs of crime victims concerned and that victim help respectively victim support often start working on the base of supposed victim needs and victim expectations.

In Europe above all there have been the studies of *Joanna Shapland*¹ and the one of Mike *Maquire/Claire Corbett*² concerning this topic. In Germany similar inquiries of crime victims have not been made up to now. There is however to point out the broader examination of Klaus Sessar and others at the University of Hamburg³, from which first results were published. Supposedly in the next years there will be further research being done in this field.

Up to now there has to be stated that when the victims needs were described often the attitude of the helpers seemed to have been dominant in projecting own feelings on the victims. Available critical analyses concerning the role of the helper have merely been considered from other pedagogic fields of action. When examining the needs, expectations and perspectives of victims of crime there has to be considered that a pertinent social work - which the support of the victims is - can never specialize on victims of reported crimes alone and should also not do this. Victim assistance programs normally work with both: victims of reported crimes and with victims of officially unknown cases.

The above mentioned statements concerning the starting point of the present study effected for the research that it seemed meaningful

- a) not to use a standardized questionnaire and
- b) not to put in particular methodical efforts to reach a representative selected sample of victims of reported crimes to interview.

1 *Shapland* 1983; *Shapland* 1984; *Shapland* 1986 and *Shapland, Wilmore & Duff* 1985.

2 *Maquire & Corbett* 1987.

3 *Sessar, Beurskens & Boers* 1986; *Boers & Sessar* 1991.

To a):

As already mentioned above the knowledge about the real needs of victims of crime is still so little that it would be unsuitable to pose questions with answers in multiple choice form. Instead of this we decided to use the open interview form with a half standardized interview guide. Answers not expected should be expressively possible.

To b):

When examining the needs, expectations and perspectives of crime victims it is basically to be considered that a pertinent social work can never specialize on the victims of reported crimes alone and also should not do this. The work up to now has shown that relatively often victims of crime ask such programs for support, who have up to this time not reported the incident to the police. This basic accepting of the autonomy of the victims decision led to the conclusion for the present examination that not only the needs of the victims of reported crimes, but also the needs of the non-reporting crime victims are of interest. In general, there are four different groups of victims, which are more or less difficult to motivate to participate in such a victim survey:

- victims of unreported crimes, which - for different reasons - do not seek support at all;
- victims of unreported crimes, which go to very different supporting institutions and do not want to report to the police for different reasons;
- victims which report their victimization to the police, but - for different reasons - do not want to have a support;
- victims who report their victimization to the police and ask - before or after their reporting - for victim support.

The situations of the victims, who are not at all aware of their victimization⁴ shall not further be discussed here, because in the context of victim support they rather seldom are important.

As concerning the four above mentioned groups of crime victims there is only partly known, how their statistical distribution on different groups is

4 Besides the so-called criminal offences without victims (Crimes without Victims" - according to *Schur* already 1965) there are above all in the sector of the fraud and the environment offences a lot of victims, which do not become aware of their victimization or can not at all become aware of it.

like; so it also didn't seem to be very meaningful to try to construct a representative distribution of crime victims from these four groups for inquiring.

Such an effort also had to fail, for immediately the question would arise concerning on which of the four victim groups this examination should be selected representatively. Concerning some important sectors of offenses (e.g. for violent offenses) we only know very little about the numerical distribution in the field of hidden crimes.

Finally it is difficult to decide, whether crime victims - who neither notify the police of the case nor ask for help - should be inquired concerning their victim needs for assistance, if it is for conceptualizing victim support programs. Thus for the moment the only reasonable way is to inquire a numerically sufficient number of victims from essential crime groups. The description as "essential victim group" can not only conform to the amount of gravity of the offense, but it has also to be considered the subjective helplessness and need of help of the victim. However, the quantitative distribution of certain victimizations has also to be included into the conceptual work concerning victim support schemes. Nowadays we experience however that relatively grave, but rare forms of criminality dominate the victim support discussion very much, while victim situations, existing relatively more often are merely considered. This can lead to considerable undesirable developments in conceptualizing new victim assistance programs. One has for example to bear in mind that - depending on different definitions - in Germany violent offenses among the reported cases make between 2.4 % and 6.4 % of the total criminality. Cases of sexual violence have - according to differences in definition - a portion of 0.2 % to 0.4 % of the registered total criminality and cases of sexual violence against children have a portion of 0.1 % of the registered total criminality. Even if one considers the gravity of such violent acts, there still has to be stated that these numerically small groups of offenses dominate the momentary conceptual discussion in the sector of the victim support so strong that other sectors are easily overlooked. Persons being victimized by house-breaking for example also report massive fears and feelings of insecurity after being victimized. Thus concerning the present study, which might be viewed as a pilot study for further necessary research, it was renounced to construct a meaningless (pseudo-) representativity solely on reported victimizations, which - by the way - would only have been achieved with expensive means. This would only have been possible through a quotation based on Police Crime Statistics. In such a sample it would have only been

possible together with additional, considerably higher expenses (numerical large sample) to inquire a statistically satisfying number of victims of violence within the total of crime victims.

On the contrary it was the strategy to interview both the victims of so-called minor offenses (property offenses, e.g. with victims, whose material damage is covered through an insurance company) and victims of violent offenses both in a statistically sufficient number.

2. The Inquiry

The inquiries of the victims of reported crimes took place from November 1985 till July 1986 in Hanau (State of Hesse) and in neighborhood towns, e.g. in the residences of the victims, if they wanted so. Hanau (about 100.000 inhabitants) is situated about 25 km east of Frankfurt/Main and belongs to the Frankfurt metropolitan area. The inquiries were mainly conducted in the police department, but also - if wished by the victim - in the home of the injured person and at neutral places (like cafe and victim support office ("Hanauer Hilfe")) as well as at the crime scene (e.g. directly after the call at the police). Of the inquired victims naturally all participated voluntarily and the purpose of the study was explained to them beforehand. Considering the origin of the cases there was the following distribution:

169 interviews of victims immediately after the crime was reported to the police; inquiry places:

mostly in the police department, but separated from the police interrogations;

structures of offenses: mainly property offenses among which there were in more than half of the cases theft under complicating circumstances, often vehicle offenses.

14 interviews of victims following completion of the prosecution's investigations and after legal proceedings had been initiated, though before sentencing;

inquiry places:

mostly the home of the victim, sometimes neutral places;

structure of the offenses:

exclusively violent offenses;

20 interviews of victims after trials in which the delinquent was convicted;

inquiry places:
mostly the flat of the victim, sometimes neutral places;
structure of the offenses:
exclusively violent offenses.

Alltogether 203 victims of crime were interviewed, 100 female and 103 male.

The interviews of the victims of group 2 and 3 ($14 + 20 = 24$) took place on an average 2 years after the offense.

After the interviews of the victims had been analyzed on a first step the results were submitted to the social workers of the victim support programm in Hanau ("Hanauer Hilfe") Rolf Guntermann and Inge Möbus. They should compare the results of the study of reported victimizations with their experiences from the practical victim assistance work, which concerns both cases of reported and unreported crime. When comparing empirical interviews and experience from practical victim connseling respectively between needs of victims from reported and unreported criminality the collaborators of the "Hanauer Hilfe" supported on 931 reported cases with 1.099 victims from the period of July 1984 to July 1989. These cases mainly came from the urban area of Hanau and from the Main-Kinzig rural district, partly also from the whole Frankfurt metropolitan area and sometimes even from places farer away in West Germany. This additional step of analyzing hat the purpose to have the results of the pilot study valued by practioneers. Moreover thus should be produced a close connection between empirical research and practical work.

3. Summary of the Results

For the presentation of the results it was meaningful to make a partition in three larger groups according to the type of crime:

- a) 57 victims of violent offenses (among whom naturally not all were sexual victims) (28.1 %),
- b) 103 victims of property offenses (50.7 %), and
- c) 43 victims of other offenses (21.2 %).

This partition is of particular importance for the further analysis, for the situations of the victims in the three groups are very different.

3.1 Motives for Reporting the Crime and how the Victims thought their Case should further be Dealt with

Concerning the motives for reporting the case to the police (open form of questioning) there was a very large group (46.8 %) for which the certificate for the insurance company was the only motive to go to the police. Among the victims of property offenses for 76.6 % the receipt of the attestation for the insurance company was the main motive to report the incidence. Above all this refers to the large group of motor vehicle offenses, most of which were car radios thefts. In these cases, from the victim's view going to the police is mainly considered as a burdensome, time-consuming walk to the authorities and the task of the police mainly consists of administering such crimes.

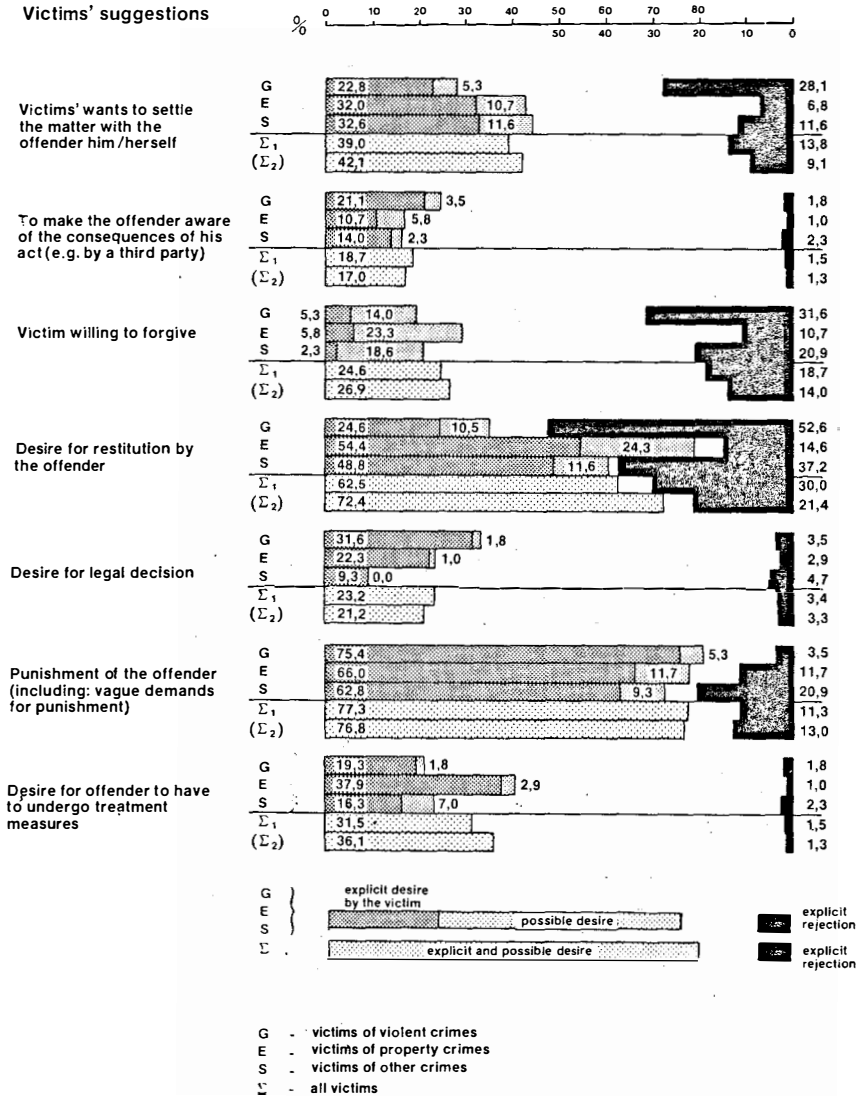
For 15.8 % of all victims and for 35.9 % of the victims of violent crime, punishment of the offender constituted the motive for reporting the offense. (For further details about the desire for punishment, see below 3.4). Some 13.8 % of all victims (26.3 % of the victims of violent crime) had gone to the police because they wanted to prevent a further crime on the part of the offender. Another 6.4 % hoped that by reporting the crime they would be able to recover their losses; 2 % of the victims went to the police simply because they were upset.

The victims' motives for reporting the crime to the law enforcement agencies had little to do with satisfying their own emotional needs. A quite alarming observation is that more than half of the victims interviewed (52.3 %) had "no", "low," or "probably low" expectations that reporting the crime would be fruitful, largely because victims of property crimes did not expect to retrieve their losses. Almost three quarters (73.8 %) of this latter group did not believe that the offender would be detected. Of the victims of violent crime, 26.3 % shared this opinion.

The victims were additionally asked, how it should - according to their opinion - go on after reporting to the police. Consciously the question was formulated so as not to ask, what should be done with the delinquent if he were detected, because the suggestion of delinquent-orientated solutions should be avoided. 98.5 % of the victims gave a more concrete or vague answer to it. The victims partly gave contradictory manifold answers according to the contents. Some of them wished certain consequences (in the following fig. 1 registered as "explicit"), some gave vague answers into this direction (in fig. 1: "possible"), others expressly rejected certain consequences.

Figure 1:

Victims' responses to the question, „What do you want to happen after the crime has been reported to the police (regardless of actual possibilities for solving the conflict)?“



When closer analyzed the results in fig. 1 reveals that particularly victims of property offenses apparently expressed contradictory feelings concerning the treatment of the delinquent. While apparently 30 % of the victims of property crimes agreed to excuse their delinquent (fig. 1: 5.8 % + 23.3 %) and approximately 80 % were interested in the reparation of their damage (see fig. 1: 54.4 % + 24.3 %), at the same time approximately 80 % of these victims expressed an interest in some concrete or vaguely formulated punishment of the delinquent (see fig. 1: 66.0 % + 11.7 %).

Even the victims of violence expressed - although to a lower extent - similar contradictory attitudes. From these answers - and from the more detailed explanations in the interviews - you can read that punishment was often desired in the sense of "teaching the offender a lesson" and is not felt as contradictory towards reparation. In addition to that it became clear in the conversations that many demands for punishment were formulated very vaguely and - referring to the concrete case - had often been limited by statutory exemptions. (Example: "The delinquent unknown to me up to now should be punished, of course not if he has done it for the first time, if he is juvenile, if he comes from a socially destroyed surrounding" etc.) The demand for punishment also often seems to be an expression of first, helpless resentment at what has happened to the victim.

3.2 Evaluation of the Behavior of the Police Officer when Investigating

The victims were asked to rank the behavior of the police officer when the incident was reported on a five step scale from "very pleasant (value 1) to "very unpleasant" (value 5). Value 3 meant that the behavior was felt "neither pleasant nor unpleasant". From the different victim groups the police officers got scores between 2.5 (property offenses) to 2.7 (violent offenses). Victims of violence whose cases were under prosecution or had already been tried and had been reported to the police on an average 2.5 years ago, gave a medium evaluation of 2.9.

With all restrictions resulting from the different sources of data the evaluations for the group of sexual victims from the present study were compared with similar evaluations by 112 representatively selected sexual victims coming from another study, referring to reports to the police, which had been made 15 years ago in another German state (Lower Saxony)⁵. A cautious comparison (former score: 3.6; score of today: 2.6) suggests that

5 *Baurmann* 1983, pp. 438 et seq.; *Baurmann* 1991, pp. 93/94.

the behavior of the police toward the victim reporting the crime might have improved in the last 15 years. The reason could be in victim oriented impetus, supplied by public discussion, an improved personnel structure in Westgerman police (a new generation, better selection at staff recruitment, better training, and/or improved in-service courses). It would be worth-while to pursue this working hypothesis, as it seems - referring to the special work field of sexual crimes - to contradict the common position criticising the police very generally.

3.3 Material Damages and Emotional Injuries of the Victims Interviewed

When the victims were asked, they first named all their damages/injuries (multiple answers possible) and after that they were asked to name the most severe damage or injury. 94.6 % of the victims interviewed perceived themselves as having been injured.

Asked to state what damages or injuries they had sustained (multiple answers were possible), the victims most frequently reported injuries of an emotional nature (see fig.2: Emotional injuries specifically named by the victims: 44.8 %; very minor or assumed emotional injury: 43.3 %; fear of repeated victimization specifically named by the victims: 35.5 % very minor or assumed: 6.4 %). Other damages (physical injury, loss of time, others) were more frequent only in select groups of victims (e.g. loss of time for victims of property crimes: 47.6 %).

The victims were then asked to name the single most severe injury they had sustained. Fig. 3 shows, that among the most severe injuries are the group "emotional injuries" (31.0 %) an "fear of crime" (17.7 %) in the foreground (together 48.7 %). So nearly half of the interviewed victims felt injured mainly emotionally. Among the victims of violence these were even 78.9 % (42.1 % + 38.8 %). Concerning the victims of property offenses there were still 25.3 % (21.4 % + 3.9 %) persons mainly injured emotionally.

Even if the data are weighted and projected to the distribution of all offenses, as listed in the Police Crime Statistics (with more property offenses; Σ_2 in all figures), then there probably are for 35 - 40 % of the victims emotional injuries in the foreground. (Compare fig. 3; Σ_2 "emotional injury" and "fear of crime": together 36,5 %). Considering the fact that the 21.2 % of the material damages dominating with "victims of property offenses" are mainly compensates through insurance companies, there only remain 27.1 % of the victims with other dominant kind of damages: minor or no physical - "injuries" - 3.0 %, and "other injuries" - 5.9 %.

Figure 2:
Injuries and Damages of the Interviewed Victim
(open questioning; multiple answers: n = 696)

Injuries/damages named by victim

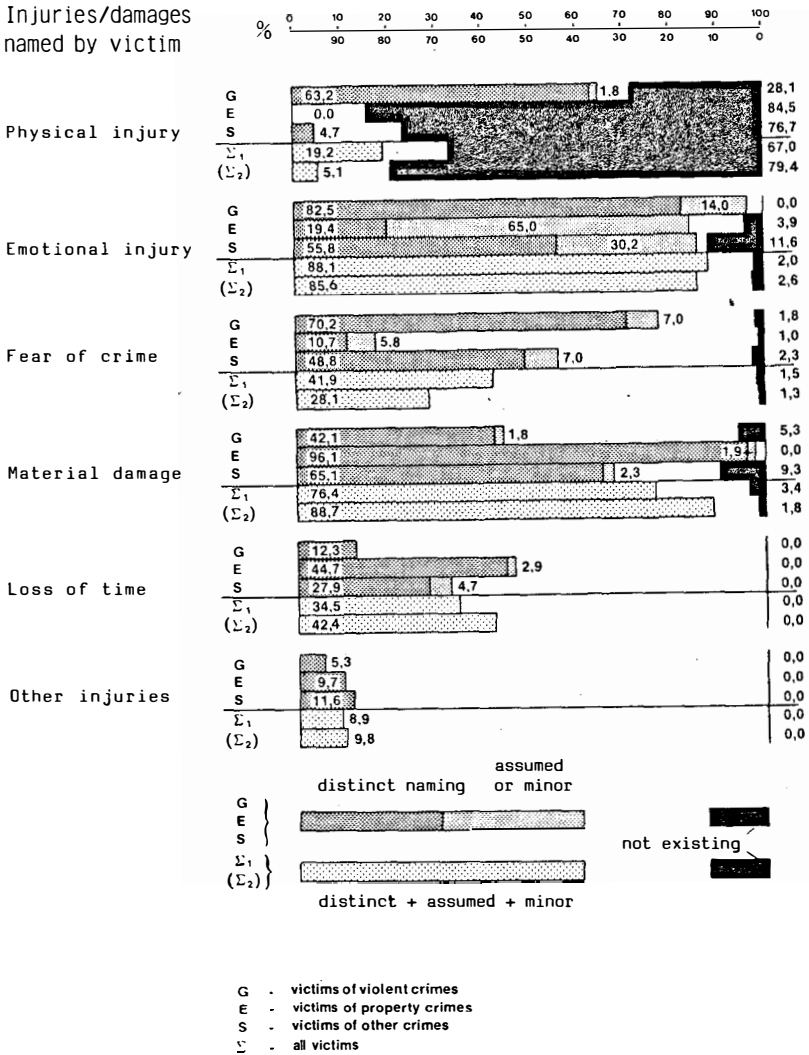
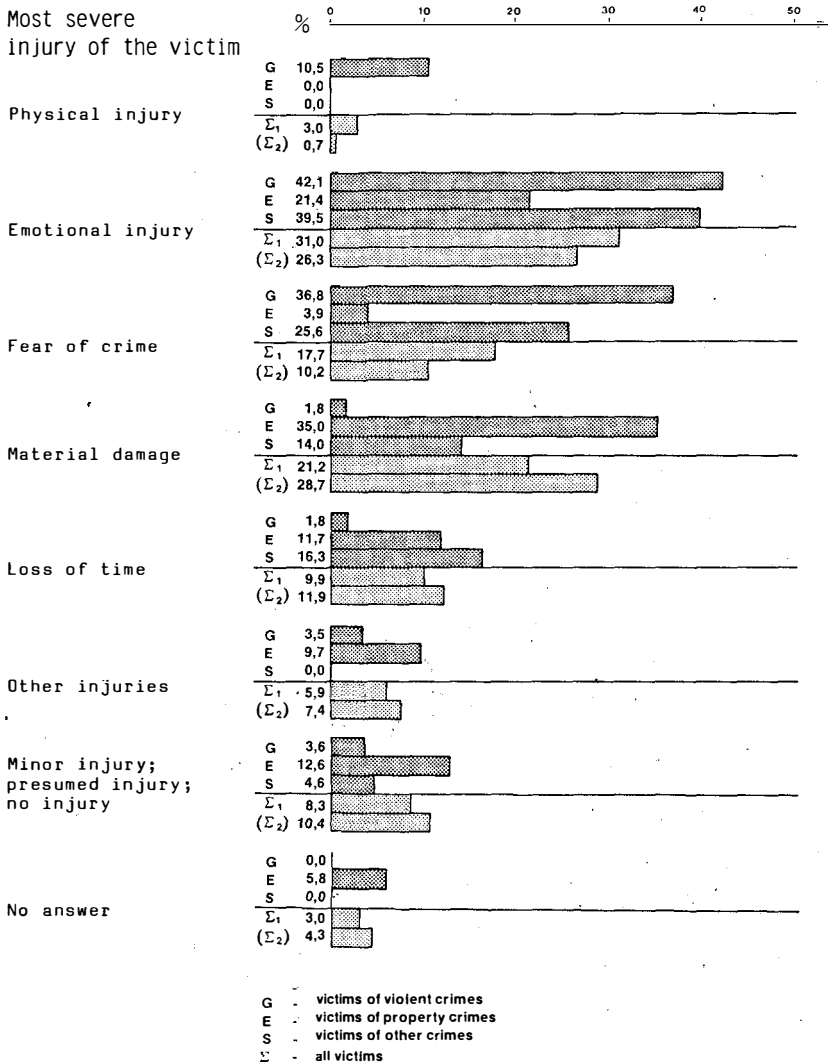


Figure 3:

Most Severe Injury or Damage Assessed by the Victim

(open questioning; only one answer for each victim: n = 203)



These data indicate that any work to improve the situation of crime victims has mainly to take care of the psychosocial and emotional sector. Cases of pure bodily injury are rare. Even in this survey, with an overrepresentation of cases of criminal violence, only 3 % of the victims stated bodily injury to be their most severe damage.

3.4 Desire of Punishment of the Offender

In this study it should also be clarified how many victims at all express desires of punishment and which kind of punishment they ask for and further, whether victims with more severe damages have a stronger desire for punishment as victims with more harmless or no damages.

Some 12.4 % of the interviewed victims, and indeed mainly from the sector of the "property" and "other offenses", did not demand a punishment for "their delinquent". Concerning the victims of violent acts it were only 6.5 % (compare fig. 4). 37.1 % of the victims expressed themselves vaguely or generally, but nevertheless pointed in the direction of punishment. Moreover nearly one-third of the victims wished a more lenient form of punishment (from "tell him my opinion" to "therapy" - 30.3 %. 17.4 % of the respondents demanded for harsh punishments (from "corporal punishment" to "death penalty"). Surprisingly, only 20.9 % of the victims of violent crimes demanded for more severe forms of punishment.

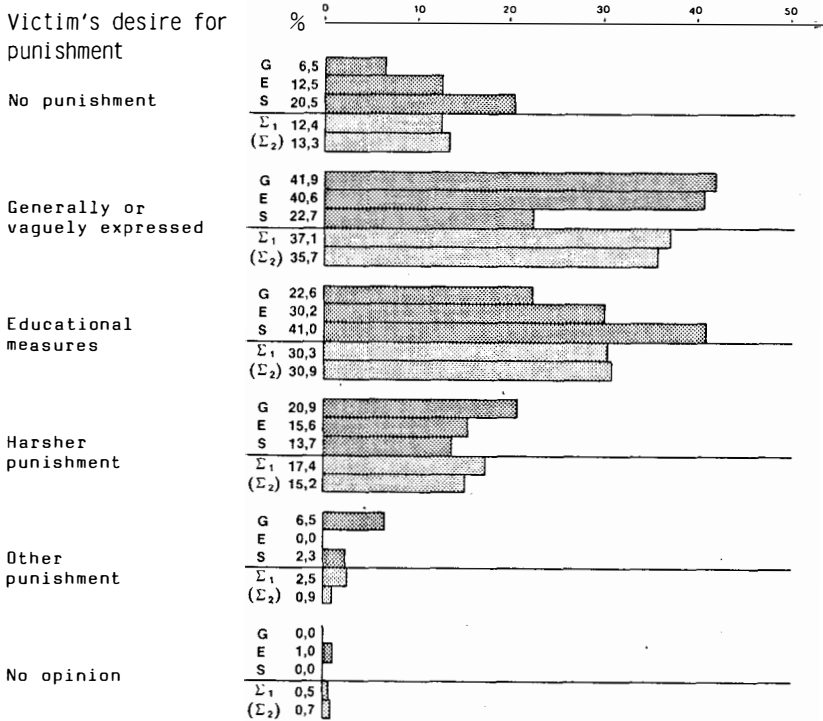
These results suggest that the needs of victims - including the ones of victims of violent offenses - are not suitable to serve as arguments for increasing penalty. On the contrary the demands for punishment of the victims interviewed in the present study were quite moderate. This was underlined in the different interviews - as already mentioned above - as several victims additionally relativized their demand for punishment with mitigation circumstances that would justify to reduce the severity of the penalty even further.

Furthermore there could not be found a significant statistically correlation between the two variables "kind of the victim's injury and "kind of punishment called for". There was however a correlation in that older victims (exceeding 30 years) demanded for more severe penalties than younger ones.

Figure 4:

Punishment which the Interviewed Victim Demanded for "his" or "her" Offender

(open questioning; first answer; n = 202)



G - victims of violent crimes
 E - victims of property crimes
 S - victims of other crimes
 Σ - all victims

3.5 Restitution, Compensation, and Mediation

The victims were inquired, if they would agree to mediation with "their" delinquent in order to negotiate compensation or restitution if the occasion would arise. Naturally the question referred to their concrete victimization.

As mentioned above (compare 3.1. and fig. 1) nearly two-thirds of all victims inquired (62.5 %) had named a desire for mediation without the interviewers having asked for it. Upon direct questioning the percentages were even higher (willing and basically willing: 60.6 %; possibly willing: 12.0 %; see fig. 5) probably because of the number of the victims, who "possibly" would agree to restitution agreements (victim expressed themselves vaguely in this direction or such interest could be interpreted because of other answers).

27.5 % of all victims questioned directly after having reported the offense to the police refused mediation with "their" delinquent, 14.9 % of the victims of property crimes and 32.1 % of the victims of other crimes rejected the idea. Of all victims of violent crimes, 63.0 % were unwilling to consider mediation, whereas, of the victims of violent crimes who were questioned some 2.5 years after the assault, only 44.4 % rejected the idea.

With all caution it might be presumed that with increasing temporal distance more victims could be prepared to participate in mediation with the offender. But basically fewer victims of violence seem to be interested in mediation than other victims. But from the conversations it became evident that ideas and knowledge concerning the possibilities of the mediation among all victims - and particularly among the victims of violence - are quite poor.

Finally the victims' demand for punishment (subdivided into "no punishment", "moderate punishment" and "harsh punishment") were cross-tabulated with the acceptance of possible restitution which could happen through the delinquent.

The correlation between the two variables is highly significant ($p < 0.001$). Victims, requiring moderate or no penalty were more likely to agree to restitution efforts from the side of "their" offender.

3.6 Desire for Support

According to the inquiries analyzed here it is rather astonishing that only 34.1 % of the victims expected assistance directly after their reporting to

the police (or would expect it, if they were involved in a more serious case). Concerning the victims of violent offenses 43.2 % said they expected support and 10.8 % "did not know".

Figure 5:

Victim's Readiness for Restitution or Mediation with "his" or "her" Offender (shortly after victimization)

(open questioning; n = 142)

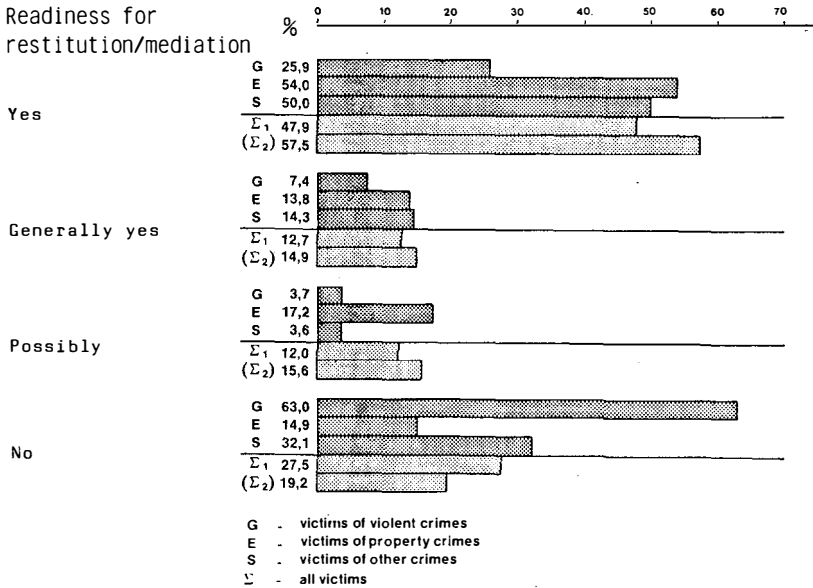


Table 1: Victim's Demand for Punishment and Willingness to accept Restitution from the Offender (n = 90)

Demands for punishment	Willingness to accept restitution		Total
	Yes (n)	No (n)	
None	17	1	18
Moderate	32	9	41
Harsh	11	20	31
Total	60	30	90

Nearly all victims inquired (90.2 %) had either vague or more concrete imaginations about how they or other victims could be helped (see tab. 2).

Table 2: Victim's Idea about the Kind of Support he or she could receive (in %; n = 203)

Notion about victim support	All Victims	Victims of Violence	Victims of Property Crimes	Victims of other Crimes
Concrete ideas in relation to own case	49.8	52.6	42.7	62.8
Vague notion in relation to own case	8.9	10.5	9.7	4.7
Concrete ideas in relation to other cases	26.9	24.6	32.0	16.3
Vague notion in relation to other cases	4.9	3.5	6.8	2.3
No notion	5.4	7.0	2.9	9.3
No answer	4.4	1.8	5.9	4.7

Tab. 2 shows that only about half of the victims had concrete ideas about what kind of victim support, referring to the own case, could be offered to them. Nevertheless this number is already high enough to make it seem profitable to cooperate with victims themselves in order to develop adequate concepts of victim support.

The kind of support desired by the victims for their own situation (see fig. 6a; multiple answers possible) was very different from the needs, which were expressed referring to victimizations of others (see fig. 6b). The desires expressed for other victimizations referred both to *other* victims and to victimizations, which could happen to the inquired victim some time in the future ("If ever something real serious would happen to me ...").

To the question, which kind of support the victims would wish, some of them surprisingly answered that they would have wished some more effective kind of prevention (fig. 6a: 18.2 %). Here is expressed both indignation about the things which had happened and also fear of crime.

Compensation by the insurance company was expected by 36.5 % of all inquired victims (see fig. 6a), while about two-thirds of the victims of property offenses (61.2 %) expressed thus. As expected this way of solving the problem is only important for the own victimizations and not for others (fig. 6b: 0,5 %).

Figure 6a:

Kind of Support, Demanded by the Victim in Regard to the Own Case
(open questioning; multiple answers: n = 280)

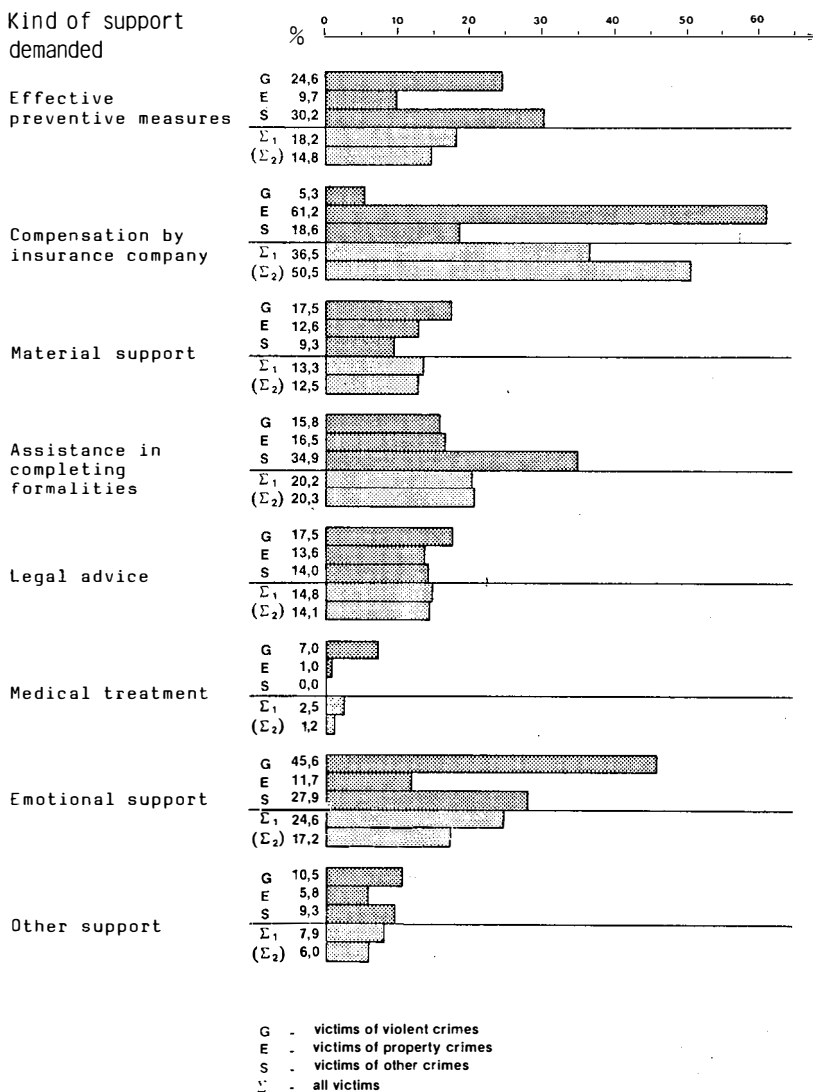
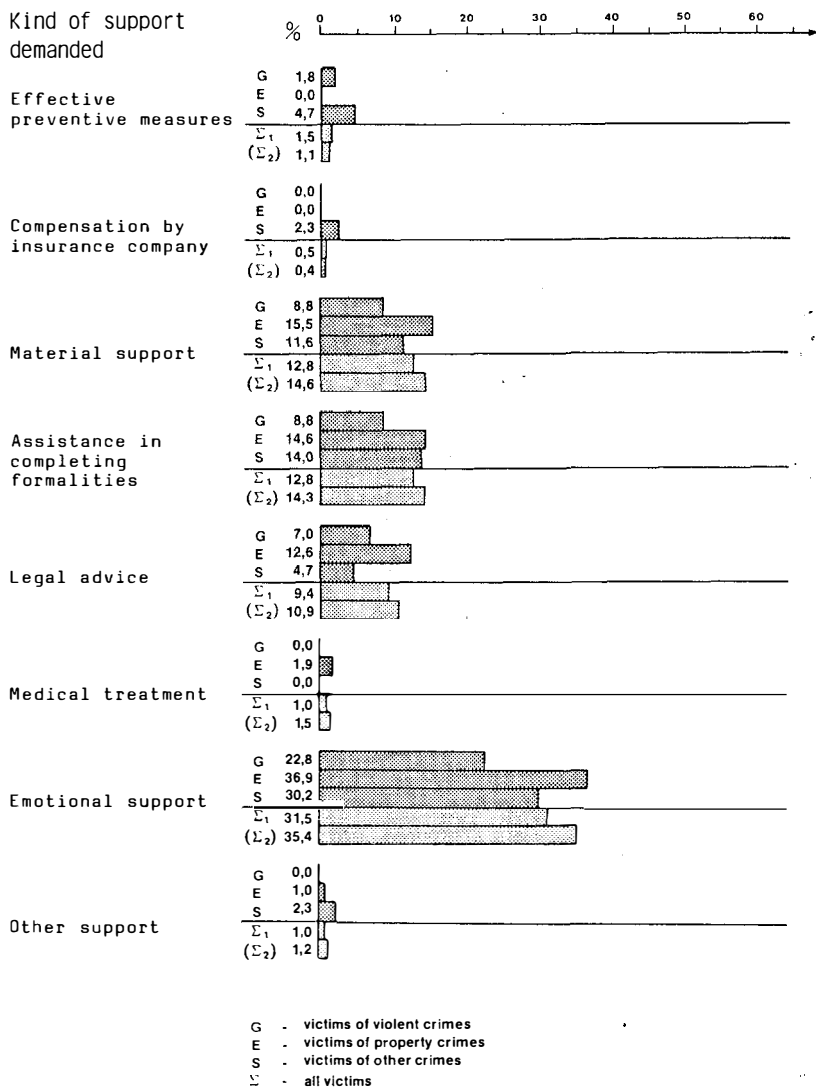


Figure 6b:

Kind of Support, Demanded by the Victim for Other Victimization
(open questioning; multiple answers in addition to those in fig.6a;
n = 143)



Besides compensation by the insurance company other material support numerically was no important desire; only 13.3 % of all victims inquired wished to be supported in this way (see fig. 6a).

The need for legal advice and assistance in completing the necessary formalities expressed 14.8 % respectively 20.2 % of the victims inquired. Apparently these were more essential needs of crime victims.

Medical treatment was seldomly formulated as victim need, which can have been determined by the fact that the health care system is quite well regulated in Germany.

Besides compensation by the insurance company (above mentioned) emotional support is named second most as victim need (fig. 6a: 24.6 %). Approximately half of the victims of violent crimes (45.6 %) wished to get such a help. Referring to *other* victimizations (than the own one) the percentage increases considerably for the victims of property offenses (from 11.7 % to 36.9 % in fig. 6 b), while the corresponding percentage concerning victims of other offenses merely increases. Victims of violent crimes named the desire for emotional support after the own victimization considerably often and less for other victimizations (fig. 6 b: 22.8 %). Victims of less serious offenses - e.g. of property offenses - expected emotional support if they "would get involved in a real serious case".

Apparently there are three large groups of victim needs:

- (primarily in the sector of the property offenses:) compensation by the insurance company,
- emotional support (primarily for victims of violent offenses), and
- (for all victim groups inquired:) legal advice and assistance in completing the necessary formalities.

3.7 How Should Contact Between Victims and Victim Assistance Services be Established?

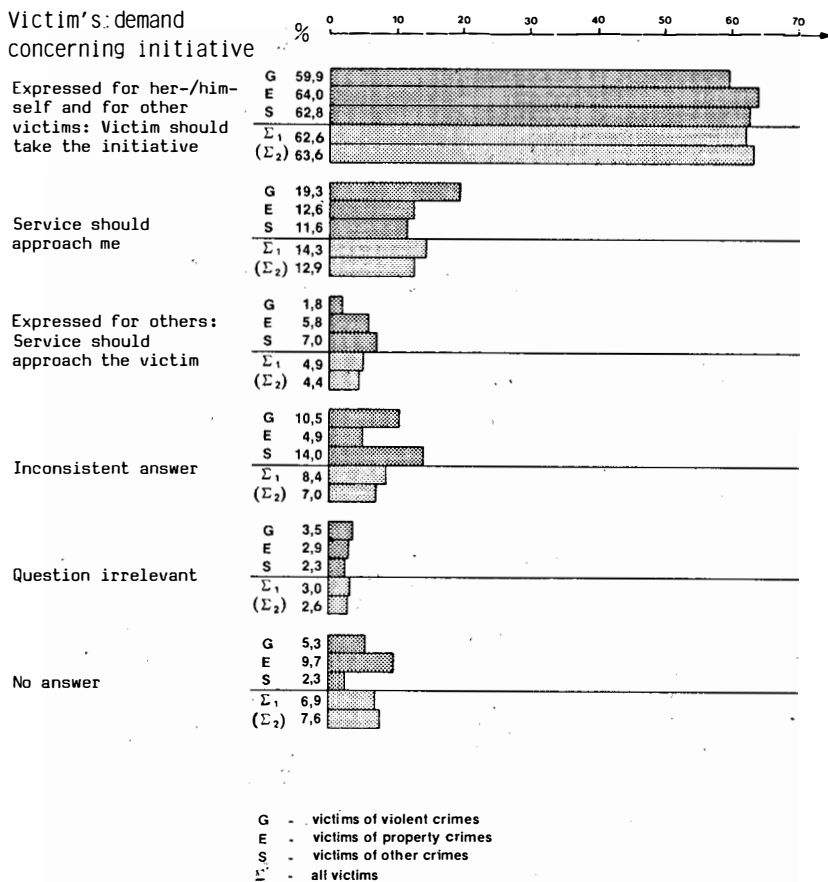
The victims were asked how, according to their opinion, the contact with victim assistance services should be established. The answers are in fig. 7.

The team of evaluators grouped all answers together expressing that the initiative should be taken by the victim because the victims expressed the opinion that they generally should be the ones to contact victim assistance programs.(First answer in fig. 7).

Figure 7:

Demand of the Victim of how Contact between Victim and Victim Assistance Service should be Established

(open questioning; n = 203)



However, there appeared to be a major difference between those who thought the services should approach crime victims. Those who spoke for others, for example, stated that, while they felt victim services should approach other victims (e.g., those seriously injured), they themselves did not consider this option as applying to them. This response cannot be equated with the answers given by victims who expressed a genuine interest in being approached by victim assistance programs.

Nearly two-thirds of the inquired victims (62.6 %) were of the opinion that they themselves as victims should decide whether or not they wanted to get in touch with victim services.

While 14.3 % felt that the personnel of such services should approach them, 4.9 % were of the opinion that this did not apply to them, but presumably would apply to other victims.

Inconsistent answers were given by 8.4 % of those questioned and no answer was given by 6.9 %.

Most of the interviewed victims would have liked to have been informed about existing victim services, for instance, by the police officer taking the report. Some of the victims explained that, if someone from a victim support institution turned up unannounced to offer help, they might feel obliged to accept this help.

The analysis of victim statements to that item, subdivided according to "severity of injury" further shows that the "initiatives wished" do not correlate with "severity of injury", but rather seemed to reflect a more general attitude on the part of the victim.

The interviews showed that many of the victims do not want that their personal data, such as name, address or details of criminal events being passed on to an other institution. In some cases some fear of data misuse was expressed.

It must be stressed that - according to the type of offense - there is only a minority of (11 % - 20 %) of the victims who want to be approached. Projected to all cases, which are reported to the police, this could be the case for approximately 13 % of the victims of crime (fig. 7, Σ : 12.9 %). The majority (about two-thirds) want to take the initiative at their own discretion. This leads to the conclusion. That the decision regarding assistance should remain strictly with the victim in order to minimize the danger of secondary victimization caused by inappropriate "reaching out" initiatives. Efforts must be made, however, to reach the 14 % of "passive victims" by more effective forms of publicity. This would require that an extensive network of victim services be established throughout Germany.

The necessity for more effective publicity became clear repeatedly during the interviews, as most of the victims were unaware of the well-established victim assistance facility located in the city of Hanau, where the interviews were being held.

4. Summary and Conclusions

Until now we have neglected to question the victims themselves on the type of support needed after victimization; instead, the type of assistance and the structure of victim aid programs has been determined solely by "helpers".

By interviewing crime victims in the city of Hanau (State of Hesse), the injured parties were offered the opportunity, for the first time in Germany to express what they considered to be appropriate treatment.

Harsh punishment of the offender was of only peripheral interest for the vast majority of victims, whereas recovery of, or compensation for losses had a higher priority. In addition to the demand for compensation, the offender should - from the victim's point of view - receive a rather mild punishment with the purpose of correction, resocialization, or just "to teach them a lesson".

Victims of violent crimes rejected restitution more often than victims of property offenses as they saw no sense in material compensation. Even after a considerable amount of time had passed, most victims of violent crimes would refuse negotiations with the offender (mediation) because they feared being reminded of the criminal event. On the other hand, the interviews suggested that some victims of violent acts had a desire to come to terms with the offender, possibly in the presence of a professional mediator, as they wished to learn more about the offender's motives, his personality, and his social situation.

While the majority of victims claimed that they felt able to cope on their own with the problems resulting from the crime, it was clear that over 30 % of them had not, in fact, managed to overcome the situation alone.

The victims expressed a need to talk about their victimization, whether with acquaintances, personal friends, or with representatives of social services. Some of the victims even found being interviewed for this study helpful. It can therefore be assumed that the communication experiences by the victims within his or her immediate social circle was not always

satisfying. Victim services should therefore focus on providing assistance not only to the injured parties themselves, but also to their close friends and relatives.

Most victims expressed a desire for more competent advice. Here it is where government institutions must play a role in providing consulting services by professionals such as social workers, psychologists, and lawyers. Victims often feel patronized by representatives of the various authorities or felt that they are treated as routine cases. This tends to incite feelings of helplessness, weakness, and of being at someone else's mercy.

Many of the injured persons did not wish to receive unsolicited help from victim services. The study demonstrates that victims of criminal acts usually choose to decide for themselves whether they need support, what kind of support this should be, and which institution they should contact.

In this connection the police can provide an important service in informing victims about support programs available, as they are usually the first formal contact after victimization.

Victims rarely requested information on the further course of the criminal justice process, but this does not imply lack of interest. Many of the respondents had no idea of what to expect from the investigation and litigation proceedings. Generally, victims were satisfied with the way they were treated by the police when they reported their victimization. A point to be added, however, is that the injured parties did not have very high expectations of the "service function" of the criminal justice system in Germany.

Future victimological research should evolve new and appropriate concepts of victim assistance primarily based on the needs of the victims themselves. Researchers should work in close cooperation with the victims, firstly, to identify victims' needs through further pilot studies such as this one; secondly, to engage victims in an evaluation process to develop practical concepts for victim assistance; and thirdly, to set up model programs with constant conceptual renewal. Victims interviewed in this survey expressed a desire for more government support. As it is the duty of the state to guarantee the protection of its citizens, it should also pay more attention to the needs and wishes of victims and witnesses. Much could be done to establish more governmental services and to allot more funds for private victim assistance programs.

The most urgent needs and desires of the crime victims interviewed were to overcome their victimization crisis, to be paid restitution for damages with a minimum of hassle and bureaucratic red tape, and to experience

empathy from their family, friends, and acquaintances. Many victims also had the vague wish that "something be done with the criminal" in order to prevent future victimization ("he should be taught a lesson", "he shouldn't do it again", "I don't want others to have to go through what I went through"). This seems to be an expression of a more general fear of crime and a need for "insurance" against future victimization - a need which is widely spread among the entire population.

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Interests of the Victim and Public Prosecution

- First Results of a National Survey -

Michael Kilchling

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0. Abstract

This is the first report on a survey which took place in the western part of Germany during 1990. It focuses on the special interests crime victims may have during the whole process of public prosecution and sanctioning. The paper describes the subject matter of the survey, its particular methodological conception, and presents the first trends of the evaluation. It can already be resumed that there are some significant differences between victims interests on the one hand, and the real actual situation both in the German legal system itself and in practicing it on the other hand. But in spite of all these differences there is the general result that victims do not feel that their "conflicts" may have been taken away (or "stolen") by the public system of criminal law. On the contrary we can promote the thesis that public prosecution can be a real service which the State is obliged to provide for actual crime victims. As an additional main result we have found out that compensation would be well accepted as a criminal sanction.

1. Introduction

1.1 Initial Remarks on Recent Criminal Policy

During the last decade, discussion on criminal policy in the Federal Republic of Germany and worldwide has been characterized by a particular orientation towards the victim. The victim of crime who once was a "forgotten man" (*Weigend* 1984, p. 761) finds himself to be the center of attention today. The flood of relevant publications has become difficult to comprehend in the meantime (see *Weigend* 1989 for a bibliography of relevant national and international literature). Two concepts most of all, have become the key catch phrases in discussion: "*Wiedergutmachung*" (in the German discussion used for both restitution and compensation) and "*Täter-Opfer-Ausgleich*" (mediation). It can be said that they have become "key terms" (*Müller-Dietz* 1988, p. 965) of a victim-related understanding of criminal law.

The question must be raised today as to what this active discussion has actually done for the individual victim until now. In relation to the Federal Republic of Germany, as far as improvements of the victim's position are concerned, the actual benefits appear to be rather poor. Thus there are numerous pilot projects which have been set up throughout the country, which, most of all in the area of juvenile law, are geared towards mediation (see for an overall view *Schreckling* 1991; *Dünkel & Rössner* 1987, p. 864 et seq.). The results of such projects show that the victims are satisfied to a large extent with the way in which their cases are dealt with (see for instance *Kuhn et al.* 1989). Furthermore this special form of judicial reaction is going to be included in the Juvenile Court Act (see *Kerner et al.* 1990). Nevertheless, the opportunity for individual victims to be able to benefit from such a project, remains almost nil, due to the local and capacious limitations. But mostly in criminal law in general there remain the deficiencies. Whilst it has given rise to extensive legislative initiative, for instance the introduction of the compensation order and more far-reaching legal provisions in Great Britain (see *Maguire & Shapland* 1990 for a comparison of the development in the European countries) and also in the USA (*Elias* 1990) and other states, the Federal Republic of Germany lags behind in international development (*Roxin* 1990, p. 368). It is true that in 1986 a so-called "*Opferschutzgesetz*" (Victim Protection Act) was passed to improve the legal position of the victim during procedure. However, this Act ignores all

substantial questions such as e.g. compensation (see *Jung* 1987; *Weigend* 1987). Neither the rules introduced by this Act nor the existing approaches to compensation in German criminal and procedural law are taken note of in practice to any noteworthy extent (see the contribution by *M. Kaiser* in this volume, to the evaluation of the Victim Protection Act). One can assume that the position will not substantially change unless the persona of the victim is integrated into the legal construction of criminal law and therefore finally into procedural law to some dogmatically satisfactory extent.

1.2 Victim Perspective in Empirical Research

Empirical investigation of the victim's perspective is the indispensable basis for such a task. It is possible that the actual interests of the victim may get lost due to the immense amount of literature. The victim may be "instrumentalized" in discussion and interests may be attributed to him that are not his real ones (see *Hirsch* in *Eser et al.* 1990, p. 249). Admittedly research is not complete in this respect and particularly in so far as concrete interests in the criminal procedure are concerned (see *Weigend* 1989, pp. 409-413). In contrast to the research position abroad (see for an overall view *Wright* 1989) alongside particular Swiss researches by *Killias* (e.g. 1990a, b) and *Schwarzenegger* (1989, 1991) and likewise works carried out in Austria (*Hanak* 1982; see also the contributions by *Krainz* in Volumes 1 and 2) there are relatively few recent German papers, which are specially dedicated to the victim's perspective. There are victim surveys (see e.g. *Arnold et al.* 1988; *Schwarzenegger* 1989, 1991), papers regarding reporting behaviour and unreported crime (see e.g. *Schwind* 1988 and in general *Kaiser* 1988, p. 356 et seq., 465 et seq.), and also associated studies in respect of many mediation projects (see *Kuhn et al.* 1989; *Rössner & Hering* 1988; *Schreckling & Pieplow* 1989; *Kawamura & Schreckling* 1990; *Kuhn* 1990), but they only cover a small part of the perspective as a whole. Only two extensive studies have taken a fairly thorough approach to the matter. One of them is the Bielefeld research (*Voß* 1989) in which the questions merely relate to the area of informal reactions (dismissals) and victim-offender-mediation in particular. The other is a frequently cited research which was carried out in Hamburg (*Sessar et al.* 1986; *Sessar* 1986, 1990; *Boers & Sessar* 1991). It reports of wide acceptance of restitutive concepts by the population and claims that compensation is desired not as a punishment but primarily instead of punishment. Regarding the theoretical background, we have some objections to the exact operationalization of the legal issues in this Hamburg study, which cannot be discussed in detail in this article (see below 1.4.4 and, for further methodological remarks, 2.1 and 2.3.4).

Until now there has not been a nationwide survey with more extensive questioning. It must be verified as to whether or not the more differentiated picture presented by international research would be confirmed in the Federal Republic of Germany itself. In order to explore this possibility, research is necessary which takes into account the actual state of knowledge in its conception, and which most of all defines the subject matter of the research to a wider extent than was the case before. In our opinion the isolated result namely that compensation is accepted in general by the population, does not hold for the more comprehensive and complex interests of the victim - quite apart from the fact that the scientific relevance of such general acceptance criteria is still unclear (see *Albrecht* 1990, p. 67 et seq.). The actual interests of the victim can only be established in relation to reality, by means of a comprehensive inquiry, which takes account of the entire process of criminal prosecution. The actual status and possible range of alternative means of conflict settlement can then be recorded.

1.3 Theoretical Framework of Reference

There are two main questions which form the starting point of our research. Firstly: What interests does the victim have in the punishment in general and in certain penalties in particular imposed upon the offender? And secondly: What further interests does the victim have within such a "sanctioning" procedure concerning his own participation?

The theoretical basis refers to both the substantive and the procedural level. Both aspects are important and must be seen to be connected when considering the priority of the victim. If the victim is interested in punishment being imposed upon the offender, the question arises to what extent he should participate within the procedure. This leads to other questions, namely what kind of procedure the victim would prefer, which features these procedures should have, and, most of all, whether they always want to have a definite sanction as the final step in the procedure and if so which.

In relation to this theoretical distinction, the problem-solving capacity offered by alternative models of mediation and compensation currently discussed must also be considered. During the research stage it seems extremely important to us, especially with regard to these alternatives, to distinguish between the aspects of victim-offender-mediation as a possible diversion strategy in the sense of informal justice and consequently a formal point of view on the one hand, and compensation as a substantive law concept on the other hand, for instance in the sense of a conceivable criminal sanction. At least as far as the German reception is concerned, this theoretical distinction is not properly attended to. Discussing alternative criminal

strategies the substantive contents of both concepts which have been introduced at various legal levels are sometimes mixed up to some extent and cumulatively or even synonymously used, with the effect that the actual boundaries have become blurred. In order to avoid such conceptual uncertainties coming into the results, the terms used in this research are first of all attributed to their correct theoretical basis and not linked until the stage of conclusion of results is reached (which means the stage where a connection with regard to the specific theoretical and constructive differences may be useful). Only such an observation of these theoretical distinctions can guarantee that the results can be correctly allocated to the corresponding level.

1.4 Hypotheses and Related Questions

Some hypotheses and related questions being the subject matter of our inquiry, should be briefly set out in the following text. We are limiting ourselves to a few basic problematic areas which are related to the results presented below and which are not specially related to legal details in German law.

1.4.1 Referring themselves to the interpretation of crimes as "interpersonal conflicts", some authors speak of an expropriation of conflicts (going back to *Christie* 1977 who speaks of "conflicts as property"). Since then there have been several demands for a "reprivatisation" of these conflicts by new forms of conflict settlement to be set up outside the criminal justice system. There is the objection to the so-called expropriation theses that it doesn't take into consideration the essential significance of the reporting of crime. There are also other fundamental doubts as to whether such patterns of solution would correspond with the real interests of the victim. On the contrary, one of our main theses is that the criminal justice system has or can have a service function from the victim's point of view, or can at least achieve this once again. To this extent, the theory of the exonerative function of the justice system can be set against the expropriation theory already mentioned (see *Voß* 1989, pp. 37 and 48; for exoneration *Killias* 1990a; *Müller-Dietz* 1988; *Albrecht* 1990, p. 53).

This especially holds for offences which are based on personal relationships between victim and offender. For example *Voß* has found out that the majority of injured parties in cases of interpersonal primary conflicts are opposed to victim-offender-settlements in a significant way. In such cases there is an explicit demand for exoneration. In respect of the remaining cases of secondary conflicts, *Voß* concludes that the conception of crimes as conflicts is merely artificial and seems to be of little use (*Voß* 1989, p. 48).

So apparently the conflict definition does not ostensibly indicate a disposal of the conflict. Considering the various possible dimensions of a conflict, one comes to the result that it is not the primary conflicts underlying a crime which are being "taken away" (*Christie*) but rather the procedure of dealing with these conflicts itself. Criminal law has never pursued the solution of deep-rooted conflicts arising from the relationship between victim and offender and should in fact not pursue this goal (*Albrecht* 1990, p. 53 et seq.). As to the widespread acceptance of such procedures by victims, skepticism is to be expected in view of the personal encounters between victim and offender which take priority in the scheme of many mediation programmes. Research suggests that a large proportion of victims are not willing to participate in face-to-face-meetings with the offender and would agree to a compensation agreement without meeting the offender at all (see *Maguire & Corbett* 1987, p. 227 et seq: 40%; see also *Reeves* 1989, p. 49: 69%). Findings in Switzerland corroborate this picture, namely that feelings of revenge on the part of the victim towards the offender can be considerably worsened on seeing the offender once again after the crime (*Killias* 1990a, p. 235 et seq.).

1.4.2 Our thesis of the service function of the criminal justice system has particular significance in the level of criminal proceedings and the structuring of such proceedings. In spite of many reforms, the "somewhat unreasonable position of the injured parties within the criminal procedure" (*Kube* 1986, p. 122) has not substantially altered in everyday practice. Admittedly, the victim is in a strong position at the beginning of the criminal prosecution because he is the one who decides to report the crime if he wants to. To some extent *Peters* (1990, p. 274) is therefore right to speak of the "key position of the victim". Afterwards however, this key position becomes a factor which could cause disruption (*Jung* 1981, p. 1156 et seq.). Although it was the victim who has requested the help of the criminal prosecution authorities in resolving the conflict, the applicant, who is the actual "client", is not attended to or is merely given unsatisfactory attention. The criminal prosecution authorities direct their attention to the actual "opposing party" as *Schädler* (1990, p. 152) has pointed out. The injured party instead only plays a minor role among all the participating parties (*Jung* 1981, p. 1152), because the criminal procedural law is still bi-polarized. As a witness, he has to serve the interests of the criminal procedure, but the criminal procedure does not serve the interests of the injured party at all (*Neumann* 1987, p. 244).

In our opinion, this situation neglects the needs and expectations of the victim, who expects some form of service to be carried out for him. The moment the injured party reports the crime to the police, he loses control of

the further development of the proceedings in his own case (*Hanak* 1982, p. 34). Contrary to the present practice it can be supposed, that the victim at least wants to be consulted at every stage of the proceedings (see for instance *Weigend* 1989, p. 406). The victim would then really be a "client" (*Weigend*). This corresponds with the results of *Shapland et al.* which stress that "victims did wish for active consultation before decisions were taken..." (1985, p. 181). On the other hand, victims do not appear to be interested in making obligatory decisions during the course of proceedings (*Weigend* 1989, p. 406). As *Shapland* resumes, "victims... did not want decision-making power" (1984, p. 136).

The expectations of the victim should also be examined when discussing and creating possible opportunities for him to participate in later stages of the procedure. It is supposed that the victim's interest in active participation declines when time, effort, and risks involved are or are thought to be high. There are various catch phrases which could be used in this context, for instance solicitor costs or costs related to formal participation of the victim. Only in cases of serious injury may the need for legal redress be so great that the victim maintains a persistent interest in formal participation in the proceedings in spite of the possible financial costs or at least risks. Otherwise most victims would probably expect the state to proceed further or to meet the costs of such an action.

1.4.3 We can further suppose that procedural rights are of less importance to the victim in particular areas of offences than compensation itself (*Roxin* 1987). We are attempting to verify the range and relevance of compensation on the one hand in the area of informal justice/diversion on the formal level of response (as discussed above), and on the other hand on the substantive level of punishment. We assume that on the latter level in relation to violent offences, burglary etc. there is wide application capacity. However, not only aspects of exoneration, but also the interests of the victim may suggest informal penalties in so far as the wide range of trivial offences is concerned.

In any case, the area of informal dismissal proves to be a particularly problematic area in the practice of the German criminal law. This does not arise merely from general considerations but is also of relevance from the point of view of the victim whose influence upon the dismissal of the case is extremely limited. He is confronted with the facts without any chance of exerting influence. *Hirsch* speaks somewhat pointedly of an increasing disregard of the victim (1990, p. 391).

The situation here can be contrasted with countries which have a "classical" system of "discretionary dismissal" of cases (according to the German practice the so-called "*Opportunitätseinstellungen*" which mean discretion-

ary dismissal by both prosecutors and judges). In France for instance the "action civile" (in its approach to some extent comparable to the German "Adhäsionsverfahren") offers the possibility of enforcing public prosecution, apart from the opportunity of taking legal action to obtain compensation (see article by *Mériageau* in this volume and *Mériageau* 1990). In Germany, however, there is no appropriate legal institute. Legal development has not been able to keep pace with the reality of prosecution characterized by the increasing significance of "discretionary dismissals" which originally were alien to the German system of criminal procedural law. This obvious gap is more serious from the victim's perspective, if one considers that there are opportunities available to the victim to make an appeal, in particular the formal "Klageerzwingungsverfahren" against dismissal in cases of "insufficient substance to the charge" (§ 170 Abs.2 StPO), an appropriate counterpart however against "discretionary dismissal" (according to German law dismissal due to "insufficient guilt", §§ 153 ff. StPO) is missing - and thus just in those cases in which one can be sure that "something really has happened" between victim and offender. The question is whether or not increased acceptance of these kinds of dismissal could be achieved by requiring the victim's agreement as a general precondition for the dismissal of his case or by giving him the distinct possibility of influencing the way in which the charge is imposed. Probably there is a great need for compensation to be imposed as a condition for dismissal (for similar conclusions see also *Vaß* 1989).

1.4.4 As to the general punitiveness of the population, we deny the overall claim that there is "no need for punishment" (*Sessar*).

According to former research, compensation for damages is in fact popular. However it is likely that it may not be accepted instead of punishment. There really is a need for sanctions in the sense of some legal reaction (see *Killias* 1990a, p. 283), at least as far as more serious offences than simple property offences are concerned. In a British survey, 58% of even those victims who in principle were willing to have a mediation meeting with the offender, spoke out in favour of supplementary punishment - despite the fact that an adjustment of damages had been achieved (*Maguire & Corbett* 1987, p. 227 et seq.). In a survey which was carried out in Hanau (Hessen) and which until now has not been published, the participants were asked as to what they thought should happen after reporting the crime. 62.5% expressed the desire for compensation and at the same time 77.4% also expressed somewhat varied wishes for punishment (see *Schädler* 1990, p. 151). The penal character attached by victims and non-victims to compensation, emerged in the research of *Sessar* too, contrary to his own individual interpretation. In cases of burglary referred to in the research,

almost 90% of those questioned supported compensation for damages as being imposed as a condition of probation (*Sessar* 1986, p. 389 - table 3b), which, however, is possible only in connection with a probationary prison sentence. The fact that in cases of simple theft almost 80% of those questioned supported judicially imposed conditions of "compensation" instead of the usual fine (op.cit., p. 388 - table 3a), corresponds with this assumption. The symbolical significance victims obviously attach to compensation also supports our point of view. It is said that victims are even prepared to accept lesser degrees of compensation if these efforts actually come from the offender himself. State victim compensation should merely perform a reserve function (*Shapland et al.* 1985).

We therefore suppose that victims realize both the penal character of compensation for the offender (*Müller-Dietz* 1988, 1989) and the sanctioning function of the criminal procedure itself (see e.g. *Frehsee* 1987, p. 84 et seq.; *Müller-Dietz* 1988, p. 975).

1.4.5 The tendency in former research is that the victim's punitiveness appears to be actually less strong than could be expected with regard to the individual victimizations, especially when comparing Europe to the USA (see *Weigend* 1990, p. 112). We will try to verify this by evaluating the attitudes towards imprisonment. It can be assumed that on the whole people think prison penalties to have a deterrent effect. However, as imprisonment in its current shape offers no realistic possibilities for an offender to try to compensate (neither financially nor otherwise) his victim, the interests and needs of the victim are not sufficiently met. In an additional set of questions concerning "victim-related treatment" during imprisonment, permits more detailed knowledge of the actual status of potential restitutive forms of punishment amongst the attitudes of those questioned. The rejection or support of efforts made by offenders towards compensation during imprisonment can e.g. be an indicator of the extent of voluntariness that victims relate to compensation. In addition, we can see whether or not the injured party is primarily interested in a clear "technical" sort of restitution (recovering money through civil law channels), and whether there also exist ideas of personal reconciliation. The expectations and needs can thus be explored within a temporal dimension. If offers of compensation are met with disapproval at this late stage, this would be a further indication against the assumption that victims are merely interested in pecuniary restitution for their losses or damages.

2. Method

2.1 General Comments

Our research has been very comprehensively set out. Chronologically speaking, the whole period beginning with the event of victimization itself, up to the stage of execution of the sentence (being conceivably the end of intervention) has been its issue.

This exceeds the structure of earlier crime and victim surveys especially in relation to the perspective of methods used. In principle, victim surveys are defined as surveys of representative groups of people with the aim of establishing the extent of criminal victimization (as for example defined by *Arnold* 1986, p. 1015). Thus the main aim was primarily "to measure the total volume of crime" (*Block* 1989, p. 3), most of all in the course of research on hidden delinquency. Even if nowadays the intention goes further than "counting victims" (*Block*), so that more and more questions as to attitudes and questions regarding the criminal justice system in general are involved in the questioning carried out, victimization itself and related areas (e.g. perception of crime in general and fear of crime and reactions related to it in particular) are the focal point of such surveys.

Our research also contains questions to that effect. However, these questions are not meant to investigate these areas again and again. To us they are more important in order to examine and scrutinize any possible influence which the form of victimization and its circumstances as well as reasons for (not) reporting have upon the attitudes which have been expressed in answer to our further questions. They are therefore merely "aids" to making a full correlation analysis possible. There are no methodological objections to combining questions on personal experiences and (more general ones) on attitudes towards the criminal justice system in one questionnaire (see for instance *Block* 1989, p. 4). Most research carried out until now appears to be somewhat weak in that the questions themselves predominantly relate to fictitious cases. For example the questionnaire by *Sessar* contained 14 varied descriptions of crime cases each participant had to respond to (see *Sessar* 1986, p. 96; *Boers & Sessar* 1991, p.128 et seq.). However, there may be a considerable difference between the attitudes towards fictitious cases and the attitudes towards personal cases people were involved in (especially *Killias* 1990a, p. 234 et seq.; *Weigend* 1989, p. 409; see also *Vofß* 1989,

p. 43). And yet, in our opinion victim-related research should inquire less into general views in respect to hypothetical constellations of cases but should record first and foremost the treatment of the offender desired by the victims according to their expectations, wishes and interests in concrete cases which they themselves have experienced. The intended effect - namely the formation of different groups of various offences - can be achieved in this way with a sufficiently high overall sample taken. So the research is based on a more realistic level and therefore goes beyond common "opinion polls", both insofar as substance and quality are concerned.

2.2 Sample

Our inquiry was carried out as mail survey. The sample of participants consists of people, whose addresses had already been recorded and were to hand in house, so that a costly investigation of a new sample representative of the population, could be dropped. In the period between January and March 1989, the Max Planck Institute had taken part in an international telephone survey in respect of criminal victimization. 5,274 telephone interviews had been carried out in the Federal Republic of Germany (limited to former West Germany including West-Berlin). In order to consider the more detailed characteristics of the sample, e.g. summary, field of approach, etc., see *Kury* (in volume 1). All participants in the German inquiry had been asked whether they would be prepared to take part in a written inquiry to be carried out later, too. Recourse to those persons who had already agreed to participate in a written inquiry, offered the advantage of being able to question a particular circle of participants. In spite of the fact that some time had passed since they had declared their willingness in principle to reply, these respondents could be expected to exhibit a high level of positive response. This is important because generally the greatest risk of the postal survey technique is in low rates of return (see for instance the rates in the researches by *Schwarzenegger* 1989: 49.2%; *Sessar et al.* 1986: 44.1%; however also *Arnold et al.* 1988 with a figure of up to 75.5%; an overall view of the return rates in further research is set out by *Killias* 1990b, p. 160. The victim survey carried out by *Voß* 1989 indicates that even the rate of success of face-to-face interview methods can now and again fall into low figures. The rate in this survey was 40%). A certain interest could be assumed with respect to the subject matter obtained concerning victimization and the criminal justice system in general. We could also expect increased validity of the data received, and this allowed more detail and a wider range of questions to be included within the questionnaire. This would

otherwise not have been possible. Minor distortions in the composition of our sample in relation to the preceding inquiry could be accepted because of the advantages mentioned above.

2.3 Design of Survey

A standardized questionnaire was created, which to a large extent contained closed questions. For various reasons, however, this questioning concept could not be consistently applied.

Right from the start, with a number of questions, for example, the spectrum of answers possible appeared e.g. so wide, that complete coverage by preset response categories seemed impossible to us. In these cases additional open categories were provided.

This also seemed necessary in other questions in order to maintain openness in the results. This is particularly applicable to the controversial legal political topics such as attitudes towards penalties and compensation. It also appeared necessary to extend the response categories by additional open categories in this area, in order to maintain neutrality and to avoid the danger of possible suggestion.

2.3.1 *Separate Questions for Victims and Non-Victims*

At first it was merely intended to obtain information from victims of crimes only. This was due to the fact that our work - as described above - is based on the concept of investigating the concrete interests of the victim exclusively within the background of individual cases of crime which had been experienced or suffered by the individual parties questioned. In any case, a separate inquiry involving only those groups of people, characterized as victims in accordance with the preceding telephone inquiry of 1989, would have left the most recent period of time, out of consideration. However, as far as the memory is considered, this is exactly the most productive period for an inquiry, because the victimization experience of those questioned is quite recent.

Thus the methodical conclusion was to question the whole sample again. It was to be expected that a large number of former non-victims had been victims of crimes in the meantime. In order to obtain a full picture of the potential answers, those who were remaining non-victims, had to be questioned, too. This allowed the subject matter of the research to be extended to cover the aspect of where and how the victim's interests can be distinguished from the interests of non-victims. Therefore the perspective of the

victim should to a large extent remain the starting point for such considerations and a comparison should afterwards be effected in addition, by comparing the primary answers by the victims which were to be evaluated and the possible differences in the answers given by non-victims.

The conception of making the concrete case of crime experienced by particular victims the main subject of the research, was leading us to the consequence that simultaneous questioning of victims and non-victims seemed impossible. Non-victims never experienced a concrete case of crime and therefore could not answer special victim-related questions. It was necessary to have at least a slight variation in the questions put to victims and non-victims. Whilst the questions for victims focus on victimization experiences, actual reporting behaviour, reporting and penalty expectations, the questions for non-victims had to be more general i.e. referring to attitudes towards crime in general. In order to be able to achieve more clarity and more limitation in the range of questions dealt with by each respondent, sets of questions were completely separated into two different questionnaires - one for victims and another one for non-victims. These questionnaires could be distinguished by their colours to facilitate the answering of the questions.

2.3.2 *Victimization*

The classification into victims and non-victims was carried out by an additional set of general questions which were to be completed by all parties questioned, and in which they were asked about their own victimization experiences since 1985. This particular reference period was chosen in order to make a completely new record of the reference period of the previous telephone survey, and to enable later comparisons to be made. In addition, the years 1989 and 1990 were included, being of particular interest because of the power of recollection. Compared to the telephone survey, the reference period was extended and covered more than 5 years, which is an extraordinarily long period.

In this respect the survey deviates quite substantially from the usual methods carried out in crime surveys. As the result of the assumption that criminal victimization is often relatively quickly forgotten or cannot be exactly and chronologically set out, the reference period normally has to be confined to one year or less (*Block* 1989, p. 5; also *Arnold et al.* 1988 e.g. chose one year as reference time). Even a period of six months was established for the National Crime Survey of the United States, which is the model survey for most research works outside America (*Block & Block* 1984, p. 144 et seq.; *Killias* 1990b, pp. 154 and 161). Our main concern,

however, is not the precise calculation of the rate of victimization within a particular reference period but rather the victimization itself, the date of which is the criterion for the classification of the participants into victims and non-victims. We are therefore interested in *substantial* information. For that, it was possible to vary from the usual methodological standards concerning the reference period to be chosen. The Hamburg research already mentioned e.g. covered a considerably longer period of time, namely three years (see *Sessar* 1986, p. 384).

As a result of the long reference period, a considerable number of multiple victims were to be expected. In these cases there is the problem that the respondents often cannot differentiate among the victimizations (*Block* 1989, 8). Nevertheless it is necessary to fix a certain event the answers should be related to. Most surveys solve this problem by asking the respondents to describe the last victimization (*Block* 1989, 8). Our approach, however, is different: the participants had the possibility of choosing the crime for reference which worries them the most today. They were asked then to answer the remaining questions with regard to this event. Using this particular method we hoped to obtain additional findings on the individual estimation of seriousness of crime, the coping with victimizations, etc. Another advantage of this method is that, as the majority of the cases reported in surveys are minor offences, the answers are considered to be of (relative) importance.

The question on personal victimization since 1985 along with a few additional questions on personal data made up a separate questionnaire (A) which was to be completed first of all by all participants, and which again was set out in a different colour. The answering of this introductory questionnaire decided which one had to be answered next. If the respondents had been victims of one or more of the crimes cited in the period since 1985, they were asked to reply to victims' questionnaire (B). If this was not the case, instructions directed them to non-victims' questionnaire (C).

A formal but relatively simple answering system was created in this way, which directed those questioned to particular questions and spared them extra time and effort which they may have spent on irrelevant text. In addition, it offered the psychological incentive that all participants could lay an entire questionnaire immediately to one side without the necessity of reading it.

2.3.3 *Particular Definition of Non-Victims*

Non-victims are additionally defined by a temporal dimension. We apply this method, which is mostly used in crime/victim surveys, only on account

of the detailed questioning of victims as to particular details of incidents experienced by them. However, in no way should people who were victimized (accidentally) before 1985 be simplistically defined as non-victims. Sessar who refers to the problem using the catch phrase "forgotten non-victim" is right when criticizing the "artificial splitting" into victims and non-victims which can be found in most surveys (Sessar 1990, p. 117). This method leads to the fatal consequence, that "any victimization outside the reference period is not important", as Killias states (Killias 1990b, p. 161 et seq.). This means that victims of earlier crimes either fall by the wayside or are simply allocated into the category of non-victims.

We have departed quite consciously from this common methodological concept. It appeared important to us to include within groups of victims or various groups of victims, all those who have victimization experiences - in whatever form. Therefore our aim was not to filter out the victims of any previously defined reference period but in the contrary to filter out those who are "real" non-victims. Conceptually, there is a fundamental difference. Killias correctly points out that "...remote victimizations are relevant and should not be totally dismissed from victimization surveys" (Killias 1990b, p. 163). Victim studies which fail to record earlier victimization incidents, must be regarded as conceptually defective in that they allow the effects of earlier experiences to interfere with the results without any control (so see Arnold 1986, p. 1035).

If, in our conception, victims of offences before 1985 are allocated to the larger group of non-victims, it is due to a purely technical reason i.e. it is specifically related to the numerous details of the particular questionnaire created for victims. In order to safeguard the validity of the answer data as much as possible, it did not make sense to extend the special victim-related part of questions to those cases which took place before 1985. Instead, those people who were affected by an earlier crime should complete the less detailed and more general questions contained in the non-victims' questionnaire. In this way, any possible distortion of the answers by possible memory decay which is mostly time related should be prevented (without ignoring these "life-span-experiences", which Arnold 1986, p. 1024 spoke of).

In order to classify more exactly the large group of parties summarized in our definition as non-victims, participants were asked about their own experiences of victimization before 1985 and also about their indirect victimization experiences, the latter being divided into personal experiences within the "social vicinity" and experiences as a mere witness. In this way, everyone who has ever been affected directly or indirectly by a crime can be separated from those persons who have not been affected at all. Thus it can be guaranteed that the answers of "real" non-victims can be separately

summarized. A comparison is therefore made possible in respect of the various victim groups (see table 1). This structural division of the respondents into groups is a central element of our method which has been specially developed.

As to the categories of offences, the questions correspond with the design used in the victims' questionnaire, so that a comparison can be made within the various groups of victims of particular offences.

Table 1: Conceptual Division of Parties Questioned into Groups

1st. Group	Victims since 1985	Victim questionnaire
2nd. Group	Victims before 1985 ("former victims")	Non-victim questionnaire
3rd. Group	Non-Victims Victimization within the social vicinity ("indirect" victims)	Non-victim questionnaire
4th. Group	Non-Victims Experience as a witness ("indirect" victims)	Non-victim questionnaire
5th. Group	Non-Victims ("real" non-victims)	Non-victim questionnaire

The investigation of the "real" non-victims is effected in two ways. The first step is to question individual victimization experiences before 1985. Those who answer these initial questions in the negative are then, in a second step, questioned further as to whether they are really certain that they have never been a victim. By this "dual" method we tried to provide additional information about the actual victimization experience as a "life event" and, most of all, its relevance insofar as it relates to the level of consciousness of the victim (*Arnold* 1986, p. 1035). The phenomenon often observed that respondents - for whatever reason - do not tell (or really remember) all their victimization experiences, when questions are put to them, should be counteracted with these supplementary questions.

2.3.4 *Fictitious Cases for Non-Victims*

Our non-victim questionnaire indicates a fundamental methodological difference in comparison with the victim questionnaire. A particular crime had to be given as a point of reference to non-victims which they had to base their answers on. This is contrary to the general position taken by us regarding victims, who were asked in particular about their own individual case - as substantiated above.

In order to ensure approximate comparability to the answers of the victim categories which were to be created according to the seriousness of the offence, the fictitious scenario of a single case appeared to be too one-dimensional. Nevertheless no more than one case was presented to an individual participant in order not to make the answering of the questionnaire too difficult. Therefore different questionnaires were set out, varying in respect of particular offences.

Three different cases were selected, namely a more trivial offence (minor damage to a car by vandalism), a theft (of a jacket with purse, papers, and large sum of money in a restaurant), and a serious offence (violent threats with potential blackmail). These offences correspond to the types of offences cited most in the telephone survey, to the effect that as much as possible comparability - at least in relation to the main groups of victims - can be expected as regards the numerically largest categories of victims.

Only one of the listed cases was described to an individual participant, with the request that this particular case should form the basis of the reply. At the beginning of the section of the questionnaire relating to attitudes towards imposition of penalties, the parties questioned received further information about "their" particular offender as second part of the fictitious case. With regard to the fact that the question as to the imposition of penalties or - in a more general view - legal consequences in criminal law is to a large extent related to the individual personality of the offender, three different versions were also set out. In relation to this factor differences between the answers were to be expected. We chose both a young offender and likewise two adult offenders, one with and one without previous records. As to the Hamburg study, another disadvantage in its conception is the fact that it does not include a scenario in which there is an offender with a previous record (see *Boers & Sessar* 1991, p. 128 et seq.). Our original intention of including a female offender as well fell by the wayside however, due to the fact that such a version appears somewhat unrealistic and deliberately constructed from the point of view of criminal statistics.

The three crime and three offender versions cited were finally mixed together so that a total of nine different questionnaire versions for non-victims was developed. These versions were distributed at random and sent to the parties to be questioned.

2.4 Implementation of Survey

2.4.1 Investigation Phase

The sample already summarized consists of a total of 3,411 address sets and was questioned in two phases. The pretest was carried out starting in April 1990, using 198 parties chosen from the set of data. The main test involving the remaining 3,213 people began in June 1990.

In order to prepare for this, all participants received an introductory letter, a week before the actual questionnaire. A few general details regarding the subject matter of the research was contained in this letter in order to arouse the interest of the participants. The parties were also advised about the forthcoming receipt of the questionnaire and were asked to participate. Such separate letters have proved to be useful in other surveys carried out (see for instance *Arnold et al.* 1988; *Schwarzenegger* 1989; *Voß* 1989).

After the return of the first wave of questionnaires had decreased to almost nil, a first written reminder was sent out, in which the delaying parties were reminded of the questionnaire and asked to reply. A second reminder followed, enclosing once again the entire questionnaire and (post free) return envelope.

The main test lasted much longer than the pretest because of the various holidays in the individual states. Therefore the second reminder was only sent, when all holidays had ended. In this way it was guaranteed that all the remaining participants could take notice of it at the same time.

However, the return rate of questionnaires in the main test, possibly because of holidays, remained however lower than that in the pretest carried out (see table 2 for the differences in the second and third wave of questionnaires). A third reminder was therefore sent out, although this had not been originally planned.

Due to the procedure described, the investigation phase took an unexpectedly long time to complete. However, this is methodologically as irrelevant as the ad hoc prolonged test phases, because - in contrast to former surveys - a limited reference period is not necessary according to our

conception. The beginning of 1985 was defined as the only relevant fixed point for the date of victimization, so that the conception of the inquiry was already open ended.

2.4.2 Return of Questionnaires

Discounting those (neutral drop out) cases where parties had moved out, died, or were not known at a particular address, a total of 3,026 parties remained. This accords with a drop out rate of 11.3%. This rate is relatively high but nevertheless not surprising, as we used addresses which were older than one year at the time we carried out the survey. Of this total, 2,217 questionnaires came in. This constitutes a net return rate of 73.3%, which exceeded our preliminary expectations. Table 2 gives a more precise overall view of the temporal distribution of the return of questionnaires according to the different test phases. It must be noted, however, that the numbers from the pre- and the main test are only comparable to a limited extent, due to the individual inquiry phases in the main test having been extended to ensure that justice was done to the particular features of the way in which the parties responded during the long holiday period.

Table 2: (Net-)Return according to Test Phases*

	Pretest (N = 181)	Main Test (N = 2,845)	Total (N = 3,026)
1st. Wave	46.7	49.3	
2nd. Wave	20.2	13.5	
3rd. Wave	11.0	8.4	
4th. Wave	-	2.0	
Total	77.9	73.0	73.3

* Outcome in percentages.

3. First Results

3.1 Introductory Remarks

The results presented relate to the *first trends* which appear in a first data analysis. We must limit ourselves to some extent to simply estimating the frequencies, given that the later analyses in this context will be concluded within the course of the year 1991. (The forthcoming main report will be published in 1992.)

We will therefore describe merely a few initial results which can be said to be fairly clear and of some importance at this initial stage - in spite of the limited data.

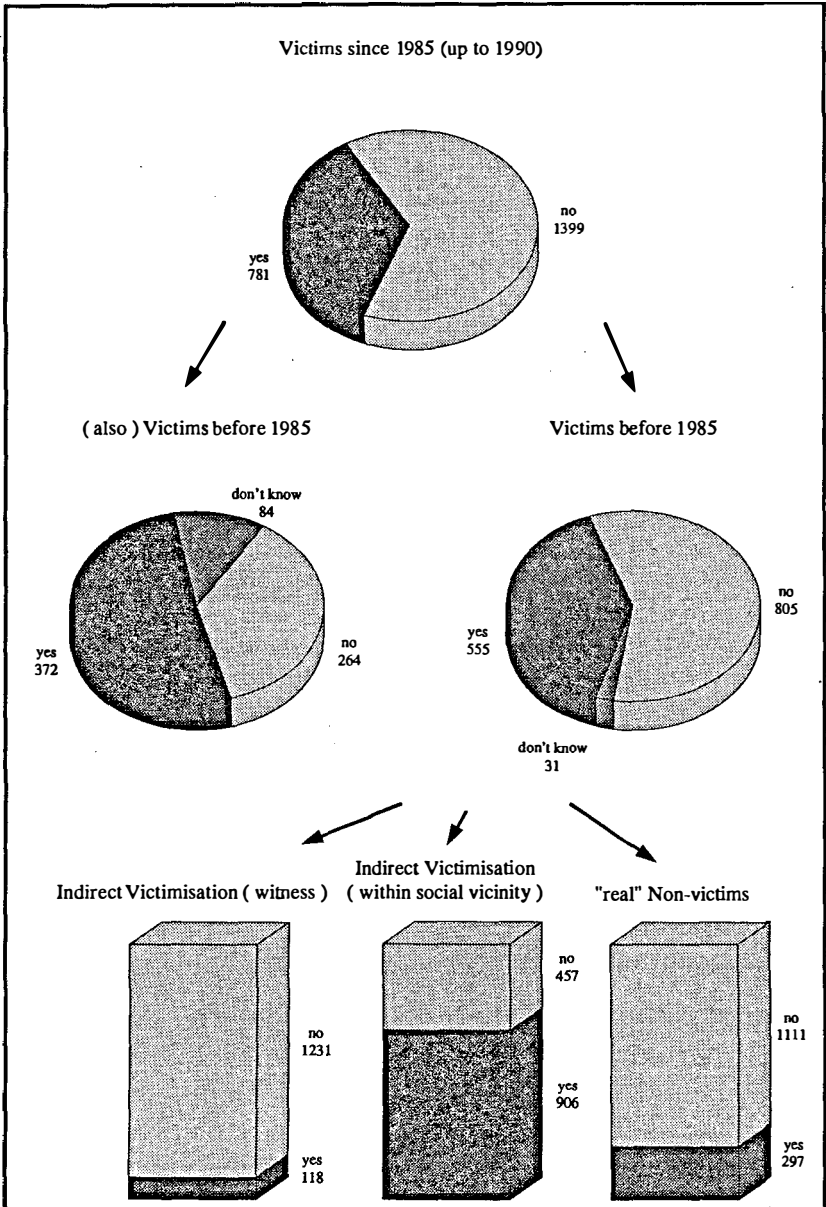
It is striking that the figures drawn from the answers of the former victims lie mostly in between those figures relating to the (more recent) victims and the "real" non-victims. This could be a sign for the existence - at least in some areas - of something like a time-related development of public opinion from specific victim attitudes to typical non-victim answers. For the visualization of this finding the former victims are placed in between the victims and the non-victims in the following tables and figures. So even those questions become obvious in which the answers tend to be more similar to the answers of the victims or to those of the non-victims. In the text, they are only referred to when their answers differ from this medial position.

3.2 Numerical Structure of Responding Groups

The following illustrates the structuring of the groups of respondents in relation to various forms of victimization experiences and in accordance with the group definitions described above:

35.9% of all respondents declared that since 1985 they had been a victim of one or more crimes (this corresponds with group 1 of our conception, as is illustrated in table 1). Of these victims, 48.2% had also been victims before 1985.

Figure 1: Nominal Structure of the Responding Sample*



* in absolute numbers

Amongst the remaining persons who had not been victims since 1985, 39.4% (victimized exclusively before 1985) are former victims (group 2), 64.4% are indirect victims within the social vicinity (group 3) and/or 8.4% say that they have been victimized indirectly by experiences as witnesses (group 4).

Only 13.6% of all respondents, i.e. 297 persons, can be said to come within our definition of "real" non-victims (group 5). This interesting figure is the result of our special grouping of respondents. In this particular way - as far as we can see - it has never been investigated before.

In order to simplify matters, we will compare merely the groups of victims (group 1), the former victims (group 2), and those who are "real" non-victims (group 5). For the time being, other sub- or mixed groups should remain out of account. The exact structure of groups, especially the nominal extent, is shown in figure 1.

3.3 Some Selected Trends

3.3.1 *Expropriation Thesis or Service Thesis?*

The thesis of expropriation of conflicts has quite clearly been proved wrong on the basis of the questions developed to verify this specific point.

We first of all asked for a more general assessment of the victimization event, namely, on the one hand as to whether it is a private affair in the sense of the incidence being a personal matter which affects the victim alone, and on the other hand, as to whether it is an affair which affects the public in general in that everyone is affected by a crime. 37.1% i.e. nearly double as many victims as non-victims (23,0%) considered victimization to be a personal matter only. However, it is also considered by the majority (i.e. 51.9% of the victims and 72.6% of the non-victims) to be an event which affects the public as a whole. In retrospect, only 18.9% of the former victims call it a personal matter but 79.5% think it to be of public relevance.

This general assessment had to be substantiated in a further question. Approval or rejection was given of various assessments of the current legal situation according to which the victim loses considerable control over the further development of his case at the beginning of police investigations. Four response categories corresponding to expropriation and service theories, either in an abstract or concrete form, could be chosen.

As figure 2 shows, 45.0% of victims and 35.8% of non-victims agree with the consideration of a displacement of the victim (*abstract expropriation thesis*). At the same time, 47.2% of victims and 56.4% of non-victims agree to the criminal justice having a supportive function (*abstract service thesis*).

Figure 2: Expropriation versus Service*

<i>"After reporting the crime to the police, the victim normally loses control of the further development in his own case. To which of the following assessments would you agree or disagree?"</i>			
	n.a.	agree	disagree
a) <i>"This means an unjust displacement of the victim."</i>	10,9	45,1	44
	2,8	34,6	62,6
	10,1	35,8	54,1
b) <i>"This can also be helpful for the victim."</i>	15,0	47,3	37,7
	5,6	61,2	33,2
	13,2	56,4	30,4
c) <i>"It is the prime task of the victim to try to come to a settlement with the offender."</i>	10,9	14,4	74,7
	2,9	11,9	85,2
	8,8	13,5	77,7
d) <i>"The victim should neither have to be concerned about (reaching) a settlement with the offender nor about his punishment."</i>	9,0	70,4	20,6
	3,1	79,9	17
	9,1	77,4	13,5

* in percent

Evaluation of the answers to both concrete variants c) and d) was much clearer. 74.6% of victims and 77.7% of non-victims explicitly deny that it is the task of the victim to come to a settlement with the offender (*concrete expropriation thesis*). In contrast, 70.2 and 77.4% agreed that the victim should not have to concern himself either with reaching a settlement with the offender, or with his punishment (*concrete service thesis*). Even more obvious is the trend of the answers of the former victims.

The particular refusal rates of the different groups and questions show noticeable differences (see column "n.a." in figure 2 referring to the "no answer"-category). Obviously it was most difficult for the (more recent) victims but easiest for the former victims to express their attitudes. For all groups, however, the main difficulties consisted in deciding whether they agreed or not to the abstract supportive function of the justice (variant b).

3.3.2 *Victim's Role during Criminal Prosecution*

There is quite definitely a wish for more participation by victims in the criminal proceedings themselves. Only a minority of all respondents favour merely a role as a witness, as is the reality today. Priority is placed upon improved rights of the victim to be informed, in relation to the victim's desired legal status. This is shown by the answers to two questions which were divided into two stages namely during the preliminary investigations (police stage) and the formal process itself (court stage). We can see this from tables 3 and 4.

Table 3: Preferred Victim's Role at the Police Stage

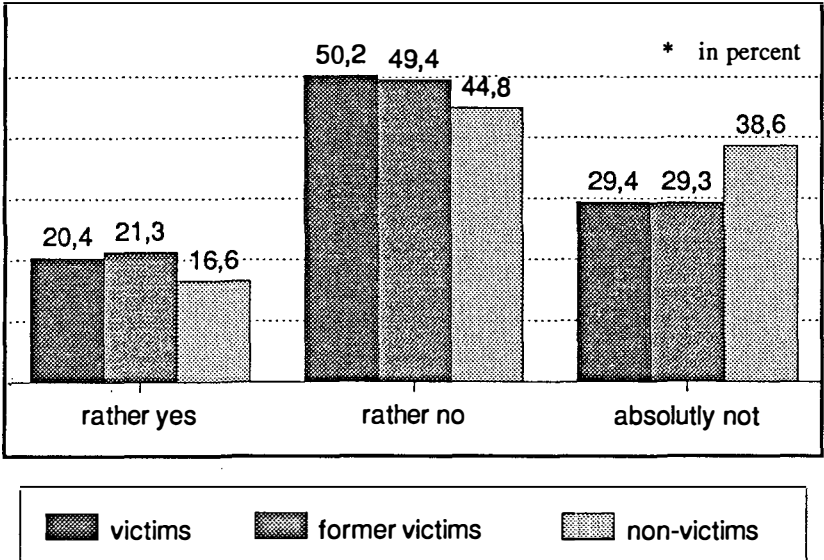
	Victims	Former victims	Non-victims
1. Role as mere witness	14.0%	13.6%	13.5%
2. Right to obtain information at any time (regarding the state of investigations)	39.3%	40.3%	44.3%
3. Formal rights to inspect files	18.4%	14.5%	17.6%
4. Duty to grant a hearing before fundamental decisions made (charge etc.)	25.3%	29.7%	29.7%
5. Active role (victim must agree to fundamental decisions)	15.4%	15.8%	9.5%

Table 4: Preferred Victim's Role at the Court Stage

	Victims	Former victims	Non-victims
1. Role as mere witness	28.4%	32.1%	35.1%
2. Supportive function of the public prosecutor (representing the charge)	32.6%	35.3%	31.4%
3. Formal rights to question and make applications during the court hearing	21.9%	17.4%	15.2%
4. Formal role as participating party	13.4%	13.2%	8.8%
5. "Should not have to appear"	5.1%	5.1%	7.8%

Figure 3: Willingness to take on Financial Risks*

*"An active role by the victim in the court procedure, could possibly result in financial risks e.g. solicitor costs, proportional procedural costs where the victim is acquitted etc.
Would you be prepared to bare such financial consequences?"*



In this context two tendencies are especially noteworthy: on the one hand the clear distinctions being made by the respondents to the preferred victim's role between the two different stages of the proceedings, especially concerning the respective evaluation of their role as witness and on the other hand, the similar ranking order of the figure drawn from the answers of the different groups of respondents (with the exception of their role as witness). The marginal relevance of an active role of the victim as a party in the criminal proceedings is seconded by the additional result, that the large majority of respondents are not willing to accept financial risks which could possibly arise from formal participation in the court procedure. This is shown by figure 3 above.

Finally, it is remarkable that about 90% of each group of respondents rejected the presently practiced division into criminal and civil court procedures.

3.3.3 *Mediation and Settlement out of Court*

Victims are quite clearly more inclined to support the efforts involved in mediation settlement out of court, than non-victims would be prepared to do. The corresponding results are 42.1% for victims, but only 31.4% for non-victims.

A meeting with the offender in order to reach a satisfactory agreement with him was, however, rejected by the majority, namely by 55.6% of victims, and even 65.9% of non-victims. The following reasons of rejection were cited most frequently:

1. Refusal in principle to such a solution (33,4/38.9%),
2. no interest in talking to or arguing with the offender (15.6/13.8%) and likewise
3. fear of meeting the offender again (12.9/17.7%).

It is noticeable that about one third of the respondents would have approved of a settlement out of court if it had ensured that no direct contact and no personal meeting with the offender would have taken place. About 55% of all expressly rejected this, too.

3.3.4 *Compensation within the System of Judicial Reactions*

The attitudes of the respondents towards penalties proves to be quite complex, especially in relation to compensation.

3.3.4.1 More than half of all the groups supported forms of reactions which are included within the contemporary penal system in response to the question as to what the **general reaction to the crime** should be. Admittedly, the figures were lower (76.4%) in the case of victims in comparison to non-victims (82.8% in relation to the variants 4, 5 and 6; see table 5).

Table 5: Appropriate General Reaction to the Crime*

	Victims	Former victims	Non-victims
1. None	3.8%	0.4%	0.7%
2. Private settlement	8.1%	8.8%	4.7%
3. Civil court proceedings	11.7%	16.7%	13.5%
4. Criminal and civil court proceedings	51.8%	44.1%	40.9%
5. Punishment in the first instance (restitution not so important)	9.1%	5.7%	13.2%
6. Therapy/treatment	15.2%	26.4%	28.7%

* Total sum more than 100% due to multiple entries.

A comparison of the variants 4 and 5 seems to be of special interest. It is striking that, although the present legal situation occupies top position in the answers as to the variant 4 (double proceedings at criminal and at civil court), only the victims agree to little more than 50 %, whereas the other groups remain far below this figure. The express wish for punishment (variant 5) only has minor importance; it is below 10 % in the victim group but the highest among the non-victims.

The victims on the one hand and on the other hand former victims and non-victims differ considerably in the extent to which they attach importance to therapy.

3.3.4.2 In relation to "discretionary dismissals" the following trends appear in outline: fewer than two percent of all respondents plead for a dismissal without further consequences. Furthermore there is a clear preference in general for community service (38.6% of victims and 36.8% of non-victims) and for compensation (51.7% of victims and 42.9% of non-victims) as conditions for dismissal. Both these answers were occasionally combined by respondents - although this had not originally been included

as a possible answer. A clear majority were in favour of greater influence of the victim upon both the general decision regarding the dismissal itself, and also the choice of concrete conditions attached to the dismissal. If compensation were to be ordered, three quarters of the non-victims, but only two thirds of the victims would agree to a dismissal of proceedings in his or her particular case. Only a minority would not accept any efforts whatsoever on the part of the offender towards making compensation (namely 13.1% of victims and 6.8% of non-victims).

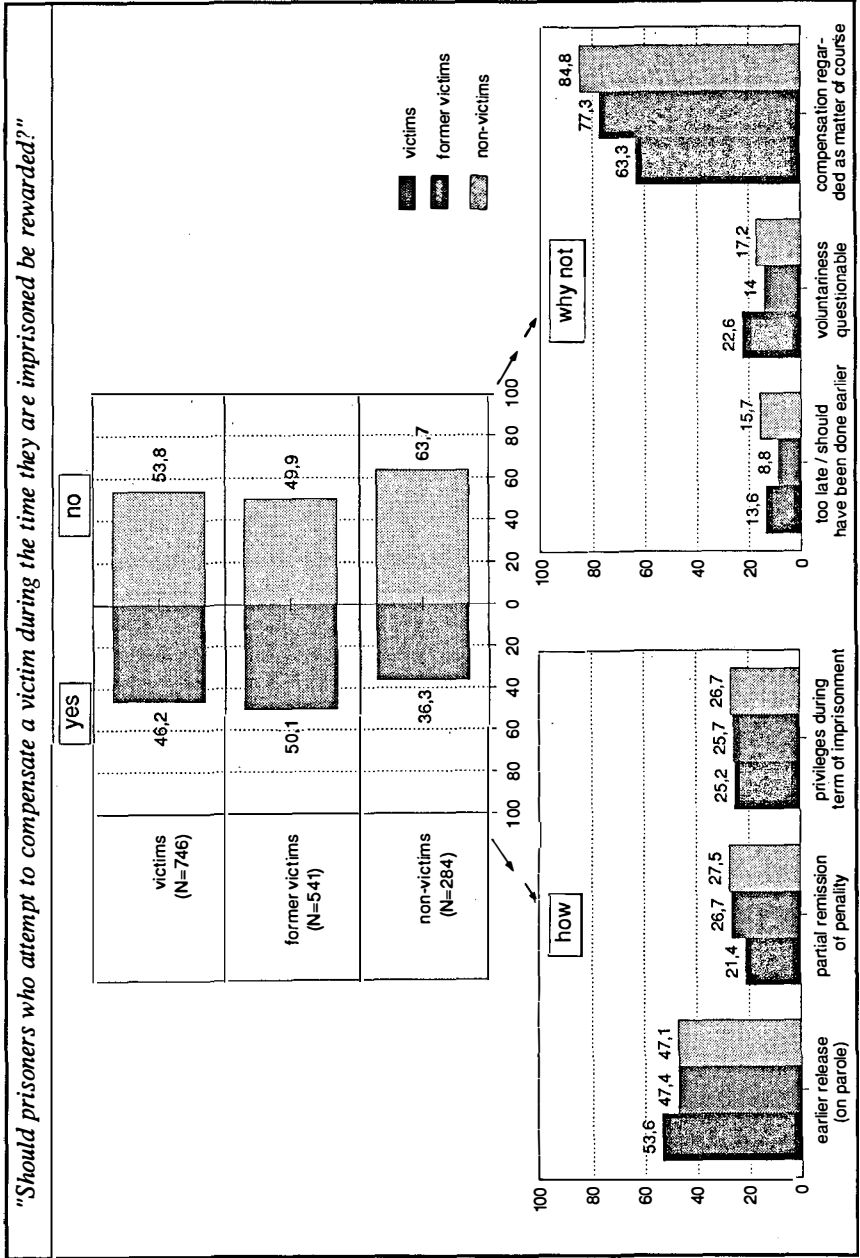
3.3.4.3 Compensation also occupies a particular place within the **area of formal penalties**. General attitudes towards penalties in relation to the spectrum of court reactions available at present, are shown in detail in table 6.

Table 6: Appropriate Formal Reactions

	Victims	Former victims	Non-victims
1. Acquittal	0.5%	0.2%	0.3%
2. Reprimand (with reservation of punishment/punishment provisal)	6.9%	6.2%	6.8%
3. Pecuniary penalty	15.6%	9.5%	13.2%
4. Community service	42.9%	45.8%	44.9%
5. Prison sentence with probation (combined with fine)	4.3%	3.1%	3.7%
6. Prison sentence with probation (combined with compensation)	18.7%	28.0%	25.3%
7. Prison sentence without probation	8.0%	4.9%	6.4%

Here again we find a noticeable tendency towards community service and compensation (as a condition for probation). These findings should be considered in the discussion of symbolic forms of "compensation" (in favour of the public in general) in cases of offences without individual victims.

Figure 4: Acceptance of Compensation when Offender is Imprisoned*



We have added a further question exceeding the present legal situation: whether compensation would also be welcomed as an independent form of penalty for instance according to the British compensation order. This would mean that its limited function, accompanying the imposition of other penalties within the present system of German law (as condition for probation), would be extended. In the form of an individual penalty of its own right, compensation would be welcomed by 72.7/75.0% i.e. three quarters of all respondents. Almost two thirds of all groups would favour possible efforts towards or achievements by the offender of compensating his/her victim, as being taken into account to be set against the pecuniary penalty. Likewise, all groups by more than 80% support the State abandoning, partly or at least at times, enforcement of some claims for pecuniary penalties, in favour of the victim being given priority to take action against the offender.

Apart from this, 54.6% of victims and 63.2% of non-victims suppose that compensation is viewed by the offender as having a penal character.

3.3.4.4 However, it seems unlikely that possible **victim-related treatment** during imprisonment will prevail. Fewer victims (33.8%) than non-victims (50.7%) clearly find that it still makes sense at this late stage to make efforts towards reaching a compensation settlement. This also applies within the framework of an official enforcement programme. A "reward" for prisoners - of which there were several variants suggested - who make attempts to compensate a victim for damage or losses suffered, is rejected by a majority of all respondents, whereas non-victims (with a figure of 63.7%) in contrast to victims (53.8%) are harsher in their rejection (see figure 4 above).

4. Concluding Remarks and Discussion

In our opinion a number of important conclusions can be drawn from the few data we have, and which we particularly wish to emphasize and put up for discussion. The thesis that the criminal justice system should and can be a **"service" the State provides for the victim**, appears to us to have been clearly confirmed. There is indeed widely spread discontent with present judicial practice in relation to the extent of the victim's exclusion from the system. The relatively high agreement to the abstract position of the system to displace the victim confirms this assumption. It would be wrong, however, as is further shown, to conclude that there is general rejection of the criminal justice system as such, as is the case by the advocates of the expropriation thesis. Our results clearly show that an abstract supportive function of the criminal justice system is approved of by a clear majority -

being the opposing position namely to the "reprivatization" approach resulting from the expropriation thesis. The research shows most of all that our service approach in so far as it relates to corresponding concrete legal consequences arising from the theoretical approach, is met with a large degree of approval, whereas the practical consequences arising as a result of the expropriation theory, are clearly rejected.

This does not, however, mean that extrajudicial mediation programmes would not be justified within a particular framework. Yet, it must be noted that - according to our assumptions - direct contact with the offender, is not desired by the victims. This suggests that the personal reconciliation component often emphasized and attached to the definition of a "conflict" in the discussion of terms like "conflict settlement" etc., scarcely has any role to play in relation to the victim affected. This presumption is confirmed by additional findings that the reconciliation viewpoint is relatively unimportant if we consider the reasons which in the opinion of respondents, have led to a fundamental consent to compensation. There is, however, a relatively high degree of openmindedness towards informal regulation of conflicts but with the important restriction that no personal contact takes place with the offender. The reasons for rejection which were cited most often, show that the majority of injured parties wish some form of judicial reaction. We can assume that there is great potential for regulation of conflicts at an **informal management level**. Our entire results in relation to dismissals confirm the findings of *Vaß* (1989, p. 42) that the expectations of the majority of victims are compatible with more diverse measures. Admittedly, there is a great need for provisions which do greater justice to the victims' interests. According to our results, this need for rules is predominant in two areas: On the one hand, the victim, like the other parties participating in the proceedings, should have to agree to the dismissal (of the proceedings). On the other hand, victims wish to have greater influence upon the choice of conditions imposed on dismissal. By introducing a general obligation for victim's agreement as a condition for dismissal, it could be possible to save a lot of time and effort involved in the setting up of new forms of mediation or similar procedures. Such an obligation for agreement would increase the victims' general acceptance of "discretionary dismissal". In addition, compensation as a condition for dismissal, for which there already exists positive legal provision in the Criminal Procedural Act (§ 153a StPO), could thus be attached more importance than it has been until now, purely by reason of the shifting of power to the victim which arises through his/her greater participation.

Finally, we would like to make a brief reference to **compensation** as such. As already shown according to the attitudes of the respondents, it has great

potential as a criminal sanction. It is felt to be more closely related to the crime and its victim, than the respective and somehow anonymous pecuniary or prison penalties.

Furthermore, we can conclude from the results, that compensation is quite consciously attributed a formal penalty character. This is confirmed by our results concerning punitiveness as all the different forms of compensation showed a high rate of acceptance. Victims do not seem to be exclusively interested in financial restitution for their damages or losses (in its traditional civil law meaning), either. Otherwise they would also be in favour of efforts on the part of the offender to provide compensation even at the late stage of his being imprisoned. However this is - as has been shown - not the case.

Nevertheless the attitudes of victims seem to be more conciliatory than those of the non-victims, as is shown by the striking differences when answering the questions concerning victim-related treatment. Especially the remarkable lower rate of rejection of rewards for prisoners who try to compensate their victims as well as the corresponding higher rate of acceptance of an earlier release on parole in such cases should be pointed out. In fact the attitudes seem to embrace ideas of "autonomous, moral achievement", a definition which is often attributed to compensation in theory.

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Victim Expectations, Diversion, and Informal Settlement: Results of a Victim Survey*

Michael Voss

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* Translation by *Reinhard Kreisl*.

1. Introduction

This article presents data and preliminary results from a victim survey conducted at Bielefeld University. The study is part of a larger research program, centered around problems of implementation and impacts of diversion programs. The objective of the Bielefeld diversion program is to achieve higher rates of dismissals in the range of misdemeanours and minor offences under the German juvenile penal code. To arrive at a higher rate of dismissals the particular program under investigation does not draw on educational measures as an alternative to criminal sanctions, as diversion programs frequently do. It is rather assumed that the preliminary investigations at the police level do have a sanctioning effect on the juvenile offender and the police gather information on educational measures provided in the immediate social context of the juvenile suspects. Those informations are systematically recorded and reported to the public prosecutor's office. If the informal sanctions appear to constitute an appropriate sanction, the public prosecutor will dismiss the case. Only in cases of more severe offences a mediating session with the victim is required to make the juvenile eligible for the diversion program.

The central research question is to find out whether the motives and expectations of victims are compatible with this strategy of dismissal, which is based on informal and thus less stigmatizing forms of sanctioning. Furthermore we want to find out, if and under which conditions victims are willing to participate in an informal settlement after having reported their damage to the police.

2. State of Research

Very little is known about the attitude of crime victims towards diversion programs, particularly in those cases where an active participation of the victim is required. Though much research has been conducted on victims, primarily in the Anglo-American countries, this research has focussed on causes and conditions of victimization, on victims' motivations for reporting crimes, fear of crime or attitudes towards punishment (see *Ennis* 1967). *Hudson* and *Galaway* (1980) also investigated the impact of mediation

programs. Only few studies have dealt with the causal basis of victims' attitudes towards informal strategies of dismissal in the criminal justice system (see *Knudten & Knudten 1978*).

To develop research hypotheses we can draw on results from research on the motivations for reporting a crime to the police, and victims' expectations and interests with regard to the proper handling of their cases. Of particular interest are the following findings:

- a) In most cases victims report a crime to receive either compensation for their damage or immediate help from the police or because they consider it their duty as citizens to report crimes to the authorities. Expectations with regard to punishment of offenders do play a minor role (see *Smith & Maness 1976*, p. 83; *Hanak 1982a*, pp. 125; 1984, pp. 175; *Rosellen 1983*, p. 811).
- b) From social theory we learn, that the options for informal conflict solutions are limited in modern industrialized societies (see *v. Trotha 1983*). Nevertheless it could be demonstrated through empirical investigation, that modern societies display blurring boundaries between formal and informal conflict solutions and that new opportunities for extra-institutional ways of handling conflicts do emerge in the new alternative sub-cultures (see *Baumgartner 1984*, pp. 82; *Scheerer 1984*, pp. 104; *Hanak, Stehr & Steinert 1989*). Representative surveys have demonstrated a high level of support in the general public for strategies of compensation and victim-offender mediation as means of handling crimes (see *Sessar 1985*, p. 1155).

3. Theoretical Assumptions and Research Hypotheses

Our **first objective** are the motivations and expectations of victims reporting a crime. Social events like damages and conflicts do not display an inherent quality of "criminalness". This social meaning is the result of an act of assigning definite meaning to them. Interpretations of events, that are experienced as conflicts by the participants, and the accordingly developed expectations with regard to the future processing of these events in the criminal justice system are most probably based on actors' background expectations about the criminal justice system.

Taking sociology of law as a starting point and assuming that the main controlling effect of criminal justice is based on its symbolic functions, by creating cognitive schemata and distributing them in a general public (see

Durkheim 1977, pp. 149) we can generate a hypothesis about the bootstrapping of expectations about punishment through the criminal justice system: The stronger the victim will receive the symbolic messages of the criminal justice system on the meaning and severity of crime, the more serious the crime problem will be perceived and thus s/he will choose the option of punishment in case of victimization. Instrumental interests like compensation will not be considered relevant.

Our second objective is the willingness of victims to participate in informal conflict resolutions after having reported the crime and thus having voted for a formal handling, involving a third party. The research hypothesis here is based on two competing positions in the sociology of law in industrialized societies. One position (based on theories of social systems) uses the notion of interactional "relief" by law. The other position starts from the idea of conflicts as properties and the notion of "expropriation" of conflicts (see e.g. *v. Trotha* 1983 vs. *Christie* 1986). The relief position, arguing in the tradition of *Max Weber* and *Durkheim*, assumes a directed evolutionary development from informal to formalized law. Positive law not only takes away immediate stress from conflict participants, furthermore it triggers by introducing an impartial third party in the conflict a more even distribution of power in society. Complex social relations in a differentiated society, based on the division of labour, require a non-personal, non-particularistic form of processing deviance.

The expropriation approach on the other hand claims, that, as we can learn from ethnological studies, most societies offer formal and informal conflict solutions as complementary alternatives. It depends on the type of conflict (e.g. rolocentered vs. diffuse, short vs. long-term social relations) which option is considered appropriate. The use of formal criminal law appears to be an exceptionally rare case, compared to informal strategies. For informal strategies to function, a series of conditions have to be met: a high degree of mutual acquaintance among the participants of the conflict, they should be socially dependent on each other within a given community, sharing an ideological frame of mutual respect. Against the critics from the "relief position", who point to the decline of such communitarian life styles in modern industrialized societies (see e.g. *Felstiner* 1984, pp.86) the "expropriationists" claim that a trend towards gemeinschafts-type of social fabric is observable in western postindustrial societies (see e.g. *Hanak* 1980, p. 43, *Scheerer* 1984, pp. 106).

Our basic hypothesis for the second research objective thus can be put as follows: Crime victims socially located in a communitarian gemeinschafts-context will have experienced informal solutions of conflicts. These subjects will share a political ideology based on social responsibility ('post-

materialism') that supports a cooperative attitude to participate in informal conflict solutions. We have to qualify this hypothesis in one specific regard (see *Emerson* 1981). One could expect a willingness to participate in informal conflict solution when both actors have an intimate social relation. Following *Emerson*, we assume that the willingness to participate in informal solutions declines with the intimacy of the social relation. In most cases informal strategies are exhausted before a victim reports a crime to the police. As *Emerson* has pointed out, police and criminal justice are "last resorts" of conflict solution, that come into play, when all other resources seem to be exhausted (see *Emerson* 1981, p. 6). Hence we develop a **supplementary hypothesis**: For crimes, following a prior personal conflict between offender and victim, the rate of agreement to participate in an informal solution will be significantly lower, compared to cases with no prior history between the actors.

4. Data Collection

We asked virtually all individual victims of juvenile offenders (i.e. the age bracket from 14 to 20 years) who had reported their case to the police and were registered in the Bielefeld city district between October 1986 and August 1987 to participate in an interview. Interviews also were conducted with representatives from institutional victims (like department stores, municipal transit authority). The results of these interviews are not mentioned in this paper. Due to data-protection regulations, the mailing addresses of our subjects could not be made available from police records without prior consent. The subjects to be interviewed hence received a written request to participate in our interview along with a letter from the chief of police, recommending their cooperation. The subjects could use a reply card, to express their consent to participate in the study.

Since the institutional victims, constituting a major part of reported crimes, were asked in a summary fashion, we decided to include all of the remaining individual victims in our sample. The crimes reported comprised theft (sec. 242, 243 Penal Code) assault (sec. 223, 223a), property damage (sec. 303). These constitute the offences eligible for diversion in the Bielefeld court district. We also included non-divertable offences such as fraud (sec. 263) or robbery (sec. 249, 250, 252, 253, 255). Shop owners and business managers of small companies were defined as individual victims in our survey, if the offender could be named individually by them. Our sample comprises a partial totality of the victimized population. We received

a reply by 40 % of the total number and conducted 265 interviews with individual victims. 72.5 % were victims of property crimes, 27.5 % of violent crimes.

We tested the representativity of the interviewed subjects with regard to our initial sample in different respects (for the victims: damage in private or business context, age, gender, nationality, rural or urban location; for the offenders: type of offence, age, gender, nationality). The data for the total population were derived from police files. Tests for representativity showed little deviation from the total population for two (victim's status, age) out of six variables tested. The deviation though displayed the same tendency that was found for the total population. No significant distortions were found for the other variables. The population investigated can be classified as representative.

Interviews with individual victims were conducted using a half-standardized questionnaire, based on available tested instruments (e.g. for attitudes towards juvenile delinquency, see *Nowack & Abele 1975*; for post-materialistic value orientations, see *Inglehart 1979*). Other scales, for patterns of conflict solution, moral consciousness, subjective assessment of severity of crimes compared to other problems of daily life, had to be constructed.

5. Descriptive Statistical Results

5.1 Motivation for Reporting Crimes, Attitudes towards Diversion

We firstly used open-ended questions to investigate the motivations of victims to report crimes. According to the dimensional analysis of the answers received, 45 % (108) of the subjects report an interest in compensation of damage, 31 % (74) claim they contacted the police for help and considered it their duty to report the incidents. Only 24 % (56) voiced an interest in punishment of the offender. Subjects then were exposed to a comprehensive list of reasons for reporting crimes, derived from other studies. Table 1 contains the distribution of answers for 18 of the listed motives. Note that no selection was required, each item had to be assessed individually.

Table 1: Assessment of Motives for Reporting to the Police

Reasons for reporting to the police		Very important	
		N	%
1.	Help in an emergency situation	84	31.7
2.	Documentation of damage for compensation by private insurance	141	53.2
3.	Punishment of offender	177	68.3
4.	Identification of offender for compensation of damage	181	68.3
5.	Protection of community from further crime		
6.	Public exposure of criminals (offender)	60	22.6
7.	Filing a report is appropriate standard reaction	133	50.2
8.	Offender should be exposed to "preventive shock"	86	32.5
9.	Offender should be locked away	90	34.0
10.	Validity of norms has to be demonstrated	217	81.9
11.	Negative emotions towards offender	62	23.4
12.	Preventive effects for others	131	49.4
13.	Maintaining order and safety	164	61.9
14.	Finding out who committed the offence	84	31.7
15.	Get advice from police	60	22.6
16.	Enforce one's own legal rights	156	58.9
17.	Citizen's duty to report	127	47.9
18.	Support for the offender	89	33.6

The items listed can be classified in five dimensions: request for help from the police, regulation of damage, punishment of offender, report to the police as duty or habit, understanding and support for the offender. After the subjects had assessed all of the items, they were requested to select and rank the three most important ones. Table 2 shows the results grouped together in the five dimensions mentioned above.

Table 2: Selection of Reasons for Reporting to the Police, first, second and third Rank

Reasons for reporting to the police	First rank		Second rank		Third rank	
	N	%	N	%	N	%
Help from police	34	12.8	24	9.1	20	7.5
Regulation of damage	111	41.9	60	22.6	29	10.9
Punishment of offender	39	14.7	45	17.0	29	10.9
Duty to report	44	16.6	93	35.1	120	45.3
Support for offender	22	8.3	24	9.1	32	12.1
Undecided	15	5.7	19	7.2	35	13.2

Compensation of damage is the predominant motive (41.9 %), ranked with highest priority, followed by the motive of citizens duty calling the police. Only 14.7 % of the victims report a crime because they want the offender punished. Request for help from the police as well as support for the offender seems not to be an important issue.

Looking at the distribution of motivation on second and third ranks we find a surprising frequency of social conventions and citizens duty as motives, whereas punishment is not important here again.

Table 3 shows how the different motivations were combined by the victims.

Comparing the primary motivations with second and third rank selections we find that 23.5 % of the subjects, interested in help and support from the police, 21.6 % of those motivated by compensation and 4.5 % of the victims, who consider reporting a crime their civilian duty combine their primary motivation with the desire to see the offender punished. 73 victims (27.5 %) rank punishment in the first or in the second place. Looking at the distribution in all three ranks we can say, that a total of 35.5 % (94) of the victims interviewed display an interest in punishment in the broadest sense (first, second or third rank).

Table 3: Combination of Reasons for Reporting to the Police

If the first rank motive is:			... the second and third rank motives are					
N	%		Help from police	Reg. of damage	Punishment	Duty to report	Support for offender	
			%	%	%	%	%	
Help from police	34	12.8	Rank 2	2.9	20.6	23.5	32.4	17.6
			Rank 3	8.8	8.8	8.8	50.0	11.8
Regulation of damage	111	41.9	Rank 2	6.3	28.8	21.6	35.1	5.4
			Rank 3	6.3	12.6	10.8	50.5	9.0
Punishment of offender	39	14.7	Rank 2	5.1	25.6	28.2	33.3	7.7
			Rank 3	10.3	10.3	10.3	59.0	7.7
Duty to report	44	16.6	Rank 2	18.2	20.5	4.5	45.5	11.4
			Rank 3	9.1	9.1	15.9	31.8	27.3
Support for offender	22	8.3	Rank 2	27.3	9.1	.	45.5	18.2
			Rank 3	9.1	18.2	13.6	45.5	13.6

Another important factor for victims' attitudes towards diversion is the choice of an appropriate sanction for their individual case. 15.1 % (40) choose victim-offender mediation and compensation of damage. Another 50.2 % (133) of the subjects recommend other diversion measures (community service, supervision order, reprimand). 21.9 % (58) vote for traditional severe criminal sanctions (3 weeks youth custody, 6 or 12 months youth imprisonment). 7.5 % (20) vote for lower sanctions (fine, weekend custody). Asked whether measures taken at the level of the prosecutor's office would be sufficient or whether a formal court hearing would be required, 60.8 % (161) of the interviewed subjects voted for an informal procedure at the prosecutor's office.

Testing the relations between the motivation for reporting a crime and the choice of sanctions we get the following:

Table 4: Relation between Reasons for Reporting to the Police and the Choice of Sanctions

If the motive is:	... the choice of sanction is:							
	Mediation/ restitution		Other forms of diversion		Fine/ custody		Youth imprison- ment	
	N	%	N	%	N	%	N	%
Help from police	1	3.3	15	50.0	4	13.3	10	33.3
Regulation of damage	21	19.4	65	60.2	6	5.6	16	14.8
Punishment of offender	5	13.9	7	19.4	4	11.1	20	55.6
Duty to report	5	11.6	24	55.8	6	14.0	8	18.6
Support for offender	7	31.8	14	63.6	./.	./.	1	4.5

More than half of the victims, interested in punishment, choose some form of imprisonment as appropriate sanction. Almost all of those, who justify their reporting a crime in an rehabilitative context, choose a diversion type of sanction. If compensation provides the primary motivation, 79.6 % of the subjects would choose diversion as the appropriate sanction. 67.4 % of the victims driven by their duty would vote for diversion, and 53.3 % of those who expect some sort of crisis-intervention from the police would accept diversion as adequate reaction. Comparing motivations with the choices between reaction at the prosecutor's level vs. formal hearing yields similar associations. The majority of victims with a non-punitive orientation (between 64 % and 95 %) would vote for dismissal at an early stage, whereas the more punitive oriented in most cases (73 %) insist on a formal hearing.

A preliminary result can be summarized as follows. Approximately 75 % of the individual victims display motivations, attitudes and expectations compatible with diversion. The others show an interest in a formal hearing, and display expectations with regard to punishment with a rather repressive understanding of criminal sanctioning.

5.2 Willingness to Participate in Informal Conflict Settlement

A representative survey conducted in the city of Hamburg revealed that 70 % of the subjects interviewed had a positive attitude towards mediation

measures in the criminal justice system (see *Sessar et al.* 1986, p. 93). This finding provides the feasibility of victim-offender mediation measures as a public policy (see e.g. *Kuhn & Rössner* 1987, p. 267, footnote 7). Our study operated with a different design. We did not ask for abstract attitudes but based our interviews on real experiences of victimization. The interviews were conducted at a stage of the criminal proceedings where the option for mediation was a realistic alternative for the victims. Informed about the objective and rationale of the Bielefeld victim-offender mediation 55 % (147) of our subjects agreed to participate in such a program, while 43 % refused to participate. The willingness to participate went down to 34 % (91) when the subjects were asked to arrange a definite date for meeting the offenders in the office of the local youth authority. This decline of positive responses though should not be overexaggerated, since very little time was available during the interview to fix a definite date for a mediation session. Nonetheless the ratio of positive responses is lower than in the overall population.

6. Measures of Association

6.1 Conditions for Reporting to the Police

Before discussing our above mentioned hypotheses we should briefly point to the impact the **type of offence** has for the victims' motivation to involve the police. The agreement among the police and the public prosecutor contains a definite limitation for eligibility to diversion in this regard. Victims do react differently here, depending on the type of offence they suffered. Their reaction though shows a pattern that is different from the authorities' classification of divertable offences (e.g. theft and bodily injury, which are eligible for diversion vs. robbery and fraud, which are not). No significant association could be found here. Victims display different motivations to report to the police depending on whether they had been involved in a property-related or a violent crime.

The following table, as all the other tables presenting results from bivariate data analysis represents victims' motivations using the rank scale variables described above.

Table 5: Relation between Motives for Reporting to the Police (first Rank) and Type of Offence

Reasons for reporting to the police:	Type of offence			
	Property crimes		Violent crimes	
	N	%	N	%
Help from police	16	8.8	18	26.1
Regulation of damage	105	58.0	6	8.7
Punishment of offender	20	11.0	19	27.5
Duty to report	25	13.8	19	27.5
Support for offender	15	8.3	7	10.1
ϵ	181	72.4	69	27.6

$$\chi^2 = 52.53606; \alpha < .001; \text{Cramer's } V = .46.$$

Victims exposed to violent crimes emphasize motivationally an interest in personal protection and punishment. The experience of violence supports the idea of a mandatory contact with the police. Reports to the police in cases of property-related crimes on the other hand seem to be more strongly motivated by an interest in compensation of damage. This is also reflected in the choices of adequate sanctions. While only 20.4 % of the victims involved in property-related crimes vote for severe traditional sanctions, 42 % of the victims of violent crimes choose this option.

Using an index for subjective perception of severity of crimes reveals a clear relation between perceived severity and motivation for reports to the police. The different categories of crimes (i.e. property vs. violence) account for different assessments of severity among the victims (Cramer's $V = .26$; $p = .0016$). The variables however do not represent the same theoretical dimension. Among the victims of property crimes we still find one third who feel disturbed or extremely disturbed by the offence (the ratio for victims of violent crimes is 50 %).

Since we are interested in the motivations responsible for the desire to see offenders punished, the variables capturing the motivations are dichotomized in the subsequent tables: interest in punishment vs. other motives for reporting to the police. In the tables below we make a distinction between two groups: those who have a narrow interest in punishment (i.e.

those who rank punishment of the offender as the primary motivation) and those who display a more extended view (i.e. rating punishment as a motive in the first, second or third position).

Table 6: Relation between Reasons for Reporting to the Police (Interest in Punishment: All Ranks considered) and Assessment of the Severity of Crime by the Victims

Reasons for reporting to the police:	Assessment of the severity of crime									
	Low		---I---		---I---		---I---		---I---	
	N	%	N	%	N	%	N	%	N	%
Non-punitive	43	84.3	37	74.0	28	54.9	28	59.6	20	39.2
Punitive	8	15.7	13	26.0	23	45.1	19	40.4	31	60.8
ε	51	20.4	50	20.0	51	20.4	47	18.8	51	20.4

$$\chi^2 = 26.37172; \alpha < .001; \text{Cramer's } V = .32.$$

Subjects feeling disturbed by the criminal act tend to have a more punitive motivation than those who reacted in a more relaxed fashion. Victims who claim that they are still reflecting about the offender, which creates an unpleasant feeling, display an explicit punitive attitude:

Table 7: Relation between Reasons for Reporting to the Police (Interest in Punishment: All Ranks considered) and emotional Involvement

Reasons for reporting to the police:	Emotional disturbance					
	None		Disturbance		High disturbance	
	N	%	N	%	N	%
Non-punitive	89	75.4	42	53.2	17	39.5
Punitive	29	24.6	37	46.8	26	60.5
ε	118	49.2	79	32.9	43	17.9

$$\chi^2 = 20.77295; \alpha < .0000; \text{Cramer's } V = .29.$$

Again victims of violent crimes feel more disturbed by their experience (65.7 %) than those who were suffering only material damage (46.5 %).

We will now discuss the hypothesis of bootstrapping expectations about punishment through the criminal justice system. This hypothesis captures the relation between the attitude of taking the crime problem serious, the personal assessment of relevance crime receives compared to other problems of daily life and the motivations triggering a report to the police in case of criminalizable damages.

We find a significant though weak association of the predicted kind between the reception of media reports on crime and the motivational variable for reporting crimes:

Table 8: Relation between Reasons for Reporting to the Police (Interest in Punishment, first Rank) and the Reception of Media Reports on Crime by the Victims

Reasons for reporting to the police:	Reception of media reports on crime			
	Low		High	
	N	%	N	%
Non-punitive	106	89.8	105	79.5
Punitive	12	10.2	27	20.5
ϵ	118	47.2	132	52.8

$$\chi^2 = 4.25498; \alpha < .04; \text{phi} = .14.$$

An intense reception of the media coverage is supportive for punitive motivations when informing the police, but has no determining impact. The majority of subjects following the media coverage on crime related issues report non-punitive motivations. Also the group of those who are interested in punishing the offender in an extended sense (considering all ranks) follow the media coverage though we find no significant association here.

At the level of attitudes we had assumed a relation between victims' opinion about juvenile delinquency and motivations for reporting crimes. Victims agreeing to statements that portray juvenile delinquency as an indicator for a general decline of social order display an increased tendency towards punitive motivations. This association though is rather weak:

Table 9: Relation between Reasons for Reporting to the Police (Interest in Punishment, first Rank) and Victims' Opinion about Juvenile Delinquency

Reasons for reporting to the police:	Opinion: Juvenile delinquency is a problem of social order			
	Low Consent		High Consent	
	N	%	N	%
Non-punitive	134	88.7	77	77.8
Punitive	17	11.3	22	22.2
ϵ	151	60.4	99	39.6

$$\chi^2 = 4.65835; \alpha < .03; \text{phi} = .15.$$

Calculating the associations shown in tables 8 and 9 for the subgroups of property and violence victims, reveals significant associations only for the property victims. The interpretation of crime as a serious social problem apparently triggers an interest in punishment in those cases where the offence in itself causes only a minor desire for retaliation.

Opinions about police functions can serve as an indicator for the relevance victimized subjects assign to the crime problem in their daily lives. We exposed our subjects to statements about police functions, representing fighting against crime and community service models respectively. Subjects who see crime fighting as the major police task seem to have a higher awareness of the crime problem.

Table 10: Relation between Reasons for Reporting to the Police (Interest in Punishment: All Ranks considered) and Opinions about Police Functions

Reasons for reporting to the police:	Opinion about police function							
	Only community service		Mainly community service		Mainly crime fighting		Only crime fighting	
	N	%	N	%	N	%	N	%
Non-punitive	22	78.6	83	68.0	43	50.6	8	53.3
Punitive	6	21.4	39	32.0	42	49.4	7	46.7
ϵ	28	11.2	122	48.8	85	34.0	15	6.0

$$\chi^2 = 10.35076; \alpha = .01; \text{Cramer's } V = .20.$$

Strong interest in punishment is found among those victims who perceive the police as a crime fighting agency. Differentiating among different types of offences reveals a significant association only for the victims of violent crimes.

We can conclude that a strong exposure to public images of crime as a social problem in the media induces primarily among victims of property-related crimes an increased expectation regarding the punishment of offenders. For the victims of violent crimes the strong interest in punishment, created through the particular offences is mirrored in their interpretation of the police, who are seen as a crime-fighting agency. Non-punitive motivations though are dominant also in the group of those victims who display an increased awareness of the crime problem.

No associations with the variable for motivations to report crimes, dichotomized along different interests in punishment could be found for nationality, self-assessment of social status and education of victims. Only victims' age shows a significant association with motivation to punish, with the victims in the lowest age bracket (14 to 24 years) displaying an increased interest in punishment (26.6 % compared to 9.7 % of those over the age of 45 years).

6.2 Conditions for Cooperation in Informal Conflict Settlement

First we will investigate the impact of **type of offence** on victims' willingness to participate in a victim-offender-mediation. Again we find that cooperativeness is dependent upon the type of offence. Differences can be analyzed between victims of property and violent crimes.

Table 11: Relation between Victims' Willingness to Participate in Mediation and Type of Offence

Willingness to participate in mediation	Type of offence			
	Property crimes		Violent crimes	
	N	%	N	%
Willing to participate	119	62.4	28	38.9
Not willing to participate	71	37.4	44	61.1
ϵ	190	72.5	72	27.5

$$\chi^2 = 11.00712; \alpha < .001; \text{phi} = .21.$$

Similar associations can be found between the willingness to cooperate in a victim-offender mediation and the indicators for the assessment of subjectively perceived severity of the victimization or - as is demonstrated in table 12 - the emotional disturbance on the side of the victim.

Table 12: Relation between Victims' Willingness to participate in Mediation and the emotional Disturbance of the Victim

Willingness to participate in mediation	Emotional disturbance of victim					
	No disturbance		Disturbance		High disturbance	
	N	%	N	%	N	%
Willing to participate	71	58.2	58	67.4	11	25.0
Not willing to participate	51	41.8	28	32.6	33	75.0
ϵ	122	48.4	86	34.1	44	17.5

$\chi^2 = 21.90310$; $\alpha < .001$; Cramer's V = .29.

In our **general hypothesis** we assumed a relation between a *gemeinschaft*-type of social integration, the experiences with self-regulation of conflicts, post-materialistic attitudes and victims' willingness to participate in informal conflict settlement.

Using the variables measuring the type of social network the victims were part of, we created indicators to distinguish between a leisure oriented type of network and a type of network comprised of stable intimate relations. Table 13 shows the impact of intimate social relations on the willingness to participate in informal conflict settlement.

Table 13: Relation between Victims' Willingness to participate in Mediation and Type of social Integration

Willingness to participate in mediation	Intensive social relations			
	Few		Many	
	N	%	N	%
Willing to participate	98	53.0	44	72.1
Not willing to participate	87	47.0	17	27.9
ϵ	185	75.2	61	24.8

$\chi^2 = 6.13686$; $\alpha = .01$; phi = .17.

A higher density of social relations goes together with an increased openness to participate in a victim-offender mediation even at a later stage of the formal procedure, after a formal report has been filed. This association is particularly strong for the group who was victimized by a violent crime ($\phi = .29$). A strong social network in these cases can counter the negative attitude, caused by the offence, towards informal solutions.

To learn about victims orientations regarding self-regulation of conflicts as opposed to strategies involving the criminal justice system we exposed our subjects to short narratives of daily conflicts. The options they could choose from to solve these conflicts were grouped into three categories: avoidance, institution-based solution, and self-regulation. In the index constructed from these categories we group avoidance and institution-based solutions together and contrast them with self-regulation.

Table 14: Relation between Victims' Willingness to participate in Mediation and Experience in daily Conflict Settlement

Willingness to participate in mediation	Index: Experience in daily conflict settlement							
	Inst. based reg.		---I---		---I---		Self-regulation	
	N	%	N	%	N	%	N	%
Willing to participate	12	41.4	34	54.8	60	67.4	41	50.0
Not willing to participate	17	58.1	28	45.2	29	32.6	41	50.0
ϵ	29	11.1	62	23.7	89	34.0	82	31.3

$$\chi^2 = 8.45824; \alpha = .04; \text{Cramer's } V = .18.$$

The association measure between type of conflict solution and willingness to participate in a victim-offender mediation shows a significant though weak association as predicted in our basic general hypothesis. Subjects favouring self-regulation in everyday conflict, are willing to choose informal solutions, when exposed to criminal offences.

At the level of attitudes we created a four-step index using variables from Inglehart's materialism/post-materialism scale. This scale distinguishes between a "materialistic" orientation, defined by political goals located in the area of economic wealth, and a "post-materialistic" orientation, defining the

objective of politics through the democratization of society. These two different political attitudes correlate highly with the openness towards informal conflict solution.

Table 15: Relation between Victims' Willingness to participate in Mediation and political Orientation

Willingness to participate in mediation	Index: materialistic/post-materialistic orientation							
	Materialistic		Tending to mater.		Tending to postm.		Post-material.	
	N	%	N	%	N	%	N	%
Willing to participate	2	15.4	35	48.6	56	57.7	46	68.7
Not willing to participate	11	84.6	37	51.4	41	42.3	21	31.3
ϵ	13	5.2	72	28.9	97	39.0	67	26.9

$\chi^2 = 14.75693$; $\alpha = .002$; Cramer's V = .24.

The majority of victims with a post-materialistic orientation vote for a victim-offender mediation - independent of the type of crime they were involved in, whereas only a small fraction of the "materialistic" victims is accepting an extra-legal approach. Looking at the attitudes towards juvenile delinquency and the differences between a dramatizing and a more relaxed interpretation one finds a significant relation as well.

Table 16: Relation between Victims' Willingness to participate in Mediation and their Opinion about juvenile Delinquency

Willingness to participate in mediation	Opinion: Juvenile delinquency is a problem of social order							
	Low consent		---I---		---I---		High consent	
	N	%	N	%	N	%	N	%
Willing to participate	69	71.1	34	56.7	17	47.2	27	39.1
Not willing to participate	28	28.9	26	43.3	19	52.8	42	60.9
ϵ	97	37.0	60	22.9	36	13.7	69	26.3

$\chi^2 = 18.13061$; $\alpha < .001$; Cramer's V = .26.

Those victims who display a non-dramatizing attitude towards juvenile delinquency in most cases are willing to participate in victim-offender mediation, whereas only 39.1 % of those who dramatize the problem would participate. This finding is significant for both groups of offences.

Person-related variables, showing no significant influence on the willingness to participate are: education, self-assessment of social status, occupational position, and gender. The victims' age on the other hand is important. While most of the subjects under the age of 25 and over the age of 45 years, constituting 53 % of our sample were not accepting the idea of victim-offender mediation (under 25: 54.7 %; over 45: 52.5 %), the victims in the age brackets from 25 to 34 (58.6 %) and 35 to 45 years (75.8 %) in their majority voted for a mediation session. Being exposed to a non-german offender decreases the rate of acceptance for an informal regulation.

We now will test the above mentioned **supplementary hypothesis** which claims that a prior personal relation between victim and offender has a negative effect on the willingness to participate in informal conflict solution. One third of our subjects (89) was acquainted with the offenders prior to the conflict event. In a majority of these cases the personal relation between victim and offender had existed continuously for a long time. In 37 % (33) of the cases these personal relations had a conflictual character involving prior personal or even criminalizable conflicts. Personal acquaintance and openness towards informal conflict solutions correlate in the predicted direction:

Table 17: Relation between Victims' Willingness to participate in Mediation and personal Relation between Victim and Offender prior to the Offence

Willingness to participate in mediation	Personal relation between victim and offender			
	Yes		No	
	N	%	N	%
Willing to participate	36	41.9	111	63.1
Not willing to participate	50	58.1	65	36.9
ϵ	86	32.8	176	67.2

$$\chi^2 = 9.70721; \alpha = .002; \text{phi} = .20.$$

Victims confronted with an offender without prior acquaintance accepted a victim-offender mediation in the majority of the cases investigated. Being

victimised by an acquainted offender, decreases the rate of acceptance. For cases, involving a history of prior conflict with the offender this rate is decreased even further (72.4 %). A similar association can be found when victims assume they were selected by the offender at purpose:

Table 18: Relation between Victims' Willingness to participate in Mediation and Selection of Victim by Offender

Willingness to participate in mediation	Selection of victim by offender			
	By purpose		Accidentally	
	N	%	N	%
Willing to participate	34	41.5	110	63.6
Not willing to participate	48	58.5	63	36.4
ϵ	82	32.2	173	67.8

$$\chi^2 = 10.19230; \alpha = .001; \text{phi} = .21.$$

An increased emotional involvement also has a negative effect on the acceptance of informal strategies:

Table 19: Relation between Victims' Willingness to participate in Mediation and emotional Involvement

Willingness to participate in mediation	Emotional disturbance					
	None		Disturbance		High disturbance	
	N	%	N	%	N	%
Willing to participate	11	25.0	71	58.2	58	67.4
Not willing to participate	33	75.0	51	41.8	28	32.6
ϵ	44	17.5	122	48.4	86	34.1

$$\chi^2 = 21.90310; \alpha < .001; \text{Cramer's } V = .29.$$

Since violent conflicts tend to happen in longstanding social relations, a relation between the variables "type of offence" and "prior contacts with the offender" can be assumed. A significant lower proportion of victims involved in property-related crimes shows a prior history with the offender

(29.2 %; for violent crimes: 45.2 %). Though victims of physical violence and victims of theft **without** prior social relations display a similar rate of acceptance (55 %, 65 %), a prior personal history between victim and offender in a violent crime decreases this rate considerably (19 %). Personal history of victim and offender and severity of offence do interact. The more serious violent crimes tend to coincide with prior personal relations. The rejection of informal solutions in this particular population thus can be seen as a cumulative effect caused by serious damages in the context of personal relations and the experienced failures of prior attempts to solve the problems informally.

7. Discussion

Looking at victims' **motivations for reporting** a specific incident to the police, the results of our victim survey shows no significant conflict between these motivations and diversion at an early stage. Whether a case is handled formally or informally is of no particular relevance for the personal interests of most of the victims. Our findings reproduce at large the results of Hanak, who found a third of the victims being interested in sanctioning of the offenders (see *Hanak* 1986, p. 29). In an earlier study Hanak has pointed out that the desire to punish is subject to a cooling down over time (*Hanak* 1982b, p. 29). Our findings with regard to victims' motivations also conform with a study conducted by Sessar in Hamburg. Sessar found 20.4 % of victims interested in the punishment of the offender (*Sessar* 1986, p. 385).

With regard to victims' **cooperation in an informal regulation** of their conflicts we found out that approximately one half of the subjects interviewed are willing to choose an informal solution even after having reported the incidents to the police. Though refusing cooperation is not the same as voting for a formal strategy of handling a case, half of the un-cooperative victims voted for a formal hearing (53.2 %) and 20.9 % displayed punitive motivations ranked at first place. Only 23.2 % of those accepting a mediating session vote for a formal hearing and only 11.5 % voiced a desire to see the offender punished. Furthermore the analysis of subjects' social networks revealed the existence of a "gemeinschaft-context" of informal regulation among the participants of criminal events.

On the other hand it should be pointed out that an interest in informal strategies is primarily restricted to events which do not show a personal involvement or prior history between victims and offenders (for comparable results see *Frehsee* 1987, p. 172). In cases of personal conflicts even those subjects who seem to be highly cooperative in other cases tend to refuse an

informal solution of the conflicts and insist on formal strategies. This supports our assumption that the involvement of the police has to be interpreted as an attempt to definitely terminate a personal relation on the victims' side (see also *Rosellen* 1983, p. 809). One could assume here that a mediation session in some cases is refused since a solution in a family context appears to be more desirable than a meeting with a social worker at the local youth authority. As we tested the justifications for non-cooperation in our research, we would subscribe to the first mentioned assumption. Though we found evidence for the theoretical interpretation of "conflict-expropriation" (see above) which claims an association between a *gemeinschafts*-type of social integration and the propensity to solve conflicts autonomously, we are inclined to conclude that victims at least in the above mentioned conflict situations act according to the position that sees the recourse to formal legal measures primarily as strategy to gain "relief". The demand for this relief seems to begin precisely at the point where one would assume a crucial potential for an "expropriationist" interpretation, i.e. in situations with both participants sharing a *gemeinschafts*-type of social integration.

Against the background of an absent victim-offender-relation we find a higher willingness to participate in victim-offender mediation. This approach though tends to provide rather artificial solutions in those cases where participants do not know each other, do not share a prior history of relations and are involved in a secondary rather than a personal conflict. The notion of conflict is probably not even adequate in such situations, and a mediation session without prior history among participants tends to "simulate" a conflict rather than to solve it. Nevertheless victims' interests in immediate compensation of damage, clarification of offenders' motivation for action or simply an interest in social work may be satisfied in such a procedure. 61.6 % (93) of the subjects supporting victim-offender mediation named "social activities" as a part of their leisure time, whereas only 38.4 % (58) of the opponents of informal solutions voiced an interest in this kind of leisure activities. The offender most probably will perceive such a situation as an act of punishment. Without an intimate and shared social context of victim and offender, a mediation session in the shadow of a formal court hearing as an alternative will be perceived as a hypocritical simulation of cooperation.

Victim-offender mediations reproduce the rationale of criminal justice, by individualizing, de-politicizing and concealing the structural causes of crime. Delinquency, finally accepted as a social fact in the developed rehabilitation movement, is strongly re-individualized (see *Fattah* 1986, p. 4). The artificial cognitive structure and image, created in formal court

settings to make a complex and normatively contested event accessible for a legal handling by using the dichotomical categories of guilty/nonguilty, victim/offender, becomes the basis of efforts to solve a conflict. The objective of court procedures is not the reconstruction of complex social events from the perspective of a sociological idea of factuality. The point at stake is to reach a legally defensible decision, based on a binary code (see *Preuss* 1981, p. 113; *Hassemer* 1983, p. 231; *Wassermann* 1986, p. 135). Conflicts are reduced to two-person-games. Whereas it is obvious that court-settings do constitute ritualistic settings and are not designed as attempts to adequately reconstruct social reality, the victim-offender mediation-approach operates on the assumption of an interactively generated conflict, requiring a solution which involves the mutual engagement of the participants.

With regard to special preventive effects on the offenders' side, victim-offender mediations set extremely high standards. The goal is no longer simply the law-abiding subject, but the construction of the normalized and socially competent orderly citizen: we find a shift from delinquency prevention to the manufacturing of social normalcy (see e.g. the idea "activation of norms", *Kuhn & Rössner* 1987, p. 268; see also *Frehsee* 1987, pp. 135; *Pelikan* 1988, p. 27). In a victim-offender mediation-setting standards are also higher with regard to offenders' (and victims') social competence and thus the problem of class-bias arises. The interpretation of interactionist theories applied by the academic supporters of victim-offender mediation (see e.g. *Kuhn* 1988, p. 38) constitutes a very narrow micro-sociological reading, neglecting recent debates on the integration of structure and action (see e.g. *Giddens* 1984, pp. 198; *Bourdieu* 1985, p. 22). A narrow action-theoretical interpretation of interactionism, favoured by these scholars, neglects the epistemological and heuristic potential of this approach (see *Kreissl* 1985). Though the victim's part in the production of conflict and crime is acknowledged, criminal justice is defined in the role of the passive recipient of criminal conflicts - an interpretation obviously untouched by labeling theory (see *Sack* 1987, pp. 258).

Assuming that the rationale for diversion is to create favourable conditions for an early settlement of criminal cases, a compensation of damage by means of civil law seems to be the more appropriate strategy compared to the staging of a therapeutically motivated "conflict solution". Civil law provides a model for regulation applicable for these cases. Whereas the filtering process, diverting cases from the system is a formal part of the system's program in criminal law, civil law provides an external mode of diversion at the level of lawyers working for a settlement outside of courts.

Furthermore it should be taken into account that in the anglo-american legal system lawyers play a crucial role in pre-trial settlements - be it in civil or in criminal cases. This may be due to the very complicated procedures for filing a formal hearing (see *Blankenburg* 1987, pp. 170). Probably the growing case load created through an increase of minor delinquency in our system will exert pressure towards more pre-trial and informal strategies of conflict solution.

Using lawyers to represent victims' and/or offenders' interests is of course only a rather limited option. But there are some interesting aspects. Lawyers could function as an institution of diversion, who could keep all participants from a formal involvement in the criminal justice system. As legal experts they could provide competent mediation services for both sides, particularly when it comes to problems of compensation.

Victim-offender mediation-approaches claim to go beyond formal legal procedures of compensation, since they are aiming at a comprehensive, informal and holistic solution of conflicts. Still they do not transcend the legal frame of reference. They imagine standards of rationality for conflict solutions, which they fail to meet. The criminal justice system, by utilizing these approaches once again demonstrates how to absorb fundamental criticism and transform it into a resource for its own legitimacy.

8. Summary

The article presents first results of a victim survey. The research interest was related to the victim's reasons for reporting a crime to the police, the victim's expectations of the proceedings and the victim's willingness to participate in informal ways of conflict settlement. One quarter of the study population wants to see the offender punished. Interest in the regulation of damages was named in the first position. One half of the victims was interested to participate in victim-offender mediation. In case of offences occurring in a personal relation between victim and offender the victim's willingness to participate in informal conflict settlement declines.

9. References

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7. Supporting and Taking Care for the Victims

The Impact of Victim Service Programs

Wesley G. Skogan, Robert C. Davis and Arthur Lurigio

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Since the early 1970s, there has been an enormous growth in the services routinely available for crime victims in the United States. These services take a number of forms. Some organizations emphasize crisis intervention; they provide aid to individuals who are experiencing temporary difficulty in adjusting to post-victimization stress. Victims also may need assistance in dealing with the more mundane consequences of victimization. They may need emergency shelter, clothing, food, or cash. In addition, many assistance programs help victims locate public or private agencies that can provide specific kinds of aid, such as helping them deal with government bureaucracies and serving as "advocates" to represent victim's interests. Programs that are closely allied with the police or prosecution offices frequently facilitate the cooperation of victims with the criminal justice system. Finally, because victims frequently are **re-victimized** at a high rate, some service programs are involved in crime prevention efforts (for a detailed discussion, see *Davis & Henley 1990*).

Despite the growing availability of victim services, we know surprisingly little about their effectiveness. Although there have been many descriptions of victim support programs, there are few systematic evaluations of the extent to which they meet client needs. This chapter describes a study of victims' needs that addresses this question. It is based on data collected from interviews with 470 victims of robbery, assault, and burglary in four American cities: Lexington (Kentucky), Evanston (Illinois), Tucson (Arizona), and Rochester (New York). In each city we had the cooperation of the principal local victim assistance program; they opened their files and allowed us to draw samples of their clients. In cities where the victim service agency did not have the names of all crime victims on file, we also selected samples from police files. In each city, we were able to sample victims who had been served by the programs and others who had no significant contact with them.

1. Evaluating Victim Programs

The best evaluations of crime victim services have been "quasi-experimental." That is, they compared samples of victims who were served in some way with others who were not, to identify differences between them on measures of crime-related stress, psychological adjustment, fear of crime, and other criterion factors. These evaluations typically matched the two groups along one or more dimensions (for example, by comparing victims

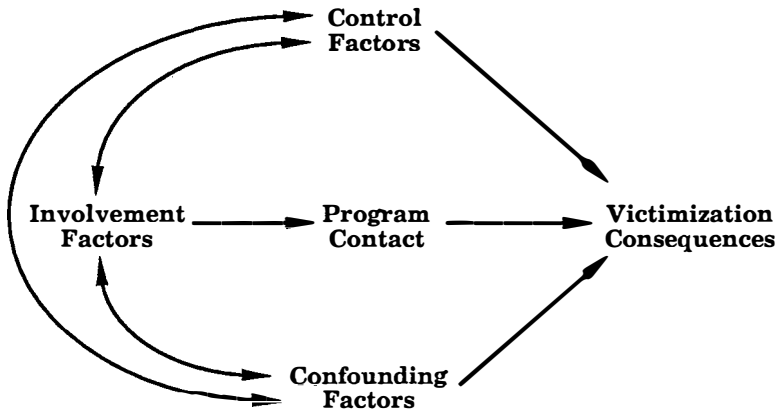
of similar kinds of crime who are of the same sex), and most also employ multiple regression and use statistical controls for other factors influencing the consequences of victimization.

For example, *Davis, Smith and Bauer* (1988) conducted a quasi-experimental evaluation of the impact of training crime victims in crime prevention techniques. Their earlier research indicated that more than 20 percent of New York City crime victims were **revictimized** within four months. In response, they divided victims into two matched groups. One group received the standard assistance provided by the New York City Victim Services Agency, while the other group received additional crime prevention training. They evaluated the effectiveness of this training with a follow-up survey measuring the victimization experiences of the two groups over the next 12 months, and found that the training program had no measurable effect.

However, there are a number of limitations of this research design. These limitations make it difficult to come to any firm conclusions about the effectiveness of victim programs, even though most quasi-experimental studies point to the conclusion that they do not have much of an impact. Most important, there are **selection biases** that are not accounted for. Victims who receive treatment often differ from those who do not on a number of dimensions, and those factors could account for any apparent effects of the program. For example, *Smith, Cook and Harrell* (1985) suggest that the police are more likely to refer highly distraught victims to service programs, and note that court-related services usually go only to victims whose cases are prosecuted, and these typically are among the most serious. The nature of victimization also **precludes the use of a pretest**, an evaluation tool that can overcome some of these problems. In addition, there may be **imitation of treatment**. That is, some victims receive assistance from the police, other agencies, family members, and friends, that closely resembles that given by service programs. This is likely to close the gap between "treated" and "untreated" victims in an evaluation. Studies of the impact of victimization indicate that there is **spontaneous recovery** among victims; over time the consequences of crime diminish in the minds of victims of many kinds of crime. Healing with the passage of time can cloud the apparent effects of treatment when groups are not carefully matched.

All of this suggests that in the absence of randomization it is difficult to assess the contribution that service programs might make to victim recovery. This chapter describes a somewhat different approach to non-experimental evaluation than the matching-and-regression model that characterizes past evaluations of victim programs. This approach attempts to statistically model the confounding problems identified above, using a structural equations design.

FIGURE 1
A Model of Program Impact



A general outline of this approach is sketched in Figure 1, which indicates that we divided the problem into five classes of measures. The dependent variable in the analysis is the **consequences** of victimization, which will be represented by a single factor score. The analysis model includes a treatment indicator, which will be a dichotomous measure of whether victims had **contact** with their local victim services program. Another set of factors are potentially **confounding**; that is, they could be related both to involvement in the program and the consequences of victimization, making it difficult to decide between the two effects. Figure 1 also allows for factors that affect the consequences of victimization and thus need to be **controlled**, but which are not potentially confounding. Finally, Figure 1 includes factors that explain why some victims are **involved** in the program, but that are not linked directly to the consequences of crime (these are some of the "selection factors" described above). The two-headed arrows included in Figure 1 specify that factors may be correlated with each other without implying causality. Note that the model sketched in Figure 1 specifies which linkages should be statistically significant (by the single-headed arrows) and which should not; these hypotheses enable us to test the over-all "fit" of the model to data, as well as estimate the strength of all of the arrows shown in Figure 1.

2. Concepts and Measures

2.1 Impact of Victimization

The four-city study gathered information on the consequences of crime for 470 crime victims. Responses to three questions were used to gauge the crime's **impact on everyday life** at the time of the followup interview. Respondents were asked about how much difficulty they were having in their relationships with family members, how hard it was for them to "get on with life normally," and if the incident still kept them from going places or doing things that they wanted to do. Two other questions measured the continuing **emotional impact** of victimization; respondents were asked how upset and how frustrated they still were when they thought about their experience. In addition, all respondents were asked three **fear of crime** questions to judge how unsafe they felt in their neighborhood, how often they thought about personal crime as they left their homes, and how worried they were about being burglarized.

These three measures of the continuing consequences of victimization could be examined separately, but they also were correlated with one another. Not surprisingly, victim's fear, continuing frustration, and the residual impact of their earlier experience on their daily lives were related. Because the measures were so highly correlated, a single factor score was calculated which combined their common variance; it was correlated +.74 with the measure of fear of crime, +.79 with everyday impact, and +.80 with emotional impact. Victims with a high score on this factor were more upset and frustrated, more fearful of being victimized, and found it harder to lead a normal life. This single measure of the general consequences of victimization will be used throughout the report.

2.2 Program Contact

The purpose of this chapter is to examine differences between victims that may be attributable to the victim program. We operationally defined having "program contact" as recalling receiving at least a telephone call or a personal visit from program staff. Noncontact cases were persons who had no such contacts; their only encounter with the program might have been a form letter or telephone message left with a third party.

By this measure, 34 percent of the victims we interviewed recalled having any contact with their local victim services program. When they had, they were largely pleased with the quality of the service they received; 80 percent ranked themselves as "very satisfied" or "satisfied" with the help they got. They received a mixture of practical assistance (31 percent) and counseling advice (15 percent), and 38 percent got both. However, another 16 percent indicated they received "no help at all," and 29 percent indicated that they had at least one problem that the agency could not help them with.

2.3 Confounding Factors

These are factors that **could** be simultaneously related both to involvement with a service program **and** to the consequences of victimization. As a result, it is difficult to tell whether the relationship that we observe between program participation and the consequences of victimization is due to the actual impact of the program, or if the relationship is really due to the concurrent impact of other variables. For example, *Smith, Cook and Harrell* (1985) found that police spent more time and effort helping victims who were evidencing severe consequences of victimization, and that they were also more likely to refer them to a service program. As a result, any effect of the police in assisting victims to adjust to their new situation could be mistaken for a positive effect of the program. At the same time, the tendency of police to refer more severely impacted victims for treatment might make the program appear to be ineffective, for it is very likely that these victims would still be worse off than nonparticipants at the point when the program was evaluated.

In our four city study, we examined the possibly confounding role of a number of important factors. The first was the amount of disruption that victimization had caused in our respondents lives, at the time of the crime. This was measured along two dimensions: the impact of crime on their daily lives at the time of the incident, and the emotional impact of the incident as they recalled it later during the interview. These were the same as the measures of the disruption and emotional state of victims at the time of the interview, as described earlier. The **everyday impact** of victimization was assessed by questions about the difficulty it caused for relationships with family members and with "getting on with your life normally," and if the incident kept them from going places or doing things that they wanted to do at the time. The **emotional impact** of the incident was assessed by questions about how upset they were at the time of the crime, and how frustrated they were by the situation. Presumably, victims who were more

upset and whose lives were more disrupted would be more likely to seek - or be referred to - a service program, and would also be more likely to report being disrupted and distraught at the time of the interview.

Table 1: Scale Score Correlations with Victimization Consequences and Program Contact

	Correlation with:	
	Adverse consequences	Program contact
Potential confounds		
Everyday impact	.59 **	.07
Emotional impact	.36 **	.05
Social support	.32 **	-.07
Other victimization	.21 **	.07
Incident seriousness	.32 **	.05
Support by police	-.14 **	.09 *
Race (nonwhites)	-.03	.05
Length of residence	-.13 **	-.05
Employed	.11 **	-.06
Sex (female)	.21 **	.09 *
Age	.03	.11 **
Crime a robbery	-.05	-.02
Crime an assault	.04	.04
Elapsed time in days	-.07	.07
Control factors		
Life stress	.32 **	.01
Internal locus	-.31 **	-.02
Involvement factors		
Police referral index	-.04	.36 **
Information from others	.01	.41 **

Note: one tailed significance test *>.05 **>.01.

Table 1 presents the correlation between summary scale scores combining responses to the individual questions noted earlier and our measure of the consequences of victimization. Both the impact of victimization on their everyday life and the extent of emotional impact recalled by these victims were significantly related to the continuing consequences of victimization at the time of the interview. On the other hand, for this sample of victims there was no significant correlation between those measures and whether they came into contact with their local services program. This runs counter to *Golding et al.'s* (1988) finding that the use of services is mediated primarily by victim distress, but that study included only female victims of sexual assault, a crime that is not represented in our data.

Table 1 also presents those correlations for a three-item indicator of the extent of the **personal network** supporting each respondent, measured by how difficult respondents thought it would be to borrow money, get a ride if they needed it, and get help from someone to solve their problems. We hypothesized that victims with extensive personal support networks would be less likely to avail themselves of program services, and would also be less affected by victimization in the months following the incident. In addition, Table 1 summarizes the apparent impact of a two-item index of how often these victims had experienced **other crimes** during the past two years. We hypothesized that repeated victims would be more likely to seek assistance, and would also be more impacted by crime. Likewise, we hypothesized that victims of **serious** crime would be more likely to receive assistance, as well as be more affected by its consequences. This was measured in a variety of ways in the follow-up interview, but most of the variation in other serious measures was represented by a single question asking respondents to rank their experience from "very serious" to "not at all serious." Finally, we hypothesized that victims who got more supportive attention from the **police** would report fewer continuing difficulties, and would be more likely to be placed in contact with a service program. This was measured by combining responses to three questions that asked all victims about how helpful and sympathetic the police were, and how satisfied they were with the way the police responded. Table 1 indicates that this index was indeed related to a higher probability of coming into contact with a program, and it also was related to lower levels of current distress. *Smith et al.* (1985) suggested that the police are more attentive to victims in extreme distress, and that controlling for other factors these victims would be more upset than others even some months after the event, but that was not the case in this instance.

Two other sets of potentially confounding factors are described in Table 1. The first is a set of demographic factors describing the backgrounds

of victims interviewed in the four-city study. (Other demographic factors were included in the survey, but they were not correlated in any substantial way with either program contact or the consequences measure.) As suggested by past research, victims with long-term roots in the community (measured by length of residence) are more likely to report fewer continuing consequences of victimization, and women are more likely to report more. Those who were employed were more likely than others to report adverse effects of their experience, but this difference disappears when age and sex are taken into account. Women and older persons were more likely to come into contact with their local victim service program, while men are more likely to recover quickly from the effects of victimization (*Resick 1987*). Race is included in the multivariate analysis described below because past research suggests that nonwhites are more likely to be impacted by victimization. Similarly, variables identifying victims of assault and robbery (in contrast to burglary) were included because past research suggests that personal victimization should have more of an effect on the kinds of adverse consequences examined in this analysis.

Finally, Table 1 examines the relationship between the consequences measure, program involvement, and the amount of **time that passed** between each victimization and the date on which the interview was conducted. Studies of the impact of victimization indicate that the passage of time is one of the best healers; they frequently find that over time the consequences of crime diminish, albeit at rates that differ for various kinds of offenses and victims. This is often called "spontaneous recovery," and it is obviously an important factor to control in a correlational study. As Table 1 indicates, elapsed time was negatively related to current consequences in our four-city sample, although the relationship was not quite statistically significant ($p=.06$). Table 1 also reveals that victims who were interviewed after a longer interval of time were **more** likely to recall having contact with the program. This was an artifact of our sampling procedures, for the correlation between program involvement and elapsed time varied considerably across cities. It was strongest in Tucson, where we sampled victims who had contact with the local service program from their files, and added to this an additional list of victims from police files. Because the police had the names of many victims who were not contacted by the program, we satisfied our sampling quota of non-contact cases without delving too far into the past. To satisfy our quota of contact cases we had to select victims from as long as 11 months in the past. As a result, there was a substantial positive correlation ($=.34$) between program involvement and elapsed time in Tucson. As a result, elapsed time is among the "confounding" variables, and it (along with the city of residence of each respondent) will be included in the statistical analysis described below.

2.4 Involvement Factors

These are factors that help explain why people are involved in the program, but that are **not** likely to be related to the longer-term consequences of victimization. They are included in the analysis to help account for "selection biases"; i.e., systematic differences between program participants and non-participants. In the four-city study we focused on the ways that people heard about, or were referred to, the programs. Victims were asked if the police had told them about the availability of services, or if police had given them any brochures or information about their rights; the two were related strongly, so this analysis employs a summary measure of **referral by police** that combines responses to the two questions. In other parts of the questionnaire, victims were asked if a prosecutor had told them about the program, if they had heard about it from friends or a family member, if they had heard about it from another victim, or if they had seen something in the media about the program. Responses to these questions are summarized in an index of the number of different places respondents **heard or were told** about victim services.

Table 1 presents the correlation between each of these indices, the adverse consequences of crime, and the extent of program contact for crime victims in four cities. Both police referral and information from others were significantly related to program contact, but not to the adverse consequences of victimization.

2.5 Control Factors

These are factors that effect the consequences of victimization, but that probably are not related to program contact. Controlling for them increases the plausibility of the over-all model by increasing the explained variance in the consequences measure. This analysis includes two such indicators. One is an index of **personal locus of control**. This was measured by responses to two questions about the extent to which respondents thought that "what happens is one's doing," and "people have control over their own lives." A high score on this measure identifies respondents who felt they had greater personal control over their fate. *Norris and Scheer* (1989) found that victims with an internal locus of control were more likely to seek the assistance of mental health professionals, but the role of police and others in referring victims to official service programs could cancel out the effects of such psychological orientations in many circumstances. Surveys in these four cities indicated that locus of control was not linked to program contact, although victims with a high personal locus of control were **less** likely to

report continuing adverse consequences. Likewise, victims who were experiencing a great deal of **life stress** at the time of the incident were more likely to feel the continuing consequences of that crime. Life stress was measured by combining responses to questions about whether family members or friends had been ill or died; if the respondents had been ill or injured some other way near the time of the crime; if they had lost their job or had financial problems; if they were divorced or had problems with their mate; and if a member of their family had been arrested or was on drugs.

3. The Sample and the Survey

The focus of this study was on victim's needs, where they sought help, and the kinds of assistance that they received. Thus it was necessary to interview some victims who had received assistance from service programs, and others who perhaps only received help from their families or friends, or did not receive any aid at all. In each city we planned to complete 60 interviews with victims served by the programs we were studying and 60 interviews with victims not served by the programs. We further divided each planned sample between robbery victims, assault victims, and burglary victims. We knew from experience that crime victims can be difficult to track down for subsequent interviews: they are wary of strangers, and many move or change their telephone number as a result of their experience. Because we would not be able to find all of our sample victims, we oversampled from program and police files. At each site we had to tailor our selection plan to fit the record systems that we encountered there. Because the interviews were conducted by telephone, we included in our samples only victims whose telephone numbers were recorded in program or police files. Our decision to conduct telephone interviews was cost-driven; we recognized that eliminating victims without telephones led to some sample bias, but the cost and logistical difficulties of conducting personal interviews in four different cities was prohibitive.

The survey was conducted by 12 experienced interviewers during the early Summer of 1989. They attempted to contact victims at 1026 sample telephone numbers. Of these, 345 (34 percent) were no longer working numbers, had been changed to unlisted numbers, or whoever answered claimed that the respondent had moved. This verified our expectation that victims often attempt to break their connection with the circumstances that led to their victimization. In another 128 cases (12 percent) no one ever answered the phone, the respondent was never home, or we only reached an automatic answering machine. Victims refused to be interviewed or

denied that they had been a victim only 8 percent of the time. In all, we completed interviews with 470 (46 percent) of the victims that we had originally selected. This is significantly higher than some comparable studies of crime victims (see *Friedman et al.* 1982), but lower than response rates achieved in personal interviews with victims by the US Census Bureau (see *Skogan* 1981). It is quite close to the 45 percent completion rate obtained for a survey of known victims in London (*Sparks et al.* 1977). Response rates did not vary much by city, ranging from 41 to 48 percent.

The distribution of completed interviews was remarkably similar across the four cities. Among respondents, the percentage of robbery victims ranged from 50 to 54 percent, assault victims from 25 to 33 percent, and burglary victims from 13 to 24 percent. Overall, 38 percent of respondents were nonwhites, 58 percent were women, 12 percent were over 60 years of age, and 30 percent were quite poor - they reported household incomes of less than US \$10,000 per year. These demographic factors varied by city, reflecting differences in the economic and social makeup of each community. The average elapsed time between the day of the crime incident and the day that we interviewed the victim was 5.4 months.

4. Findings

The analysis followed the model sketched in Figure 1. Figure 1 described a network of interrelated variables that can be represented by a series of structural equations. These equations are estimated simultaneously, so that the separate effects of factors with two dependent variables - for example, the effects of incident seriousness on both program contact and the adverse consequences of victimization - can be calculated at the same time. All of these computations were done using LISREL 7.13.

Table 2 summarizes the results of the analysis. To simplify Table 2, only significant linkages ($t > 2.0$) are reported. In total, the model sketched in Figure 1 explained 66 percent of the variance in all of the measures. With 4 degrees of freedom and a chi-square of 2.51, a p value of .643 indicates that the test of the hypothesis that the residuals from the hypothesized model are not significant can be accepted. In fact, no individual residual from the model was significantly different from zero. The adjusted goodness of fit index was 0.97, exceeding the standard of 0.95 recommended by *Joreskog and Sorbom* (1986).

Table 2: Significant Regression Coefficients for Victimization Consequences and Program Contact

	Coefficient for:	
	Adverse consequences	Program contact
Potential confounds		
Everyday impact	.400	
Emotional impact	.150	
Social support	.112	
Other victimization	.133	
Incident seriousness	.108	
Support by police		
Race (nonwhites)	-.089	
Length of residence		
Employed		
Sex (female)	.095	
Age		.121
Crime a robbery		
Crime an assault	-.104	
Control factors		
Life stress	.087	--
Internal locus	-.131	--
Involvement factors		
Police referral index	--	.326
Information from others	--	.371
Program contact	(-.015) (not sig.)	--

Note: Coefficients $p > .05$ are excluded. Coefficients are net of all other factors in the model. The analysis also included dummy variables for the cities.

The principal finding reported in Table 2 is that there was no statistically reliable link between program contact and the adverse consequences of victimization. The sign of the coefficient associated with program contact was in the hypothesized direction - those with program contact reported fewer adverse consequences at the time of the follow-up interview - but the effect was far from significant.

In addition, the analysis indicates that controlling for other factors, nonwhite residents of these four cities were somewhat less likely than whites to report continuing consequences of victimization. Women were more likely than men to score at the upper end of this measure. Those facing multiple forms of stress in their lives at the time of the crime were also more likely to feel its continuing consequences, while those with a high internal locus of control were less so. Not surprisingly, the list of potential confounding factors gauging the seriousness and impact of the crime at the time continued to predict who felt those consequences most severely. Although it is not shown in Table 2, both program involvement measures (referral by the police and others) were linked to contact with local service programs, but were not directly related to the consequences of victimization.

The principal conclusion drawn here is that a structural equations approach to non-experimental evaluation did not succeed in isolating any ameliorative effects of contact with these four victim service programs. However, there are several reasons to be cautious about this finding. First, there doubtless were confounding factors that were not measured in the survey and included in the analysis. These could suppress any true effects of program involvement (by being positively associated with both program contact and adverse consequences), or they could account for the (insignificant) negative relationship reported here (by being positively associated with contact and negatively related to consequences). *Davis* (1987a) provides a useful inventory of potentially confounding factors that were not included in this research, including psychological depression and the extent to which victims blame themselves or others for their fate.

Measurement error is a second major limitation of this analysis. Most of the constructs examined here were measured using multiple survey items evidencing acceptable levels of reliability (measured by Cronbach's alpha), but there doubtless was considerable error in the accuracy with which the resulting scale scores represented people's actual experiences and views. Any attempt to "control" for a factor that is measured with error leads to "underadjustment bias" (*Judd & Kenny* 1981); for example, with error in the indicator of the emotional impact of the crime at the time it happened

(which was a recall measure) we would not sufficiently account for its link to our respondents' current levels of emotional distress, even though its effect is seemingly accounted for in the analysis.

5. Toward Randomized Experiments?

This chapter has described how an analysis using structural equations might be used to examine the impact of a non-experimental evaluation of services for crime victims. It found no clear evidence that contact with service programs in four American cities had a significant effect on the intermediate-term consequences of victimization. However, the absence of randomization limits the confidence that we have in this conclusion, because the analysis did not include measures of all potentially confounding factors or the forces that brought victims into contact with the programs. Because error in the measurement of the constructs that were included in the analysis inevitably led us to "underadjust" statistically, even counfounding factors that were included were not fully accounted for.

In this light, it clearly is appropriate to recommend the use of randomized experiments to evaluate victim programs. Experiments should be employed when there is a reasonable chance that a program will have measurable effects, both in principle (because it is a good program) and after less expensive correlational studies suggest that the effects are likely to be substantial. However, it is also clear that there are a number of good reasons why randomized experiments have been so few in number. Many of these were illustrated in a randomized evaluation of three alternative forms of service for victims, which was conducted by the New York City Victim Services Agency (VSA) during the mid-1980s (*Davis 1987a; 1987b*). First, VSA faced the ethical dilemma of deliberately withholding services that they already were providing crime victims, so that the experiment could have a true control group. VSA did so by conducting the experiment in an area of New York which they did not regularly serve, so that persons in all of the experimental groups received "extra" service. However, not all jurisdictions may have this kind of discretion, or large pools of victims who are not being served at all. The VSA experiment also had to deal with the fact that its services were being provided by a highly professional staff. Staff members who were entrusted with actually implementing the experimental treatments strongly believed in the services that they already were providing, and they challenged the potential effectiveness of some of the alternatives proposed by evaluators. They also believed strongly in the individualization of treatment, so that the services they provided were keyed to the needs of

each client. This, coupled with the decentralized nature of human services in general, ensured that there would be considerable "heterogeneity of treatment" (Cook & Campbell 1979) within the various experimental categories.

As the VSA experiment proceeded, many victims (about 30 percent of those who completed an initial interview) dropped out or could not be located for followup interviews. This is to be expected, for crime victims in American inner cities often face numerous, burdensome, and fear-provoking personal problems. Hence, selective attrition made it difficult to generalize the results of the study. Experiments in the "real world" rarely resemble the neat examples presented in textbooks. In addition, it turned out that most of those in the two experimental counseling programs attended only one or two counseling sessions. This limited extent of program contact was not much different from regular VSA programs, which emphasize providing victims with material assistance (eg, emergency loans, food coupons, home repairs) and some crisis counseling. However, the experimental counseling focused on the effects of new and more intensive techniques, and the weak treatment "dosage" victims actually received was unlikely to produce much of a change in their lives.

Similarly, *Skogan and Wycoff* (1987) conducted a randomized experiment evaluating the impact of a police service for victims. It involved calling them by telephone to provide advice, information, and assistance in locating any help that they needed. The evaluation concluded that this kind of intervention was simply too weak to make much of a difference in victim's lives. On the other hand, victims in the four cities described here met with or talked to staff members from the local victim services agency an average of **five** times, but there still was no statistical evidence that it had any effect.

Evaluations of other kinds of human services also suggest that we should be modest in our expectations even about good programs that target the emotional and fear-provoking consequences of victimization. For example, there is little evidence that crisis counseling in the fields of suicide prevention, acute psychiatric crises, and surgery has much effect (*Auerbach & Kilmann* 1978). Only by combining the results of hundreds of discrete studies is it possible to detect clear effects of long-term therapy for psychological problems (*Smith, Glass, & Miller* 1980). There is considerable **correlational** evidence that variations in how the police handle victims affects their recovery (see *Skogan* 1990), but the only randomized experiment examining this issue could not find any impact of programs that trained police officers in how to deal with crime victims (*Lurigio & Rosenbaum* 1989). Instead, *Davis* (1987b) recommends that we should no longer focus on trying to demonstrate the effects of victim programs on the fears and

psychological recovery of most victims (he sets aside victims of rape and other particularly traumatic crimes, where there is evidence that they do not recover spontaneously). He recommends that research should focus on the practical problems that victims face, and on the best ways to provide them with housing, protection, assistance in dealing with bureaucracies, and financial aid. In the aggregate, practical problems account for the vast bulk of victims' needs (Mayhew 1984), and meeting them may be the kind of service that government agencies are most effective at delivering.

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Court Assistance and the Victim of Crime
- The Opportunity of Social Services
within the Justice System in Practice -

Rainer-Dieter Hering

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1. Sketch of the System of Criminal Justice in the Federal Republic of Germany

In order to be able to understand the work of the "court assistance" as a social service, the system in the Federal Republic of Germany must first of all be explained. A brief sketch of the system should clarify the main conditions which underlie and characterize the work, and the distinctions in relation to other legal systems, which may then make other approaches necessary as a form of solution.

The preliminary proceedings in the Federal Republic of Germany are characterized quite clearly by the activities of the Department of Public Prosecution. The lord and master of this stage of the proceedings is the public prosecutor. Even if the actual investigation work is to a considerable extent carried out by the police, this is controlled by the Department of Public Prosecution. According to the principle of mandatory prosecution, all criminal investigations must be presented to the Department of Public Prosecution in order that a decision may be made. These authorities decide whether or not the proceedings are set in motion, and as to whether and what extent the proceedings proceed further. The Department of Public Prosecution is to a large extent obliged to make the decision as to in which court the charge/complaint is launched. In this way, the prosecutor directs and controls the associated proceedings. In contrast to other legal systems, in which the investigating judge in particular, is part of the preliminary proceedings alongside the prosecutor, the German legal system transfers great decision-making power to the prosecutor due to the means of authority at his disposal. This was the background and reason why the court assistance founded at the beginning of this century, was allocated in the late 1920s and recently since the 1960s, predominantly to the spheres of the Department of Public Prosecution. In this way, it should have ensured that the social services could be put in operation at an early point in the proceedings.

2. Tasks and Distinctions in the Activities of the Social Services within the Justice System

In Germany, implementation of judicial tasks, for example, organization of the courts, the prosecution department and also the social services of the

justice system, have been transferred to the Ministry of Justice pertaining to each individual state. All German states have set up their own departmental social services. Allocation of tasks is effected in accordance with the course of the proceedings. Accordingly

- the court assistance in the preliminary proceedings and trial itself,
- the probation service and supervision of conduct according to the principle of *res judicata* in respect of a judgement, by means of a formal decision,
- the social services within the prisons, in relation to pre-trial confinement or imprisonment, should be initiated at particular stages in the proceedings.

Court assistance is brought in in the preliminary proceedings because of the focus of its work. In most German states therefore, it is brought in by the criminal prosecution service. The probation service was affiliated to the regional courts, whereas social services within the prison system are a component of the individual prisons. The aim of the court assistance within the preliminary proceedings and pre-trial process, is to achieve a high degree of cooperation and communication with the criminal legal practitioners participating. The legislature and Ministry of Justice pertaining to each individual state wanted to sanction more offender-related legal consequences, by setting up the court assistance scheme. Court assistance is in the first instance, social work within the sphere of psycho-social diagnosis. It tends towards an objective picture of the offender and the social circumstances. It is becoming clear therefore, that the tasks set for the court assistance and the purpose of their activities, can clearly be distinguished from those of the caring social services such as probationary help and social work. The approach towards care, which is established in relation to probationary help and also the social service of prisons, and the much longer period of "care contact", quite clearly distinguishes the approach of the court assistance.

In the current legal system, in which the various tasks of the probationary specialists, the court assistance and other specialists, are so varied, it is necessary to have the various specialized approaches and methods of dealing, translated into practice. The social workers who are active in social services, are of the opinion that such tasks which are specialized within their own fields, cannot be combined together and cannot be achieved by any social worker replacements. It is quite recognizable in many other European countries, that in spite of a common organization factor, specialized fields or specific areas of work are present within a self-contained sphere of activity, comparable to our situation. One of the tasks similar to that of court

assistance, in relation to the care of those liable to punishment, is not excluded. Whereas the "caring" social services regard the basis of their working approach as having a close relationship between helper and client, this fundamental idea does not apply in relation to court assistance, in spite of the principle of voluntary help. Amongst its more obvious tasks, it could, over and above the work with those liable to punishment, devote itself also to other tasks and matters. It is therefore not surprising, that the thoughts of the practitioners of the court assistance, towards compensation, and social work aimed at achieving "peace" within the criminal legal system, support of the victims of crime and as a recent example namely offender-victim-settlement, have been both theoretically and practically worked on from an early stage and brought to the forefront within the Federal Republic of Germany.

3. Development of the Victim Perspective in Court Assistance

The Working Group of the German Court Assistance took up the theme of victimology in 1980. During the course of the National Meeting of the Court Assistance, a large working party worked intensively in 1981 on this particular theme. It was recommended in the results, that the court assistance should discuss this extensively. It became clear that so-called secondary injuries caused to victims of crime could be established frequently within the course of the criminal proceedings. The offender and the state are equally under obligation to prevent these injuries, the latter representing the judiciary/administration of justice. It is that, which requires the victim as a witness and which has to expose the offender to the stress of the court proceedings, in order to enforce the claim to punishment which is a right by law. Practitioners can watch and live through the way in which the victim, as a witness, is once again damaged or injured within the trial itself, in many proceedings involving cases where physical integrity is concerned, for example offences where severe psychological and physical damage has been suffered by the victim. Professor Göppinger has reported (Conference reports in relation to criminological working circles in Tübingen in volume 3 "The victim of crime" 1982):

"In relation to the court proceedings, the victim is very frequently - I emphasize this in that by participating in many court proceedings, I have direct experience from observation at my disposal - a victim for a second time, and in this instance before the public."

This can be initiated by the court itself, but can be observed more frequently and to a greater extent as being initiated by the offender's defence.

These experiences resulted in relation to the court aid in Tübingen, in discussion between us and the prosecutors and judges within the court district. We offered - on the basis of those affected voluntarily taking part - to produce reports in relation to the victims. It was important, that the victim had initiated the proceedings on the whole by means of his own report, in order that his position merely as a witness within the further course of the proceedings and the visible signs of the crime upon the victim, were made note of as providing evidence in the case. The victim discovers, in his role as a witness, merely conditions which leave him to doubt on occasion, as to the justice of the proceedings themselves. At the beginning of the trial, the judge makes reference in his cautioning, to the duty to tell the truth and the criminal consequences of perjury, a neutral but clearly reserved manner. The feeling of being abandoned, finally emerges, if the accused is represented by a defence agent/counsel, who from the subjective viewpoint of the party concerned, stands on the side of the accused, in this way initiating the oppositon. If the defence counsel/agent has the right to question the statements of the victim and to doubt his credibility, the victim feels as if he has been treated unfairly and as if he has once again been injured in some way. Questioning the victim, has proved that a large percentage of the injured parties who had gone through court proceedings, would no longer have been prepared to make a report on a second occasion. Illustration of such experiences, has a number of consequences within the population itself, not to say the least in our efforts towards integrating delinquents in society. We have therefore made the work with victims, one aspect of our services. We wanted to find out be means of a long term experiment, as to whether secondary injuries or damage can be avoided by means of our help, and as to whether our specialized services can be brought in and implemented as a direct result of the need for our services and offer of help.

4. Victims of Violence and the Court Assistance

Since 1981, both social workers in the court assistance in Tübingen have worked with the aim of prevention of secondary injuries caused to the victims of rape. By becoming involved at an early stage in the preliminary proceedings, we gain access to the injured parties at a time when police questioning is excluded, and the injured parties become very aware of their suffering. However no help has been taken up, in relation to psychological

interference in most cases. The victims are more likely to attempt, not to have their problems dealt with actively and therapeutically, but rather tend towards blotting out what they have experienced. There also exists a strong feeling of insecurity regarding the further course of the proceedings and even fear of the trial itself and confrontation with the offender. Reports in the media, particular film portrayals and information from circles of friends and relatives play an important role in increasing this fear before the further proceedings run their course.

5. Work with Victims of Rape in Tübingen

At the court assistance in Tübingen, we dealt predominantly with victims of sexual crimes. The victims were almost exclusively, women. We approached the injured parties, in writing, in accordance with our analysis of the reports presented by the police. The victim was advised in writing, that we were merely making an offer on our part, and that the victim was free to choose as to whether he or she wished to cooperate with us. We did not use standardized letters to the victims, but rather attempted to treat the particular parties individually. The letter to each victim, took account of the indication which the files gave, as to the reaction of the injured party and to what extent he or she was affected. We pointed out that the injured party should be given the opportunity to present their personal circumstances after the crime, in order to introduce more details to the parties participating in the procedure, of their circumstances as injured parties. We also suggested that the main trial and the thoughts and fears associated with it, could be discussed during these talks. An indication that the victim can make a decision in his choice of partner for discussion, namely between a female and male contact, is also important to us. In addition, we suggested that the victim should choose the time and place for the talk. The victim could choose between an office room at the court assistance in Tübingen and a visit at home, namely the most familiar surroundings for the party concerned. The women concerned could, according to the advice in our letter, weigh up as to whether she would like to refuse or accept the offer. Many victims feel so badly strained by police questioning and other departments who are called in (hospital examination) that they shy away, understandably, from further questions. This mistrust and fear can be seen from the behavior of most victims when first contact is made, despite their willingness to take part in such talks. Experience has shown, that this feeling can be overcome very quickly, once the court assistance have explained the aim and purpose of their action and have encouraged the parties concerned to express their own questions and doubts. It has been shown that in most cases, contact was

necessary in order to remove or lessen the fear and uncertainty in relation to the trial. It became clear in almost all consultations, that the victims stood under an enormous psychological pressure. They wanted, over and above their experiences, to speak about their own awareness/perception of themselves and the reaction of people around them, in order to create a feeling of relief and to realize the possibility of coping with their own past experiences. It became clear that victims are extremely uncertain and do not speak of their experiences with near relatives or acquaintances. In relation to a number of victims who informed others of their circumstances, the consequences which could be seen were namely, that lack of understanding, reproach or gossip emerged in relation to a third of these cases.

The victims and their feelings and needs must be taken seriously and impetus must be given to coping with the conflicts arising. At this point, the first steps towards helping the victim, can be introduced, at a material level and/or preparatory steps towards accompanying psychological help. In addition, if the injured party so desires, consultations with relatives or work colleagues may be appropriate in order to reduce tension and conflict and avoid misinterpretation.

Insight into and understanding of the victim's position can be achieved without doubt, by working alongside the prosecutors before the trial itself, in the form of personal consultations and later by means of the report itself.

In this way, the important tasks of the investigating judge, defence counsel/agent and public prosecutors, can be prepared and further injury of the victim avoided as much as possible, by the appropriate methods of the investigation in the trial. The legal practitioners can face the victim's situation quite sensibly, with the report and consultation with the court aid at their disposal, in order in the first instance not to present questions which would be regarded as discriminating, and which may be referred to by the other side.

The court aid report may not comment upon the credibility of the victim.

Questions in court to the witnesses, are often "replied to" or met in the trial with silence or little or no precision. The court aid report can show that problems which the witnesses have of giving a proper account or portrayal of something, have nothing to do with the fact that they do not wish to make a statement but rather it is not possible for them to give an answer due to verbal and psychological difficulties. The court aid report can in addition, refer to how a particular problem should be discussed if the witness is in a position to explain what has happened him- or herself. Further, the report can refer to the fact that the victim was in a position in a different atmosphere, to speak about the offense and the consequences. The report

should also present the after-effects of the incident and the victim's present position. One example of a case can in fact illustrate the situation more clearly at this point.

6. Portrayal of Case

This example relates to the victim of a sexual crime. The question of who the victim was alongside the details of the crime itself, could be obtained from the extensive investigatory report made by the police. It was briefly set out, that the victim was very disturbed at the point of making the report and had had a very troubled childhood and adolescence and had already attempted suicide because of problems with a partner. Precise information was difficult to obtain from the victim.

This was the starting point for bringing in the court aid.

The court aid report was sent to the responsible local court and appeared as follows (the report being summarized).

Local Court

- "Schöffen" Court -Magistrates Court*

Subject: Criminal proceedings against...

AG...

In relation to sexual offences, the court aid reports about the victim of crime who is in majority. In this way, the parties participating in the proceedings are given the opportunity to learn more about the victim's personal situation and the effects of the crime itself. In addition, the victim may find it difficult to speak of the violent crime, especially if he or she would frequently prefer to forget the event. In relation to (the female concerned) there is considerable fear of being confronted eye to eye with the offender who is resident as is the victim, in the same house.

A short summary anamnesis follows and then the following:

Due to the family situation in the parent's house, the performance of A (the female concerned) was below average. She attended a special school. If the parents were unable to do so, she had to look after the younger brothers and sisters and this meant that she had to miss school frequently and this led to long periods of truancy at the school. There is still a noticeable lack of writing ability today, and difficulties with recalling precise dates must be attributed to this.

* Court with a professional judge and two assessors formed at the magistrates court.

The unfavorable family circumstances lead to her running away from the parental home, after two failed attempts at suicide. The fact that A refused of her own free will to return to her parents, lead to the district juvenile court getting involved, which resulted in her being transferred back home.

She was there for a total of 3 years. It was no longer possible to recover the considerable lack of schooling which had occurred in the last few years

During the period of stay at home, psychosomatic symptoms emerged. Alongside rheumatic pains, severe trembling, nausea and fainting attacks, she suffered from shouting attacks at night. She was referred to a neurologist. She was treated there as an out-patient. The symptoms could not be brought under control.

After the incident which has led to the present hearing, the earlier symptoms emerged again, period with severe panic attacks. She isolated herself even more during the day, from the outside world. Towards evening, she became unsettled and was afraid of remaining alone in the house. For these reasons, she frequently sought out a friend to spend the night with. On one such visit to an old friend of many years, it happened that she woke up in the night screaming, was very disturbed and afraid. Although she knew that she had nothing to fear from her friend, she could not control her fear. She finds herself unable to allow people into her home during the day. She wishes to push the incident aside, inspite of which it emerges again and again suddenly in her memory.

The report proceeds further and describes A's job history which was also full of problems.

A clearly wishes to forget the whole episode as soon as possible. She is afraid of confronting the offender in the trial. For this reason, she would not like to take part in the trial and would prefer to withdraw the criminal report.

It has been questioned as to whether the accused's defence is not sufficient and as to whether the questioning of the victim could be dispensed with entirely. If this is not possible, it is requested that A's statement should be made in the absence of the accused.

In our view, everything supports the fact that A requires therapeutic help over a long period of time. The psychological damage caused to A by the crime itself has been increased by the present psychological interference. It appears important to us, that the opportunity is created for A to communicate in the trial, in such a way as enables her to cope with the situation.

Signature

If the question presents itself as to the point of such extensive analysis of the personal situation of the victim, then it must be said that only by means of such analysis, can a comprehensive overall view be given of the offender-victim-relationship and the circumstances of the crime in relation to the personalities involved. In addition, the court may have various interests in

taking account of the parties involved in the proceedings and exerting influence upon the different points of view (such as defence counsel/agent, prosecutor, judge or victim).

Finally, it must be said that the trial itself can proceed tactfully because of the court aid report, and unnecessary confrontation because of the offender's behavior, can be avoided. This finds expression in the last instance, in the extent of punishment imposed upon the accused.

The victim must be cared for both from a specialist and psychological point of view, for a number of months, after the final judgement. In the meantime, psychological and social stability is achieved by bringing in external helpers. The latter was initiated by the court aid.

7. Prospects and Conclusions

The general principle of care/welfare, which imposes upon the court at various stages in the criminal proceedings, extensive duties in relation to cautioning, providing information and aid for the accused, in order to facilitate observance of his rights, is scarcely given serious thought today. It concerns the view that the state is duty-bound to provide both social welfare for its citizens and also constitutional rights.

This justification is not however relevant only in relation to the accused's need for protection against the power of the state within the criminal proceedings, but also at least to the same extent, in relation to the victim as a witness. The particular need of this witness for protection, is recognized by law, just as the accused's need for protection is also recognized, as can be seen for example in relation to the restrictions upon publicity (172 Nr. 2 and 4 GVG), removal of the accused from the court during questioning, and protection from incriminating questions. The aim of these legal provisions in so far as protection is concerned, can be generalized, namely that the damage or injuries suffered as a result of the crime itself, should not be increased in the criminal proceedings. As with the observance of the rights of the accused, the position of the victim as a witness must be given equal general consideration. This can only be achieved for the victim, to a considerable extent, by a duty of care and supervision. The court is obliged to arrange the proceedings with special regard for the victim over and above the particular cases provided for in detail by law.

The court is only able to comply to a reasonable extent with this duty of care and supervision in cases involving severe violent crimes, if a somewhat reasonable picture is obtained of the victim in his social relations. This can be achieved by the court aid.

Bringing in the court assistance at an early stage, in cases of severe violent offences, helps not only to avoid further stress and strain being caused to the victim by the system of justice, but also makes it possible for the victim to recognize help which may be necessary in a therapeutic sense, if the occasion arises, and to arrange for it to be put into operation. If no more than intervention into the crisis is possible, the court aid should be in a position to refer critical cases to other institutions who will and should look after the problems in the particular case.

The work of the court assistance with victims of sexual crimes, prepared for the trial of offender-victim-settlement in the criminal law in general. This made a conceptual explanation of the possibilities of offender-victim-settlement, easier. There is confrontation between victim help organizations and institutions which devote themselves to rehabilitation of offenders. In addition it is often unclear in discussions, that victim help organizations deal exclusively with victims of severe crimes such as rape, attempted homicide or those who have lasting psychological and physical injuries, whereas offender-victim-settlement deals with conflicts in everyday life. Even if the latter group refers to crimes, it is conceivable and possible that the conflict can be resolved by bringing in an institution which is perceived as being neutral. Work with victims of crime seems sensible to us for these reasons. In the regional court district of Tübingen one can refer to a number of organizations which are concerned in particular with women who have been victims of crime and which offer help to these victims. We could improve the atmosphere of the trial itself as a result of our work. This can always be tested once again. A change of personnel in relation to the public prosecutors and courts, shows that our fundamental ideas have to be introduced and made use of again and again.

Working with victims of violent crimes quite clearly indicates what is lacking in the portrayal of practical test series. Continual cooperation between criminological research and practical social work has for a long time been the exception. Only after the test series "Court Assistance and the victim of crime" had been concluded, did we know how important accompanying research was. In the end, the offender-victim-settlement project in relation to the general criminal law, which was begun in 1984, lead to the implementation of attendant research. In the future, practitioners and researchers should not deny themselves such an opportunity.

Measuring and Responding to Violence Victimization in Australia: The Work of the National Committee on Violence

Duncan Chappell

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1. Introduction

The settlement of Australia by Europeans towards the end of the eighteenth century and throughout the nineteenth century, was accompanied by violence and brutality on an horrific scale. The purpose of the original settlement was to establish a penal colony, and convicts and the displaced Aboriginal population alike suffered unimaginable hardship during this period of Australian history.

Australia today, by contrast, is a relatively tranquil place, both by international standards and the standards of its own history. Nevertheless, in recent years Australians have felt increasingly at risk of violent crime, and not without reason. An international victim survey carried out in 1989, for example, found that Australia has comparatively very high levels of serious assault (*van Dijk* 1990). Two years earlier, Australians had been shocked by two incidents of random violence in Melbourne, which had resulted in the deaths of sixteen people and serious injury to many more.

The level of public concern generated by these incidents led to a meeting between the Prime Minister of Australia and the Heads of all State and Territory governments to discuss action to be taken in response to such crimes. As a result of these discussions, the National Committee on Violence was established in 1988.

In brief, this Committee was asked to examine the level of violence in Australia, to review explanations for violent behaviour and to make recommendations for the control and prevention of violence. Noted authorities with expertise in various areas of its Terms of Reference were appointed as members of the Committee, which I was invited to Chair, and the secretariat for the Committee was located within the Australian Institute of Criminology. Its findings were published early in 1990 (*Australia* 1990)

2. The National Committee on Violence and Victim Issues

Special attention was given by the Committee to issues relating to the victims of violent crime. Specifically, the Committee was asked in its Terms

of Reference to assess the vulnerability to violence of particular groups in the community and to examine the need for support and assistance for victims of violence.

2.1 Sources of Data

The Committee found that the basic sources of information about victims of violence in Australia - periodic reports by police departments and surveys undertaken by the Australian Bureau of Statistics - each had shortcomings, many of which are shared by equivalent sources in other countries.

In the case of police statistics, problems arise because such figures can only indicate reported incidents, and therefore reflect only a proportion of all criminally violent activity. A considerable number of violent crimes never reach police attention, and thus never appear in police statistics. Perhaps foremost among these, in terms of seriousness and prevalence, are the majority of sexual assaults and incidents of domestic violence. Others may fail to be reported either because victims regard the incident as trivial or because they are not confident that a useful purpose would be served by reporting to police. In Australia, additional problems arise because of the differences in counting practices and offence definitions which exist between Australian state and territory jurisdictions.

Victim surveys, such as those periodically carried out by the Australian Bureau of Statistics, also have shortcomings. Problems can arise because the intimate nature of some offences - particularly sexual assault, domestic violence and child abuse - renders them less amenable to measurement by victim survey. Methodological problems may be caused by the inability or unwillingness of respondents to recall traumatic incidents.

Nevertheless, victim surveys have provided useful insights into the extent and distribution of victimisation in Australia, even though the infrequency with which they are conducted is a significant problem. They confirm the existence of a 'dark figure' of unreported crime: for example, even though over 90 per cent of motor vehicle thefts were brought to the attention of the police, fewer than a third of all rapes were reported. Likewise, police statistics, despite their imperfections, do provide basic information on victims of criminal violence.

2.2 Risk of Victimization

Sources mentioned above, together with pieces of research carried out over various time frames which examine different aspects of the incidence

of violence victimisation, allow us to put together a picture, of the differential risk of victimisation for various parts of the Australian community, and to identify some of the risk factors.

2.2.1 Demographic Factors

2.2.1.1 Sex - with the important exceptions of sexual assault and domestic violence, men are far more likely than women to be the victims of violence. Males comprise approximately two-thirds of Australian homicide victims, and three-quarters of victims of serious assault recorded by the police. Injury surveillance studies indicate that men comprise about 80 per cent of assault victims treated in public hospitals, although it is entirely possible that women assault victims are underestimated in this context because they do not identify themselves as such.

As mentioned above, victim surveys indicate that the majority of sexual assault incidents are not reported, and knowledge about its victims is fragmentary; nevertheless, it is clear that they are overwhelmingly female. Similarly, serious problems exist in the measurement of the incidence of domestic violence, because of the lack of suitable data, but the data which do exist indicate that again the vast majority of victims are female, and that 'the behaviour is widespread, almost to the point of being a normal, expected behaviour pattern in many homes' (*Mugford* 1989).

2.2.1.2 Age - Aside from infants, whose dependence and fragility render them especially vulnerable to injury from abuse, most victims of violence in Australia are young adults, and it appears that risk decreases significantly after about the age of forty (*Inter/View* 1989). It is ironic that the elderly, who express considerable fear of becoming the victim of violence, tend to be least at risk.

2.2.1.3 Socioeconomic status - The risk of becoming the victim of homicide appears considerably greater within the lowest occupational prestige categories (*Najman* 1980); in Australia's most populous state, New South Wales, between 1968 and 1986 nearly a quarter of homicide victims were unemployed (*Wallace* 1986; *Bonney* 1987). There are indications that this is also true of victims of sexual assault, domestic assault and robbery.

2.2.1.4 Geographical variation - the Committee found that, as is the case in most countries, rates of violent crime in Australia tend to be greater in urban than rural areas. An exception to this finding is the jurisdiction of the Northern Territory, whose homicide rate is eight times the Australian average of two per hundred thousand population. This area differs from the

rest of the country in several important ways: it has a much higher proportion of young males, many of them transient, and a higher proportion of Aboriginals in its population.

2.2.1.5 Race/Aboriginality - Information available to the Committee indicated that race other than Aboriginality appeared not to be indicative of special risk of victimisation in Australia. However, accumulated evidence suggests that Aboriginal Australians experience far higher rates of violence than any other section of the community; homicide rates, for example, may be as much as ten times that borne by the general population, and it appears that non-fatal violence is at a commensurate level. The vast majority of perpetrators of violence against Aboriginal people are themselves Aboriginal.

2.2.2 *Vulnerable Groups*

2.2.2.1 Racial minorities - the Committee concluded that, although racially motivated violence in Australia did not appear to be at a high level, it was likely that most violence of this kind failed to reach the attention of the police. This is partly because many people from minority backgrounds habitually distrust police and therefore prefer not to report such incidents, and partly because of ignorance about the appropriate way to deal with the incidents, compounded by language difficulties.

2.2.2.2 Police - although there have been some high profile attacks on Australian police in recent times, the Committee found that their overall vulnerability to violence is difficult to determine, though, as would be expected, it is higher than that of the general population.

2.2.2.3 Children - abuse of children in Australia has been recognised only recently as a serious social problem. Mandatory reporting of child abuse in most Australian jurisdictions, and a growing willingness in the community to acknowledge this kind of violence have resulted in alarming figures. The Committee was particularly concerned about child abuse and devoted a good deal of its attention to possible strategies in this area.

2.2.2.4 Homosexuals and lesbians - the Committee found that violence was experienced by homosexuals and lesbians mainly in the context of street violence, but that insufficient research in this area meant that it was not possible to quantify the extent of such violence.

2.2.2.5 The intellectually disabled - a similar problem with statistical evidence was found to exist in relation to the intellectually disabled, but from the evidence available the Committee concluded that they were likely to suffer higher victimisation rates than the rest of the community.

2.2.2.6 Prisoners - although only 6 per cent of offenders in Australia are convicted of violent crimes, the Committee was presented with a good deal of evidence concerning the atmosphere of violence which pervades penal institutions. However, measuring the levels of such violence in prisons is problematic and difficult to quantify accurately.

2.3 Responding to Violence Victimization

2.3.1 Existing Situation

Overall, the criminal justice system in Australia, in common with many other countries, is characterised by the lack of status given to the victims of crime, even though the cooperation of victims as witnesses is often vital to the effective functioning of the system. The victim usually has no specific role to play in the law enforcement process, beyond providing information about the crime committed against him or her.

Nevertheless, there has over recent years been an increasing acknowledgement of victims' rights in Australia. Perhaps the first signal of this new level of commitment was a report of a Committee of Inquiry on Victims of Crime in 1981 (*South Australia* 1981), which set out a detailed agenda for improvement in assistance to victims. Since that time an Australian Society of Victimology has been formed, which publishes journal devoted to victims' issues. As well, a number of victims' support organisations have been established, which are growing in strength.

There has also been considerable progress in recognising the importance of the role of victims in the criminal justice system. All Australian jurisdictions now have a criminal injuries compensation program in place, and a great deal of attention has been given, especially over the last decade, to measures designed to assist victims of sexual assault and domestic violence (*Grabosky* 1989). One state, South Australia, has adopted victim impact statements, which are tendered to the judge by the prosecutor whenever a pre-sentencing report on the offender's circumstances is presented. Two other jurisdictions are presently considering the introduction of similar procedures. The question of restitution by the offender to the victim is also under discussion, as a sentencing option.

On the international scene, Australia played an important role in the development of the **Declaration on the Principles of Justice for the Victims of Crime and Abuses of Power**, adopted at the Seventh United Nations Congress on the Prevention of Crime and Treatment of Offenders in 1985.

2.3.2 *Recommendations of the National Committee on Violence*

The Committee found that of all Australian jurisdictions, only the state of South Australia has achieved conformity with the United Nations standards delineated in the 1985 Declaration. It recommended in broad terms that each state and territory of Australia should measure its victim assistance programs against this international standard, with a view to conforming to the terms of the Declaration.

More specifically, the Committee concentrated its attention on two areas where it saw priority action was needed in dealing with victims of violence, namely in the area of health care and in their treatment in the criminal justice system.

2.3.2.1 Health issues: the Committee stated that particular attention is required in determining the most effective methods of therapeutic intervention for those victims in need of professional treatment. It noted the great progress which had been made over the past twenty years in Australia in the medical treatment of sexual assault victims - most jurisdictions offer specialist referral and assistance for such victims - and saw this as a model for the treatment of all victims of criminal injuries.

The Committee stressed the need for adequate provision of services to victims with special needs, such as those from non-English speaking backgrounds, Aboriginals, people with disabilities and people from rural areas. It also stressed that health professionals called upon to treat victims should be sensitive to the problem of stress and anxiety which may linger in the aftermath of a criminal assault i.e. post traumatic stress disorder.

In this context, the Committee specifically recommended that all health service providers, including hospitals, should institute special procedures for identifying as well as treating victims of violence. Such procedures were especially needed in the case of victims of domestic violence, sexual assault and child abuse. In addition, institutions which provide education and training for health and welfare professionals should offer training in the recognition, treatment and management of victims of violence. Issues relating to gender inequity and its implications in relation to violence should be included in this training.

2.3.2.2 Criminal justice issues: the Committee observed that, given the crucial role of victims of crime in the law enforcement process, it is essential for police to evolve strategies to ensure the best possible support is available to encourage victims to report violent offences, and then to encourage their participation in any subsequent court proceedings. It therefore recommended that formal mechanisms should be put in place to facilitate easy and effective

referral by police of victims to appropriate support agencies. It also recommended that police training programs should include curricula on victim assistance as a routine component of all courses, from the initial recruit stage onwards. Likewise, judicial officers who have contact with victims during the court process should undertake continuing education in matters relating to victims of violence generally, and victims of domestic violence, sexual assault and child abuse in particular.

The Committee paid particular attention to the police role in dealing with allegations of child abuse. It observed the need for improved police training in this area, given the extreme sensitivity of the issue, the vulnerability of victims and the difficulties involved in criminal prosecution. Specifically, it recommended that police and others in the criminal justice system directly involved with victims of child abuse should receive training in normal child development, in issues relating to disabled children and in relevant forensic issues.

In addition, the Committee recommended that particular attention should be given to improving procedures in investigating allegations of sexual abuse of children. This should entail closer liaison between police and others involved in these cases, and consideration be given to the use of video recording of statements.

The Committee acknowledged the distress experienced by victims of violence who are required to testify as witnesses. One Australian jurisdiction, Victoria, has in place court-based counselling and support services, whose specific responsibility is to provide information and assistance to those who have to negotiate the judicial process. The Committee recommended that this example be emulated elsewhere.

The Committee recognised, however, that for some victims of violence, especially children, the level of trauma experienced may actually pose great problems for the administration of justice, because testimony is inhibited and the fact-finding process is impeded. It therefore recommended that various proposals concerning the use of video-links, screens and other modifications to the courtroom environment should be fully tested, so as to ascertain their effectiveness in reducing stress and enhancing the accuracy and reliability of testimony.

3. Conclusion

During its lifetime, the Committee became aware of a growing consciousness in the community of the difficulties faced by victims of violence, both in coping with the trauma they have experienced and in dealing with the intricacies and demands of the criminal justice system. This awareness has led to a willingness on the part of the various levels of government which have responsibilities in this area to review their attitudes and procedures, using the Committee's recommendations as models for action in tackling some of these difficult issues.

The Committee recognised that many of the recommendations it made were long-term in their orientation. Nevertheless, the response to the Report has been a heartening one, and the Committee is confident that implementation of its recommendations will make a real difference in helping victims of violence cope with their trauma and make more effective the criminal justice response by easing victims' distress in dealing with the administration of justice.

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Weisser Ring - Lobby for Victims of Crime

Dieter Eppenstein

More than four million offences - including one hundred thousand violent crimes - are committed every year in the Federal Republic of Germany victimizing one hundred thousand innocent people who suffer severe physical and emotional injuries and great financial losses. In most cases they are simply forgotten, which adds to their pain. Public interest is largely focussed on the criminal action, the offender, his criminal prosecution and his conviction. Only few people bother about the victim and his or her situation after the crime.

Weisser Ring has set itself the goal of changing this. The registered non-profit organisation is located in Mainz.

Weisser Ring was brought into being in 1976 by TV-journalist *Eduard Zimmermann*, and with over 230 branch offices it is now the most important organisation in the Federal Republic of Germany helping seriously affected victims of crime.

Weisser Ring is assisted in its work by its more than 37 000 members coming from all walks of life. **Weisser Ring** raises the funds it needs for victim support and crime prevention from contributions of its members as well as from donations and fines (imposed on offenders). Through these funds **Weisser Ring** has been able to support up until now about 50.000 victims of crime up until now in a prompt and unbureaucratic way. The number of those who received solely counselling and emotional support is by far greater.

Any criminal offence - even offences against property, which are often played down - seriously affect the personal way of life of the victim and of his or her relatives and survivors. By being reassured and talked to, victims

are helped to regain courage and hope. That is why emotional support and personal assistance are especially important and form the basis of the work of the around 1 100 volunteers of the association.

In case victims have suffered great financial losses resulting from the offence, **Weisser Ring** will tide them over by granting financial support. **Weisser Ring** offers a wide range of services to meet the specific needs of the victim. Let me give you some examples:

Weisser Ring

- helps victims to deal with authorities
- meets lawyer's charges if legal aid is not provided
- pays for professional therapy if there is no other financing
- offers holiday-programmes for victims and their relatives
- accompanies victims to hearings and trials
- refers victims to other service providing organisations

The services provided by **Weisser Ring** do not depend on membership nor are they subject to any other obligation. Financial aid need not be paid back.

According to its statutes and in addition to practical assistance for crime victims, the second aim of **Weisser Ring** is assisting state-run agencies in crime prevention. The nation-wide circulation of the brochure "Drugs - not me!" and the instruction kit "Juvenile delinquency - Let's discuss" would hardly have been possible without the assistance of **Weisser Ring**.

Additionally, **Weisser Ring** has conducted a nation-wide warning sign campaign "Stop theft!" These warning signs which can be seen from far away are aimed at advising people to be more careful with their property. In connection with helping victims of crime, **Weisser Ring** takes an active part in improving the consciousness of the public regarding victim issues. Acting as a victims' lobby, **Weisser Ring** makes special efforts to improve the situation of the victim within the entire criminal justice system.

From the numerous activities aimed at improving the situation of crime victims in the field of justice, personal support or medical care, I would like to take just one example, namely the improvement of the presentation of evidence for most seriously affected victims of crime, whose cases cannot be cleared up completely.

The 9th divisional court of the Federal Social Court (BSG), the court of competent jurisdiction over compensation for victims, by passing its sen-

tence in the case of "Beck" on 22.6.1988 has achieved "legal evolution", but in a very restrictive way to the disadvantage of the claimants affected by violent crime and - what is most dismaying - to the disadvantage of those most seriously injured who, as a result of the crime, cannot remember the facts of the offence, or to the disadvantage of their dependents. It is by no means inappropriate to mention the name of Beck in this connection, since this case in addition to the ruling of the BSG, have attracted negative public attention and repeatedly been covered by television. - The 9th division of the BSG repeatedly referred later on to this "basic ruling". The attempts of "subsequent improvement" undertaken by the 9th division in the process, made matters worse, as always happens in such cases.

In its abstract no. 1, the 9th divisional court points out first of all, that the Law on Compensation for Victims of Crime (OEG) makes the awarding of compensation conditional upon the principle that there is evidence of an deliberate assault. This is uncontested and results from the wording of the law demanding at the same time that basic principles of Social Law be observed. Abstract no. 2, then reads: "Difficulties in proving the hostile attitude of an unknown perpetrator are no cause for facilitation of the presentation of evidence"! This abstract has been understood quite correctly by the pension offices of the "Länder" dealing with compensation for crime victims and by the courts of justice (SG and LSG = Social Court and Social Court of a "Land"). A statement of the pension office of a "Land" of 17.5.1989 (in the case of Kern, perpetrator also unknown) reads: "In the present case the increased demands for evidence, as laid down in the decision (of the LSG) of 5.12.1988 with reference to the ruling of the BSG of 22.06.1988 (in the case of "Beck"), have not been met."

"Increased demands for evidence", "no facilitation of the presentation of evidence" if the perpetrator is unknown - and this of all things under the social legislation on compensation where one always has to be prepared for treacherous assaults and acts of violence. This is not only inconsistent with precedent under the Social Insurance Law but the OEG is also reduced to something which is absurd and insignificant, especially in cases of serious crime and injury. It's "fortunate" for the administration of the pension offices that dead persons and murder victims cannot provide information on the course of the events nor on the perpetrator. Just think of the dependents' difficulties in producing evidence. Just think of the brain-injured person who has lost his memory as a result of a shot in the head, or of the most seriously injured person whose retrograde amnesia is incurable. Hopeless cases - according to the compensation practise of the authorities and according to the jurisdiction of the court of appeal.

§ 1, para. 1 of the OEG makes an intentional illegal assault a condition of compensation entitlement. Normally illegality - in cases of injury by a third party - poses no problem. However, so does the condition of criminal intent, all the more so if the perpetrator is unknown. The LSG of the Land Nordrhein-Westfalen in its ruling of 9.12.1986 (in the case of "Heeck") has summed it up. I am quoting here: "The perpetrator, not having been apprehended, fact-finding relating to the motivational aspects of the offence, that means the intent and the purpose of the offence, is not possible in the present case." And furthermore: "It is true that the perpetrator under cover of the dark might have had the intention of shooting at a person or at least recklessly disregarded the consequences of his action, but it might be possible just as well that the perpetrator aimed his gun at an object, negligently, not taking into consideration that he might hurt a person in the process". This case is especially tragic, as the bullet is lodged in the head of the victim and can only be removed at the risk of his life. That is the reason why there was no firearms comparison, even though a corresponding airgun had been found in the neighbourhood. But, what would have been the use to the victim? All the perpetrator has to assert is: I was aiming at an object! Or simply: I was only doing "target exercises". In this case the claims for compensation will certainly be turned down. You don't believe it? In the case of Krieger (also shot in the head) the notice of rejection (with reference to the sentence) reads: "The gun has a very easy trigger slack; accordingly, unfortunate release of the shot by negligence appears quite possible. And then the case of "Geisser" where the perpetrator allegedly wanted "to clean his pistol", on New Year's Eve of all times, after having been woken and angered by the "constant banging". Do you believe the evasive defenses of these perpetrators? Of course not! But they always lead to the rejection of the compensation claim. During a deliberation-break the authorized agent of the pension office of a "Land" explained to me: "Not one of the officials of a pension office will approve a compensation claim if as a result of the criminal proceedings the offender was only convicted of an act of violence caused by negligence. The official must be prepared for being immediately reprovved by his superior or later on by the audit office."

We should take a look at the criminal law. All of you know that under the criminal law all proceedings are decided according to the principle "in dubio pro reo" (the benefit of the doubt). What does this principle mean? In case the court is not fully convinced of the perpetration of the offender or of the immediate existence of relevant decisive factors, this principle of doubt stipulates that the legal consequence, which is most advantageous to the defendant be observed (see BVerfG in MDR 1975, 468). You would look in vain for this principle in the code of law. It has been developed by

precedent within the frame of legal evolution and is also significant under constitutional law under the keyword "presumption of innocence" (see BVerfGE 9, 137, 145). In popular terms: 10 culprits should go unpunished rather than one innocent being punished. - It is inevitable that this occasionally leads to misjudgements. But how are things looking if this principle is no longer valid or applied? We do have some significant examples for this. Generally it holds true however, that where there are clear decisive factors, the offender is given the benefit of the doubt if this doubt cannot be dissipated. This principle also applies to the decision whether to proceed on the assumption of completed or attempted offence, or on the assumption of criminal intent or negligence (see BGHE 23, 203). In case of doubt, it has to be ruled on principle according to the minor law (negligence) if the different modes of behaviour are graduated (for example perjury - false oath by negligence). Besides - you can read this up in every commentary on criminal law - offences committed by negligence are so called "subordinate elements of offence", for example murder or manslaughter (§§ 211, 212 StGB) as opposed to involuntary manslaughter (§ 222 StGB) or fatal bodily injury (§ 226 StGB), and, in cases of bodily injury, §§ 223 ff StGB as opposed to 230 StGB. If the judge's doubts are not too serious, the degree of punishment imposed in cases of negligent acts can be extended to come near to the sentence imposed in cases of intentional criminal acts.

Now you will realize why the fact that the pension offices and the Social Courts focus on the sentence imposed on the offender and their dependence on this sentence is so "fatal" to the victim who, as a matter of fact, should be the sole centre of attention under the social legislation on compensation. The conviction of a criminal offence caused by negligence sometimes results in a severe punishment. The same judgement under the social law on compensation literally leads to nothing; the compensation claim is turned down! Ten violent criminals who on "precautionary grounds" - so as to protect the sentence from appeals - and in application of the "benefit of the doubt", are convicted only of negligent acts of violence (manslaughter or bodily injury). This may lead automatically to the fact that 10 (justified) compensation claims are turned down. You might object that (under § 12 VwVfG-KOV) it is the business of the pension offices and the Social Courts (§ 103 SGG) to scrutinize the facts of the case. Why should the administrative authorities and the courts take this trouble, in view of the fact that the BSG in its decision of 22.6.1988 states: "It (= LSG) was authorized to adopt the findings of the preliminary proceedings of the prosecution". The pension offices and the courts understood this sentence the right way, too, and renounced to a large extent their own fact-finding activities. Still, on 11.9.1989 a pension office wrote: "It has been established that the sentence passed on the author (of the offence) is still pending at the court of appeal

and is actually being suspended there (for 12 years - you didn't get me wrong!), since on the one hand the criminal prosecution of the case has not yet come under the statute of limitation and on the other hand the perpetrator cannot be identified. A final judgement is not yet available at present."

Is this not enough to drive the victim, who in this case is a paraplegic to despair? Without a final judgement, nothing will be done. If a judgment is passed in the end - probably on negligence charges - the compensation claim will be turned down, anyway. All the trouble would have been for nothing. I take the view that a court of appeal has to consider the effects of such "legal arguments" on the subordinate courts and the competent authorities. In any case, there is room for doubt about the social character of the law on compensation.

So, if under the social law on compensation, decision is taken according to the principle of the "benefit of the doubt" (and this holds true despite all attempts at mincing matters), does that mean that in this social field there is no facilitation of evidence at all for the victim? The 9th divisional court of the BSG in its ruling of 22.6.1989 mentions only two possibilities.

1. Under § 1, para. 3 BVG, the probability of a causal relation will suffice in order to obtain recognition of impairment of health resulting from an injury. But is this really a facilitation, which one way or another can be significant or of use in the above mentioned cases? In this connection, the 9th divisional court only mentions the BVG (Federal Pension Law), the SVG (Soldiers' Pension Law) and the OEG. A look at the statutory accident insurance (UV) gives us the answer. Brackmann (handbook of social insurance) and the 2nd divisional court of the BSG (accidents) differentiate, correctly in legal terms, between causality creating liability (connection between industrial activity and accident) and causality constituting liability (connection between the accident and the physical injury). In both cases, according to Brackmann, an "adequate probability" is necessary - but will be sufficient - whereas a mere possibility of the causal relation will not suffice. This holds true, as mentioned above, even without express legal provisions, under the law on accident insurance with regard to causality creating liability and causality constituting liability, and has been developed (praise is due to the Insurance Office of the (German) Reich) by jurisdiction. So what are the facilitations of evidence mentioned by the 9th divisional court? Should there be stricter requirements to produce evidence within the social legislation on compensation than within the statutory accident insurance (UV)? One must almost be afraid that this is the case. Besides, § 1, para. 3 BVG mentioned by the 9th divisional court, only refers to causality constituting liability, that is to the causal relation between the injury and the impairment of health. There is nothing said about the only issue that

concerns us here, the causality creating liability, that is whether there has been an illegal intentional assault. The facilitation of evidence mentioned by the 9th divisional court with reference to § 1, para. 3 BVG, turns out to be - please excuse the harsh expression - a mere pseudoargument.

2. The 9th divisional court mentions § 15, para. 1 VwVfG-KOV, as a second (statutory) facilitation of evidence. Accordingly, in case of certain difficulties of producing evidence, the decision can be based on "information provided by the claimant in connection with the facts relating to the injury" in so far as this information "appears credible". I ask you: "What kind of information is a victim supposed to provide if he/she was killed in an act of violence or sustained most serious brain injuries? Of course the 9th divisional court has realized this, too, and states: "The claimant does not know either who shot him and for what reason this happened". You will certainly understand the then claimant's surprise and embitterment in view of this "facilitation of evidence".

Let me sum it up: Especially victims of homicides - that is their survivors - and most seriously injured persons (ambushed and then shot or knocked down) are the ones who have no facilitation at all. The reference to § 1 para. 3 BVG (probability) is a pseudoargument. § 15, para. 1 VwVfG-KOV is tailored to war victims and not to victims of crime. Apart from the fact that again and again we see it happen that no information provided by the victim but information given by the perpetrator forms the basis of the decision, this regulation is doomed to fail if the perpetrator is unknown and only the victim is found.

The 9th divisional court of the BSG puts it quite differently: After commenting on the above mentioned "facilitation of the presentation of evidence" it says literally: "From these special regulations it follows that under the social law on compensation further facilitation of evidence extending to all doubtful but non-provable facts does not exist". You got me right: From pseudoarguments, respectively from provisions that are doomed to fail, the conclusion is drawn that there is and there can be no further facilitation of evidence. Why? What reasons are given? Which special legal provisions form the basis of such an apodictic restriction? Quite cautiously one might ask the following question: Even the BSG must have realized that the special legal provisions mentioned by it are not solid and do not "fit" the social legislation on compensation. What about legal evolution, the most important duty of a court of appeal? Obviously, the 9th divisional court takes another view. Literally it says: "In this connection, too, the legislator ought to have laid down definite rules if he wanted adequate facilitation of the presentation of evidence" (but what kind of facilitation?). The call for the legislator cannot be ignored. We have no choice but to join this call.

Additionally, the 9th divisional court mentions two general facilitations of the presentation of evidence. Of course, they are turned down. But look at the reasons given!

1. Relating to the evidence of the "first appearance" it says: A damage to health caused by a shot cannot routinely be attributed to an intentional act due to the first appearance; the injury might as well have been caused by an act of negligence. This is demonstrated by numerous accidents - including head injuries - caused by improper use of firearms, which at almost regular intervals are reported by the daily press. I don't know if the BSG wanted to make its own statement of facts here, which it has no right to do as a court of appeal, or if it wanted to make use of its own general experiences. However, as can be proved mathematically, that general experience comes down to the fact that the head (as surface of impact) only accounts for one twelfth to one fifteenth of the human body.

Hence the concrete question: Has there been a significant number of comparable cases pending at the BSG where the victim has not been hit in the head but in other places? Or was it nearly almost shots in the head which the BSG had to decide on (with the exception of the case of "Geisser", hit by a person "cleaning his pistol")? There may be a lot of accidents occasioned by the cleaning of weapons or the playing with firearms where the perpetrator is known, but the cases we are talking about always deal with shots in the head caused by unknown perpetrators. Should only those cases have been brought before the BSG?

Let us make an excursion from jurisprudence to literature. The above-mentioned case of the shot in the head "by negligence" has even recently entered literature, but with an evaluation quite different from the one given by the 9th divisional court. A review of the American crime novel "In the best society" by Amanda Cross has been published in the FAZ under the title "James Joyce as instigator to murder". What is it all about? Two students temporarily staying in the country, one of them having to settle the estate of James Joyce, are doing daily "target exercises" with an old gun, for which there is no ammunition available any more, but which, by its aiming telescope, conveys the illusion that, when looking through the cross-wires, they actually "catch" their victim (by shot in the head). Their favourite victim is a neighbour, a "horrible old bitch" who makes life difficult for the whole village. The inevitable happened: Shortly before his departure one of the students shoots the neighbour dead. He confirmed that it happened by mistake, as he could not have known that this time there was a bullet in the gun. The following discussion was about the question: Was it an accident or a crime; in fact it was murder.

Let us go back to our juridical considerations. The BSG's additional remark to its sentence of 22.6.1988 was outright depressing. Although it was of no importance with respect to this case, it was intended as an "early warning" to the disadvantage of victims in future cases. It said: "It is therefore still an open question as to what extent the constituent facts of an assault can be linked to a qualified intent." Do we have to prepare for the fact that henceforth compensation claims will be turned down even though the perpetrator has been convicted of an intentional crime, but only with relative intent? Is the State's greatly emphasized duty to compensate for violent crime intended to be even more restricted? Are there further unsurmountable obstacles to be built up in front of the victim or his survivors?

2. The second (general) facilitation of evidence: evidential emergency. The 9th divisional court comments as follows: "Even if the defendant by insufficient explanation of the circumstances of the case, had caused the plaintiffs evidential emergency (so-called prevention of the evidence), the plaintiff would not get the benefit of the facilitation of evidence. The plaintiff's evidential emergency is not to be attributed to the defendant's conduct." I am almost tempted to quote these sentences once more, so as to give you the opportunity of considering the contents fully and the restrictive legal arguments. Who is going to assume that the servants of the defendant, that is the officials in the pension offices, have brought about the evidential emergency of the plaintiff or prevented possible presentation of the evidence? Should there only be evidential emergency - as facilitation of evidence - if evidence has been prevented (by the opponent)?

The above mentioned 2nd divisional court (accidents) of the BSG, in its decision of 29.3.1963 (BSGE 19, 52, 56) - dealing with the survivors' pension of the widow of a sailor - expressed it as follows: "In this connection, the LSG is not prevented from taking into account the plaintiff's "evidential emergency" occasioned by the peculiarities of navigation, by lowering demands regarding the proof of the alleged death by accident, which creates eligibility". This sentence, too, should be read out twice, as it is inconsistent with the comments of the 9th divisional court and should have led to an appeal to the Great Divisional Court of the BSG. The 2nd divisional court deduces facilitations of the evidence from the "peculiarities of navigation" and considers them to be sufficient reasons for evidential emergency. The 2nd divisional court is therefore not asking for special legal regulations, nor is it calling for the legislator. Hence facilitations of evidence do exist under social legislation, even without special regulations. The court of appeal has only to be courageous enough to apply them. The OEG, it is true, makes the compensation claim conditional upon the application of the appropriate provisions of the BVG. But who asks a wounded soldier if he

knows the perpetrator, for what purpose and with what intent he acted; perhaps he even wanted to miss the victim? What matters is the appropriate application of the BVG. In the cases concerning us here, the victim can give no further details, no more than the wounded soldier. Does this justify a rejection? Or must the peculiarities of the social law on compensation (perfidious assault; shot from an ambush) be taken into account - as did the 2nd divisional court of the BSG - by lowering demands regarding the proof of the facts creating eligibility? Are there, under the law on compensation for victims of crime, no particularities - in terms of course of the event, perpetrators and mental elements of the offence - allowing one to differentiate basically between eligibility based on social law and legislation covering war victims?

The Federal Ministry of Labour and Social Order has published an brochure entitled: "The State helps the victims of acts of violence". In the preface signed by the Federal Minister Dr. Blüm in person, it says: "Frequently the wrongdoer can not be identified at all". Please take note of the word "frequently". It cannot only apply to the famous taximurder always put forward by the pension offices. In fact, the OEG has been created especially for those cases in which the perpetrator remains unknown and compensation claims based on civil law are ruled out. This brochure is designed for the entire population of the Federal Republic of Germany. Any one of us or of our dependants might be victimized by an unknown perpetrator. In cases such as these, the OEG is intended to provide protection and assistance. Or is this information provided to the population a political lie? Are the legislator's intentions pointing in exactly the opposite direction: rejection on principle?

The concrete question we have to ask both the BSG and the competent divisional court is: In how many cases, in which the wrongdoer had not been identified - think of the word "frequently" used by the responsible Minister - has compensation been awarded by the 9th divisional court? Concrete figures are necessary. But let us deal with this later.

The Federal Supreme Court (BGH) - its criminal divisions - repeatedly declared that "demands which are made regarding the persuasive power of the judges should not be pitched too high". Thus the BGH normally decided to set aside the judgements of the criminal courts and to refer the criminal proceedings back to another juridical body. This is the same way in which the 2nd divisional court of the BSG proceeds on the assumption that in view of the facts constituting eligibility the probability of a causal relation will be sufficient. Furthermore, the 2nd senate has taken into account the

peculiarities of a dangerous situation (navigation) and recognized an "evidential emergency" which leads to the fact that lower demands are to be made than in a normal case.

For the first time - as far as I know - the 9th divisional court by its decision of 27.4.1989 on an OEG-case (shot in the head) has pointed out that the demands for evidence must not be strained until they reach the point where factual law is "running on the spot". "Running on the spot" - is this all that comes to mind if we are thinking of the jurisdiction of the BGH and the 2nd divisional court of the BSG? Is this the answer to the "increased demands for evidence" which the pension offices and the courts (of first and second instance) are starting from because of the precedent of the BSG? In this connection the 9th divisional court refers to an earlier decision of 8.8.1974 (SozR 3100 BVG 64c Nr. 1) dealing with foreign pensions under the terms of the BVG. I would like to recall some more of the sentences in that decision: "Legal provisions must not be "dodged" by putting procedural obstacles in the claimant's way which he cannot be expected to overcome (see BVerfG of 23.4.1974 in NJW 1974, 1499). Further, the Federal Constitutional Court (BVerfG) stated in this decision that difficulties in investigating the relevant facts must not lead to the fact that only one party is burdened with the consequences resulting herefrom. Such an exaggeration of the demands for evidence, as required in this case by the LSG, is not in keeping with the overall conception of the law." As I said, this was long ago. The decision is still however valid. It applies to the law on war victims and consequently also to OEG-law. I think it would have been most desirable that under OEG-law and in cases where the perpetrator is unknown, for the 9th divisional court to have taken this decision into consideration from the beginning and acted accordingly. But this is what has been lacking up to now, to speak in plain terms.

The above-mentioned OEG-decision of 27 April 1989 was, as I call it, a "negative decision": The compensation claim has been turned down by the BSG, and rejection by the LSG has been confirmed. Likewise the decision of the 9th divisional court of 28.3.1984 (BSGE 56, 234) is a negative decision, too. It is true that this judgement, which is frequently quoted, is preceded by the abstract (no. 2): If the perpetrator remains unknown, at least the outward circumstances surrounding the case must give convincing clues as to the required mental element of the offence". But, as I said, the compensation claim was turned down for other reasons, because, in fact, there had been no assault at all. (Scared by a burglar, a woman had crawled out of the window and fallen off the gutter.) In this decision the BSG even said: "Even when one tries to take into consideration the meaning of the OEG for the benefit of the victim". But in its subsequent jurisdiction the 9th

divisional court has not drawn any conclusions from this and - as I had to demonstrate above - the pension offices and the social courts did so even less. The hurdle for the "convincing clues" has been made so onerous that - in my opinion - the meaning of the OEG has clearly been "dodged" and with infallible regularity the victim alone has been burdened with the consequences of an act of violence (if the perpetrator is unknown or convicted - only - of an act of criminal negligence).

Let me give it a try, too, and ask the concrete question: In how many cases of this kind - since its unfortunate decision of 22.6.1988 - has the BSG proceeded on the assumption of an "exaggeration of the demands for evidence" by the LSG and awarded compensation and proceeded to quashing a decision or referral to the LSG for this reason? Or is it that in this connection, too, the BSG has experienced that, in fact, cases like these are not taken to the court of appeal? On the contrary: For here it is all about manslaughter, that is survivors' claims, or claims of people who have been seriously injured.

What has to be done? Has the jurisdiction of the 9th divisional court of the BSG, which is solely responsible for OEG-cases, got bogged down in its present composition or may we count on a legal evolution "for the benefit of the victims" as mentioned in the decision of 28.3.1984 (BSGE 56, 237) and on reconsideration of the decision of 8.8.1974 rebuking the "exaggeration of the demands for evidence"? By the way, this decision had been made by the 10th divisional court of the BSG. Now you know why I am so committed to following the jurisdiction under OEG-law and why I am criticizing the exaggerated demands for evidence and the rejection of the facilitations of evidence by the 9th divisional court so sharply. I think we were on the right path at that time. Neither the BVG nor the OEG have to be "running on the spot". Sometimes surveys work wonders. The 9th divisional court will have to answer the above-mentioned concrete questions. Should it turn out that only the victim is burdened with the difficulties in investigating the relevant facts - and this again on the horrible grounds that the victim (as a result of his brain injury) cannot give any information concerning the course of the events, the perpetrator and the mental elements of the offence - then the issue of the exaggerated demands for evidence will become relevant also in terms of constitutional law. Is it necessary and conceivable that the BSG will have to be corrected by the Federal Constitutional Court (BVerfG) concerning a social issue within the frame of the social law on compensation? Until quite recently (judgement of 6 September 1989 in the case of Kern) the 9th divisional court held on to its restrictive jurisdiction: Perpetrator unknown - compensation claim turned down! "Nobody pays", as was said in a quite detailed newspaper article dealing

with the case of Beck. This is quite in line with what the "Süddeutsche Zeitung" denounced following debates on the Gladbeck/Bremen taking of hostages: By now the victims are almost forgotten. They have never been in the center of attention, anyway. The media and the public, too, are concentrating on the perpetrators, a fact which caused Walter Jens, while dealing with the values of our society, to require that things be shown from the victim's viewpoint. It is far too late for that now. But there is still a chance to show responsibility for victims' issues." In fact, no further comment is necessary.

The Association of German C.I.D. officers (Bund Deutscher Kriminalbeamter) put it even more clearly: "Unfortunately it is still a fact that out of mistaken humanity, attention is entirely focused upon the perpetrator while victims are the forgotten people. And the statistical palliation by some interested politicians does not alter this fact either."

Think of the word "frequently" in the brochure of the Ministry of Labour and the actual handling by the pension offices and precedents extending to the level of the BSG.

We have no choice but to call determinedly on the legislator. The detailed surveys carried out by **Weisser Ring** (see information bulletin no. 3/89) revealed that out of a number of around 100.000 victims of violence per year only 3 per cent are given the benefit of a pension under the OEG. A special survey of the above-mentioned cases would result in a much smaller percentage: almost no one. Because of the categoric rejection of additional facilitations of evidence by the BSG, the OEG is actually "running on the spot" in these cases, although other court decisions are definitely possible and such precedent has actually been mapped out by the above-mentioned decisions of the 2nd and 10th divisional court. Victims of war and victims of violence are entitled to the same compensation. On the other hand, however, the facts constituting the claim of victims of violence can by no means be equated with those of war victims.

(Annotation: The example has been taken from the paper presented by lawyer Dr. Wolfhart E. Burdenski at the "First Victims' Forum" organized by **Weisser Ring**, which was held in Mainz on 14/15 October 1989, see volume 1 of "Mainzer Schriften".)

This is only one example illustrating the possibilities which a victim support organisation has. Regarding issues like this, the individual victim will hardly have the possibility of bringing about a change in law. Considering this, **Weisser Ring** intends to carry out long-term studies based on its own material, so as to raise awareness regarding forgotten victims issues.

8. Business and Victimization

Crime at Work:
The Victimisation of Factories and Employees

Joanna Shapland, Paul Wiles, Valerie Johnston and Maria Leek

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1. Victimization at Work

Most of the existing writing about victims is based, at the empirical level, on studies of individual or household victimisation. Occasionally there have been attempts to define whole social groups or communities as "victims" - either because the victimisation was general (e.g. pollution) or because the concept of a harmed victim is examined as a political or ideological concept. The favoured methods for victim studies have been surveys of the general residential population or of the residential population in small neighbourhoods or alternatively studies of individual types of victims, such as rape or burglary victims. There has been surprisingly little work on businesses as victims or on workers, qua workers, as victims (Though see *van Soomerom* 1988).

In Britain a start has been made in looking at crime at work. We know something about victimisation risks in relation to the type of employment (*Mayhew et al.* 1989), about victimisation in retailing (*Laycock* 1985; *Eckblom* 1986; *Burrows* 1988; *Eckblom & Simon* 1988; *Phillips & Cochrane* 1988; *Hibberd* 1990), about victimisation in financial services (*Eckblom* 1987; *Austin* 1988), and about victimisation in the public services (*Smith* 1987). However, we know very little about crime against manufacturing industry and especially about victimisation which takes place in manufacturing and commercial areas - the parts of towns and cities given over almost entirely to factories and other commercial activity.

We have recently completed what, as far as we know, is the first study ever carried out into crimes and other problems on **industrial estates** (*Johnston et al.* 1990a; 1990b). In Britain, factories and small workshops are now largely concentrated into such estates, which have been purpose built for industry.

2. Industrial and Commercial Areas

Historically Britain was the first country to industrialise. The result was that in the nineteenth century new towns emerged in which manufacturing was interspersed with dwellings: Indeed, a common feature of this early industrialisation was the 'company town' in which the factory was surrounded by dwellings built for its workers. However this period of economic

development has long passed and many of the industries of early industrialisation have disappeared from the British economy. Land use has come under legal planning controls with attempts to zone land use for different purposes. Whilst cities in Britain still have central areas which are largely non-residential and given over to retailing and commerce, many of the surrounding areas are largely residential with a few shops but little in the way of manufacturing. Manufacturing has increasingly been concentrated in specifically industrial areas distinct from, even if near to, residential areas.

In order to encourage this process and to foster new businesses speculative industrial estates have been built with units for businesses to rent or buy. These vary enormously in size from very large estates (50 plus factories) in the major conurbations to very small estates (10-20 units) in villages built to develop employment in rural areas. Similarly, the size of the units on the estates varies from very large factories to small garage-sized workshops designed for companies who may only employ two or three workers. The developers of such estates have sometimes been private development companies, sometimes local government trying to promote employment in their area, and sometimes government or quasi-government agencies charged with trying to create employment in economically depressed areas. These industrial estates have become the major location for manufacturing in Britain and also increasingly a major location for wholesaling and, to a lesser extent, some specialist forms of 'out-of-town' retailing.

Though there is great variety (see below), the 'typical' industrial estate might be said to comprise a number of identical units or 'sheds', set along a road, with parking nearby for employees and visitors. Often smaller units are grouped together in terraces facing each other, with car parking, delivery space and a place for rubbish skips in the middle between them. The roads on such estates are often privately owned by the estate landlord, rather than being public highways. There will be some attempt at landscaping (bushes etc.,) on most modern estates. It is rare for many facilities to be provided. Sometimes there might be one shop for newspapers, sandwiches etc., but more commonly the only communal facility is a noticeboard giving the names of the companies occupying the units. Public telephones and post boxes have to be found in nearby residential areas, whilst small vans ply a trade bringing round sandwiches and fast food for lunch for the employees.

Prior to our research no study had been conducted of victimisation on British industrial estates with the result that the British literature on victimisation has had nothing at all to say about victimisation in manufacturing industry or in industrial areas. Our research was designed to fill this gap in

our knowledge and was funded by English Estates (a major industrial estate developer and landlord) and the Home Office (the central government department responsible for policing and crime policy).

3. Methods of Research

The research was conducted in two phases. Because no previous research existed on which we could draw, Phase One consisted of a very detailed examination of five industrial estates in two regions of northern England. This produced a detailed case study and also allowed us to develop the research instruments for the second phase. During the first phase we interviewed all the businesses on each estate about their problems, their experience of victimisation and what measures they took to try and avoid being victimised. We carefully examined the physical nature and layout of each estate personally using an observation sheet and we analysed the local police records of offences committed, offenders detected, calls for police assistance, and intruder burglar alarm calls for each estate and its surrounding area. On the basis of Phase One, we developed a questionnaire and a physical survey research instrument for use in Phase Two.

Phase Two was carried out in the summer of 1990 and consisted of interviews with managers of all the businesses, and physical surveys of all the units on 41 industrial estates throughout northern England. We sampled separately estates with less than twenty units, medium estates with up to twenty nine units, and large estates with more than thirty units. Most of the estates had a mixture of different-sized units, ranging from small workshops little bigger than a domestic garage and employing on average less than five people, to medium sized units employing on average between ten and twenty people, to factories on the larger estates employing up to a hundred or more people. Our sample of estates was stratified to ensure adequate representation of small, medium and large estates; estates located in villages/small market towns, large towns or conurbations; and the different regions of northern England. On each estate we attempted to interview the manager (or equivalent) responsible for each unit on the estate. In each case we asked a range of questions about problems which the unit had experienced on the estate and about what preventative measures had been taken. We specifically asked about victimisation of the business and of employees. Out of 720 potential interviews we successfully completed 585: a success rate of 81%. What follows is a discussion of some of the results of this research particularly as they relate to victimisation. The full results can be found in the two reports on the study *Johnston et al.* (1990a; 1990b).

4. The Extent of Victimisation on Industrial Estates

There had been a stereotype in the literature of the extent to which crime was a problem for manufacturing industry. This stereotype had tended to see businesses as rationally calculating profit maximisers who would only regard crime as a problem if it damages profits more than the costs of trying to prevent it. The stereotype also holds that crime against business did not produce the traumatic effects associated with individual or household victimisation. Crime against business has been seen, therefore, as less of a problem for society and victims than crimes against individuals or households. The attitude tended to be that "they can cope with it" and "they can absorb the costs of crime". The problem with this stereotype is that it treats businesses as things and forgets that in reality they consist of people. People in businesses may be obviously victimised, for example, in the event of a robbery or assault but what was not clear was to what extent they experienced victimisation when the 'victim' could be presented as the business, for example, in the case of burglary.

The results of our research show that the risk of victimisation on industrial estates varies at least as much as it does between different residential areas. On some of the estates very little victimisation had occurred, whilst on some victimisation was a major problem. Providing a measure of the overall amount of crime is not a simple matter. In victimisation surveys of residential neighbourhoods, the most frequent measure used is the proportion of individuals (or households) who have been the victim of any kind of crime over a given period. This shows the **prevalence** of crime - but if individuals are being victimised many times, it does not give an adequate measure of the **total impact** of crime. Our data showed that on some estates multiple victimisation was quite frequent. We therefore decided that a measure which reflected the total amount of crime was more useful in examining the problem of victimisation on industrial estates. However, total amount will show up disproportionately the most common types of crime (typically burglary, damage, theft), and render less obvious the less frequent (assaults, fraud etc.).

To try and overcome this problem we chose to use a measure of crime which shows up both the total volume and spread of different kinds of crime. Briefly the method used was as follows (fuller details can be found in *Johnston et al.* 1990b, Table 5.1). The number of different kinds of crime incidents which had happened on an estate in the two years prior to the

interview was weighted by the frequency of occurrence of those incidents and then summed to give an overall score per estate. This score is, of course, affected by the number of units on the estate (having more units gives more opportunity for victimisation), so the score was then divided by the number of units on the estate to give a rate of crime per unit for each estate.

The rate of crime per unit on the different estates varied from 0.2 to as high as 9.7 on one particularly bad estate, which means (given that our rate was calculated on a two year base) that on the best estate a unit was likely to be victimised once every eight years, whilst on the worst estate a unit was likely to be victimised five times each year. The average for all the estates was a crime rate of 1.6, meaning that on average industrial estate units were likely to be victimised slightly less than once a year. There is no equivalent victimisation rate for residential areas, but from the British Crime Survey we can calculate a simple annual victimisation rate per household (for household offences) and per person (for personal offences). Using the 1987 British Crime Survey data, this gives a rate for household offences of 0.46 and for personal offences of 0.11 (*Mayhew et al.* 1989, Table A.1). There were very few personal offences on our estates but comparing the British Crime Survey household rate with our crime rate suggests that the average risk of victimisation on industrial estates is at least twice that for residential areas. Since our industrial estates had more repeat victimisation than is the case for household crime then twice the risk is probably an underestimate for many units on industrial estates.

In summary, industrial estates suffer a higher rate of victimisation than residential areas. As in residential areas there is considerable variation in the victimisation rates between industrial estates, but the worst estates have much higher rates of victimisation than anything found in residential areas in Britain.

Victimisation on industrial estates tends to be predominantly property crime, and especially burglary, with crimes of violence against the person being very low. Over a third of victimisation on industrial estates involves burglary or attempted burglary whereas in the British Crime Survey's study of victimisation in residential areas it only accounted for nine percent of victimisation (Table 1). This finding is not especially surprising since in police recorded crime figures burglary of non-residential property is almost as common as burglary of residential property (*Criminal Statistics* 1989), yet residential property is far more numerous. Estimating the risk of burglary of residential property is difficult, but the British Crime Survey's best estimate is that 432,000 such burglaries occurred in 1987 and that there were 19,818 million such properties in England and Wales (*Mayhew et al.* 1989). This would give a rate of two percent of residential properties burgled in

England and Wales each year. The rate of burglary on our estates averaged 9.7% and varied from 0% to 28.5% per year. A unit on an industrial estate is, therefore, much more likely to be burgled than a residential property. Furthermore, the incidence of multiple victimisation appears to be more common on industrial estates. Thirty percent of units on industrial estates had been burgled at some time, and twenty five percent had suffered an attempted burglary. However, on the worst estates eighty two percent of units had been burgled and eighty percent had suffered an attempted burglary. On average, then, fifty five percent of businesses on our estates had either been burgled, or had an attempted burglary, at some time during their tenancy of their unit and this must be seen in the context of the fact that thirty four percent of units had been tenanted for a year or less and seventy nine percent for less than five years (so our managers could only tell us about their experiences during this restricted time period).

The effects of burglary on householders are well known. We know that burglary of a dwelling can produce traumatic effects for the victim and as a result burglary is given a high policing priority and various forms of victim support have been targeted at such victims. In Britain nobody has previously studied the effects on the victims of non-residential burglary. As already discussed above the size of the units on our industrial estates varied considerably. The smallest units (workshops) usually employed less than five people and eighty four percent of them employed less than ten people. Such units are little different, in terms of numbers of people involved as victims, than households, and a burglary in such a unit will very directly involve all those working there. It is not entirely surprising then that in our detailed Phase One survey we found that burglaries in such units produced effects very similar to those reported from studies of domestic burglary victims (for example, *Maguire* 1982). There was the same sense of invasion of private space and worry about whether the victimisation would be repeated.

In some instances a burglary of a small industrial unit may have more serious consequences than household burglary. A burglary can interrupt a business quite severely, may lead to workers being laid off or in the most severe cases may lead to a business collapsing - a small, supply based business can easily be destroyed if its records are stolen or damaged and it does not keep complete back-up copies or if important tools not easily replaced are taken. Even a large business can be quite severely damaged by a burglary and there will be a larger numbers of employees who may all suffer to a greater or lesser degree the effects of victimisation. In larger units there can be the added stress to some victims (particularly middle management and those in charge of premises) not only of the usual police inves-

tigations but also of investigations carried out by the parent company, or senior managers. Internal auditing checks, to guard against fraud or insider collusion, for example, may be a rational or even necessary response by companies to crime but they can add to the sense of victimisation felt by employees, if the company does not also provide support for victims.

In general our study showed that it is wrong to think of the victims of non-residential burglary simply as abstract "businesses" and instead we must remember the victimisation effects on the individuals who make up the business. The same point is made with respect to theft of personal belongings at work by *Mayhew et al.* (1989). The major points to note are that burglary in England and Wales affects as many non-residential as residential properties, that the number of victims is greater since non-residential properties have many more employees than households have members, that the effects on these victims are not so different as the common stereotype has led us to believe, and that the economic and therefore broader social consequences may be greater for non-residential burglary.

Theft and auto-related crimes (theft of and from vehicles) made up a smaller proportion of crimes on the industrial estates than was found by the British Crime Survey (see Table 1). However, it must be born in mind that our research was based on interviews with managers (or equivalent) of our units and, whilst they were likely to know of burglaries against the unit, or thefts from the unit, they were not necessarily so well informed about theft of their employees' property, especially in the case of the larger units. Our data may therefore be underestimating the incidence of such victimisation on industrial estates. Analysis of the British Crime Survey data gives some further clues about property victimisation of workers. Of all vehicle theft reported in the BCS survey only 11 percent took place whilst at work but 56 percent of personal thefts were work-related (*Mayhew et al.* 1989, Table A 1.1).

The lower proportion of personal violence victimisation in our survey is, however, more interesting. The British Crime Survey found that: "Just over a fifth of assaults against workers [i.e. those in employment] took place at work, and nearly a third of threats" (*Mayhew et al.* 1989, pp.32ff). However, work related violence was especially likely in certain occupations, such as social work, teaching, entertainment, nursing and among security personnel, and because of the nature of the workforce in these occupations, more common among women. Such occupations (people contact jobs) are not generally found on industrial estates and there the workforce is overwhelmingly male. This explains the lower prevalence of violent crime in our study.

Furthermore, the British Crime Survey measures violent victimisation of those interviewed **regardless of whether that assault took place in the interviewee's residential area or not**. In addition to those assaults associated with work we know that a significant proportion of the remainder take place in non-residential locations, such as in pubs or city centres. The actual rate of assaults taking place in residential areas for the British Crime Survey is therefore much lower than the overall rate found in the study. Hence we should not conclude that violent victimisation is low on industrial estates, but high at home - rather that it is lower in the working life of manufacturing industry employees, but higher in people's general leisure and home life.

The general risk of victimisation is higher on industrial estates than in residential areas but as we have already indicated the victimisation risk varies considerably **between** different industrial estates. Using all the data we had collected, both from the interviews and the physical surveys, we examined whether any factors were associated with estates having higher than average **overall** victimisation rates. The number of possible factors are very large. Some of these relate to the siting of the estate:near it is to housing, whether there is open land near by, whether the estate roads are public thoroughfares. Some reflect the layout of the estate: how large it is, what mixture of unit sizes it includes, whether the public use the estate, what kinds of businesses are there, which facilities are present for those working on the estate, where car parks are situated. Some may relate to the estate's management and how well it is maintained. The policing of the estate may also be relevant. Yet other features relate to the units themselves, rather than the estate. The businesses may be more or less attractive as targets, they may have different levels of crime prevention measures, or be able to employ differing strategies of informal social control. Finally, perceptions of crime on the estate and/or the tenant's, manager's and employee's fear of crime may or may not relate to actual victimisation.

5. Factors Affecting Victimisation Rates

In order to explore the possible reasons for differential victimisation risks we wished to compare our estate's overall crime rate (as discussed earlier) with the factors just indicated. Our problem was that some of these variables are integral and some categorical. There is no perfect or ideal statistical technique for showing the relationship between one measure (crime rate per estate) and a large number of others, which include both integral and categorical variables. We therefore decided to use two statistical techniques:

multiple regression (best for integral variables) and discriminate function analysis (best for categorical variables). The details of these analyses and findings can be found in *Johnston et al.* (1990a, chapter 5).

The main finding from these analyses was that estate design, estate layout and the nature of the surrounding area were related to an estate's crime rate, but the crime prevention precautions taken by units and policing showed few significant relationships. It is difficult to summarise the detailed results of these analyses, but basically smaller, newer estates, employing smaller numbers of people with fewer large factories, that were well maintained, without a great deal of general public access and use of the estate, and not immediately adjacent to run-down residential property, tended to have lower rates of victimisation.

Obviously, this does not mean that the next generation of industrial estates should contain no factories, and should be situated in the middle of a rural landscape! Larger units are needed by companies. Those units need a conveniently located workforce. However, within these practical and economic constraints, some of the design, layout and location aspects of industrial estates may be open to manipulation - and that manipulation may lead to lower rates of victimisation. Where exactly estates are situated, whether open land is left on the boundaries, whether children's play is channelled into more appropriate places, whether retail units are mixed in or placed at the estate entrance, whether care is taken over the 'communal' parts of the estate - all of these are factors which may help. Equally, crime prevention may not have been related to victimisation rates in our survey, but that does not mean that crime prevention precautions are immaterial. It does tend to suggest that reliance should be placed on what *van Dijk* (1990) has called 'situation-orientated' prevention (design, use), rather than 'victim-orientated' prevention (physical security devices, such as alarms and bars). It also suggests that the current attempts by individual units to fit physical security measures were not proving effective in altering victimisation levels on estates. Specifically, possessing an alarm system did not relate to victimisation by property crime. Maybe the crime prevention measures used were effecting displacement of victimisation from one unit to another on an estate. However, when we ran regression analysis for differences in crime rates between units no variable affected the result significantly, probably because of insufficient variance in victimisation levels between units on estates. Either unit physical security measures are badly chosen and used, or they are ineffective as a deterrent against the level of property crime experienced (because the response to an activated alarm might not be

helpful). It seems as if the best measures to reduce the risk of victimisation on industrial estates would be those applied to the estate as a whole. We discuss this further in the reports (*Johnston et al.* 1990a; 1990b).

We also explored fear of victimisation on the estates. Very few (two percent) of those we interviewed felt unsafe on their estate during the daytime. The figure was slightly higher for those feeling unsafe at night time (three percent) and higher still if they were alone on the estate at night (six percent). These figures are broadly comparable with those found for residential areas by the British Crime Survey (*Maxfield* 1984). When we examined fear levels among men and women separately then, as in all other studies, women were found to be more afraid than men - in our case by a factor of three or four times. This gender difference was reinforced when we asked respondents whether they thought a particular group of workers would feel unsafe on the estate at night. 47 percent of respondents thought that adult females would be especially likely to feel unsafe and 30 percent thought the same for young females - the corresponding figures for males being 2 and 3 percent.

Generally, the fear levels among males on the average industrial estate is broadly similar to that in the average residential area. However, fear levels on the worst industrial estates were higher than in the worst residential areas. Furthermore, many of those interviewed probably lived in low crime risk residential areas where fear levels are at their lowest and so their fear levels when at work, especially if they worked on an average or worst than average industrial estate, were probably higher than when at home.

Although fear levels on our estates were not particularly high, there was real concern for the fear experienced by women on the estates under certain conditions and a realistic assessment of the risk of victimisation which, as we have seen, was high on some estates. Yet the extent to which the companies had responded to such worries was almost non-existent. Ninety two percent of companies had done nothing specifically to try and prevent problems occurring for their employees or to respond to their fears or worries (that is other than adding to the physical security of their units). In the six percent of cases where some response to employee's worries had been made, the great majority of these (four percent) involved additional security hardware. Less than one percent of companies had a written policy on either crime prevention or how to support their employees if victimised, or had changed working hours or provided transport to help.

6. Managing the Response to Crime on Industrial Estates

Although it could be argued that the crime victimisation risk was quite small it was not necessarily less than some other risks, such as fire or damage to computers, for which companies were much more likely to have worked out contingency plans. On some of our estates, of course, the risk of crime victimisation was not small and yet even so contingency plans were virtually non-existent. This should be contrasted with the fact that companies were sufficiently aware of the risks of crime to the extent that two thirds of them had fitted some additional security device to their unit, and such devices were often even more common on high crime rate estates. It seems as if managers themselves hold to the stereotype of crime against business referred to at the beginning of this paper: They recognise the risk and try to protect the business' property but fail to take equivalent steps to protect their employees or plan policies to deal with victimisation.

We should be careful, however, before concluding that this was thoughtlessness or heartlessness on the part of business. What was also revealed by our survey was that businesses, at least on industrial estates, lacked both the knowledge and the skills to develop victimisation policies. Although managers had reasonably accurate perceptions of whether their estate was a high or low crime risk estate, they did not have detailed information about crime on their estate, other than for their own unit. In general, information about crime does not flow so easily around industrial estates as it does in residential areas, and very few companies were involved in a business equivalent to neighbourhood watch schemes. Community policing, which is fairly well developed for residential areas in Britain, did not penetrate our industrial estates and businesses' contact with the police was largely restricted to those occasions when a crime had already been committed. The advice which businesses received about crime was almost all either from insurance companies or Police Crime Prevention Officers and directed at the physical security of their buildings. None had received advice about crime from business or commercial associations who might have been more likely to advise on personnel policies.

Businesses on our estates need an authoritative source both of information about the victimisation risks they face and how these should be responded to in practical policy terms. It is not difficult to see how some of these needs could be fulfilled. The police and, to a lesser extent landlords, have information about victimisation on industrial estates. At present, at least in

Britain, there are technical problems (related to how the police and landlords store data and their ability to analyse it) in making such information available but, even if this was not the case, there is currently nothing which encourages the sharing of such information. What is needed is a framework which fosters the development of victim policies by companies and encourages the provision of the necessary information for such policies.

One way to do this would be to set standards for victim policies in business in rather the same way as we have set industrial safety or fire standards. The aim would be to ensure that all businesses had policies to minimise the risk of victimisation for their employees and to deal with victimisation if it was to happen. At their weakest such standards could be voluntary and drawn up by trade or industrial associations, or, at their strongest, they could be legislated and enforced by an inspectorate. In the latter case they could be added to the remit of any existing standards enforcement body - in the case of Britain, for example, the Health and Safety Executive. The Health and Safety Executive has in fact already taken some steps towards this in relation to violent crime (*Health and Safety Executive* 1989). The precise way in which such policies were developed could take a number of different forms but the setting of standards could ensure that businesses had some policy about victimisation in the same way that they have policies about industrial safety, pollution, fire prevention etc. It is possible that business may regard such standards as intrusive and inimical to their economic well being. However, our data show that the risk of victimisation is higher for businesses than for households and that the consequences of victimisation can be very damaging to a company. If victimisation policies are sensibly and efficaciously related to risk then they will be congruent with the economic interests of business and at the same time improve the quality of life of those working in business.

One final caveat needs to be added at the end of this paper. Our research examined victimisation on industrial estates in northern England. We have no reason to think that our findings would not hold true in other parts of Britain but this does need demonstrating by research elsewhere. How far our finding would hold for other countries is simply unknown. Countries have different types of commercial and industrial structures, and have different policies and customs about the location of business. What is needed is comparative research from other countries.

7. Table

Table 1: Proportion of Offence Types making up total Victimization: Industrial Estates 1988/89 and England and Wales 1987

	Industrial estates		England & Wales
Burglary	22		4
Attempted burglary	15		5
Vandalism	18		
		25	22
Damage to vehicles	7		
Theft	22		
		25	33
Employee theft	3		
Theft from vehicles	4		16
Theft of vehicles	4		3
Assaults/sex crime	1		
		2	17
Threats	1		
Other	3		0
	100		100

Sources: *Johnston et al.* 1990b and *Mayhew et al.* 1989

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A Victimological Study of Dishonest Trade Practices

Haruo Nishimura

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1. Preface

In a recent case, the practices of the TPC company were disclosed on the grounds of suspected violation of the Investment Law after the company had collected well over a billion yen from around 2,000 people, using as a pretext the slogan "Get a High Return on your Investment". Consumer advice centers and police stations all over the country were besieged by people wanting help and advice. This particular case is an unusual example of an enforced investigation that took place at a stage when the victims had still not made a formal complaint about the loss suffered. This disclosure of the affairs of a company that was still actively carrying on its business enabled the police to show the public that they were prepared to act positively against such practices and resulted from their self-examination following criticism in the previous Toyota Shoji case that they had been too slow to act (*Ueno* 1987). It was only natural, however, that those early depositors who had been receiving a high rate of interest, expressed their dissatisfaction, saying that the police had unnecessarily exceeded their responsibilities.

On a separate occasion, the case of the gentleman who found himself in difficulties after buying 33 wigs amounting 12 millions yen on credit from the wigmaking company Aderans gave rise to comments about "excessive business practices". Cases of the purchase of inferior quality articles as a result of mail order advertisements in magazines have also been spreading among elementary and secondary school pupils, highlighting the need for consumer education of pupils and students.

In the U.S.-Japan talks on structural impediments in the economy, the attitude of the Japanese economic administration to date in giving a high priority to the interests of producers and failing to give protection to individuals and consumers has once again been revealed, and the need for consumer-oriented administration and for consumer education to be given from early childhood is now keenly appreciated. This paper sets out to deal with the definition of crimes concerned with dishonest trade practices, with the current state of affairs regarding such crimes and with the process whereby people become victims of them.

2. Initial Reporting from Citizens

The disclosure of dishonest trade practices (sometimes referred to as "vicious" in the press, using the term used by the police in the early days) is initiated by reports from citizens who feel mistrust or a sense of having been victimized. There are currently three types of outlet for citizens wishing to make such reports:

- 1) People's Daily Life Advice Centers, operating under the jurisdiction of the Economic Planning Agency, a non-police body, or local Consumer Advice Centers to be found in towns and villages throughout the country;
- 2) The *Environment and Consumer Protection Division* of the police, publicized as "Dial 110 to report dishonest trade practices";
- 3) Local lawyers' associations or private bodies functioning as non-governmental citizens' organizations.

The character of the cases handled by these three outlets may appear to be identical insofar as the broad framework is in all cases a sense of damage or loss on the part of the consumer, but when one looks closely, differences can be seen, arising from differences in the area of jurisdiction of the agency, ability to respond to the complaint, strength or weakness in terms of ability to dispose of the case, and general image of the body concerned.

What should be emphasized here is the nature of the initial report. Since the majority of citizens are not legal specialists, they are guided by their intuition when making a report or seeking advice about their feeling of mistrust on dishonest practices. Their motives are a mixture of a desire for self-protection and a sense that social justice should not permit such dishonesty, and immediate motive for action include realization of the inferior quality of goods or services offered in relation to the amount of money paid, suspicion of sweet-talking salesmen who make offers that are too good to be true, a fear of possible future loss after concluding a contract and wish to take precautions against this, or a wish to minimize loss to themselves. It may well be that as ordinary citizens not familiar with the law, they tend to put excessive emphasis on their own interests as opposed to those of the sellers. Nevertheless, it was a British scholar, L. *Wilkins* (Wilkins 1983), who said that an ordinary citizen's sense of loss or suffering in a case should be highly valued as the starting point for study of a crime. It is only to be

expected that when a citizen comes rushing to make a report of dishonest trade practices, the practitioners concerned with the criminal law will immediately want to concern themselves with the existence or otherwise of illegality in the practices concerned. It is necessary, however, to cultivate the attitude of first listening quietly to the citizen's complaint and then delving to see if there is some illegality hidden beneath the surface.

3. Discrepancy between a Specialist's and a Citizen's Definition

It is very difficult to define dishonesty in the context of trade practices in terms of kind or degree. It is also not necessarily the case that the various mass media organs are unanimous. However, if one looks at forms of business that are contrary to dishonest trade practices, the first concept to be examined is that of "fair dealing". This is often seen as having an aspect whereby the buyer forces his opinion onto that of the seller, but setting that point aside, the concept of fair or honest dealing might include such points as not being deceitful about the quality of goods, honestly declaring defects as defects, keeping down the level of profit, on occasion giving the profit back to the client, carrying out with good grace additional service requested by the buyer, thinking of the transaction from the point of view of the buyer on the basis of one equal to another, and concentrating on the intrinsic pleasure of the work to be done without worrying too much profit margins from sales. Speaking from a commonsense point of view, actions and thinking contrary to these factors might be said to be dishonest.

However, because concepts of profit and loss on the part of the buyer and the seller are not necessarily precisely matched, transactions are not always completely fair, and the reality is that "baser" elements do enter into consideration, both sides are aware of and accept this, and at an appropriate point, an acceptable bargain is struck. The seller will use inducements, arousal of emotions, hints, sympathy and other techniques in an attempt to stimulate the buyer's desire to purchase. Nor is the buyer completely pure. He will also use bargaining techniques such as inducements, hints, entreaties and aggression in order to try and buy good quality goods cheaply. When techniques such as these are taken further than they should be, it may be that one can speak of "dishonesty" or "unfairness", but they are one side of commercial practice. But when things are taken to excess and the amount of damage suffered becomes significant, it becomes impossible to overlook what is happening, and one view of dishonest trade practices is defined by

what occurs along a prolongation of this line. At the end of the line are deceit and commercial fraud, which can under no circumstances be condoned.

There is also another view of dishonest trade practices. Dishonesty within the context of consumer protection policy in contemporary society is not identified with commercial bargaining techniques taken to excess, but has a completely different aspect. What is aimed at here is control over a new type of dangerous business practice, and this represents the second form of thinking about dishonesty. Offences against special laws related to consumer protection, such as the Investment Law, the Law Concerning Door-to-Door Sales, the Law Regulating Overseas Futures Transactions, or the Law Concerning Investment Counselling Businesses, also offences against special laws related to the economics of daily living, such as the Drugs, Cosmetics and Medical Instruments Law, the Securities and Exchange Law, the Law Concerning Transactions in Land and Buildings, or the Trademarks Law, are not the same as sporadic examples of dishonesty taken to excess, but are rather a completely distinct type of vice concerned with organized and repeated acts, taking the form either of non-observance of procedures stipulated in the law, including notification, indication, serving of notice in writing, etc., or of deliberate violation of things forbidden by law.

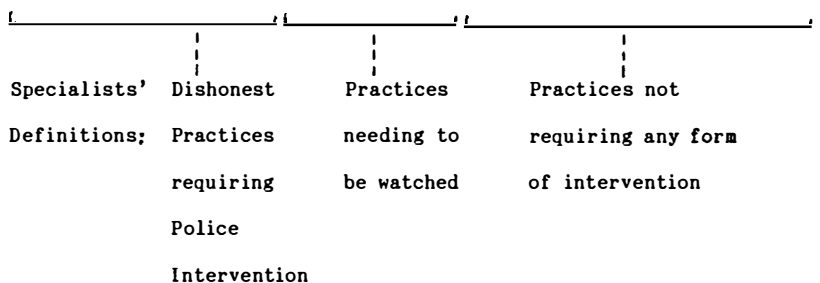
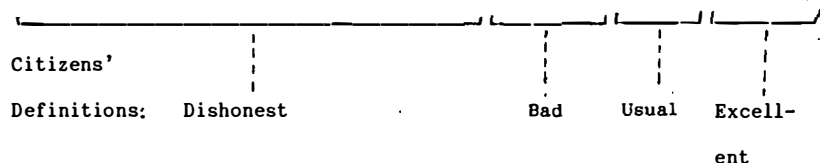
It is in this situation that legal rules concerning transactions are made with the aim of strengthening the power of resistance of the consumer against the manufacturer, and any violation of these rules by the manufacturer is designated as dishonest. Ordinary citizens' perceptions of dishonest trade practices tend to come together under such emotional labels as "shoddy" and "worthless", but specialists' perceptions of dishonest practices can be divided into two broad categories as indicated above.

The following figure aims to show the degree of variation in the perception of dishonesty or vice in business practices as between ordinary citizens and specialists.

There are differences of opinion even among specialists, but in general the areas covered by specialists' definitions are more narrowly circumscribed and their definitions are more cautiously framed when compared to citizens' definitions.

Figure 1: Classification of Trade Practices - Variation between the Definitions of Ordinary Citizens and those of Specialists

Trade Practices violating Special Laws and Criminal Law	Excessive Trade Practices	Dubious Trade Practices	Average Trade Practices	Very Honest Trade Practices
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4. Classification of Dishonest Trade Practices

On the basis of the above discussion, dishonest trade practices can be divided up under two broad categories, three types and four headings, shown below. (1) comprises practices deemed illegal and fulfilling the requirements to set in motion the authority of the law. (2) comprises practices deemed by commonsense judgement to be dishonest but not capable of invoking the authority of the law. However, in such cases there will be social censure, and in many cases civil remedies can be invoked.

- (1) Practices that violate the law
- A Offences against special laws
 - 1 Offences against special laws for consumer protection
 - 2 Offences against laws concerned with the economics of daily living, in particular, Drugs, Cosmetics and Medical Instruments Law and the Foodstuffs Hygiene Law.
 - B Offences against the traditional criminal law
 - 3 Fraud, extortion, incorrect statements on a notarized document; crimes of fraud are particularly important.
- (2) Commonsense dishonesty
- C Excessive deviations from commonsense assumptions
 - 4 Trade practices which go too far or which are questionable

The types of dishonesty or vice found under A comprise practices categorized by the police as "mala prohibita". In these cases, there is a non-observance of legally stipulated requirements, including non-delivery of a written document, unjust methods of inducement, failure to notify important items such as the method of returning a deposit or guarantee, etc. The requirements have an aspect of legislative force with the aim of protecting the citizen as consumer, forestalling dishonest behavior on the part of the provider of goods or services, or in the case of an incident having already occurred, providing a legal means of pursuing the perpetrator. Offences in this category do not therefore necessarily immediately correspond to the average citizen's perceptions of dishonesty.

Cases of dishonesty in category B are those which correspond most closely to the average citizen's perceptions of dishonesty. One can say that this is because the crimes traditionally forming part of the Criminal Code are backed by the people's sense of morality. In particular, everyone would agree that crimes of fraud, i.e. deceiving people, should not be permitted.

There is no question about this. This is why the police make arrests for dishonest business practices on the basis of offences covered by the Criminal Code, at the same time as giving warnings to other perpetrators as well as making crime prevention appeals to the general public. However, since even when deception appears, from a commonsense point of view, to have occurred, it is not necessarily the case that legal evidence to support a charge of fraud is immediately available, there is significance in making special legislation for offences in category A instead of in category B.

As far as category C is concerned, there are differences depending on the perceptions of the person concerned. This is because different people have different views of what constitutes dishonest practices. Those who are concerned with tracking down dishonest practices, i.e. police officials, lawyers, and staff of counselling agencies as well as victims who have been cheated out of large sums of money have very strict perceptions. However, even though they are specialists, judges take a more cautious view. This arises from the fact that they know that offenders prosecuted on the basis of confidence in their guilt may still be found innocent. Contrary to what might be expected, the ordinary citizen with no experience of being a victim may feel that both parties, the one doing the deceiving and the one who is deceived, are at fault.

In terms of exercising control, the police divide crimes related to dishonest trade practices into two groups: 1) crimes which offenders commit by taking advantage of people's desire for making money or the formation of assets, such as trading in futures, trading in securities, and the fraudulent sale of land in remote areas; and 2) crimes related to "non-store" sales (including door-to-door sales), such as telephone sales, surprise sales, sales for appointments for English conversation courses, computer training courses, etc. However, in the case of group 1), if the chances of a sale are judged from a telephone conversation to be good, the purveyor will visit the client's home and start selling, while in the case of group 2), a telephone call may result in the client being asked to come to the trader's office. It is impossible, therefore, to distinguish accurately between the two groups on the basis of whether or not an office or store actually exists. Instead, it can be assumed that the difference lies in the purchasing intentions of the buyer. In the case of group 1), the intention is to increase long-term assets, while in the case of group 2), the intention is to acquire immediate assets, commodities, services or rights.

On the specific point of what are dishonest trade practices, one can say that from the point of view of police investigation, it is customary not to include such offences as those against the Trademark Law (selling goods under false brand names), the Copyright Law (marketing pirated videos etc.)

the Drugs, Cosmetics and Medical Instruments Law (sale of substances claimed to be medicines to improve health), or the Waste Disposal Law relating to the illegal disposal of waste products or water pollution. This way of thinking is based on the assumption that in the case of imitation brands, pirated videos, fake medicines etc., the product itself contravened the law prior to the act of selling, whereas in the case of dishonest trade practices in a strict sense, although the quality of the products or services is an issue, the main point is the tricky manner in which the transaction is conducted. In the view of the writer of this paper, the main focus of attention is on the interaction between the buyer and the seller, between the victim and the offender, and this point is very important in the analysis of dishonest trade practices.

However, the police do broadly group all the above offences together under crimes concerned with the economics of everyday living, and from the point of view of the perceptions of the average citizen, it may be considered permissible to categorize all offences related to dishonest trade practices in this way. For purposes of dealing with this category of crimes, the *Environment and Consumer Protection Division* was set up as a new division within the police organization in 1986 (Ueno 1987). However, the traditional organizational structure within the police force continues to function, and even today there is still a feeling that the Criminal Investigation Division should deal with offences such as fraud that have traditionally been covered by the Criminal Code.

This situation is gradually changing and the *Environment and Consumer Protection Division* is also now dealing with organized and repeated frauds against consumers. Consequently, the Division has also come to feel that it should systematically pursue dishonest trade practices as fraud, and, as the other side of the coin to this, has developed a sense of pride in that it feels uniquely equipped to deal with the many technical points arising from the number of new laws designed to protect the consumer (Ogata 1987 a, b).

On the other hand, it can be assumed that citizen's advice centers and lawyers' groups do not get caught up in this kind of organizational argument, but aim to spread a net as widely as possible over dishonest trade practices as a whole. Citizens continue to bring in their grievances about questionable trade practices even if these do not go as far as being illegal. Therefore the real fact of the matter is that definitions involving organizational structures cannot always regulate things as the theory says they should. Moreover, crimes connected with dishonest trade practices do not yet feature as a category in the 1989 White Paper on Crime published by the Ministry of Justice, but it can be predicted that this issue will become a matter of concern in the policy for crime control at a national level in future.

5. Incidence of Crimes by the Type of Transaction

Sources for gaining an appreciation of the present situation include the statistics and annual reports of the police, citizens' advice centers, and consumer advice centers, reports from lawyers' groups, the results of surveys directed at ordinary citizens, and mass media reports at the time of specific incidents. However, the actual state of affairs varies in response to a number of factors, including the type of organization dealing with the matter, the prevailing fashion in trade practices, the initial point of contact with the system (for instance, even within the police system, there are differences according to whether one is dealing with a case where an arrest has been made or a case of "Dial 110 to report Dishonest Trade Practices"), the introduction of new regulatory measures, or the influence of changing trends in concealment of the number of cases.

Let us look firstly at incidents of arrests by the police. If one looks, for example, at cases of arrest in 1987, pollution-related offences such as water pollution and illegal waste disposal cases rank first with 196 cases, intellectual property offences related to pirate edition of works, non-store sales offences, asset formation related offences and offences related to health foods. If one takes the number of victims as the criterion, non-store sales offences are at the top with 120,000 victims, while taking the cost of damage as the criterion puts asset formation related offences at the top with an estimated damage of 45.1 billion yen.

Looking at the situation in more detail, in the area of asset formation related offences, there is said to be an increasing trend in offences related to Futures Transactions and to Securities Transactions, and if one adds deposit-related offences (whereby money is deposited with a company on the promise of high interest and then the company goes bankrupt), these three types of offences constitute the largest number. In the area of non-store sales offences, particularly prevalent offences, both in terms of the number of offences and the number of victims, are fraudulent trade practices, catch sales, delivery of items not ordered with accompanying demands for payment, and dangerous (a deceitful emphasis on the danger of e.g. white ants, a used electric fan) trade practices.

If one examines the position not from the point of view of arrests, but from that of complaints and reports received in the context of the program "Dial 110 to report Dishonest Trade Practices", more than half are concerned

with asset formation related offences, with less than 20% related to non-store sales. The degree of urgency and importance needed to provide a motivation to dial 110 arise from anxiety about the possible loss of significant sums of money. Reflecting this situation, half those who telephone, excluding those whose ages are not clear, are in the over-fifty age bracket.

In terms of trends in cases handled by Consumer Advice Centers located in different parts of the country in the year 1989, an analysis of all trade practices into 22 categories reveals certain features. Practices aimed at the younger generation include pyramid selling, appointment sales and catch sales, practices aimed particularly at the elderly are hypnosis practices, free invitation practices and the fraudulent sale of land in remote areas, and practices spreading among all groups, regardless of age, include coercive sales (negative options), the sale of qualifications, sales promising good fortune (extrasensory perception), and finance-related (asset formation) transactions. The number of consultations involving housewives is comparatively small, but there is a trend towards increasing variety, and practices include sales on approval, home party sales, lecture class sales, sales for stories of personal experiences, part-time work to be carried out at home, monitoring transactions, and sales on a commission basis. Those who come seeking consultations are not always clear victims of dishonest trade practices. Moreover, the nomenclature given to different types of practices is not necessarily identical among the different organisations involved.

The above analysis is the result of actions initiated by citizens in the form of reports and requests for consultation. Another source of data is a general survey of citizens on the amount of damage and loss sustained. The author of this paper and others carried out a survey in 1989 in 8 cities involving 3,000 respondents (See Table 1 and *Suzuki et al.* 1989; *Takahashi et al.* 1989; *Nishimura* 1989). The survey shows that those with experience of being canvassed amount to 61% male and 67% female, and those suffering loss to 5% male and 12% female, showing that females are targeted relatively more than males. The questionnaire used for the survey covered 15 different types of trade practices, including those where canvassing and victimization were spread evenly across all age groups and those displaying characteristics related to specific sex and age groups.

Table 1:

Trick in Transaction	Under 29 Years old				30-59 Years old				Over 80 Years old				All Ages			
	Victim Status	Inducement(a)	Loss(b)	b/a%	Victim Status	Inducement(a)	Loss(b)	b/a%	Victim Status	Inducement(a)	Loss(b)	b/a%	Inducement (a)	Loss (b)		
Male(Sample)	(112)				(834)				(307)				(1053)			
Non-Store Sales																
1. Fraudlike	13	1	◇	7.8%	155↑	9	◇	5.8%	82↑	8	◇	7.3	250↑	18	◇	8.4
2. "Maneuvers"	5	-	-	-	47	5	◇	10.8	33	3	◇	3.0	85	8	◇	7.1
3. Catch Sales	37↑	1	◇	2.7	74	2	◇	2.7	18	1	◇	6.3	127	4	◇	3.2
4. Appointment	42↑	1	◇	2.4	87	3	◇	4.5	18	5	◇	5.8	127	5	◇	3.8
5. Hypnosis	9	88	-	-	7.3	28	5	◇	18.2	5	◇	18.2	104	10	◇	9.8
6. Home Party	17↑	-	-	-	108↑	3	◇	2.8	47↑	4	◇	8.5	172↑	7	◇	4.1
7. Home Work	4	1	◇	25.0	59	3	◇	5.2	21	2	◇	9.5	80	2	◇	8.7
8. Qualification	6	1	◇	16.7	18	1	◇	5.6	2	1	◇	10.0	10	1	◇	10.0
9. ESP	8	73	◇	12.5	73	6	◇	8.2	43	2	◇	2.3	124	8	◇	6.5
10. Mailing of Un-solicited Goods	2	23	-	-	23	-	-	-	15	2	◇	13.3	40	2	◇	5.0
Asset Formation																
11. Futures Transaction	6	-	-	-	151↑	3	◇	2.0	75↑	2	◇	2.7	232↑	5	◇	2.2
12. Investment Counseling & Securities	1	-	-	-	75	-	-	-	43	-	-	-	119	-	-	-
13. Feigned Spot-Trade	3	-	-	-	49	1	◇	2.0	27	1	◇	3.7	78	2	◇	2.5
14. Feigned Sale Land in Remote Areas	1	-	-	-	47	2	◇	4.3	30	1	◇	3.3	78	3	◇	3.8
15 Others	2	-	-	-	78	2	◇	2.8	30	1	◇	3.3	110	3	◇	2.7
Summing-up	m:83(68%)	n:4(4%)	-	-	m:394(82%)	n:29(5%)	-	-	m:188(81%)	n:22(7%)	-	-	m:845(81%)	n:55(5%)	-	-
Female(Sample)	(179)				(821)				(319)				(1319)			
Non-Store Sales																
1. Fraudlike	34	3	◇	8.8%	278↑	28	◇	10.1%	95↑	12	◇	12.5	405↑	43	◇	10.8
2. "Maneuvers"	7	10	◇	28.6	96	6	◇	6.2	40	1	◇	6.7	183	22	◇	12.0
3. Catch Sales	57↑	12	◇	18.6	82	1	◇	1.8	17	-	-	-	128	3	◇	2.4
4. Appointment	18	2	◇	3.5	82	1	◇	1.8	17	-	-	-	128	3	◇	2.4
5. Hypnosis	18	2	◇	12.5	180↑	14	◇	7.8	83↑	11	◇	17.5	259↑	27	◇	10.4
6. Home Party	52↑	4	◇	7.7	428↑	36	◇	8.8	101↑	8	◇	8.8	561↑	51	◇	8.8
7. Home Work	5	3	◇	80.0	48	4	◇	8.2	10	1	◇	14.3	81	8	◇	13.1
8. Qualification	8	1	◇	12.5	22	1	◇	4.5	10	-	-	-	40	2	◇	5.0
9. ESP	20	3	◇	15.0	148	14	◇	9.8	42	3	◇	7.1	208	20	◇	8.8
10. Mailing of Un-solicited Goods	1	-	-	-	20	3	◇	15.0	4	1	◇	25.0	25	4	◇	18.0
Asset Formation																
11. Futures Transaction	12	-	-	-	104	6	◇	5.8	24	1	◇	4.2	140	7	◇	5.0
12. Investment Counseling & Securities	6	-	-	-	83	2	◇	3.2	28	-	-	-	87	2	◇	2.1
13. Feigned Spot-Trade	4	-	-	-	51	1	◇	2.0	15	-	-	-	70	1	◇	1.4
14. Fraudulent Sale Land in Remote Areas	2	-	-	-	80	4	◇	6.7	32	4	◇	12.5	84	8	◇	8.5
15 Others	14	-	-	-	89	2	◇	2.2	28	1	◇	3.8	131	3	◇	2.3
Summing-up	m:115(64%)	n:27(15%)	-	-	m:567(72%)	n:100(12%)	-	-	m:163(67%)	n:32(10%)	-	-	m:865(67%)	n:159(12%)	-	-

N.B. ↑ represents 3 cases of the maximum number of transactions in the number of persons experiencing inducement. ◇ represents 3 cases the maximum number of transactions in the number of victims. "m" stands for the number of persons who have been identified as experiencing at least one inducement and their percentage against sample. "n" stands for the number of persons who have been identified as suffering at least one loss and their percentage against sample.

Source: Nishimura(1989)

As far as this kind of relationship is concerned, fraudulent practices have no connection to specific sex or age groups, home party sales practices are concentrated on females regardless of age, and the victims of hypnosis frauds are predominantly found among men and women of the middle and upper age brackets. As far as ESP (Extrasensory Perception) practices are concerned, it may be supposed that victims would be drawn from the elderly, but in fact many victims can be found among young and middle aged groups. It is also very easy to assume that the victims of financial fraud, i.e. fraudulent asset formation practices, are drawn specifically from the upper age bracket, and this is a perfectly natural mistake. It comes about because of the false impression created by media articles that have concentrated on the elderly as victims of such practices. However, there are relatively few old people with substantial property assets that they want to increase, and the fact is that the number of aged victims, both men and women, of swindling, hypnosis and home party sales practices is far greater than for asset formation cases. However, it has been widely recognized in victimology to date that it is far more difficult, both financially and mentally, for elderly victims than for younger victims to recover from the shock of being a victim.

6. Characteristics of those carrying out Dishonest Trade Practices and their Sales Techniques

Characteristics include youth, gentleness, kindness and a skilful use of language. Also those who carry out dishonest trade practices tend to be looking for high income and high commission rates, so it may well happen that they enter companies that they afterwards recognize to be dishonest. After entering, they become interested in the way of doing business and improve their skill, and the more capable among them go as far as setting up business of their own. Even when a company has been prosecuted and passed out of existence, some offenders have the ability to gather together their old associates, together with some new ones, and establish a separate company. Given this long history of dishonest trade practices, it can be said that in the past and at present, leaving aside new entrants, most of those suspected of dishonest trade practices are really old campaigners who have survived by moving from one dishonest enterprise to another.

However, the writer of this paper would wish to question the assumption that any useful purpose in terms of deterring victimization by means of dishonest trade practices is served by emphasizing the public image of those engaged in such practices as "gentle and kind on the surface and dangerous

underneath". The reason for this is that the purveyors of dishonest trade practices have an infinite variety of ways of approaching their targets depending on differences in the characteristics and attitudes of the targets, and there is indeed a definite danger in the average citizen coming to have a predetermined image of these purveyors. Since people do not simply give away their money at the very first stage, the dishonest traders decide on their tactics by a far more precise analysis of the target than the one the target makes of the trader. In the case of asset formation practices, in order to encourage the minds of targets to move in the desired direction, traders will seek to inspire them with thoughts of security, trustworthiness and possible profit. In the case of non-store (door-to-door) sales, the trader will emphasize the possibility of purchasing high-quality goods at a low price, or will say that there is an obligation to purchase, in an attempt to bring about a change of heart on the part of the customer and overcome any hesitation the customer may feel. At such times, it is by no means always the case that the trader will be gentle and kind, and persistence as well as making the potential customer angry are known to feature in the repertoire of techniques.

Listed below are various ways of getting the customer to make a purchase. The points as listed here have been reformulated by the author of this paper on the basis of documentation produced by *Hiroshi Iida* (Iida 1987).

1. The process begins with an analysis of the strata of target customers. Through careful consideration of such factors as the state of buildings and property, dress and the tone of conversations, the purveyor of dishonest trade practices will carry out an analysis of target customers in terms of sex, age, place of birth, residential locality, character and, in the case of a married couple, the dominant decision-making person. Right from the time of the initial telephone call, the purveyor will be trying to assemble clues about the target customer.
2. Different strategies will be employed depending on the strata of the target customer. Specifically, in the case of target customers of a bright, outgoing character, traders will lavish praise on them in order to ascertain their desire to make a purchase. In the case of targets of a gloomy disposition, the trader will engage in general social conversation until the dissatisfactions and grouses on the part of the customer emerge clearly, and then, at the same time as expressing sympathy with the customers's standpoint, will try to take on the role of guide and counsellor.

In the case of targets in the 30 to 40-year old age bracket, who dream of having their own home or of a bright future for their children, the trader will focus on topics concerned with such dreams, stressing that it will be impossible to achieve the dreams through ordinary methods of accumulating assets and trying to bring the targets to the point of concluding a contract. When talking to aged customers, the main technique is to try and stimulate unease about the effects of old age. In the case of a couple where the partners are very much alike, the trader is always careful not to flatter one more than the other. In the early stages, strategic decisions about the best method of approach are invariably provisional decisions based on hypotheses, but because of the occurrence of failures as a result of having no strategy, the development of a strategy has become firmly established practice.

3. Next comes the way of implementing sales.

(1) Establishing an initial relationship.

The aim of this is to get rid of the customer's sense of wariness. With this aim in mind, the trader will engage in general social chitchat, but since this is not enough to advance the prospects of a sale, will go on to talk about his own lifestyle and hobbies, also stories from his own past, adapting these to suit the age of the customer.

(2) Getting the customer to talk about himself.

When the salesman begins to talk about himself, the customer is also likely to join in the spirit of the conversation and speak about himself in a self-approving manner. The salesman then takes on the role of listener, combining this with asking questions and getting answers from the customer.

(3) Bringing out the desire for profit common to everyone.

A good bargain, an advantageous investment and purchase at a discounted price are all related to the desire for profit. Talking about the uselessness of ordinary methods of making purchases and accumulating assets leads to talk about making a profit, which is the object of the conversation. Since we live in a world based on calculations of profit and loss, the salesman will continue his pitch on the basis of mutual understanding, quoting figures and instances. Looked at coolly and objectively, it is clear that in the world of ordinary financial transactions, safety and trustworthiness on the one hand and profit and advantage on the other are mutually contradictory, and that it is self-seeking to think of attaining the two objectives at the same time. However, after dissatisfactions and grouses have been brought to the surface, or after a feeling of conformity has been

created between the salesman and the customer, the conflicting elements of safety, trustworthiness, and profit come to merge into a harmonized whole. The creation of the illusion of profit marks the end of the preparations necessary to make the customer take action.

(4) Formulating a concrete plan of action.

At this stage, while strengthening the customer's expectation of being able to realize his dream, the salesman begins to focus on talk of the withdrawal of savings and procedures for obtaining a loan. If it is considered necessary, the customer will be invited to an office equipped with a luxurious reception room, which is in fact nothing more than a facade, for the purpose of inspiring trust.

(5) Implementation of the plan of action, conclusion of the contract, and adoption of measures to prevent cancellation of the contract.

4. Any form of sales is a type of performance. From this point of view, there is no difference between honest and dishonest trade practices. When a customer is brought to the point of thinking at the same pace and on the same lines as the salesman, the transaction has reached the point of being concluded with a contract. The mental attitude and technique required by the salesman to achieve this aim can be defined in how quickly he can create a persona for himself to suit different customers, how completely he can take on this persona, and then destroy it and create a new one. The type of psychology at work here, common to many professionals, can be seen in the case of the house burglar (how quickly he can identify himself with the owner of a house after breaking in), the actor (how completely he can fit into the persona of his role), the counsellor (how well he can take on a persona suited to the needs of individual clients), etc. In cases like this, it may be necessary to ensure that one's true self is preserved.
5. Every trader will have an image of the types of customer with whom it is easy to conclude a contract (described in the next section). The capacity to form a clear image is an effective weapon in enabling them to approach the customer at their own pace.

7. Characteristics of Victims and the Process of Victimization

A description is given below firstly of the types of persons who easily become victims and next of the steps involved in the process of being brought to follow the salesman's pace and eventually of suffering loss and damage.

The writer of this paper has considerable doubts about the validity of constructing a set of types of people who are easy to approach (including those who can be made to conclude a contract), but those who are professionally involved in the asset formation business quote the following 6 types:

- I Avaricious persons
- II Persons who have had unpleasant experiences with licensed banks and security companies.
- III Cheerful, talkative people who easily join in a conversation.
- IV Persons who don't know much about the world and are not suspicious of others.
- V Those who have come from rural areas to settle in a town (who have feelings of loneliness and are easily persuaded.)
- VI Couples whose relations are strained and where the husband seeks pleasures elsewhere.

Not included in the above list, but among those who may be easily brought to the point of concluding a contract, are those in their thirties, sixties and seventies, those living in mass-produced houses about 6 to 10 years old, or those living in a long row of houses. As mentioned in a previous section, young men and women, housewives and aged persons respectively are seen as favorite targets for specific types of trade practices. According to the results of the questionnaire survey carried out by the writer of this paper and others, the general image of a victim is of someone who is cheerful, who cannot give a definite refusal, is immediately trusting when talked to kindly, who keeps a promise once made, and who doesn't read the fine print of a written explanation or contract. However, since the replies involve an element of self-reflection on the part of the victim, it is necessary to keep some scepticism about whether the person's usual character is being accurately described or not.

The process of being victimized has been closely analyzed and is shown in Table 2 below in 7 stages. At each stage, the purveyor's (offender's) strategy is shown in the lefthand column, and the customer's (victim's) actions or reactions in the righthand column. The actions of the purveyor and those of the customer are in a relationship of opposites to each other. It is here that one can find the reason why dishonesty may be thought of as existing in terms of a reciprocal relationship between the offender and the victim.

Table 2: The Seven Stages of Victimization

The Offender's (Trader's) Actions	Stage	The Victim's (Customer's) Actions
Makes a telephone call in a sweet voice, followed by a visit. When he puts on a smiling face and a personality that becomes his own for that visit.	1. Relaxation of mental wariness, leading to state of readiness for an encounter.	Fits himself to the salesman's words and actions, develops a feeling of intimacy. As a result, relaxes his wariness.
Friendly persuasion further extending the feeling of intimacy. Profit develops out of friendly persuasion aimed at getting compliance. In order to get compliance, it may at times be necessary to have an argument.	2. Emergence and acknowledgement of the latent desire for gain. (In other words, the purchase becomes motivated).	There are two kinds of desire: 1. desire for money-making (making a financial profit and getting a good bargain). 2. emotional desire (wish to be protected, to show affection and to communicate). In standard conversation, these desires are concealed under an outward show of indifference. This may be seen as some kind of defense mechanism.

Table 2 (continued)

<p>Excluding outsiders - takes steps to exclude outside consultants so as to avoid progress being disrupted by the interference of third parties.</p> <p>Pressing for an answer - as also found in stages 1 and 2 asks questions at various points, pressing for a yes or no reply. Finally gets the customer to make an affirmative response.</p>	<p>3. Decision-making below the surface</p>	<p>To encourage a decision, is cut off from outside contact. Also seen at times is the emergence of a feeling of wanting to be ahead of other people in concluding a contract.</p> <p>In particular in the case of asset formation practices, is clearly led toward setting a target (enlargement of a dream) or planning action (realization), and makes a decision on the basis of a firm feeling about motivation.</p>
<p>Urging - presses the customer not to change his mind.</p> <p>No cash movement - avoids transfer of large amounts of money when concluding a contract, and recommends the use of an instalment plan or loan so as to ease the pressure of repayment.</p>	<p>4. Translation into action.</p>	<p>Following the salesman's instruction, withdraws money on deposit, takes out a loan, and concludes the contract by affixing his seal.</p>
<p>Evasion - postpones a meeting using a made-up excuse or a lie such as that the employee concerned has left the firm.</p>	<p>5. Vacillation.</p>	<p>Develops feelings of unease and anxiety about the possibility of having been deceived, gains strength, and tries to arrange a further meeting with the salesman or to cancel the contract.</p>

<i>Table 2 (continued)</i>		
<p>Camouflage - remains still and tries to hide the true nature of the enterprise. Escape - closes the office and disappears.</p>	<p>6. Renewed decision-making. Depending on either recognition of loss or continuing lack of awareness, proceeds to (1) or (2) in the next stage.</p>	<p>The key to action at the next stage is whether or not the deception and loss are noticed. To achieve awareness, it is necessary to break out of isolation and gather information from a wide range of sources.</p>
	<p>7. Translation into action: (1) Cancellation, claim for compensation; (2) Continuation of contract.</p>	<p>In order to proceed with (1), it may be necessary to enlist the aid of a specialist.</p>

Moving through the above progression from stage to stage, it is clear that at each stage the customer does have the possibility of escape. There is a need to create, through the diffusion of consumer education, consumers who are more resolute and more adept at making decisions.

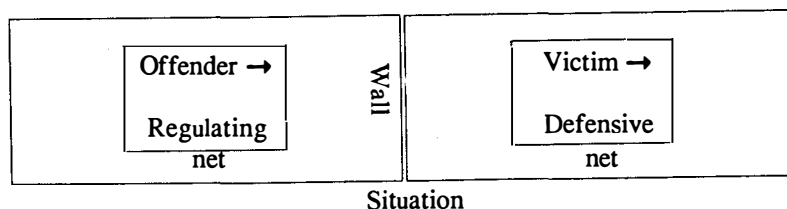
8. A theorizing of Dishonest Trade Practices

The reason for the current lack in Japan of criminological theories to explain crimes related to dishonest trade practices can probably be ascribed to the negligence of Japanese criminologists and university staff responsible for teaching crime policy. Japanese academics are not particularly keen on forming theories, and administrators continue to formulate and determine their policies on the basis of knowledge gained from everyday experience and without putting much value on theories and research. Since, perhaps contrary to expectation, matters move along relatively well on this basis, any fondness by scholars for theories is disliked as "quibbling about nothing", and theorizing becomes more and more discredited. However, in the long term, this state of affairs will result in the impoverishment of policy making, and it seems almost inevitable that unwelcome results will be seen at some time in the future.

In an attempt to ward off this situation, this paper seeks to break through the existing pattern. The theory chosen to be put forward here, with a view to explaining dishonest trade practices, is the theory of routine activities. This theory is a very interesting one, known in America as a variation on the rational choice model and now being taken up in Canada and Europe (*Felson* 1986 1987; for first introduction to Japan, see *Nishimura* 1986). It is particularly effective in that from it, necessary countermeasures can be extracted within a unified perspective.

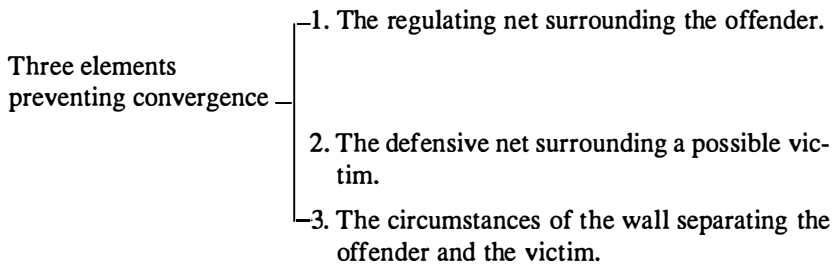
The fundamental proposition of the theory is that "dishonest trade practices represent a convergence at a specific point in space and time of both the offender or seller and the victim or purchaser". In this explanation, three points, the offender, the victim and the convergence are seen as underlying the concept of crime. This is represented diagrammatically below:

Figure 2: Explanatory Diagram of Crimes



In the above diagram, the purveyor or offender is separated from the victim, an ordinary citizen, by three vertical lines (the three elements of defense described below), so since convergence is prevented, the point of crime is never reached. Convergence is a rather abstract concept, but essentially it means that at a specific point in life, the offender approaches a person with the intention of committing a crime against that person or his property, and proceeds to implement this intention. If convergence is prevented, a situation arises where the crime cannot be implemented. Putting this in another way, an explanation can be provided by reference to the three elements in the diagram.

If expressed diagrammatically, the occurrence of a crime means that one or more of the separating elements referred to above has collapsed, enabling the offender and the victim to meet. In particular, if all three elements collapse at the same time, the occurrence of a crime is inevitable. If this reasoning is accepted, countermeasures must be directed toward strengthening these defensive or separating elements.



9. Some Policy Proposals

Leaving the explanatory comments of individual, concrete policies currently undertaken by the authorities to their publications and publicity material, the writer of the present paper would like to attempt a broad overview of thinking. An understanding of the regulating net and defensive net referred to in Diagram 2 is linked to policy proposals. What specifically do these concepts of a "regulating net" and a "defensive net" refer to?

With regard firstly to the regulating net, this includes the establishment through legislation of provisions of prohibition and observance, blows inflicted on offenders through arrests carried out by the police, and registration in a police computer of persons previously convicted of dishonest trade practices.

Situational defensive measures, aimed at creating a situation in which it is difficult for the salesman to implement his plans, might include the installation of an interphone and/or an answerphone, also, particularly periods when sales are frequently attempted, the increased use of crime prevention stickers attached to the outside wall of a house, publicity through the mass media, and regular patrols by policemen.

A separate example can be given by reference to welfare services for elderly people confined to their homes. Because of budgetary restrictions, these services are generally limited to those persons who require care through intervention, or to those in a low income category. From the point of view of crime prevention, however, welfare services should be extended to cover all elderly people confined to their homes, and it is not desirable to exclude those who have their own property or live with other family members. It is useful at this point to recall the motivation mentioned in Stage 2 of the seven-stage process set out above. In order that someone should not become the object of attack by an offender, it is desirable for their emotional desire for attachment to be satisfied. Most suitable in this respect is everyday

contact through regular visits by well-disposed and understanding members of the welfare services. Visits by a patrolling policeman are not likely to be very successful in establishing deep contact with an elderly person because the policeman is limited as to the frequency of his calls, has an official position and is in uniform.

Turning to the defensive net, this refers to policies designed to protect the consumer or citizen from being approached by an offender. Among measures proposed under this heading are the establishment of consumers' rights, crisis intervention, preventive consultations on business law and practices, consumer education, ongoing help and support structures. The contents of education, for example, should aim not only at instilling fear of dishonest trade practices, but at giving concrete illustrations and examples.

A blind spot of many Japanese, particularly those of middle age or above, is the lack of any training in how to cut off a telephone caller. This arises from the fact that they tend to worry too much about making the person on the other end of the line feel slighted. This is not to say that this trait should necessarily be discarded, but on the other hand, in order to protect one's own person and livelihood, it is desirable to acquire the technique of giving a firm rejection when this is required, even at the risk of angering the caller. In the work previously referred to (*Iida* 1987), examples are given, based on accounts by victims, of ways of repelling a telephone call. A partial quotation, including additions by the writer of this paper, is as follows:

Methods of promptly repelling a telephone call

When the caller asks "Is Mr X in?", reply by asking "Who's calling, please?" or "What's it about?". If the caller then says, "It's all right", then hang up. If the connection is not cut at this point or if the conversation is allowed to drag on, it will appear to the caller that there is some hope and a call may be made again the following day. This is then the result of a seed sown by the victim. In the case of a parent who is feeling playfully inclined, if a call is made giving the name of a child of the household and trying for an appointment sale, the parent might reply by imitating the child and saying, "Yes, it's me".

- In the case of failure to terminate the conversation and allowing the sales talk to continue -

Listen patiently and when the caller's energy is exhausted, say ; "Thank you, I'll consult my husband's company", or "That's very interesting, I'll ring up my relative now. He's a lawyer (police officer) and he understands

these things". In this way, the caller can be deceived and the tables turned. If the caller then resorts to threats, let him speak for a while and hang up without trying to engage in argument.

10. Conclusion

Some of the characteristics of present-day Japanese society are as follows:

- 1) Society is witnessing an expanding market, which has been artificially created by manufacturers working on the desires of consumers.
- 2) There is a noticeable rise in the dogma of money worship and asset formation enterprises, stimulated even by financial institutions and leading newspapers.
- 3) People are easily led astray in an atmosphere of extreme attachment to land and precious metals as the only standard.
- 4) There is a prevailing feeling of unease about a situation in which preparations for old age are left entirely to the individual and society is lacking in welfare support structures.
- 5) Information networks are remarkably developed so that dishonest traders too can use them for the expansion of their business.

Consequently, there is a firm base in society in which crimes by dishonest traders can take root. The best means of checking this trend is for each individual consumer to become cleverer and develop a strong resistance against the evil influence of dishonest trade practices, but this alone will not solve the problem. In terms of the formation of citizens' or consumers' movements able to come together and exert pressure on government and politicians, or in terms of movements that will help the individual consumer with the purchase of a commodity or service, such as the dissemination into society at large of the results of social appraisal of enterprises, Japan remains as weak as it always was. In short, therefore, the strength and wisdom of citizens and consumers is suppressed by manufacturers and remains unorganized and fragmented. It also can be said that the administration, which uses the justification of impartiality as an excuse, is by no means on the side of the consumer. For this reason, the final goal should not be limited to the short-term strategy of supervising and repressing dishonest traders, but should aim in the long term, in terms of a socio-structural problem, at strengthening the cohesiveness and unity of newly awakened citizens and

consumers, who will be able to resist enterprises and manufacturers. It is this unity that in the end will control the rampant spread of dishonest trade practices.

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Criminal Fraud: The Hidden Crime

Richard M. Titus

The telephone rings and there is a distinguished-sounding voice on the line who wants to tell you about a new miracle cure for arthritis or some other common ailment..... You answer the doorbell and a man with some sort of official-looking identification starts telling you about serious deficiencies in the roof or foundation of your house..... A large impressive-looking envelope arrives in the mail, telling you that you have already won a prize worth many thousands of dollars..... Someone you vaguely recognize from your church or club meets you and starts telling you about a terrific insider investing opportunity in oil leases.....A man or woman claiming to be a bank or police official contacts you to request your assistance in apprehending a corrupt employee of your bank.....Another telephone caller wants to know whether you are aware of alarming deficiencies in your Medicare coverage, and starts telling you about her company's wonderful new Medigap insurance program.....A caller tells you that you have been selected to receive a fabulous free vacation, and all he needs is your credit card number to verify your identity.....

Scenes like these are played out in the United States thousands of times each day. While they may be legitimate in any given case, usually the odds are quite good that some sort of criminal fraud is involved. According to "bunco squad" detectives and prosecutors who deal with this type of crime, the number of victims annually is said to be in the millions and their losses in the billions. But while we believe this sort of criminal activity is widespread, we do not know how many victims it claims each year and at what cost to the victims, nor do we know which types of swindle are most prevalent. Our two largest national data systems dealing with crime - the Federal Bureau of Investigation's Uniform Crime Report (of crimes reported to police), and the Bureau of Justice Statistics' National Crime Survey (of the general population) - do not cover these kinds of victimization. The U.S. Postal Inspection Service has national data on the cases of mail fraud that come to its attention, but this is only a glimpse of the total problem. Nor, with respect to the data systems of other nations, is the United States in any way unusual; individual and household-level fraud victimization data are weak everywhere.

The National Institute of Justice has begun an effort to build valid national estimates of individual-level and household-level criminal fraud. Data from a national pilot test of the survey instrument (400 respondents) are already available. The survey instrument appeared to perform well and to indicate that this kind of fraud can be accurately measured with an interview that is under fifteen minutes in length on average. The data from the pilot test show that 35% of respondents reported one or more fraud victimizations or attempts within the past five years, with most of these (48%) occurring in

the past year. The respondents reported a total of 257 victimizations, of which 146 (57%) were attempts and 111 (43%) were completed. The average reported financial loss per completed victimization was \$992.00, with many other types of loss (e.g., psychological) also being reported. By comparison, respondents reported one-year victimization for National Crime Survey (NCS) crimes as follows: robbery (1%), motor vehicle theft (2%), assault (4%), burglary (6%), and theft from a vehicle (13%). Total losses per victimization exceed \$500.00 in fewer than 25% of these NCS crimes. Thus these early findings show that criminal fraud is a type of crime that may deserve much more attention than it is receiving, both in terms of its prevalence and of the harm that it inflicts on its victims.

We are not talking here about incompetent repairmen, over-eager salesmen, flamboyant advertising, and similar consumer problems. We are talking about **criminal** activity in which the intent to deceive and defraud is present from the outset, and in which the promised goods, services, prizes, gains, etc., never existed as described or never were to be delivered. Using charm, an earnest demeanor, and a story that appears to be plausible while being actually a tissue of lies and misrepresentations, the con artist first wins the victim's confidence and trust, and then proceeds to abuse and exploit him or her.

Swindlers become quite adept at assessing the target's vulnerability and selecting the best approach to use in each instance. Some of the vulnerability factors are: (1) simply being at home more often and thus easier for the con artist to reach by telephone or at the door, (2) people who are more trusting, more deferential to those appearing to be in authority, and more credulous of the claims in printed and televised advertising, (3) those with particular concerns about the adequacy of their finances, or about their health, (4) those who are lonely or bored, and are thus easy prey for engaging and personable talkers, and (5) those who are perceived as being financially well-off.

The picture of the typical con artist is of a career criminal who chooses this line of "work" because he/she finds it stimulating and lucrative, an amoral or sociopathic personality who has no qualms about the harm he does and may even derive sadistic satisfaction from it. The offender may be a stranger, a friend, a relative, a neighbor, or a business associate. He/she has little fear of the criminal justice system, having learned from experience that the worst that is usually likely to happen to him is an order to desist and perhaps to make some token restitution to his victims. These offenders know that their cases often go unreported by the victims, and are difficult for the criminal justice system to prosecute when they are reported. Con artists are elusive targets: they move frequently (some live like true gypsies),

change their names and the names of their companies periodically, and shift quickly from one type of scam to another as one gets worked out or another looks more profitable.

In summary, behind an often quite engaging exterior, the con artist is a manipulative and amoral or sadistic person whose preferred livelihood involves lying and cheating his/her fellow citizens out of their money and property. He/she does this by exploiting some combination of our desire to be liked, our search for someone to trust, the wish for simple solutions to complex problems, sense of civic responsibility or charity, economic need, desire for "something for nothing", medical desperation, belief in our own unique good fortune or investment acumen, religious nature, and deference to authority. He/she employs variations of scams that have been around for years, but is also quick to devise new swindles that exploit changes in legislation or technology, or opportunities presented by current events and media coverage.

The harm caused by these swindlers and con artists often far exceeds the injury inflicted by the more-feared street criminals such as robbers and muggers. Investigators and prosecutors who specialize in this type of crime tell of victims having lost their life savings, their homes, and their sense of competence and self-worth as a result of fraudulent investment schemes, useless medigap insurance, violations of guardianship trusts, debt consolidation scams, etc. Older victims often do not report these crimes, sometimes because they feel it would be futile, but often because of shame, or of fear that they will be adjudged incompetent and institutionalized. Society, legislators, and the criminal justice system have yet to take full cognizance of the damage done to their victims by the con artist.

Experts in the field have identified some of the most common types of swindle that they see, of which the most important were:

- Home repair and maintenance schemes, in which the work is not necessary, is fraudulently misrepresented, is performed in a totally substandard manner, or is not performed at all. These scams often involve phoney "inspectors" and allegations of serious deficiencies in the victim's property, the use of requests for payment in advance "to buy materials", and the quoting of completely unrealistic bargain prices. Contracts may contain enforceable hidden clauses that have been used to get control of the victim's assets or even his/her home. These home repair and maintenance swindles typically involve roofing, driveways, radon elimination, foundation work, pest control, and appliance repair.

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- Insurance policies (life, medigap, long-term care, "cancer", etc.) which do not provide the coverage that is promised, may be full of loopholes and exclusions, and/or may be vastly overpriced relative to the actual coverage provided.
 - Investment schemes (such as precious metals, timeshare condominiums and other real estate, retirement income, oil and gas leases, coins, works of art, stocks and bonds, etc.) that are nonexistent, worthless, or grievously overpriced. The selling of these scams may include "boiler room" telemarketing, bogus or unscrupulous brokers and financial planners, fortune tellers and psychics, etc.
 - Health and beauty swindles. These include "miracle cures" that are worthless or even harmful; useless or unnecessary medical devices and treatments; diagnostic tests that are phony or unnecessary; and weight-loss, sexual potency, aging inhibitors, or beauty-aid products that are useless or harmful.
 - Fraudulent business ventures (such as work-at-home, franchise, other business opportunity) in which the product, the market for it, the costs, and the profit potential are totally misrepresented and fraudulent.
 - Collections for religious or public-service charities that either do not exist, or that keep for themselves almost all the money that they collect.
 - Schemes in which the victim's credit card number or telephone charge number is obtained through some form of trickery, and then used to make unauthorized purchases or phone calls.
 - Schemes in which the victim is told that he/she has won a valuable prize, a vacation, a free trip, or cash. However, in order to obtain this prize, one is asked to make certain purchases or to send money. The prize is fictitious and the purchases are valueless or never delivered.
 - Schemes in which the victim is told that he/she has been "selected" to demonstrate a product in his home free of charge, or to participate in a "special survey" or "special promotion". Some victims don't realize until the bills or credit card statements arrive that they've actually signed up for charges that can amount to hundreds or thousands of dollars.
 - Schemes that promise to improve the victim's finances (such as debt consolidation, credit repair or improvement, home equity loans, equity conversion, other loans, etc.). The victim pays for assistance or services that are never delivered. He/she can lose the equity in his house, or even the entire house, through some of these swindles.

- Schemes in which the swindler offers to sell a winning lottery ticket for a fraction of its value, saying he can't cash it because of being so much in arrears on his taxes or child support payments. The ticket is a fake. Related to this is the "pigeon drop", in which the victim turns over a sum of money in order to share in a much larger sum of money that the swindlers say they have found.
- The victim gives money for "advance fees", "lifetime membership", etc. in a spa, health club, dance studio, etc. The organization quickly goes out of business or never existed in the first place, and the victim's money is lost.
- The crook masquerades as a bank official or police detective who is trying to catch a corrupt bank employee. The victim is asked to assist by withdrawing money from his/her bank account and giving it to the "bank examiner" to hold, who then disappears with it.
- The victim pays for a training course, correspondence course, or diploma-by-mail course that proves to be useless, worthless, or nonexistent.
- Under the guise of helping the victim arrange for the management of his/her money in his old age, the swindler uses phoney guardianships or trusts to obtain the funds for himself.

Experts point out that any listing of frauds and scams will be dated the day it's printed. Our list is no exception. While swindles such as the "bank examiner", "pigeon drop", and "Ponzi" investment schemes seem to be perennials, as one expert said: "If you want to know what tomorrow's scams will be, watch tonight's evening news". This means that those who design prevention programs to protect the public against swindlers need to do more than be aware of the types of swindle around today. They need a set of "warning signals" that will alert them to the possibility of a swindle and to the necessity of checking any solicitation out carefully before proceeding.

Questions like the following should be asked any time one is the recipient of some kind of sales pressure or request for money:

- Did I think I needed this product or service before this person started telling me about it? If I didn't need it yesterday, what makes me so sure I need it today?
- Why is this person being so especially nice to me? How did I suddenly get so lucky as to be the very one he/she decided to let in on this fabulous bargain or opportunity? (In other words, "If it sounds too good to be true, it probably is".)

- What's all the rush about? Why do I have to sign up right now? Why does he need his money today? Why does it have to be cash instead of a check? Why can't I have time to think it over, to check his references, to discuss it with friends, and to have a lawyer look over these papers before I sign them?
- Who are these people? Why don't they have a local address, an ad in the Yellow Pages, a membership in the appropriate trade or professional group? Why don't they have any brochures or literature to send me? Why hasn't anyone ever heard of them?
- Why is it so hard to get a straight answer to a simple question out of him/her? What's he trying to hide?
- Why all the secrecy? Why can't I tell anyone else about this? Why does this person always want to deal with me one-on-one?
- I thought I was going to get something for nothing, or just answer a few questions for a survey. So why is he now talking about money, or trying to get my credit card number?

Unsatisfactory answers to questions such as these should alert one to the possibility of danger. If one wishes to carry the investigation farther, the sources of information that he can have recourse to, and how helpful they will be, will vary greatly by where he happens to live and how aggressively that jurisdiction deals with the problem of fraud. If the solicitation contains any references, they should be checked, after making sure that they are legitimate. The local police, Better Business Bureau, Consumer Protection Agency, and District Attorney or State's Attorney may have information. If the mail is involved, the United States Postal Inspection Service may have a file on the organization; or the Securities and Exchange Commission if a securities of investment is involved. The Federal Trade Commission would be another source of information if excessive advertising claims are involved.

One will find that carrying out these investigations, and getting useful information and guidance, will not be easy. Moreover, the absence of a file on the organization or person in question does not guarantee that the scheme is legitimate. Con artists move frequently and use fictitious names, which they change often. They may have no fixed address. They change the name of the company and the type of swindle often. This makes it difficult for law enforcement, consumer protection, and regulatory agencies to keep up with them.

In the final analysis, there is only so much the citizen can do at an individual level to protect himself, and ultimately perhaps the best form of protection is to support organizations and public officials in their efforts to prevent the crime of fraud. Experts in the field recommend the following measures for the reduction of fraud:

- The U.S. Department of Justice national data bases on crime and victimization should collect data on criminal fraud, which neither does at the present time (except for UCR arrest data). Experts believe that if the true extent of fraud and of its impact on victims were known, it would receive much more attention by legislators and by the criminal justice system.
- The issue of barriers to prosecution of fraud offenders needs more examination in order that these barriers can be reduced or eliminated through appropriate action on the part of legislators and the criminal justice system.
- We should develop and test model programs of public information to alert citizens to the threat of fraud and ways to avoid becoming a victim. These will be especially valuable if they contain current information about swindlers operating in specific locales or targeting specific types of victims.
- There appears to be no State or jurisdiction that includes fraud victims as eligible for victim compensation funds, an omission that needs to be re-examined.
- While experts in the field are sympathetic to the priority the criminal justice system now accords to violent crime over crimes such as criminal fraud, many believe that by giving swindlers almost a "free ride", the economic and psychological costs of criminal fraud to the victims have reached unacceptable levels and that some policy adjustment may be necessary.

Some jurisdictions have active programs of prevention and prosecution already in existence. For example, the Assistant State Attorney in one Florida jurisdiction has developed a multi-level program of prevention and prosecution. Brochures and weekly advertisements spotlight current swindles and deceptive business practices (e.g., car dealers involved in "bait and switch schemes). Pro-active strategies include watching out for and investigating questionable advertisements dealing with e.g., home repair, appliance repair, or auto repair. Mediation is offered between buyer and

seller in cases involving the seller's alleged failure to meet commitments and promises made to the buyer. Finally, the office is actively engaged, in a high-visibility manner, in the prosecution of criminal fraud cases.

An even more comprehensive approach could involve close coordination between the criminal justice system and consumer protection agencies, to ensure that no types of case "fall through the cracks" because it wasn't clear to the victim or to the agency who had responsibility to act. Regulatory agencies could also become more involved: in some states, licensing is required of gypsies and fortune tellers to ply their trades, and they must supply references and some mechanism by which they can be reached. There can also be improvements in coordination between the public and private sectors, so that as new forms of fraud emerge, they can be controlled more quickly and effectively through concerted action by both business and government.

A cornerstone for fraud control is to increase reporting by the victim. Public awareness campaigns should highlight the importance of reporting as a means to make the police and other investigatory agencies aware of the problem, and to help protect others from becoming a victim of the same fraud. While any of the agencies mentioned earlier as possible "sources of information" could be referred to, the local police should be cited as the best place for the victim to start.

There may soon be some genuine progress to report on the prevention of fraud and the apprehension and prosecution of the scam artists. Perhaps someday swindlers will not have the free run that they enjoy today. But until that happens, all of us need to be on guard against the fast-talking crooks who have been preying on their fellow Americans' innocence, gullibility, good nature, and belief in something for nothing since the early days of this nation. At least one of them may well be on your telephone, at your door, in your mailbox, or stopping you on the street before the year is out. And the odds are in his/her favor: they do this for a living.

Readers from other nations are cautioned against dismissing this article as unimportant simply because they seldom hear of the problem in their home nations. The reason you seldom hear about criminal fraud victimization may be that no one has ever taken the time to ask. Do so, and the results may surprise you!

A Victimological Approach to Insurance Fraud: An Example of Powerful Victims

Hannu Niemi

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1. Introduction

Over the past decade, much attention has been devoted around the world to the position of the victim of crime (see, e.g., *Joutsen* 1987). There has recently been an upsurge of interest also in Finland in improving the rights of the victim. In this discussion, "victims" have generally been understood as individuals who more or less by chance happen to become the victims of traditional offences against the person or property offences. In respect of corporate victims in Finland, the discussion has also dealt with retail companies as victims of shoplifting, and public and private corporate bodies as victims of vandalism. Now and then various campaigns have been organized to prevent and solve offences committed against such corporate victims. Less attention has been paid to banks and other financial companies, as well as to insurance companies as the victims of various frauds.

Insurance companies have become the victims of an increasing amount of insurance fraud. Even so, these companies have not sought to publicize their victimization. This is presumably largely due to the fact that they have a strong motivation and abundant means to cope with the offences and deal with their victimization on their own. In many respects, insurance companies are a good example of powerful victims.

What are the characteristics of a powerful victim? We know that variations in the level and structure of victimization to crime can be explained by the composite effect of the opportunity for the commission of offences, the level of motivation of the offenders, and the system for preventing and controlling crime. On this basis, we can say that a powerful victim is one who is able to influence at least some of these factors. A powerful victim has the motivation and ability to cope with victimization in all of these respects.

For insurance companies, what is at issue is whether they want to and are able to regulate the opportunity for crime and take effective prevention action against fraud; whether they have the possibility of selecting their clientele; and whether they have the possibility of influencing their clientele's motivation for committing crime. The clearest sign so far of the motivation of the insurance companies to prevent and cope with victimization on their own has been the creation of a multifaceted and increasingly

strong system of control. Insurance companies also have effective means at their disposal for taking legal action in the case of unclear or fraudulent insurance claims.

At the request of the Central Association of Insurance Companies, the Finnish National Research Institute of Legal Policy undertook in 1990 an inventory of insurance fraud as a preliminary phase for a broader research project. The purpose of the inventory is to look at insurance fraud, the associated problems and other issues from a number of perspectives (utilizing the results of research in other countries), and to formulate the research hypothesis so that the following stages of the research project, and other possible separate studies, can be planned and carried out.

Even though the project is not intended as a study merely of the position of the immediate victim of insurance fraud, the insurance company, and it will instead cover broader issues (the prevalence and nature of insurance fraud, the opportunity for crime, the offenders, the system of control, prevention), the research data also permits the examination of the problem from the point of view of the victim.

The present study is limited to a special type of corporate victim, the insurance company, and to a special type of crime, insurance fraud. However, it should be recalled that the costs of insurance fraud are borne indirectly and ultimately by the policyholders, in the form of increased insurance premiums. The insurance companies, in turn, are indirect victims of other types of crime (for example, burglaries, arson and vandalism) when they assume financial responsibility on the basis of insurance contracts for damage caused by crime.

In addition to the typical features of the powerful position of insurance companies as victims, it is interesting to examine what makes such victims more powerful than other victims of crime. As corporate bodies, insurance companies have gradually become concentrated in large entities which offer the present broad variety of insurance policies. As a consequence, it has been possible for the insurance companies to create, and they have been forced to create, a well-developed organization that has become functionally and geographically specialized. One consequence of the concentration and the breadth of the activity is that the largest insurance companies have extensive experience with victimization. This, in turn, has led to approaches in the prevention and control of crime that have required the employment of highly qualified persons in the management of criminal cases. The level and quality of the degree of organization have significantly improved the position of insurance companies as victims, and have improved their possibilities of responding to the increase in insurance fraud. The different

elements of the administration of insurance companies prevent fraud, investigate unclear and fraudulent insurance claims, and decide on claims on the basis of the information they have gathered.

In their capacity of insurance companies, such businesses are the victim only of fraud. (Here, we shall bypass the fact that insurance companies can be the victims of the same offences directed at any other business, such as theft of office property, vandalism and embezzlement.) Insurance frauds, which are the focus of this study, and frauds related to the granting of credit (in those cases where the granting of credit is part of the business profile of the insurance company), are always relatively similar as offences, even though the details of their commission may vary. It is certainly easier to prepare for and specialize in the prevention and investigation of one type of offence. A common feature of both is an attempt to mislead the insurance company into granting a settlement on the basis of an unjustified claim. Because of the nature of the offence, the harm does not result directly from the filing of the claim; the company is left with time to investigate the case. This is one aspect that provides insurance companies with a wide range of opportunities to influence the end result and seriousness of the victimization.

The possibilities for the commission of insurance fraud are totally dependent on the products (the types of insurance policies) that are being offered. This gives the victim of crime an opportunity to regulate the probability of victimization and to protect the insurer against the possibility of fraud. The insurer in effect creates the environment in which fraud is possible.

The granting of insurance policies is commercial activity which seeks to maximize profit. In order to achieve their goal, insurance companies have sought to expand their clientele, for example through product development, through the expansion of insurance coverage and through the easing of restrictions. However, goals which are based on factors related to commerce and competition are generally at odds with the goal of preventing insurance fraud. It is paradoxical that the main hindrance to the prevention of insurance fraud, the attempt to maximize commercial profits in insurance activity and the actions related to this attempt, are both controlled by the insurance companies themselves.

2. The Research Methodology

In the inventory of insurance fraud, the subject was approached on the basis of two different sources of data. First, information was gathered on available Finnish and Nordic research as well as on other documentation, in

particular over the past ten years. In addition, the available foreign research (primarily Anglo-Saxon research; e.g. *Clarke* 1990 and *Litton* 1990) was selectively studied.

The second source was a series of interviews of insurance detectives and other insurance company personnel who specialize in fraud. The five largest Finnish insurance companies have a total of nine full-time insurance detectives or criminal investigators in their service, all of whom were interviewed. In addition, one interview included an insurance company lawyer who specialized in fraud.

In preparation for the interviews, four themes were worked out in advance, together with related questions, on the basis of which the persons interviewed told about their own experiences and opinions. In addition, in some interviews rather detailed data was gathered on some typical cases that the persons interviewed had investigated. Also in other respects, none of the interviews were exactly alike. It is true that the themes which were regarded in advance as the most important were discussed in all of the interviews, but in some interviews it was possible to deal in depth with certain special issues that arose, and thus an attempt was made to deepen the available data with each successive interview. The interviews were carried out in a relatively free manner, and for this reason the interviews in some cases lasted several hours. All in all, five interviews were carried out. All of those working for the same insurance company took part in the same joint interview.

From the methodological point of view, it can be noted that the interview data only provide subjective descriptions by representatives and employees of one party to insurance fraud, the victim. This was regarded as sufficient at the present stage for the charting and assessing of the problem under review, since no attempt was being made to provide statistical generalizations. The non-representative nature of the sample, in turn, is more problematic, if the conclusion is drawn that the opinions of those interviewed are representative of the views of the insurance companies or of the entire insurance business. The interviews did indeed leave the impression that the insurance detectives looked at the problem primarily from the point of view of the investigation of offences and of prevention, and that they took a critical attitude towards the measures built in the insurance field that hampered investigation and increased the amount of crime.

3. The Research Results

In the following, information shall be provided primarily on the basis of the interviews, first on the nature of the victimization experience and the participation of the victim in this, and on the possibilities that the insurer has of influencing and preventing victimization. The activity of the insurer plays its own role in insurance fraud, and indeed in certain respects the commission of fraud requires the participation of the victim. Next, the possibilities that the insurer has of preventing insurance fraud shall be reviewed.

The second part of the review of research results shall deal with the position of the insurer after victimization through insurance fraud or after the presentation of an insurance claim that proves to be false (or unclear). The insurance company has its own response in the successive stages of the detection of an offence, its investigation, and the making of a decision on the matter.

3.1 The Position of the Victim in Victimization and in Prevention of Crime

Some opportunities for crime, and some increases in these opportunities, are due to factors over which the insurance company scarcely has any influence. Examples of these are the increase in property, goods and forms of exchange that people wish to have insured, and the increase in the number of persons and companies owning such property or engaged in such business. The insurance companies also have little influence on the reform of law, for example on the development of statutory insurance. Even so, changes outside the insurance field are not totally beyond the reach of the influence of insurance companies. In general, the insurance business seeks to respond to changes by including them within the scope of insurance coverage. In an examination of the opportunities for the commission of insurance fraud, on the other hand, it is more interesting to see what the potential is for the insurance company as the victim to influence the commission of such offences.

With the exception of statutory insurance, it is the insurance company itself that determines the scope of insurance activity (the types of insurance policies offered) and the scope of individual policies. Through the various

terms of insurance, the insurance company also regulates in what cases the policyholder can receive compensation for an incident covered by insurance. Before granting the policy, the insurance company can examine the object to be insured and the data on the customer, and in this way can prevent probable cases of fraud.

Even so, the actions of the insurance field itself have created more opportunities for crime than what it has been able to prevent effectively. The scope of insurance coverage has been extended and the terms have been eased, which in itself is desirable from the point of view of the so-called honest policyholder. At the same time, however, this has increased the opportunity for offences. In this sense, we can speak about the participation of the victim in the victimization process. The complicity of the victim may be very intensive (for example, marketing that emphasizes good relations with customers and flexible services in the payment of claims), if the victim believes that this will result in an increase in profits that will outweigh the accompanying loss. In addition to such a cost-benefit analysis, the willingness of the victim to prevent crime is also doubtless affected by the victim's assessment of the real threat of fraud in the future. Professional and deliberate frauds result in particularly extensive financial loss. The assumed increase specifically in professional crime has resulted in the increased concern of insurance companies over fraud, and in their attempts to improve their system of control.

The general development of the insurance field, which shall be examined in greater detail below, lies in the background of the increase in the opportunity for crime. In addition, the content and terms of the insurance policies have a direct connection with crime. A third factor is connected with the growth in the amount of damages.

There has been an enormous expansion in the insurance market over the past few decades. This is due to the fact that there has been a rapid increase in property, and activities having value as property (domestic goods, cars, consumer goods, foreign travel, business and transport services) that people want to have insured. There has been a corresponding increase in crime directed at these goods and activities. Along with changes in society, the insurance field has expanded its activity to new areas. An example of the most recent conquests in Finland is credit insurance. The scope of insurance has expanded to the extent that even minor damage is covered by insurance. The terms of insurance have largely been relaxed. As a consequence, there has been a growth in the number of insurance claims - and in the number of fraudulent claims.

The variety in, and development of, the insurance market in itself results in opportunities for crime. New forms of activity in society require insurance cover, and this again offers scope for new opportunities for fraud. In such a constantly changing market, the control exercised by the insurance companies themselves always lags somewhat behind in the development.

The expansion in the scope of insurance has also resulted in an increase in the number of policyholders, in other words of persons with the potential to engage in insurance fraud. At the same time, the status of policyholders has become more "middle-class."

The opinions of policyholders regarding the purpose of insurance may have changed along with this development. It is possible that the insurance companies come to be regarded as alien, large and impersonal entities, and cheating such entities has come not to be regarded as blameworthy as, for example, stealing from another person. Contractual dealings with an anonymous partner may make one more suspicious, and there may be fears that such a partner will unilaterally seek to minimize claims even when real incidents occur that are covered by insurance. The temptation to commit fraud may also grow along with increased experience with the haphazard nature of the settlement of claims and of control, and with the increase in the possibility that the fraud will succeed. This easily leads to exaggerated claims; for example the size of the damage is exaggerated in order that the claim will exceed the deductible (the amount below which no payment will be on a claim).

In addition, ambiguity over the limits of norms may change along with the spread in the view that cheating is "normal." It is possible that policyholders will begin to think that they have the "right" to recover the insurance premiums that they have paid, by exaggerating the size of the loss. The original idea behind insurance, obtaining protection through insurance against large and unexpected loss, may lose its importance along with the concentration of the insurance field in the hands of a few large entities; the same may happen to the cooperative ideal that the possible disastrous effect of losses on any one individual should be offset by allocating the burden among larger groups.

The growth in the volume of the insurance business, the looseness of the terms of insurance coverage, and the haphazard nature of control have also created an enticing basis for the growth of professional and so-called habitual crime. This is certainly the factor that the insurance business fears the most, since the accompanying risks are unknown. Even so, the insurance

companies are not prepared to toss overboard those client companies that have previously been guilty of fraud, since these clients also bring with them insurance premiums from so-called mandatory, statutory social insurance.

Factors lying in the background of this development include the growth and expansion of the insurance field and the competition on the market. According to those interviewed, the possibility of fraudulent activity has been overlooked in the marketing of insurance, and as a result even large insurance policies may have been granted without, for example, checking to see whether the object being insured actually exists. The insurance companies have tried all the means at their disposal to avoid the reputation of being a stingy and suspicious contracting partner, and this has been reflected in the laxity of control.

Instead of undertaking unpleasant bureaucratic checks, the insurance companies prefer to give the impression to their clients that the insurance cover is absolute, that their customer service is easy-going, and that the practice in the settlement of claims is smooth. If the experiences of the customers in practice do not match the image given in marketing, they will be more prepared to seek compensation for their loss even through fraudulent means. In this way, the customers are also given the impression that it is easy to commit fraud, and that there is a large chance of succeeding.

The formulation of the contents of insurance policies defines the limits of acts that constitute fraud. In this sense, the granting of new policies and the changes in the terms of insurance increase the number of criminalized acts. For example, within the framework of the Insurance Contracts Act it is possible to use the terms of insurance in order to define what constitutes an incident for which compensation shall be paid through the insurance. If the insurance company eliminates a high-risk object or something else from the scope of insurance, at the same time it decreases the possibility of insurance fraud.

Loose and liberal terms of insurance also lead to less care being taken of property, and to less attention being given to its protection. This makes it easier to commit crimes against such property, and increases the amount of damage. In Finland, most changes in the terms of insurance have led to their relaxation.

The size of the deductible is one of the more important conditions regulating the amount of fraud. Increasing its size decreases the number of insurance claims as well as (in the case of incidents based on an offence) the number of offences reported to the police. Thus, increasing the size of the deductible results in the policyholders refraining from making claims regarding incidents, since they themselves must cover the loss. However, it

is possible and indeed probable that when the deductible is high, the policyholder will be more careful and will protect his or her property better, in which case there will be fewer insurance incidents.

A low deductible, on the other hand, may lead to increased willingness to offset the deductible by claiming that the value of the damaged property was greater than it actually was, or that non-existent objects had been damaged or destroyed. What is of importance in the determination of the level of the deductible, from the point of view of those who engage in fraud, is how large of a proportion the deductible is out of the entire damage. If the proportion is large, there is an increased readiness to try to compensate for this. One result of raising the deductible is that when medium-level damage (at least 2,000 FIM, or about 500 US-Dollar) is incurred, it would be more difficult to exaggerate the loss by adding the deductible to the amount of the loss, and in general the possibility of fraudulent small claims would be eliminated. However, from the point of view of the economics of insurance, it is not easy to raise the deductible. Since the purpose of "all-risk" insurance is to provide protection against all kinds of damage, raising the deductible would in effect only mean a restriction of the situations covered by the policy. This, in turn, may lead to the termination of insurance policies by the customers, who would go over to traditional, but less expensive, forms of insurance or even to another company that may have conditions that are more favourable to the consumer.

Another way of influencing the prevalence of fraud within the framework of the terms of insurance is by requiring that a report be filed with the police if an offence is involved. Requiring such a report before a claim will be settled would make it possible to raise the threshold of fraud. This may also have an indirect effect on offenders, since they know that, because of the terms of insurance, certain losses will almost certainly be reported to the police. Even the possibility that a police investigation shall be carried out influences the motivation to commit an offence in particular when the group of persons who engage in fraud is expanding, in other words when also the so-called average citizen begins to consider fraud as one possible way of taking advantage of an insurance contract.

In any case, the terms of insurance can be changed in order to affect the amount of damage covered, and thus also the amount of insurance fraud. However, such changes may lead to structural changes in the types of fraud. It may be that fraud is committed by making the damage look as if it had occurred in a way that would fall under the new conditions.

A Swedish study of insurance fraud (*Eriksson & Tham* 1982, pp. 108-113) found that the number of residential burglaries reported to the police

increased along with the increase in losses covered under policies protecting residences and summer cabins. Similarly, the trend in the amount of thefts of car parts or car equipment followed the development in the number of claims filed on the basis of car insurance policies. There has also been a considerable increase in travel abroad, and in damages incurred while abroad.

Since it is known that much of the increase in the amount of burglaries and thefts of car parts can be explained by the increase in the amount of the property involved, the researchers recommended that more attention should be paid to preventing the original losses rather than to preventing insurance fraud. If the number of losses can be lessened, then the amount of fraud will automatically decrease. The Swedish study gave as an example car thefts and joy-riding. If the insurance companies, before granting an insurance policy, would require the policyholder to protect his or her property better, there would be fewer losses, and thus fewer frauds.

The focal point of the work of insurance companies in crime prevention has been on increasing the risk of apprehension of those who commit fraud. It has not been until recently that the insurance companies, and the entire insurance business, has begun to pay more attention to possibilities of preventing fraud by decreasing opportunities for fraud. However, there has been little practical action. From the point of view of preventive action taken by the victim, it is important to note that the Insurance Contracts Act and the terms of insurance provide the insurer with greater than usual possibilities of influencing the risk of victimization.

It is possible to take the possibility of fraud into consideration in the development of insurance products by ensuring that high-risk products are not placed on the market or that they are withdrawn from the market. It has also been possible to decrease fraudulent claims by changing the terms of insurance. As has already been noted, in practice the development has gone towards more, not to fewer, opportunities for fraud.

Also in the sale and marketing of insurance products, little attention has been paid to the prevention of fraud. Sales have not been examined from the point of view of the bottom line (the net profits); instead, the goal has simply been an increase in sales volume.

An attempt has been made to change the situation by training sales personnel. It has only been recently that such training has been done on a more active basis. Many of those who were interviewed believed that gradually the top management of the insurance companies has begun to realize the effect of fraud on net profits, and this has led to practical action in some sectors.

When granting an insurance policy, the insurer has the right to examine the object that is to be insured as well as the conditions in which, for example, the object is located. In addition, the insurance company has the possibility of investigating, and the means to investigate, the risks that may be connected with a specific individual or company as a policyholder. This supervision and checking can be continued as long as the insurance contract is in force. Such preventive measures can be called risk management. Supervision and checks are carried out also after an incident has occurred, if an unclear incident requires investigation. Also this may, on the general level, prevent fraud and repeated fraud.

Checking the object of insurance in order to prevent the taking out of policies on non-existent property, to measure the true value of the property, to ensure that the property continues to be protected, and so on, has been done for a long time. The effectiveness of such checks have varied from time to time. The enormous growth in the number of insurance policies has, among other results, led to the impossibility of checking all objects that are covered by insurance. This means that some criteria must be found to select what objects should be checked. The abnormally large value of the property, or the difficulties in assessing its value, are examples of such criteria.

In practice, it has not been until recently that attention has been devoted to an investigation of the characteristics of potential policyholders. Apparently the most important reason for this new development is the observation that banks, other financial institutions and also insurance companies have suffered increasing credit losses. The insurance companies have assumed that it is important to determine who are high-risk clients not only from the point of view of who might default on insurance premiums or on any loans granted, but also from the point of view of who have a greater probability of being the victims of incidents covered by the policy in question. From this, it is not a long jump to the conclusion that also the proportion of policyholders who potentially will engage in fraud is higher than average among those who default for example on premiums.

One factor in explaining the commission of criminal acts is the motivation of the person in question to commit or refrain from committing such an act. Certain circumstances or conditions either decrease or increase this level of motivation. One aspect can be seen to be whether or not the act or negligence is regarded as wrong and criminal; this determines in part the strength of the attitude. This also requires awareness of the norm, no matter whether one speaks of legislative norms or the generally accepted "rules of the game." In respect of insurance fraud, knowledge of norms is not on a very high level, when compared with the situation in respect of certain other types of offences. Also in fact, the distinction between fraudulent activity

and exaggeration of the loss may remain ambiguous. When we consider acts where one's knowledge of the norms is poor, one method of maintaining respect of the law may lie through the punishability of fraud.

One possibility that has been considering in increasing the level of knowledge in the insurance field is to inform people about the criminal nature of certain types of fraud, and about their consequences. However, there has been little reliance on the effectiveness of general information, or even information directed at specific clients. This is merely regarded as one method among many in emphasizing the importance of preventing fraud.

One way of getting the message across that has been considered effective is to provide information on the risk of apprehension. One of the main functions of insurance detectives was even regarded as being the increase of the risk of apprehension, coupled with the distribution of information on this increased risk.

3.2 The Significance of the System of Control of Insurance Companies in the Investigation and Prevention of Insurance Fraud

The system of control created by insurance companies reflects their efforts to deal with criminality on their own. A very reserved attitude is taken towards turning to outside help, primarily the police. The system of control is designed to root out and investigate claims that seem to be unclear or fraudulent. Preventive activity is becoming very important.

After the increase in large-scale damage caused by fires during the early 1970s, and in the unclear claims connected with these fires, fraudulent claims against insurance companies were begun to be considered a special problem. As a consequence of this development, the two largest insurance companies in Finland decided to employ a special insurance detective to investigate unclear cases. The simultaneous development in Sweden paralleled this (*Eriksson & Tham* 1982, pp. 121-123), with the difference that in Sweden, both insurance companies and cooperative bodies in the insurance fields have directed considerably more resources to this activity. At present in Sweden, one organization (Larmtjänst, "Alarm Service") serves different companies and all the insurance companies, and it employs a total of about one hundred persons, in other words ten times the number of insurance detectives in Finland. Even Norway has half again as many detectives as Finland.

The skills and resources of the claim settlers and inspectors of the insurance company have proved to be insufficient for the investigation of

cases that require police work. Even the police is not able to investigate all its cases to the satisfaction of the insurance companies, who want to clarify the factual basis for the payment of claims. On the other hand, because of the insufficient resources of the insurance companies, in general only the most serious cases, and those cases which in practice have been cleared by the time they are reported, are sent to the police for investigation. The companies have not been ready to accept that the relationship based on trust between the customer and the company is allowed to deteriorate due to the seeking of unjustified benefit. From the point of view of the clientele, and in particular of the companies' own business profit and competitive position, the goal is to counteract the tendency of fraud to raise insurance premiums.

The companies have initiated preventive action by training claim settlers, claims inspectors and the sales staff in order to make the inspection and other activity more effective. In some companies, the training and cooperation is being developed so that it also encompasses certain circles outside the company, such as businessmen and the police. Risk management is becoming so important that some companies have undertaken concrete action in order either to have persons suspected of fraud refrain from becoming company customers, or at least to manage the risk that is being insured.

The companies' internal system of control of insurance fraud consists, in the broad sense, of the sales organization, the organization for the settlement and inspection of claims, and the investigation organization, which has at its disposal, when necessary, legal, technical and other expertise.

The significance of the claim settlers in controlling fraud and in sifting out unclear cases should not be underestimated, since they are the first to deal with all claims. Each day, tens of millions of marks are paid out as compensation.

The function of the insurance inspectors is to inspect the existence and the value of insured objects, both when an insurance contract is to be signed and when an incident occurs. The sales organization has the possibility of assisting in prevention by carrying out risk assessments for risk management purposes.

The insurance detectives have the responsibility for investigating unclear claims as well as any types of crime directed against the company, as well as prevention of risks. These functions are carried out together with the other company staff through training, and by creating and maintaining contacts with various authorities (for example, the police and the fire service) as well

as other parties (such as detectives working for other companies, and travel agencies). In practice, because of lack of resources, the work of the detectives is focused on the investigation of unclear cases.

Apparently none of the companies have established any specific monetary goals for the work of insurance detectives. Even so, up to now this activity has been very profitable even if it is measured by the profit accruing from the cases that have been investigated and where it has been possible to show that the claims were unjustified. From the point of view of costs and benefits, the persons interviewed claimed that the work of the detectives would still be very profitable even if the resources were doubled or tripled. Already in the mid-1980s, it was estimated in Sweden that each detective saves some one million crowns (ca. 200,000 US-Dollar) for the company each year. The value of the preventive work presumably cannot be measured at all. The companies seek to investigate all cases to some extent regardless of the financial interests involved, because this may increase and maintain respect for the law.

3.3 The System of Control in Practice

3.3.1 Detection of Fraud

The process of the settlement of claims has a central position in weeding out cases that seem to be unclear or fraudulent. At this stage, cases that require further work may either be settled by the claim settlers independently, or the case can be sent to an insurance detective for investigation. At times it is enough that some unclear part of a claim is worked out before a decision is made on the claim.

The processes through which such cases are detected vary. The normal process is that the attention of the claims settler is drawn to a suspicious feature of a claim. In some companies, for example, certain types of damages and losses of a certain amount are automatically sent to the insurance detectives for investigation. Similarly, special circumstances may appear in the course of the inspection of damage caused by fire, or other damage, that raise suspicions of fraud. The insurance inspectors' own knowledge of persons who have previously been guilty of insurance fraud or other economic offences may be useful in detecting individual cases of fraud. When detectives meet one another, they often exchange information on the cases they are dealing with and on the people involved; these may have connections with cases of fraud committed against other insurance

companies. The police have a relatively minor role in the detection of insurance fraud. This role primarily comes to the fore when insurance fraud can be suspected as a motive in the case of arson.

The raising of suspicions of fraud, however, is not without its problems. Mutual trust is a typical element of the contractual relationship between the insurance companies and the policyholders. The assumption is that the policyholders are trusted until evidence speaking against their honesty comes to light. This means in practice, for example, that generally there is little advance control of policyholders. The competition between insurance companies maintains and strengthens the effect of this basic principle.

A service-oriented approach, which has been deliberately emphasized by the companies, manifests this basic relationship of trust and the competition between companies. Such a service orientation is at odds with suspicions that policyholders are guilty of fraud.

The problems that this favourable attitude towards customers raise are acknowledged by the companies, which seek to improve their internal training so that claims from fraudulent customers can be separated from the rest. However, the volume of claims that must be settled each day is so large that many fraudulent claims remain undetected. On the other hand, this randomness of the risk of detection does not apply to the more serious frauds which involve large amounts of money. The detectives focus on the investigation of such claims.

The possibility that fraud will be detected is also connected with problems resulting from the administrative structure of the company and from general legislation, for example the fact that joint registers of customers are illegal under the Data Protection Act. In this connection, however, such issues cannot be explored in greater detail.

3.3.2 The Investigation of Cases

When the number of cases demanding investigated expands, they must be placed in order of importance. Priority is then given to cases involving large claims, and also to small cases that are easily dealt with. An expansion in the number of cases may also affect the victims's level of tolerance. On the other hand, an attempt has been made to investigate even the more trivial cases to some extent in order to maintain a general preventive effect.

The investigation itself is very much like criminal investigation by the police. Indeed, the detectives often emphasize that police training and years of experience are of considerable benefit in the investigation, for example when questioning people. The fact that the insurance companies have their

own detectives promotes the investigation of offences also in the sense that this significantly shortens the interval between the commission of the crime and the beginning of the investigation. It is possible to initiate investigations without delay when a claim is presented to the company.

The insurance companies also have the possibility of carrying out investigations that would be beyond the resources of the police. For example in the investigation of suspicious fires, the detectives can not only carry out a technical investigation of the reasons for the fire, they can also investigate possible motives for arson by looking at circumstances connected with how and when the property was acquired, and who owned it. In some of the more difficult cases and in cases with international connections, it is also possible to turn to foreign detective agencies in order to have the case solved. On the basis of their relationship with their customers, and of the Insurance Contracts Act and the terms of the insurance, the companies are able to obtain a lot of information on those who may be guilty of fraud. This is made easier by the fact that it is possible for the insurance company to investigate unclear cases so that the decision can be made on the basis of civil law, and not criminal law.

The forms of cooperation with the police vary from case to case. The minimum requirement is that the police investigation can be followed so that the interests of the insurance company are taken into consideration, and so that the alleged fraud is indeed investigated. At the other end of the scale of cooperation are the cases where detailed agreement is reached on forms of work and on the division of labour. The insurance detectives supply the police with information as needed in order to guide the work of the police so that the possibility of insurance fraud can be taken into consideration.

In these cases, the professionalism of insurance detectives is often clearly higher than that of the police. For the police, the investigation of insurance fraud may be new and unfamiliar, for which reason they generally have nothing against the offer of the detectives to provide their expertise. On the other hand, the police clearly give insurance fraud a lower position and priority that they do to many offences that they consider more serious.

It is also probable that, since the insurance detectives are former policemen, they are regarded by the police as trustworthy allies. The resources of the police are insufficient for the detailed and expensive investigations that insurance fraud requires. In respect of professional crime, cooperation with the Central Criminal Investigation Police is productive, since often the same people who are suspected of insurance fraud are guilty of economic crime. In some cases, the police only record what the detectives have uncovered.

The interviews often showed that the police are not sufficiently able to discern the special features of the cases that come to them, something that is necessary in order to appreciate the possibility of insurance fraud as a motive for the offence. The police seek to investigate what they consider the primary case, for example how a fire was started. It is more difficult to solve cases involving arson and to apprehend the offender, since because of the sheer number of cases, the will and resources of the police are not enough to check all the details. This is one reason why the insurance companies seek to investigate cases on their own. The police investigations alone are not very productive.

The criminal investigation of insurance fraud is, to a large extent, guided by the insurance companies even when the case has been passed over to the police, or the insurance company has requested that the police investigate a case of suspected fraud. Generally, the insurance companies do not turn to the police until the evidence has already been gathered. In such a situation, features of the criminal process that would otherwise be important to the victim (such as information on the processing of the case, possibilities of presenting the victim's views and concerns, and the possibility of using legal counsel) are of less significance, since the entire process is already guided by the victim.

3.3.3 The Conclusion of the Investigation: The Settlement of Claims

After a fraud has been detected and the case has been solved through criminal investigation, the insurer has different alternatives in closing the case. It is rare for the insurer to forgive fraud or seek an informal settlement with the policyholder. Generally, the insurance company uses the legal remedies allowed by the Insurance Contracts Act or the terms of insurance, or in quite clear cases turns to the criminal justice system. In the interests of the company, it is most important to reach a result where the threat of financial loss connected with the incident can be averted, or the person attempting the fraud is required to pay back all or part of a claim which may have been paid. In addition, it is important for the insurance company to prevent possible future risks posed by a client who has committed fraud. Of the alternative decisions, many are controlled to a large extent by the insurance company.

In respect of the potential loss suffered by the insurance company, it should be noted that generally, ambiguities or fraud are suspected already before payment is made on a claim. In such cases, the insurance company has not yet suffered a financial loss which might have to be proved in court. Equally, in such cases there is no need to force the offender to pay back the

claim. Tactically, it would be wise to shift the burden of response to the policyholder. Customers who engage in fraud would rarely increase their risk of apprehension by trying to take the insurance company to court.

If, following the investigation, there are grounds to suspect that a customer has presented a fraudulent claim, the following are the normal alternatives (in addition to termination of all insurance held by the policyholder):

- 1) The claim is settled in accordance with the current value of the true loss, or with a deduction for example on the basis of a contractual penalty clause to be found in the insurance contract;
- 2) settlement of the claim is terminated (in which case no payment is made) and, if part-payment has already been made, the right of the policyholder to this is denied or the claim is settled with a deduction on the basis of the Insurance Contracts Act or the terms of insurance, in which case the insurance company may bring a claim of recourse against the policyholder in order to have any such part-payments returned;
- 3) not only the claim is refused or the settlement of the claim is terminated, but also, if there is sufficient evidence that the policyholder is guilty of fraud, the police are asked to investigate the case and determine whether someone has committed an offence; and
- 4) one of the preceding three alternatives is used selectively in cases where the police have previously investigated the case on the basis of a report from some other source, in which case fraud, as an offence subject to public prosecution, may lead to prosecution and criminal proceedings regardless of the decisions of the insurance company.

In cases where the evidence is insufficient to justify refusal of the claim in full and where the policyholder continues to demand payment even though there are strong suspicions of fraud, the insurance companies normally try to see that the policyholder obtains as little benefit as possible. This is done by negotiating with the policyholder over the size of the payment and by using the remedies provided by the Insurance Contracts Act and the terms of insurance.

Refusal to pay the claim either in full or in part, or seeking to force the policyholder to pay back on the claim, are generally sufficient from the point of view of the insurance company in the settlement of the case. In such cases the guiding principle is the belief that the insurance company can, if necessary, produce sufficient evidence under civil law to justify their refusal

to pay or their decision to pay less than what is demanded. Termination of the settlement of the case corresponds to a refusal to pay, as in practice it means that nothing will be paid to the policyholder. In addition, it is known to be improbable that the policyholder would contest such a decision and seek to demand payment in court or through the system of consumer protection. In cases where the settlement of the claim is terminated, the insurance company can invoke breach of contract for example on the grounds that the policyholder had not fulfilled his or her obligation to provide information as required by the Insurance Companies Act or the terms of insurance. According to the persons interviewed, refusals to pay are often the most common way of closing a case.

Defining insurance fraud as an offence is not necessarily in the primary interest of the insurance company, which is in making a profit. In some cases, one consequence of turning a case over to become an "official" case in the criminal process is that, because of evidentiary problems, the insurance company is ordered to pay. For this reason, frauds are rarely turned over to the criminal justice system. From this point of view, it would be of great interest to find out what criteria the insurance companies use when deciding what cases should, and what should not, be submitted to the police.

Difficulties in gathering evidence are the most important factor influencing the decision not to turn a case over to the police. In the opinion of the persons interviewed, the evidence both on the chain of events and the other factors, as well as on the intent of the person suspected of the fraud, must be very clear before the police are asked to investigate the case. Even the time required to gather evidence places restrictions on decision-making, since according to the Insurance Contracts Act and the terms of insurance, the claim should, as a rule, be settled within one month.

Where the person suspected of fraud or insurance fraud cannot be convicted of this, problems arise in connection with those cases which come to the police from sources other than the insurance company. Such cases often involve incidents covered by fire insurance. It may be possible, when investigating the fire, to show that the fire had been started deliberately, but it may not be possible to show who lit the fire, or who had instigated the arson. In such cases, the insurance company would consider the alternatives noted above, but the possibility that the suspect will not be convicted restricts the scope that the company has in making its decision.

Many of the detectives who were interviewed regarded it as important that as many frauds as possible are turned over to the police for investigation and prosecution. This was regarded as important for preventive reasons. Informing people of the risk of apprehension strengthens general respect for

the law. The persons interviewed were almost without exception of the opinion that nothing prevents the insurance company from requesting a police investigation whenever a crime is obviously involved, and the evidence of this can be obtained. It is only in exceptional cases that other factors should be allowed to influence the decision on turning the case over to the police; such factors would include the nature of the relationship with the policyholder, the degree to which the policyholder assisted in the investigation of the offence, and his or her personal circumstances. An example of such an exceptional case is that the policyholder himself or herself had given notice of the offence before the insurance company found out about it.

As a summary, it can be noted that it is difficult to combine the direct goals of the insurance companies (primarily averting financial loss in the individual cases being investigated, but also maintaining a good image as a customer-friendly company) with the indirect goals (prevention of fraud). Up to now, it would appear that an attempt to strengthen general respect for the law by "publicly" increasing the risk of apprehension has more drawbacks than benefits from the point of view of the company, for which reason the insurance companies seldom turn to the police for help.

4. Discussion

The insurance companies have enormous potential possibilities of preventing crime since they themselves create the environment in which insurance fraud is possible. For this reason the question arises of the extent to which the individual insurance company participates in its own victimization should be taken into consideration when we consider the extent of the costs of crime and crime control, and the just allocation of these costs among the different parties -the offender, the victim and society. Can the victim be blamed for having itself made it possible for the offence to be committed, and for having failed to take preventive action that would otherwise be expected of the average victim of crime?

We can ask whether it is justified from the point of view of criminal policy for society to assume a greater burden in the prevention and control of crime which, to a significant extent, is made possible by the actions of the victim himself or herself. The insurance companies are able to use criminal investigation as a tool even in order to refuse to pay claims under civil law. Against this we should consider other arguments, for example to the effect that it would be unfair to burden one sector of society with the increasing costs of crime when we know that the growth and development of crime is influenced by many other factors which, in the long run, may

be even more important - factors such as urbanization, the increasing specialization in the division of labour, and other changes in society on the macro-level.

In this connection, the issue is raised only as one theme in the discussion, since the question of the reallocation of the costs of crime in respect of insurance fraud is not solely theoretical. The insurance business has itself responded to the problem by hiring its own detectives to investigate its cases - although it is possible that this was done also for other reasons.

This hiring of detectives may, however, have an effect opposite to that intended, in that it may increase the work-load of the police. Along with the development of the system of control in insurance companies, more and more attention can be focused on suspicious cases. In the Finnish case, however, this has not happened, because the insurance companies have seen to it that cases are not turned over to the police solely because they are unclear; on the contrary, the insurance companies have sought to gather as much evidence as possible before reporting the matter to the police.

In any case, the action taken by the insurance companies provides an example of the privatization of criminal investigation. This in principle can ease the work of the police, and release police resources for other criminal investigation. The initiation of the work of the insurance detectives also means a reallocation of the costs of crime in one respect, so that the victim assumes a greater share. Whether or not this greater share outweighs the increase in the expenses that society's system of control must bear as a result of the increase in opportunities for crime, is a more difficult question. In some connections, the possibility has also been raised that the insurance company would pay outright sums of money to the police, and purchase their investigatory capacity.

5. Summary

This article seeks to explore the concept of powerful victims, using as an example the way in which insurance companies cope with one type of victimization, insurance fraud. The data for the article are provided by a selective review of recent research as well as interviews of representatives of the five major insurance companies in Finland.

In many cases, the insurer can avoid becoming the victim of insurance fraud, or can at least obtain protection against this risk, to some extent. Insurance companies have many means at their disposal in doing so. First of all, the opportunity for crime can be regulated by eliminating from the

insurance market those features of insurance policies that are conducive to fraud, and by placing greater obligations on the policyholders. The conditions of individual types of insurance (in particular requirements that the policyholder protect his or her property in certain ways) can be developed so that it becomes more difficult, if not impossible, to commit insurance fraud. Second, the possibility of fraud can be taken into consideration in the sale and marketing of insurance products. It is possible to inspect the existence, quality and value of the insured object as well as the background of the potential customer, in order to lessen the risks. Third, it is possible to decrease damages for example by increasing the level of protection of insured objects and by placing more strict requirements on care. If the prevalence of damages can be decreased, this also decreases the probability of fraud and of the success of fraud. The Insurance Contracts Act and the terms of insurance offer the insurance companies unlimited possibilities for preventing fraud.

Even though the insurance company would seem to have very powerful opportunities for influencing its risk of becoming a victim of crime, not all such opportunities have been utilized. Insurance companies are in the business of making a profit. In maximizing profits, the companies prefer to expand the scope the field by enlarging the scope of insurance, improving the unconditional nature of protection by insurance, decreasing bureaucracy in the settlement of claims, and so on. Over time, the competition between insurance companies and the concentration of insurance in the hands of a few large companies have directed the development of the field more and more in this direction. It would appear that prevention is at odds with this goal. Frauds are not regarded as a problem since the costs of fraud can be passed on as higher premiums. Such an approach will succeed for quite a while, since there is no essential drop in the demand for insurance along with higher premiums, and since fraud is a problem for all insurance companies. Even so, the increase in professional crime constitutes a threat which forces the insurance companies to reconsider their options in preventing crime, and to invest more resources in this.

In order to detect, investigate and deal with cases of fraud, the insurance companies have a very professional system of control that is trained for this purpose. The system consists of personnel in sales, inspection, claim settlement, investigation and legal counselling. A specialized organization is one of the more important elements of the powerful position of insurance companies as victims. In the investigation of actual cases of fraud, the insurance detectives constitute a central part of this system of control. They often carry out criminal investigations of unclear cases without the help of the police. Even when a case is turned over to the police, the evidence of

fraud has often already been collected and the case has been solved. In other cases, the insurance companies follow the work of the police and attempt to guide this so that the case would develop in accordance with the interests of the insurance company.

The insurance companies have several alternatives when considering the further steps in the case. Perhaps the most important alternatives are to refuse the claim or to halt the settlement of the case on the grounds of a breach of the insurance contract. In this way, the insurance companies place the burden of response on the policyholder. Often, the insurance company is satisfied with not suffering a financial loss in the case. The insurance companies are also beginning to regard the raising of the risk of detection as important in prevention, and from the point of view of the continuity of insurance activity. For this reason, up to a certain extent cases of fraud are turned over to the criminal justice system, when the evidence is incontrovertible. The insurance companies have their own lawyers for the trial, or they can hire outside legal experts when needed.

Managing insurance fraud so that this would not lead to financial harm to the company even in the short-term is the criteria in decision-making that appears to guide the reaction of insurance companies to fraud. The powerful position of the insurance company is based on the fact that as long as frauds can be managed, they do not constitute a fatal risk, and are instead a part of the assumed costs of doing business. The nature of the offence, in particular the fact that the insurance companies do not suffer direct financial loss, has been a factor in bringing about this situation. The insurance companies are left with sufficient time to consider their decision on claims.

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9. Minorities

Minorities as Victims: Pride and Prejudice

Ester Kosovski

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1. Introduction

What is a minority? For us, in a broad and simple definition, a minority can be seen as "all the social groups that are considered inferior and are discriminated against". This prejudice against minorities is a product of education; it is a "Weltanschauung" (a vision of the world) of people and groups who believe (and frequently have the conviction) that they are privileged and better than others.

When I speak of minorities, I mean all the people who are in some way the object of social prejudice and/or who don't have their rights of citizenship respected. Of course, in some cases, there is a tendency to paternalize those who are in some way mentally or physically handicapped, or who are very old or very young. These people need protection, but they still have to have their rights recognized in the same manner as are their duties.

Of course, nations and countries are constituted by different groups, but a democratic society must accept the differences that exist between people, respect the characteristics of each person, and offer social equity to all - without respect to their differences. This is our task, analyzing the rights of minorities and respecting their rights. We must make sure that minorities do not suffer from discrimination.

It is obvious that the capacity to discriminate is linked to power generally; political power gives to some people the illusion that they are better than others. Power also gives them the ability to enforce their beliefs. Let us recall the French Revolution, in its 200th anniversary, and Louis XIV "Le Roi soleil", who with his divine power, said "après moi le déluge". He was so certain about his superiority, and that of his family, that he placed himself "above good and evil".

2. Minorities in Brazil

Brazilian history is full of examples of groups that were enslaved, despised, deprived, isolated, exploited, ridiculed and disrespected and, as such, made easier to control and dominate. Prejudice and discrimination toward minorities makes them feel inferior and gives them the sensation that they are incapable, superfluous, or displaced.

But today people in Brazil - even disadvantaged minorities - are more aware of their rights of citizenship. People talk about their rights more and are less willing to accept less than they deserve.

Recently we in Brazil had the opportunity to see the film "Mississippi Burning": It demonstrates the situation of Black people in the United States' South in the late 1950s and 1960s, and the struggles of Blacks within the United States for civil rights. These struggles were first steps toward the equal treatment of minorities in the United States. We can also see that the Apartheid system in South Africa is also changing - too slowly indeed - because of the reactions of minorities, who in the South African context, of course, are in the majority.

In Brazil, we have a new Constitution that forbids any kind of prejudice or discrimination against people based on race, ethnicity, religion, gender or other factors that make them different. The new Brazilian Constitution (1988) which is just over one year old, and is the eighth in Brazilian history, has XXXX articles (number of articles).

Besides the protections offered minorities by the new Constitution, there are groups in Brazil, such as the Brazilian Bar Association (OAB), that are concerned about discrimination and are working on drafting laws that will protect the right to be different, without suffering prejudice. Moreover, even before the new Brazilian Constitution was drafted, Brazil already had some legislation protecting people against discrimination. Such legislation included:

- Law 2889 (1956) Specifying the crime of genocide.
- Law 6001 (1973) Specifying crimes against the Indians.
- Law 1390 (1951) Identifying the crime of prejudice against racial and religious minorities; and,
- Law 7437 (1985) Law 1390 which extends Law 1390 to cover gender prejudice and prejudice against marital status.

And today in Brazil - due primarily to the influence of victimology activists - projects are being developed to discover how to further protect citizens' rights against discrimination. Such projects include protection for the handicapped, homosexuals, and ex-convicts, particularly such minorities who are fired from jobs or in any other way marginalized for being handicapped, for their sexual orientation, or for having been in prison.

In order to learn more about minorities, academics at the Federal University of Rio de Janeiro, through the Victimology Study Group, recently organized some meetings and debates about disadvantaged minorities in Brazil. Such minorities include religious groups, people of color, the disabled (mentally or physically), women, homosexuals, drug addicts, and others who suffer rejection in one way or another for their differences. A group of academics, lawyers, judges, psychiatrists, psychologists, psychoanalysts, sociologists, criminologists, social workers, policemen, and students discussed for two days the subject of minority victimization. The Victimology Study Group intends to publish, through the Federal University of Rio de Janeiro, a set of papers and debates from this conference. The collection will be entitled "Victimology in Debate".

Some of the conclusions of this important conference were:

2.1 Color

Brazil, which was colonized by the Portuguese, had less color prejudice during the Colonial period than was demonstrated by the Dutch, English, French, or Spanish colonizers against their colonized populations. The Portuguese used black women as sexual partners, in contrast to other European colonizers who did not make as great a use (as the Portuguese did) of Black women as sexual partners. This is why there is so much miscognition in Brazil. The argument is that the Portuguese preference for Black women as sexual partners somehow demonstrates the lesser prejudice of the Portuguese against Blacks in general. Some scholars further argue that the lesser color prejudice of the Portuguese may be the reason that color prejudice is less visible in Brazil today.

At the same time, there is a hidden, subtle deprivation of non-white people in Brazil, mostly if they are poor. Black people, descendents of former slaves, don't have the same opportunities as Whites have (this is changing slowly). Brazilian statistics show (*National Household Sample Survey 1980*) that Blacks in Brazil make up six out of every ten poor people. Brazilian Blacks have a thirty percent greater chance than whites of dying before they reach five years of age (*National Household Sample Survey 1980*). Statistics also demonstrate that Blacks make up the majority of Brazil's prison population. It is clear that Blacks are "pariahs" in Brazilian society, not just because of their color, but for social and economic reasons, as well.

2.2 Race

Another conclusion of our Victimology Study Group was that we do not have social justice in Brazil. When a society lacks social justice, it has discrimination. Besides Blacks, another minority in Brazil that suffers from a lack of justice is the indians. Brazil is so big that there are some tribes in its jungles that have never seen white people before. The tribes that have had contact with white people are dying quickly - for the same reasons as in other countries of the American continent. But there are new laws in Brazil (since 1973) that protect the indians and their culture. However, for five hundred years, first the colonizers, then governments and corporations, have, without punishment, eliminated the real owners of the Brazilian Amazon. Even now it is very difficult to control the action of people and corporations against the indians in Brazil's forests and jungles.

What can be done about Brazil's ever decreasing indian population? Brazilian ecologists are concerned only with the environment (land, trees, the air); they frequently forget the indigenous cultures of the Amazon. The indian activists want only to protect the indigenous cultures from extinction. These two groups must come together if we are to find a solution to the dual injustices of environmental destruction and cultural genocide.

But there are other conditions that signal a lack of social justice in Brazil. Social justice can be measured in terms of inequalities in the distribution of wealth. According to a 1988 World Bank study, Brazil has one of the most unequal distributions of wealth in the world (*World Bank* 1988). In Brazil, the richest ten percent of the population controls 51 percent of the national wealth (*World Bank* 1988). The gap in wages is astronomical: While a few people have a royal standard of living, eighty percent of the Brazilian population earns little more than the minimum wage (about \$ 60 per month). It is estimated that in Brazil today it takes one and one-half minimum wages just to survive. Even more shocking is the fact that in 1986, about 43 million Brazilians earned less than 1/2 of a minimum salary (*Folha de Sao Paulo* 10/1/89: B-3). A large part of this miserable, marginalized mass of the Brazilian population lives in slums, or as we call them in Brazil, **Favelas**. According to some estimates, 40 million Brazilians, or 1/3 of the Brazilian population, live in favelas or in some other form of sub-standard housing (*Folha de Sao Paulo*, 10/6/89: B-4). One wonders how the rich and poor in Brazil can be so far apart socially and live so close to one another geographically?

2.3 Religion

Any discussion of minorities in Brazil cannot fail to mention the status of religious minorities. Catholicism was, until the sixth (19XX) Brazilian Constitution the official religion of Brazil. When Brazil's official religion was Catholicism, the state defined all other religions as marginal. Some religions were even persecuted, especially the African spiritist religions (Candomble, Umbanda). There is now religious freedom in Brazil. It is notable that between 1974 and 1979, Brazil had its first non-Catholic President, General Ernesto Geisel.

Brazil is the biggest Catholic country in the world, in terms of population and size. The Catholic Church has a good deal of influence and power in Brazil. Politically, the Church participates in left-wing politics, asking for social justice. Brazilian conservatives are against such progressive changes, of course.

Many Brazilians who declare themselves to be Catholic, practice alternative, mystical, Afro-Brazilian spiritist religions. The African spiritist cults are growing in Brazil. In fact, it is estimated that in greater Sao Paulo there are about fifty thousand (50,000) Afro-Brazilian worship centers (*Prendi*, 10/89, Lecture, Sao Paulo). In Salvador (in the state of Bahia) there are 356 Catholic churches and four times that many Afro-Brazilian spiritist worship (Candomble) centers (*New York Times*, XX, 19XX). One important Afro-Brazilian ritual (Jemanja) that is practiced in these cults (some of which are called Candomble, Xango, Quimbanda, Umbanda) can be observed every December 31 at night along the beaches of Rio de Janeiro, Salvador (Bahia) and Santos. In fact, it is estimated that each December 31 as many as three million people from Sao Paulo take part in Afro-Brazilian Jemanja ceremonies on the beaches of Santos, and two million only in Copacabana, Rio de Janeiro, a beach that has 6 km length.

Also growing in Brazil is the Protestant movement, mostly among the lower middle classes. The Jewish religion is practiced only in the big cities of Brazil where there are Synagogues. In fact, there are relatively few Jewish people in Brazil (about 150,000 for a total population of 150 millions), in comparison to the Jewish population of Argentina (which is about 300,000-400,000 among a total population of 20 millions). In Brazil there were persecutions of Jews, at the time of the Inquisition in Portugal and Spain; some Jews were taken to Portugal and killed, a large number converted to Christianity in Brazil or Portugal and were named "new Christians". Many Brazilians and Christians with Jewish backgrounds are now part of the general Brazilian population.

There are also some Moslems in Brazil, as well as Kardecists, Hare Krishnas, Buddhists (Sao Paulo has the largest Japanese population of any city outside Japan). All of these religious groups can practice and worship in Brazil without restrictions. The Brazilian Penal Code considers punishable the practice of illegal medicine by alternative religious groups for the purpose of exploiting the population. But the practice of "alternative" healing in Brazil is not really controlled.

2.4 Others

2.4.1 *Aged People*

Other disadvantaged minorities in Brazilian society are the very old and the very young. Old people are generally discriminated against socially and within the family. Nobody wants to hear about their experiences; with few exceptions they are considered "out of it" ("demodee"), disturbing and superfluous. Many elderly people who have energy and want to continue to work and be productive try to look younger than they really are; they do this to continue to be accepted and respected. This discrimination against old people is a sad reality; youth power seems to be the rule in Brazil. The worship of youth and disdain for the aged is making Brazilian plastic surgeons very rich! Brazil's plastic surgeons are considered the best in the world.

2.4.2 *Children*

A sad reality in Brazil is abandoned, abused, and exploited children. Abandoned children are one of the most terrible problems for the Brazilian state. Abandoned children constitute a large and growing minority in Brazilian society - by some estimated they constitute ten percent of the Brazilian population. Violence and illegality are part of the upbringing of these street children. Recently released statistics from a United Nations study (UNICEF) present the shocking evidence that one Brazilian adolescent is murdered by death squads every two days in Brazil's fifteen most important states (*Folha de Sao Paulo* 9/28/89). These death squad murders of adolescents are committed to control a portion of the Brazilian population considered by many Brazilians to be the "dangerous class".

2.4.3 *Drug Addicts*

Some minorities in Brazil, such as drug addicts and homosexuals, as well as AIDS victims, are also considered people that society must keep its

distance from. Only recently has Brazil come to consider drug addiction an illness. Addiction to drugs is now seen as similar as such addictions as alcoholism and smoking. But the discrimination against drug addicts is, of course, much stronger, and drug users are not as accepted by society as are smokers and people with alcohol problems. Drug addicts in Brazil have to make their social life within deviant groups who will ultimately reinforce their need for drugs.

Brazil has networks of groups of "anonymous drug addicts" that help each other; these groups operate like AA. Such groups have good results with drug addicts. But these drug treatment and peer counseling groups fight an up hill battle: Nobody wants to be called a drug addict.

2.4.4 *Homosexuals*

This same prejudice applies in Brazil to homosexuals. There are many transvestites in Rio de Janeiro. These men dress like women and have female physical attributes. These transvestites join with prostitutes to live off of prostitution. It should be recognized that most homosexuals in Brazil have normal professions - they are not prostitutes and transvestites. These homosexuals don't want to be called "bichas" ("faggots"), they only disclose their sexual preferences to people who will understand them.

2.4.5 *AIDS victims*

Brazil now has a terrible problem with AIDS. The first verified case of AIDS was reported in Brazil in 1983; by 1985, at least one new case of AIDS was being registered in Brazil each day. By July, 1986, Brazil had become second in the world outside Africa (after the U.S.) in terms of number of reported AIDS cases (*Parker* 1987, pp. 156-157). The AIDS epidemic places a harsher burden on Brazilian addicts and homosexuals, both are considered at risk of AIDS.

The Brazilian government dragged its feet before it took action against the AIDS epidemic in Brazil. Initially, both the Brazilian government and the private medical community downplayed the public health danger of AIDS in Brazil. Today a number of steps have been taken to combat AIDS. The National Program to Combat AIDS (A Programa Nacional de Combate a AIDS) brings together AIDS researchers, monitors the spread of the disease, organizes treatment, and has launched a public education program (*Parker* 1987, p. 168). In fact, today there are some very good campaigns

on Brazilian TV to educate about AIDS and "safe sex". It is now illegal to discriminate against AIDS victims, according to the Constitution; not specifically but generic discrimination. But in practice, who can control it?

3. Conclusion

It is not an easy solution for problems of prejudice but the first step is to be aware and detect them and then try to change the mind and the laws to be able to accept the differences between people and learn with them.

Different means no better than either worse, just different: and we can ask for equality in difference.

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Criminal Victimization of Greek Migrant Workers in the Federal Republic of Germany

Angelika Pitsela

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1. Introduction

Over the last decades, it became a common place to regard the criminality of foreigners as a social problem but not their victimization (*Albrecht, H.-J.* 1987; for abundant documentation on the topic concerning the criminality of foreigners, see *Bundeskriminalamt* 1988; 1989). The subject on the victimization risk (or victim vulnerability) of foreigners was given only peripheral attention by criminologists, although foreigners in general and migrant workers in particular should be regarded as a protection worthy an protection needing minority group in the society (*Tsitsoura* 1985) and not a "threat potential" to the indigenous population (*Kunz* 1989). Already *Kreissl* (1985) aptly remarked that even in the field of the social sciences the investigation and presentation of problems that foreigners cause dominate, in contrast to the problems, that they probably have. (*Albrecht P.-A.* 1990).

There is some evidence that the risk of a foreigner to be victim of criminal acts as well as other discrimination against him (for instance, in the educational system, vocational training, labour and housing market, work environment) is higher than the risk of the members of the population majority; unmistakable hints of such conduct patterns can be observed (on the issue of non-criminal victimization, see *Albrecht H.-J.* 1987).

As mentioned above, research on the vulnerability to criminal victimization of foreigners in general and migrant workers in particular has been hardly ever emphasized in the Federal Republic of Germany (FRG) for different reasons including technical survey-related problems such as language difficulties and the concomitant increase in financial expenditure (see a report on methodological problems and practical experiences on the topic "When Germans interview foreigners" ("Wenn Deutsche Ausländer befragen") by *Allerbeck & Hoag* (1985). However, according to the literature on this subject, foreign minorities are considered to be particularly vulnerable to criminal offences and, in comparison with the indigenous population, they are highly at risk of being victimized (*Kiefl & Lamnek* 1986; cf. *Wiltz* 1981). Scholars drew attention particularly on offences such as fraud, rent usury and the like (e.g. *Schünemann* 1972; on the topic of the state compensation for foreigners as victims of violent crimes and its complications, see *Böhm* 1988; see also European Convention for the Compensation of Victims of Violent Crimes referring to the protection of migrant workers by *Tsitsoura* 1985. According to *Separovic* (1985) the main characteristic of

the migrants is not the one of the criminal but of the victim; he suggested that migrants suffered a higher per capita rate of victimization than the native-born. Victimization rates focus mostly on the so called second generation of migrants (pp. 162-163). In this context, it should be pointed out that in the course of studies on migrant workers as offenders, the Council of Europe devoted equal interest to the study of migrant workers as victims of criminal offences (see Recommendation No. R (88) 6 of the *Council of Europe* (1989) particularly to young people coming from migrant families.

The analysis that follows will focus on a criminal victimization survey of Greek migrant workers in Stuttgart and a comparison to a German sample.

2. Method

The questionnaire and research procedure used in this minority study were predicated on the previous cross-cultural victimization survey which was conducted in the State of Baden-Württemberg in the Fall of 1981 with the objective to make comparative analyses in the Federal Republic of Germany, the United States of America and Hungary (for further information on these comparative research works see: *Teske & Arnold* 1982; *Arnold* 1984; *Arnold & Korinek* 1985; *Arnold* 1986; *Tauss* 1986; *Arnold, Teske & Korinek* 1988; *Arnold* 1991; these surveys were replicated utilizing the same methodological approach in Switzerland, see *Schwarzenegger* 1989). This questionnaire was translated into the Greek language; some additional variables were introduced among which some directly referred to the particular target group. At the same time, it should be noted that for the purpose of comparison the basic structure of the questionnaire remained unchanged (see *Pitsela* 1986; 1988).

The Greek community was the fourth-largest group of foreigners (after Turks, Italians, Yugoslavians) residing officially in Stuttgart. On the 30th June 1982, Stuttgart had a total of 575,230 inhabitants. Among the different foreign residents in Stuttgart, the Greek community was given preference because of the researcher's background. At the time of the survey the Greek adult nationals living in Stuttgart were about 9,500 persons; of these a systematic random probability sample of 510 persons - 18 years of age and older - was drawn from the list of names registered with the data center in Stuttgart. In this original sample were 232 (45%) women and 278 (55%) men. The mail survey was carried out at the beginning of January 1983 (for a discussion of the mail survey approach in victim surveys see *Arnold* (1986; 1991). A total of N=219 individuals (40% women to 60% men) returned (in whole or in part) completed, useable questionnaires. This represented a

return rate of 42.9% of the original sample. After adjusting for individuals who had deceased, had moved abroad or had changed meanwhile residence etc. the adjusted return rate was 48.6%.

Men and women showed a different willingness to participate in the mail survey; women were indeed significantly more often inclined to refuse to cooperate than men. Male questioned were rather sufficiently motivated to cooperate.

The non-return rate of oddly fifty percent could distort the results if those who could not be considered had had different victimization experiences from those who had responded. This could also bring about a remarkable bias with respect to a host of other variables.

A separate study has therefore been made by telephone interviewing of the non-respondents. Those who could not be contacted by telephone (24% of the original sample) were not interviewed at all. However, persons approached by telephone stated a lower victimization burden than respondents of the mail survey (on the telephone methodology in victim surveys see *Arnold* (1990).

The victim survey was limited to a certain city and therefore it is difficult to generalize based on its results. Besides that, as mentioned above, oddly a half of those approached did not take part in the survey. Sources of error and their significance in the victimization surveys are dealt with in detail in literature (see for example *Schneider* 1981; *Kiefl* 1988).

A check on representativeness according to age-groups proved satisfactory (on the topic of the representativeness of the sample, see *Pitsela* 1988).

3. Results

The aim of this paper is to report some basic findings of a city victimization survey. The extent of victimization and the nature or type of offence perpetrated against foreigners has been explored. The analysis that follows focuses on the victimization of the adult Greeks during the 12 months preceding the mail survey (reference period).

Regardless of whether the persons questioned had been victimized or not, they were requested to reply to the questions asked. Thus, the survey applied to both potential and/or real victims, i.e. the individuals studied included not only victims but also bystanders and third parties in general.

The key issues addressed in the survey were:

- Experience of victimization.
- Fear of crime.
- Attitudes toward the treatment of crime and criminals.
- Attitudes toward justice agencies.

Standard background variables describing the sample were used. These were age, gender, family status, education, employment status, number of persons in household, family income, home ownership, length of time of the residence in the Federal Republic of Germany etc. In particular, the socio-demographic structure of the sample was with regard: to age, 26% in the age bracket 18-29 years, 28% in the one of 30-39 years, 28% in the age between 40-49 years and 18% between 50-65 years; to gender, 60% male and 40% female; to family status, 79% married, 17% single, 3% divorced, and 1% widowed; to school education, 7% without a school-leaving certificate, 69% with an elementary education, 16% with a grammar school and 6% with a high-school education; to vocational training, 61% with no certificate of such training. Thus, the sample was stamped by male persons, who were married, had an elementary school education, had not completed any form of vocational training and were workers (73%). The average age of the respondents was 38 years, and the average size of their household was 3.5 members (including the respondent).

In principle, the percentages given in the following presentation of the results of the victimization survey have been rounded off. Missing-values principally have not been taken into consideration, i.e. the percentages referred to the real respondents of every item. Significance determined through the use of chi-square test.

This study sought in each case to investigate only the influence of an independent variable (e.g. gender, age, family status, educational level, employment status, length of time of the residence in the Federal Republic of Germany) on the dependent variable, i.e. victimization experiences, and the several items which were used in order to measure the attitudes of the respondents to issues concerning the fear of crime, the treatment of offenders, and the criminal justice agencies. Since independent variables such as age and family status, age and length of residence in the FRG on the one, educational level and employment status on the other hand are strongly linked to one another, it remains unclear, which of these has a direct influence on the dependent variables. No multivariate analysis has been

carried out to ascertain which of the independent variables is most important for the attitudes to the key issues of the survey, remarkably due to the lower figure referred to certain variables.

3.1 Experience of Victimization

The victimization survey was designed to obtain information about the Greeks' exposure to crime risk. It concerned the following offences: Burglary (or attempted burglary), vehicle theft (or attempted vehicle theft), other theft, robbery (or attempted robbery), assault with weapon, assault with body, rape (or attempted rape), arson (or attempted arson), malicious mischief (or attempted malicious mischief) and an open-ended question for other crimes. Herewith nine forms of victimization have been covered.

The term "violent crimes", as defined in this study, covered robbery, assault with weapon, assault with body, and rape; "property crimes" included offences such as burglary, other theft, vehicle theft, arson, and malicious mischief.

If a questioned reported having been victim of any of the above mentioned incidents during the twelve-month reference period additional questions were made concerning the frequency of criminal acts against him/her, place of occurrence, financial losses, injury, medical assistance, relationship to the offender at the time of the criminal act, number of offenders who were involved in the victimization incidents, perceived gender, age, and nationality of the offender (Greek, non-Greek), the reporting behavior and the motives for non-reporting offences to the police.

3.1.1 Direct Victimization

The Greek population sample was asked to report on victimizations they may have suffered during the one-year reference period, regardless of whether or not they reported them to the police. Certainly, these data were free from criminal justice system selection biases (*Biderman* 1981; *Block & Block* 1984).

Of the 195 respondents (of the victimization-related items) 44 (22.6%) stated that they actually had been victims at least once during the reference period. Related to the whole sample (N=219) the victim rate summed up to 20.1%. In comparison to that, 4% of the respondents had experienced a victimization because of a traffic accident during the same time span. The percentage of the respondents who had experienced criminal offences varied according to the offence in question, ranging from assault with weapon (1.6%), robbery (2.2%), assault with body (4.3%), malicious mischief

(5.2%), vehicle theft (5.3%), other theft (6.4%) to burglary (9.2%). A total of 95 criminal victimization incidents were reported. Accordingly, 2.2 victimizations occurred per victim. Specifically, two-thirds of the victims had been victimized once, the other one-third had been victimized two or more times. The victimization experience did not appear to be an isolated episode in the life of the individuals since one-third of the victims had been exposed to criminality in more than on occasion (multiple victimization).

A breakdown by type of offences showed that the respondents had been victimized more often by property offences (81%) than by violent offences (19%). Burglaries were by far the most frequent property offence experienced by the Greeks (for the purpose of comparison, see *Arnold, Teske & Korinek* 1988; see also the results of an international comparative victimization survey conducted through telephone interviews in 14 countries, in *Mayhew* 1990). Assaults constituted 78% of the violent victimizations experienced by Greeks. However, the realized sample was really too small for reliable conclusions especially in the light of the relative rarity of the offences.

A characteristic traditionally associated with violent crimes is that the victims and offenders are generally acquainted. However, an acquaintanceship between victims and their offenders in violent crimes were reported only by 13% (cf. *Hindelang* 1978).

Furthermore, the Greek nationality was attributed to the offenders of violent crimes by 20% of the statements referring to the perceived nationality of the offender. In the light of this finding, Greeks were not likely to be victimized by persons of the same nationality. We could not confirm the empirical observation that violent crimes committed by foreign offenders mainly occur with members of the same ethnic group of the victims (see for example *Wikstroem* 1991). Whether intra-ethnic violent crimes were more tolerated or even accepted by Greeks in social interactions, and, hence, less often defined as crimes and, accordingly, not reported to us, remains unanswered (on the topic of the notion that violent crimes are to be modified from purely intraracial to partially interracial based on an analysis of data gathered by victimization surveys, see *Wilbanks* 1985); *Singer* (1981) suggests that an increase in interracial violence might be attributed to a rise in residential integration).

In general, the material did not allow a detailed analysis of many other interesting features of the victims as the figure was very limited, a fact related to the relatively small size of the sample.

3.1.1.1 Reporting Behavior and Motives for Non-Reporting

The victimization survey endeavoured to gain insight into the willingness to report crimes and the motives which deter from doing so when crimes have been sustained personally. Those persons who claimed to have been victimized within the reference period, were also asked whether they had filed a complaint with the competent criminal authorities.

A critical evaluation of the importance of the victim's role as an informal selecting agency within the frame of criminal justice provided *Kaiser* (1985) on the grounds of empirical findings which showed that about 90% of the crimes that the police hear of are reported by citizens (whereas, only about one third of all crimes are reported to the police).

According to the information provided by the victims slightly more than one-third (34%) of all personal sustained victimizations had been brought to the attention of the police within the reference period. In comparison to the results of previous German victimization surveys referred to the population's majority (*Stephan* 1982; *Schwind, Ahlborn & Weiss* 1989) we found out that a somewhat lower percentage of all victimizations experienced, were reported to the police: Greeks appeared to inform the police of crimes with relatively greater reluctance.

The percentage of crimes reported to the police by the victim varied according to the offence in question, ranging from malicious mischief (13.3%), assault with weapon (25%), robbery (25%), assault with body (33.3%), other thefts (42.1%), burglary (42.1%) to vehicle theft (44.4%). Accordingly, vehicle theft had the highest reporting rate and malicious mischief the lowest one. A breakdown by type of offences showed that victims were somewhat more likely to report property than violent crimes to the police (36% to 29%).

The nature of the offence had proved relevant for the victims' decision to invoke the criminal justice system. However, non-reporting can be partially explained by the insignificance of the damage or the injury sustained since the victimizations which were not reported to the police, were not throughout in the realm of petty crime. Accordingly, the reporting behavior depended to a certain extent on the seriousness of the crime in question.

Since the crime victims differentiated between filing a complaint and reporting a victimization incident to the police - a fact ascertained by the telephone survey as well -, it should be assumed that there were incidents, where the victim defined the event as a crime but this definition was not accepted by the police.

Kürzinger (1978; 1982) presented ample evidence that the police were inclined to follow up certain offences more intensively, other less or even not at all. Complaints relating to offences against the person were in their great majority not recorded (70%); whereas complaints of offences against property were more successful (97% were recorded). Consequently, police tend to define offences against the person as non-criminal rather than offences against property. Moreover, *Kürzinger* observed that not all complainants necessarily admitted to have filed complaints, since, when interviewed by him, only two-thirds of them admitted having done so. In addition, *Bayley and Mendelsohn* (1969, p. 166 et seq.) reported on the limited attention of the police in the United States with respect to the notifications of minority people, particularly when law-breaking behavior had taken place in the interior of the minority community.

The claim that criminal acts among foreigners comparatively rarely would be reported to the police, i.e. foreigners as victims of crimes have a lower proneness to report the crime because of language difficulties as well as of problematic relations between foreigners and the penal prosecution authorities or of informal forms of conflict adjustment (e.g. *Walter* 1987; *Albrecht H.-J.* 1988) could not be assessed by the present survey because of the little information concerning the nationality of the offender. However, the assumptions that language difficulties as well as problematic relations between foreigners and the criminal justice agencies deterred the foreign victims to report a crime to the police are in conflict with the evidence provided by the present study, namely that 82% of the Greeks commanded at least "moderately" the German language and that 64% of them gave a favorable statement (excellent or good) toward the work of the city police. Non-willingness to report a crime appear to be independent of the perceived effectiveness of the local police (*Smith & Hawkins* 1973; *Skogan* 1984). In the frame of the available sample, it seems that the Greek nationality of the offender with respect to the investigated offences did not exert any significant influence on the reporting behavior of the victims. Nevertheless, it is evident that an informal regulation of the conflicts followed rather when the offender was Greek than of an other nationality.

The observation that the probability to notify the police is in the German population greater when the offender is a foreigner (*Blankenburg* 1969; *Schumann et al.* 1987; *Mansel* 1988; *Villmow* 1990) as well as the assumption that the agents of the official crime control supervise rigorously the conduct of foreigners (*Mansel* 1988), and that the suspicion of a criminal act would be rather assumed when the offender is a foreigner than a member of the majority group (*Wolter* 1984), was beyond the scope of the present research. However, negative attitudes toward foreigners did not result nec-

essarily in a higher reporting behavior and willingness to control (see *Villmow* 1990 with a thorough evaluation of the literature on the reactions of the criminal justice agencies). *Killias* (1988) found out - using data from the Swiss National Crime Survey - that the native victims were not inclined to report robbery and rape to police more frequently committed by foreigners than by native born offenders.

Those victims who had not reported a personally sustained victimization to the criminal prosecution authorities were asked to give the reasons for failing to do so. In this respect, no list of motives for non-reporting was given to the persons questioned, i.e. the victims were not asked to select an option from a list but they could set forth anything they could think of. The present survey offers reasons why victims often do not report a crime to the police (*Schwind et al.* 1975; *Pudel* 1978; *Schwind, Ahlborn & Weiss* 1989; *Kidd & Chayet* 1984), the question of why some call the police (*Rosellen* 1982; *Shapland, Willmore & Duff* 1985), remains to be answered.

Victims were deterred from calling the police by their opinion that there were "no chances for success" because the offender was unknown - an estimation that largely holds true. Furthermore, victims failed to inform the police because they expected "personal disadvantages", i.e. fear of reprisals (*McIntyre* 1967; *Banks, Maloney & Wilcock* 1975; *Singer* 1988) or additional harm from getting involved in the criminal justice process (*Kidd & Chayet* 1984).

3.1.2 Indirect Victimization

Indirect victimization was also covered, i.e. the witnessing of a crime perpetrated against another person, victimizations which were not sustained by the respondent himself but by family members, relatives, neighbors, friends and acquaintances (vicarious experiences) and, finally, the exposure of crime news in the media.

Only 4% of the respondents reported that they had witnessed of crime against another person in the course of their lifetime. They possibly meant witnesses before the court.

Nearly two out of every five respondents reported to have personal knowledge of victimizations experienced by persons of their immediate social surroundings - family members, relatives, neighbors, friends or acquaintances - during the reference period. On average, each respondent who was personally acquainted with a victim of an offence, reported 2.3 incidents of victimization. More specifically, 44% of the respondents knew at least

one victimization, 64% knew two and more victimizations experienced by persons of their immediate environment in the year immediately preceding the survey.

The vicarious victimization experiences within the time period under consideration varied according to the offence in question, ranging from homicide (2.4%), rape (4.7%), robbery (8.2%), assault with weapon (10%), assault with body (11.8%), malicious mischief (12.4%), other theft (13.5%), vehicle theft (14.1%) to burglary (22.9%). A breakdown by type of offences showed that 63% of the reported knowledge of victimizations referred to property, and 37% to violent crimes.

Whether the report of crime victimizations of other persons referred in fact to the same or different persons is unknown. The most information referred to friends. On the whole crime victims (prior and during the reference period) were more often also vicariously victimized than those without any direct experience. The difference was significant beyond the .001 level.

Almost all victim survey participants were informed about criminal events. A breakdown by sources of information showed that 91% of the respondents received information on crime from television and/or radio, 79% from newspapers and/or magazines and 60% in the frame of social encounters. In this respect, the sum total of the percentages is more than 100 percent since respondents had the possibility to choose more than one answer. The findings showed that the mass media were one of the most important sources of the information on crime but also interpersonal communication (see *Furstenberg 1971; Tyler 1984*).

3.1.3 Lifetime Victimization

In addition to the actual extent and structure of the victimization experienced during the reference period, the victimization for the foregoing period of life was also to be investigated. The questioned were required to give information about whether they had been victims of crimes during their lifetime excluding the twelve-month reference period. 28% of the respondents claimed having been victimized to one or several crimes during the preceding lifetime. As a matter of comparison, 17% of the respondents had experienced a victimization because of a traffic accident during the same time span.

69% of the victims had been victimized only prior to the reference period, and 31% had been victims also within the reference period. A total of 135 victimization incidents were reported. Accordingly, 2.5 victimizations oc-

cured per victim. In detail, 56% of the victims claimed to have experience of at least one victimization event, while 44% had experienced two or more victimization events.

The percentage of the respondents experiencing offences during the lifetime varied according to the offence in question, ranging from robbery (1.6%), rape (2.4%; percentage based on female respondents), assault with weapon (4.8%), malicious mischief (5.6%), vehicle theft (7.1%), assault with body (8.6%), burglary (8.5%) to other theft (11.5%). A breakdown by type of offences showed that the persons questioned were most likely to be victims of property than of violent crimes (62% to 38%). However, crimes of violence accounted for a larger proportion of the total number of reported victimizations during the entire period preceding the twelve months under survey than they did during these very twelve months (38% to 19%). In sum, the number of victims seemed to have increased only slightly, but the structure of delinquency has changed. One must question, however, whether this result is actually based on a higher incidence of violent crimes.

3.1.4 Socio-demographic Data and Experience of Victimization

There were no considerable differences among victims and non-victims related to gender, family status, education level, employment status and the length of the residence in the Federal Republic of Germany.

The proportion of victims according to age groups varied between 13.2% and 34.5% within each of the age group considered. Statistically, the differences were significant. The group of 30-39 years were most apt to be victimized among all age groups. A gradual decline in the rate of victimization is recognizable with advancing years. However, in the age bracket 18-29 years was the lowest proportion of victims. Age proved to be an important determinant of the victimization risk, i.e. age is consistently a key factor in victimization. The fact that the other socio-demographic factors do not seem - in the present study - to be decisive in determining an individual's susceptibility to victimization meant that it was age alone which determined whether a person was likely to be a victim of crime.

No relationship could be statistically established between the willingness to report a crime to the police and the socio-demographic data.

Men reported more often of vicarious experiences than women (68% to 32%). Moreover, men had more frequently knowledge of victimizations referred to violent crimes than women (74% to 26%).

3.2 Fear of Crime

The survey also sought to measure the subjective burden caused by criminal acts and manifested in the perceived fear of crime. Indicators used to measure fear of crime were listed in the questionnaire under the title "fear of crime". These indicators were determined to find out the "subjective" burden experienced by the Greek population group in comparison with the "objective" burden which emerged as a result of the sustained victimization events (*Stephan* 1976). Fear of crime was construed as a psychological construct comprising emotional, cognitive and conative components (*Gefeller & Trudewind* 1978; *Schwind, Ahlborn & Weiss* 1989; cf. *McIntyre* 1967; *Furstenberg* 1971; *Kleinman & David* 1973; *Clemente & Kleiman* 1977). Indicators to record all three dimensions of fear of crime were encountered in the survey instrument (*Arnold* 1984; *Arnold & Teske* 1988). The individual's perception of the crime problem - both locally and at large - will be examined in the chapter about the attitudes toward the criminal justice agencies.

3.2.1 Emotional Component

Fear of crime was measured by asking: (a) "Is there any area within one kilometer of your home where you would be afraid to walk alone at night?" (b) "Would you be afraid to walk alone within 100 meters of your home at night?" (c) "Is there any place in your community where you are afraid to walk alone during the daytime?" All these items were to be answered by a simple yes or no.

Over half of the sample members admitted that there was a place within one kilometer from their home where they would be afraid of walking alone at night. Hence, close to fifty percent of the adult Greeks felt safe going anywhere they wanted in their city at any time of night. In fact, the people questioned reported great fear on the streets. Furthermore, nearly one out of every four respondents was afraid to go walking alone at night even within a radius of one hundred meter from their home, thus in their own neighborhoods (*Lewis & Maxfield* 1980 showed that fear in the neighborhoods was affected not only by the incidence of crime but also by the perception of the level of incivilities). In addition, oddly every sixth of the respondents knew at least one place in their city where they were afraid to go alone during the day. Moreover, feelings of insecurity were measured by asking: "Are you afraid to be in your home alone at night?" The four response categories provided were: (a) always, (b) most of the time, (c) sometimes, and (d)

never. Oddly every third of the respondents was at least sometimes afraid to remain alone at home at night. Thus fear of criminal victimization expanded from the streets to the home (*Greenberg & Ruback 1984*).

In answer to the question "How would you rate your district with regard to the threat of criminality", which aimed at finding out how safe the respondents felt in their immediate living space, a five-step scale ranging from "not secure" to "very secure" was given. 14% of the respondents considered that their town was "very", 38% "rather", 30% "moderately", 9% "little" and 9% "not" secure with regard to the threat of criminality. Hence, scarcely one out of every five respondents had perceived their immediate environment to be threatening ("not" or "little" secure). However, people evaluated their living environment more positive than their city (see the chapter about the attitudes toward the criminal justice agencies). This finding is in accordance with the results of previous research (e.g. *Stephan 1976*). That most people had estimated an increase in crime even in their own city possibly related to offences which were perceived as less threatening.

Respondents were also asked to express their anxiety based on the rating that they themselves would be victims of a crime in the coming twelve months by means of a five-step scale ranging from "not at all" to "very" worried. Eighty-two percent of the respondents were at least "somewhat" worried about being personally victimized. This aspect of fear focused on the amount of anxiety and concern a person had of becoming a crime victim (see *Giles-Sims 1984* with further references).

3.2.2 *Cognitive Component*

The victim risk estimation was operationalized by asking: "Do you believe that you may be the victim of any of the following crimes within the next year?" The questioned were given the possibility of choosing from a total of eight predetermined criminal offences including an open-ended question, which they thought were responsible for their victimization. Since it was possible to choose a number of responses, each person named an average of 3.3 offences. Nearly half of twelve months following the period under review. The risk of becoming personally a victim of offences within this period of time varied according to the offence in question, ranging from malicious mischief (12.9%), rape (15.4% or 24.7% when the data are adjusted only for women), assault with weapon (17.6%), vehicle theft (18.1%), robbery (21.9%), assault with body (22.4%), other theft (23.8%) to burglary (25.2%).

A comparison of the quotes of victim experiences and risk estimations by type of offences revealed that victim risk estimations with regard to property offences (51%) as well as to crimes of violence (49%) were not on a par with victim experiences during the reference period (81% to 19%) and that, even if one took into account the knowledge of victimizations experienced by other persons in the immediate social surroundings of the respondents during the reference period (63% to 37%) as well. Discrepancies between victim rates and risk estimations - varying from offence to offence - were enormous. On the whole, the discrepancies between victim experiences and risk estimations were the highest by violent crimes. Persons were much more concerned about crimes of violence, even though these occurred less frequently than property crimes (*Banks, Maloney & Wilcock 1975*).

Respondents were also asked to estimate their own likelihood of being a victim in the year following the survey on the base of a five-step scale ranging from "not at all" to "very" likely without any reference to specific criminal offences. Oddly one out of every three respondents totally excluded the possibility of sustaining injury through a crime. In contrast, one third thought the occurrence of a criminal event "somewhat", 17% "moderately", 10% "rather" and 7% "very" likely. Thus, only a small part of the respondents felt they were highly at risk of being victimized.

Descriptive evidence of the different dimensions of fear of crime indicated that just under half of the sample perceived that they might be victimized when a choice among various criminal offences was presented (response categories: yes or no), while two-thirds of the respondents thought it was at least somewhat likely that they would be victimized when no reference to specific criminal offences was made (response categories: a five-step scale), and oddly, four out of every five sample members worried about being victimized. Apparently, the respondents were inclined to associate "crime" with severe - mainly: violent - incidents.

Respondents who perceived that they might be victimized were considerably more afraid to go out alone at night within a radius of one hundred meter from their home (36%) than those who did not (15%). These differences were significant beyond the .001 level. Furthermore, those who thought that they could be victims of a crime worried significantly about being victimized (59%) than others (46%).

3.2.3 Conative Component

The conative component of fear of crime was operationalized by asking: "Which, if any, of the following devices have you placed in your home for reasons of security?" The participants of the survey had the possibility of

choosing from a total of eight predetermined security devices, such as burglar alarms, door bolts, guns, guard dogs, including an open-ended question, which they had installed in their home. Just under half of the respondents had taken at least one safety precaution in their home to protect themselves from crime. However, the vast majority of the respondents admitted that the doors were most of the time locked whenever there was no one at their house (on the victim-related defensive prevention strategies and its implications, see *Kunz* 1987, pp. 30-33).

In response to the question "How well can one protect oneself against crime taking preventive measures", a five-step scale ranging from "very" to "not at all" was given. Nearly three out of five respondents were of the opinion that they were able to protect themselves "rather" or "very" well against criminal victimization; whereas, nearly four out of five respondents believed that one could protect oneself "rather" or "very" well against victimization in road traffic. It is remarkable that the sample members attached much more importance to the effectiveness of the self-protective measures to forestall traffic accidents than violations of criminal law.

3.2.4 *Socio-demographic Data and Fear of Crime*

The indicators used to measure the fear of crime did not vary significantly according to age, educational level, employment status and the length of residence in the host country. Only the gender and the family status had an obvious influence on the intensiveness of fear of crime.

Women were more likely than men to feel unsafe about being out alone at night (within one kilometer from their houses (64% to 43%); within 100 meters from their houses (36% to 17%) or staying alone at night at least "sometimes" in their homes (56% to 23%). Consequently, feelings of insecurity were experienced particularly strongly by women (see e.g. similar results by *Hindelang* 1974; *Clemente & Kleiman* 1977; *Gefeller & Trudewind* 1978; *Hartnagel* 1979; *Stafford & Galle* 1984; *Arnold* 1984; *Warr* 1984; *Baumer* 1985; *Arnold & Teske* 1988; *Schwind, Ahlborn & Weiss* 1989).

Married persons were more inclined than singles to fear that they might be victims of a robbery (24% to 6%) or burglary (29% to 6%) in the twelve months following the data collection period. Furthermore, married persons were more likely to take precautions in their houses than singles (53% to 26%).

In sum, females and married persons display significantly more fear than their respective counterparts. Security devices varied positively with the

length of time of residence in Stuttgart. The hypothesis that "the more crime perceived the less the level of education" (e.g. *Hindelang* 1974; *Hartnagel* 1979), was not able to be confirmed (*Kellens & Lemaitre* 1987).

Research indicated that fear of crime among the aged is very high (*Hindelang* 1974; *Hartnagel* 1979; *Yin* 1982; *Warr* 1984; *Clarke et al.* 1985; *Arnold & Teske* 1988; cf. *Maxfield* 1984; on the issue that the effect of age, race and gender on fear of crime is not additive, but interactive see *Ortega & Myles* 1987 with further references and interpretations). However, in this analysis age was not significantly associated with the fear of crime variables; older people did not appear to be more or less fearful of being victimized (*Langworthy & Whitehead* 1986). Since persons aged 65 years and older did not participate in the present study - the proportion of this age group of foreigners is hardly presented in the population in general - we could not establish an empirical relation between the age and fear of crime.

3.2.5 *Experience of Victimization and Fear of Crime*

Analyzing the effects of experiences with crime on victims' attitudes and behavior it should be mentioned that the fear of crime expressed by the Greeks corresponded only to a certain extent to the size and degree of their criminal victimization. Awareness of property and violent crimes was significantly correlated with certain indicators used to measure fear of crime.

Victimization experience was significantly associated with the dependent variable fear of crime (*Gefeller & Trudewind* 1978; *Garofalo* 1979; *Balkin* 1979; *Murck* 1980; *Kerner* 1986; *Stafford & Galle* 1984; *Hough* 1985; *Lurigio* 1987; *Ortega & Myles* 1987; *Skogan* 1987; cf. *Baumer* 1985; *Liska, Sanchirico & Reed* 1988). In this analysis the reality of being a victim during the last twelve months has affected the emotional, cognitive as well as the conative components of fear of crime. Victims were more likely than non-victims to feel unsafe of being out alone at night within one kilometer from their houses (56% to 46%). The chi-square value was significant at the 5% level.

Furthermore, a relationship was statistically established between the recent experiences with crime and the personal risk of being victimized by crime. Obviously, one consequence of having been a victim was an increased insecurity about the future. Victims were significantly more likely to believe that they would become victims again in the following year than non-victims (63% to 43%). However, with regard to the perceived likelihood of being victimized the crime mostly mentioned by both victims and non-victims was home burglary.

Moreover, victims tended to have more security devices installed in their homes than non-victims. Accordingly, victims were more willing to engage in protective behaviors (*Schwind* 1987; *Lurigio* 1987).

However, victims were socially not less integrated than non-victims. The fact that they had suffered a crime was of little consequence either on the willingness to establish personal contacts or on the attitudes to their current life situation. (In general, seventy-two percent of the respondents considered themselves as rather satisfied with their current life situation). Moreover, the degree of victimization had no crucial influence on behavioral patterns (*Smith, DuRant & Carter* 1978; cf. *Skogan* 1987).

Reporting victims were significantly more likely to believe that they might be victimized than non-reporting victims. Besides this finding, fear of crime seemed to be of as little importance as the individual's socio-demographic features in deciding whether to report an offence or not.

Furthermore, persons who were personally acquainted with a recent victim (during the reference period) were more likely to feel that they would become a victim (62%) than those without such acquaintances (40%). The differences were significant beyond the .01 level. Accordingly, information gained from informal social networks about the victimization experiences of the respondent's family members, relatives, friends, neighbors and acquaintances had an impact on the cognitive aspect of fear of crime. This finding is largely consistent with the conclusions of other surveys (*Furstenberg* 1971; *Tyler* 1984; cf. *Baumer* 1985; *Box, Hale & Andrews* 1988; *Arnold* 1991).

A relationship between lifetime victimization and fear of crime has not been found. Hence, being victimized prior to reference period did not appear to increase fear of crime. Based on the analysis of the data in this study it was evident that the recent events were rather of value in predicting fear of crime (see *Garofalo* 1979).

3.3 Attitudes toward the Treatment of Crime and Criminals

In this section, attitudes to following subjects were inquired: death penalty, parole supervision, parole, functions of prisons and the suspension of sentence (on probation).

The attitudes toward the capital punishment were measured by asking: "Are you in favor of the death penalty being available for any of the following crimes?" Nearly three out of five respondents advocated the death penalty for at least one of the crimes listed on the questionnaire. Herewith a total of seven offences - including an open question - were queried. An

analysis of the figures by type of offence, showed that oddly half of the sample favoured the death penalty only for homicide. Furthermore, the death penalty should be applied successively in cases of high treason (25%), kidnapping (23%), rape (19%), armed robbery (19%), terrorism (16%), and arson (12%). There is evidence that a great part of the respondents is supporting a punitive treatment of offenders of serious crimes.

The attitudes as to the parole supervision were measured by asking: "Do you think that everyone released from prison should be supervised for a certain period of time after their release?" The response choices were dichotomized as either yes or no. The wide majority of the respondents (71%) were in favor of placing every discharged prisoner under the supervision and guidance of another person for a certain period of time. In addition, the attitudes towards the parole were measured by the question: "Do you think that everyone convict should be released from the prison (a) when he/she has served the full sentence, (b) early depending on his/her behavior in prison?" 43% of the respondents believed that inmates should be released from prison only after having served their sentence completely; whereas, 57% were of the opinion that inmates should be released on parole for good behavior in prison.

With regard to the functions of prisons, the question was: "How important should each of the following functions be for the prisons?" The four prison functions provided were: (a) rehabilitation, (b) punishment, (c) deterrence, and (d) incapacitation. The response categories by each prison function were: (a) very important, (b) somewhat important, and (c) not important. In this respect, it should be mentioned that the sum total of the percentages is more than 100 percent since the respondents had the possibility to choose more than one answer (multiple response question). It was generally agreed upon the very importance of deterrence (81%), rehabilitation (77%), and punishment (73%). Finally, the respondents placed comparatively less of an emphasis on incapacitation as a very important function of prison (45%), whereas 26% considered as somewhat important and 29% as of no importance at all (on an outline of the empirical findings with respect to the prison functions in the German and foreign criminological literature, see in: *Kaiser* 1988, pp. 290-292).

The survey measured attitudes as to the suspension of sentence by asking: "Do you think that persons convicted of the following crimes should be considered for the suspension of sentence?" Most of the respondents (63%) were in favor of the suspension of sentence for at least one of the crimes listed on the questionnaire. Herewith a total of twelve offences were inquired. Heading the list of crimes for which the sentence should be suspended were to the opinion of the respondents in turn driving while intoxi-

cated (46%), shoplifting (45%), auto theft (31%), burglary (20%), theft (24%), use of illegal drugs (14%), aggravated assault (8%), robbery (8%), sale of illegal drugs (7%), rape (6%), arson and homicide (5% each). It seems that the rank of the advocacy of the suspension of sentence correspond to the perceived seriousness of the offences. The relatively weak advocacy of the suspension of sentence was rather due to the fact that probation, i.e. subjecting criminals to supervision was largely unknown.

3.3.1 Socio-demographic Data and Attitudes toward the Treatment of Crime and Criminals

The indicators which were used for the measurement of attitudes toward the treatment of offenders proved to be largely independent from age, gender and employment status.

Attitudes on parole supervision, deterrence as a function of prisons, and suspension of sentence were dependent on the educational level: Respondents with an elementary school education were more inclined to advocate the parole supervision, the deterrence as an important function of prisons, and the non-suspension of sentence than respondents with a grammar school or high school education. There was thus an inverse relationship between rigoristic attitudes toward the treatment of criminals and the educational level (cf. *Hindelang 1974; Langworthy & Whitehead 1986*).

Attitudes toward parole supervision, parole, punishment, and deterrence were influenced by the length of time that the respondents had been residing in the Federal Republic of Germany. Those who had been residing in the host country for less than ten years were more likely to take a lenient stance than those who had been living in this place for a longer period of time. Finally, married persons attached greater importance to deterrence than singles.

In sum, the well educated, persons who had been residing in the FRG for less than ten years, and singles adopted significantly more of a lenient posture than their respective counterparts.

3.3.2 Experience of Victimization and Attitudes toward the Treatment of Crime and Criminals

The reality of having been victimized in the last twelve months preceding the data collection period did not have a strong influence on attitudes to the treatment of offenders. Victims were not more likely to favor harsh criminal sanctions, such as capital punishment, than their counterparts (*Hough 1985; Hough & Moxon 1985*). On the contrary, there was a positive - but not

statistically significant - relationship between the advocacy of the suspension of sentence and the experience of victimization. Those who experienced victimization, directly or vicariously, during the reference period were more likely to endorse the suspension of sentence than those who did not, but these relationships were weak (on the relationship between victimization or fear and support for harsher punishment, see e.g. *Conklin 1971; Taylor, Scheppele & Stinchcombe 1979; Langworthy & Whitehead 1986*). However, reporting victims supported significantly more often the parole supervision than non-reporting victims. On the whole reporting victims were more likely to support punitive measures than their counterparts, but there was little relationship. Finally, lifetime victimization did not affect the punitiveness.

3.3.3 *Fear of Crime and Attitudes toward the Treatment of Crime and Criminals*

Respondents who believed that they were at risk of being victimized were significantly more likely to advocate the parole supervision of the discharged prisoners than those who excluded a personal victimization risk in the year following the data collection period (79% to 64%). Besides that, fear of crime as an independent variable had not a significant impact on the attitudes toward the treatment of offenders, since persons who were more fearful of being victims of crime were not more likely to endorse harsher sanctions toward the criminals than their less fearful counterparts (cf. *Taylor, Scheppele & Stinchcombe 1979*; on the relationship of fear of victimization to death penalty attitudes, see *Rankin 19879; Hough 1985*; on the relationship between fear of victimization and punitiveness measured by attitudes favoring punishment as the primary mission of prisons, see *Langworthy & Whitehead 1986*).

3.4 Attitudes toward the Criminal Justice Agencies

In this section, the survey investigated attitudes toward the sentencing practices of the courts, the effectiveness of the correctional system, the quality of the work of the city police, crime control, crime problem, and crime causation.

The survey measured attitudes as to the criminal courts by asking: "In general, when dealing with convicted persons, do you believe the courts are (a) doing a good job, (b) too lenient, (c) too severe". Oddly half of the sample members gave a favorable assessment of the sentencing practices of the courts with regard to the treatment of convicted criminals. Similar results are known from other studies, too (see *Kaiser 1988*, p. 292). Furthermore, 28% of the questioned considered the sentencing practices of the criminal

courts "too lenient", whereas only 8% considered them "too severe". Hence, in accordance with the results of many research works those who criticized the practice of the courts, most often found them rather "too lenient" than "too severe" (e.g. *McIntyre 1967; Banks, Maloney & Wilcock 1975; Flanagan, McGarell & Brown 1985*). Finally, nearly one out of ten survey participants was inclined not to express an opinion about the court practice or to be overcharged to find an adequate alternative among the predetermined response categories (on the public's relative unawareness of judicial outputs, see *Engstrom & Giles 1972*).

The attitudes as to the prison system were measured by asking: "In preparing people to return to society, do you think that the prison system is doing (a) an excellent job, (b) a good job, (c) a fair job, and (d) a poor job". One out of four sample members rated that the prison system is doing a "poor job" in preparing inmates for their return to society; 23% felt it was "fair", 27% deemed it "good" and 13% found it "excellent". Finally, 12% did not give an opinion on the effectiveness of the correctional system. As the findings show, almost one-fourth of the sample was not convinced that the institutional treatment by the correctional agencies was able to bring about the result intended, e.g. the resocialization of the inmates (see a synopsis of research findings on this subject, in *Kury 1980*). Already, *Kaiser (1988)* had stated in an evaluation of the research on this subject among Germans that the respective attitudes toward the correctional system attested of acceptance, in as much as the most of the public shared the opinion, that the traditional prison system in practice did not perform an effective work (p. 297).

The evaluation of the effectiveness of the city police, measured on the grounds of the question: "How well do you rate the job being done by the police in your city?" The four response categories provided were: (a) excellent, (b) good, (c) fair, and (d) poor. The work of the police in their city was rated as follows: 17% of the sample members found the performance of the police "excellent", 47% "good", 21% "fair", and 10% "poor". 5% gave no opinion. Thus the city police seem to enjoy a satisfactory image (see also *Stephan 1976; Kerner 1980; cf. Arnold, Teske & Korinek 1988; Scaglione & Condon 1980; Smith & Hawkins 1973*).

Asked whether courts' sentencing practice (positively or negatively) influenced police crime control, approximately a half of the sample was of the opinion that the police were "not handicapped". Similarly high was the relative proportion of those who thought that the police were "somewhat" or "severely" handicapped in their efforts to combat with criminality. In

other words, the respondents were divided in opinion. Half of them felt that the courts' practices had a negative impact on the police tasks to control crime (cf. *Arnold, Teske & Korinek* 1988).

Comparing attitudes to the criminal justice agencies (although a direct comparison is restrictedly possible due to the different response categories between the item referred to the sentencing practices of the courts on the one, and the work done by prisons and city police on the other hand) the respondents saw the work of the police in the most positive light, the assessment of the sentencing practices of the criminal courts took a middle position and the performance of the prison system was most negatively rated.

Further, it should be noted that more of the sample members could not judge the work of the courts and the prisons (11% and 12%, respectively) than this was the case with reference to the work of the police (5%). Police represent the most visible agency in the criminal justice system (*Engstrom & Giles* 1972; *Smith & Hawkins* 1973; *Stephan* 1976).

The crime problem was measured on the level of one's own city on the basis of the question: "Over the past three years, do you believe that the crime problem in your city is (a) getting better, (b) about the same, and (c) getting worse". In this respect, crime was regarded as a general category, i.e. no reference to certain crimes was given. In assessing the crime problem, the narrow majority of the respondents (56%) observed that crime in their city had increased in the three years preceding the data collection period. Every third Greek (34%) believed that it had remained the same and only 10% were of the opinion that the crime rate in their city had dropped. The fact that over half of the sample perceived that the crime problem in their city had become worse during the previous three years provides slightly insight into why they were afraid to be out alone at night (see the chapter about the emotional components of fear of crime).

Those respondents (a fifty-six subsample) who perceived that crime had increased in their city over the last three years, were given the possibility of choosing among presented response-options (a total of eight reasons inclusive of an open-ended question) which they thought were responsible for the increase in crime - without distinctions between types of criminal activity. The rise in crime was attributed to the following reasons in turn: use of drugs (78%), the precarious economic situation (65%), the collapse of family life and parental discipline (61%), decay of morals (39%), leniency of the courts and the police (23%), population increase (20%), too much spare time (16%), increased mobility of the population (2%). In addition, 23% of the respondents named other reasons for rising crime rates. Because

of the multiple response nature of the question, each respondent stated an average of 3.3 reasons for the worsening crime problem (about the public attributions of crime causation, see *Flanagan* 1987).

The crime problem was also measured on the state level by asking: "Over the past three years, do you believe that the crime problem in the Federal Republic of Germany is (a) getting better, (b) about the same, and (c) getting worse". Three out of four Greeks were of the opinion that the crime problem was getting worse, 19% believed that it had remained constant and only 6% held the opinion that the crime problem in the FRG was getting better.

Hence, crime was perceived differently on the city and the national level: The respondents were thus more likely to assume an increase in crime in Germany as a whole than in their own city. The crime problem was seen in the immediate surrounding area in a more positive light. This result is largely consistent with the findings of other studies (see for example *Stephan* 1976; *Schwind, Ahlborn & Weiss* 1989; cf. *Kerner* 1980). The more negative crime trends on the national level was mostly ascribed to the influence of the mass media, particularly the press (*Stephan* 1982; *Kerner* 1980; cf. *McIntyre* 1967; *Garofalo* 1981).

With regard to the prediction of the volume of future criminality on the city and state level for the three years following the survey the question was: "During the next three years, do you believe that the crime problem in your city, and in the Federal Republic of Germany, respectively, will (a) get better, (b) stay about the same, (c) become worse?" In this respect, crime was also regarded as a general category, i.e. no reference to specific crimes was given (on this respect, *Kerner* 1980, presented evidence that people judge the development of crime in a relatively realistic way, if certain offences were given).

Most of the respondents expected the crime problem to worsen in their city (74%) and in Germany (82%). 19% and 11% respectively, believed that crime rate would stagnate and only 8% and 7%, respectively, forecast a decrease in crime. Thus crime was expected to increase more markedly on the national than on the local level. On the whole, most of the Greeks predicted an increase in crime not only for the host country but also for their city. Only a small proportion of the respondents believed that crime rates would remain unchanged or even diminish in the future.

3.4.1 *Socio-demographic Data and Attitudes toward Criminal Justice Agencies*

Gender was not found to have a significant relationship to the perceived effectiveness of the criminal justice agencies (Stephan 1982; cf. Hindelang 1974).

With respect to the employment status workers ("Gastarbeiter") tended to give a more favorable assessment with regard to the sentencing practices of the courts than non-workers (62% to 48%). However, the differences were statistically insignificant (cf. Flanagan, McGarell & Brown 1985).

Singles, respondents with a secondary school, or university education and non-workers were more often critical of the work done by the prisons with regard to its resocialization task than their respective counterparts. In detail, the resocialization task of the prisons was deemed at least "good" by 21% of the singles and by 49% of the married; with regard to the school education by 53% of the respondents with an elementary school education, but only by 18% among the respondents with grammar school or high-school education; with regard to the employment status by 56% of the workers, and 30% of the nonworkers. The differences were statistically significant.

Married persons tended to rate the tasks carried out by the city police more positively than singles. Also persons with a qualified school education tended to estimate the work done by the city police as less positive (fair or poor) than those with a lower formal education (46% to 29%). However, the differences were statistically insignificant (cf. Smith & Hawkins 1973; Scaglione & Condon 1980).

The assessment of past and future trends in crime within the three-year time frame of this question was not affected by the examined socio-demographic data of the sample. A pessimistic perception of the crime problem prevailed among men and women, well educated and less well educated and among all further groupings (McIntyre 1967; Conklin 1971; Kleinman & David 1973).

3.4.2 *Experience of Victimization and Attitudes toward the Criminal Justice Agencies*

The attitudes of victims toward the performance of the official crime control organs were not less positive than those of non-victims. Those respondents reporting being criminally victimized in the last year were not more likely to think that the police did only a fair or poor job than their counterparts. Thus experience as a crime victim did not influence attitudes

about the city police (*Smith & Hawkins* 1973). Moreover, the actual extent and nature of victimization did not seem to influence substantially the perception of the sample concerning the effectiveness of selected aspects of the criminal justice system. Victims also rated neither past nor future criminal trends - both, on the whole state and on the city level - more negative than non-victims. Thus victims and non-victims were equally likely to believe that crime was increasing (see *McIntyre* 1967; *Conklin* 1971; cf. *Liska, Sanchirico & Reed* 1988).

Reporting victims did not express more positive attitudes toward the formal agencies than the comparative group of victims who did not report a victimization to the police (*Stephan* 1982). Consequently, decisions to report victimization were not influenced by attitudes about the effectiveness of the police (*Smith & Hawkins* 1973). However, reporting victims tended to assess the city crime problem more positively than non-reporting victims. Thus an inverse relationship between perception of crime and support for the law (measured by the willingness to report a crime to the police) have been found, but the relationship was weak (about the assertion, "the more crime perceived the less support for the law", see *Conklin* 1971).

Persons reporting vicarious victimization within the past year were no more negative in their perceptions of the law enforcement agencies (see *Flanagan, McGarrell & Brown* 1985 with respect to the sentencing practices of the criminal courts). In contrast, persons who were personally acquainted with a recent victim were more likely to predict negative city crime trends (85%) than those without such acquaintances (65%). The chi-square value was significant at the 5% level. Furthermore, recent vicarious victimization tended to affect the perception of crime on the state level; those who were vicariously victimized were more likely to forecast an increase in crime (see e.g. *Conklin* 1971; *Schwind* 1978).

Lifetime victimization did not affect victim attitudes negatively toward the justice system. However, victims were more likely to criticize the sentencing practices of the criminal courts as "too lenient" than non-victims. In addition, multiple victims were more likely to cite the "leniency of the courts and the police" as a causal factor of crime increases than those who had been a victim once or non-victims. Finally, victims were neither more nor less likely than non-victims to believe that crime was increasing.

3.4.3 *Fear of Crime and Attitudes toward the Criminal Justice Agencies*

A significant relationship between fear of crime and evaluation of the police performance have been found. Respondents who were afraid to go

out alone at night within one kilometer from their houses were less likely in favor of the work of the city police than their counterparts (*Liska, Sanchirico & Reed* 1988). Besides this finding, no significant differences were observed with respect to the fear of being out alone at night and the estimation of the crime problem both locally and at large. However, people who felt unsafe in their neighborhoods because of crime during the day as well as at night were more likely to anticipate rising city crime rates in the three years following the survey (*Lewis & Maxfield* 1980). In addition, persons who felt their immediate living environment to be threatening were more inclined to criticize the sentencing practices of the courts as "too lenient" than those who did not feel this threat; consequently, they tended to advocate heavier sentences than others (*Hough & Moxon* 1985).

Persons who thought that they might become the victims of crimes were significantly more likely to expect the crime problem on the state level to become worse. In addition, there was a significant positive relationship between city crime problem and the perceived likelihood of being victimized (see *Furstenberg* 1971; *Block & Long* 1973). Moreover, persons who felt it was more likely that they would be victimized in the next year were significantly less in favor of the effectiveness of the city police than their counterparts (see *Kerner* 1980; cf. *Smith & Hawkins* 1973). Finally, those persons who perceived themselves as most likely to become victims tended to attribute much more relevance to the "leniency of the courts and the police" as a factor of the increase in crime than those who excluded a likelihood of becoming a victim.

Besides above mentioned, persons whose subjective experience of the fear of crime was comparatively marked, did not display a particularly negative attitude toward the criminal justice authorities. In sum, the perceived degree of fear of crime appeared to have little impact on the confidence toward the criminal justice agencies.

3.4.4 *Attitudes Toward the Treatment of Crime and Criminals in Relation to Attitudes toward the Criminal Justice Agencies*

People who criticized the sentencing practices of the courts as "too lenient" tended to support more often the death penalty than those who rated it as "good" or "too severe". There was a weak positive association between the evaluation of the "courts" outputs as lenient and the support for capital punishment (*Rankin* 1979; on the relation between punitiveness (measured by attitudes supporting prison construction, death penalty and punishment as the main purpose of prisons) and perceptions of criminal courts see *Flanagan, McGarrell & Brown* 1985). Furthermore, those persons who

made a favorable assessment with regard to the sentencing practices of the courts were more likely to advocate the suspension of sentence than those who criticized it (as "too lenient" or "too severe").

Only those respondents who adopted a more liberal attitude toward offenders and offences - respondents with a secondary school or university education - were more likely to doubt the chances of achieving the chief aim of the prison system - the rehabilitation of the offender. In addition, persons who rated the work of the prisons consisting in preparing inmates for their return to society as "excellent" or "good", were more likely to endorse the parole supervision, punishment, deterrence, and incapacitation as "very important" functions of prisons than those who rated the work of the prisons as "fair" or "poor".

Respondents who appraised the work done by the city police as "excellent" or "good", were more inclined to advocate the parole supervision, and the incapacitation as "very important" purpose of incarceration than those who rated it as "fair" or "poor".

Those respondents who considered the "leniency of the courts and the police" as an important reason for the local increase in crime were more likely to favor the death penalty, the deterrence as "very important" purpose of imprisonment, and the non-suspension of sentence than those who named other reasons for rising crime rates.

A relationship between the attitudes toward the advocacy of the suspension of sentence and the estimation of the past city crime problem was demonstrated. Those respondents who believed in a negative crime trend, were less likely to advocate the suspension of sentence (on probation) than those who were of the opinion that the crime had remained unchanged or that it had even dropped. However, perceptions of the volume of crime did not lead to support for the capital punishment (cf. *Rankin 1979*).

All above mentioned relationships were significant.

3.5 Comparison of the Results of the Victim Survey in Stuttgart between Greeks and Germans

In the following, reference shall be made to the findings of the representative victimization survey conducted in Baden-Württemberg (*Arnold 1986*). The return rate of the comparative sample (Germans in Stuttgart, N=90) was with 64.1 percent concerning the whole state of Baden-Württemberg higher than those of the Greek sample (48.6%; Greeks in Stuttgart, N=219). However, no detailed information about the return rate concerning the victimization survey among Germans in Stuttgart can be presented.

There were no significant differences in the gender distributions of the respondents in both samples. In contrast, there were glaring differences between the samples with regard to the family status, vocational training, employment status, the home ownership (see *Krivo* 1986), etc. Thus to a certain extent the samples were of dissimilar social backgrounds (see in detail *Pitsela* 1988).

3.5.1 *Criminal Victimization and Reporting Behavior*

The risk of the Greek and the German sample to become crime victims during the reference period was in close agreement with each other (22.6% to 22.2%, respectively). Nevertheless, this similarity disappeared when the frequency of the victimization incidents per victim (2.2 to 1.7, respectively) as well as the nature of the victimization experienced were studied: Greeks were more likely than Germans to sustain a personal injury through a violent crime (19% to 3%, respectively). Moreover, there were substantial differences between the samples relating to the type of the offences reported. The level of the self-reported victimization experiences according to the offence in question was the highest in the case of Greeks in burglary and among the Germans in malicious mischief (cf. *Smith & Jarjoura* 1988; *Kleinman & David* 1973).

Germans have brought personally sustained crimes more often than Greeks to the attention of the police (45.5% to 34.2%). A comparative analysis of the reporting behavior by offences revealed that there was consensus between both samples on the lowest willingness appeared in reference to malicious mischief. With respect to the reasons for non-reporting in both samples the most frequent reason was "no chances of success".

The extent of the victimization experienced during lifetime was greater among the Germans than among the Greeks (42% to 38%), probably due to the higher age of the German respondents. The structure of the victimization was also different during the same time span: Likewise, Greeks were more likely than Germans to report of violent crimes (38% to 14%). However, in both samples, violent incidents during lifetime accounted for a larger proportion of the total figure of self-experienced victimization than they did during these very twelve months.

More Germans than Greeks reported to have personal knowledge of victimizations experienced by persons of their immediate social environment during the reference period (45% to 39%). Probably the contact circle of the Greek group is somewhat smaller due to the emigration. Likewise, Greeks were more likely than Germans to have vicarious victimization

experiences referred to crimes of violence (37% to 17%). In sum, crimes of violence accounted for a much higher proportion among the Greeks than among the Germans both for crimes experienced personally and with respect to knowledge of crimes to third parties from the person's immediate social surroundings.

Furthermore, Germans were more likely than Greeks to report that they had witnessed a crime against another person in the course of their lifetime (14% to 4%).

With regard to the information about criminal events through the mass media the data indicated far-reaching similarities. However, Greeks were essentially more informed on crime in the frame of social encounters by means of communication with third parties than Germans (60% to 34%).

3.5.2 *Fear of Crime*

With regard to the indicators used to measure the emotional aspects of fear of crime, noticeable similarities were observed, in spite of the greater perception of threat by Greek residents in their immediate living space. Greeks felt threatened by crime more intensively than Germans (18% to 9%, respectively, felt that their district was "not" or "little" safe). Accordingly, there was a difference between the samples as to the salience of crime in their social environment.

The victim risk estimation was slightly more pronounced by Greeks than by Germans (49% to 43%). Nevertheless, in both samples the volume of the perceived possibility of victimization was not in line with the reported victimization experiences during the reference period. A breakdown of the victim risk estimation by type of offences exposed striking disparities between the two groups; in the Greek sample the relative share of crimes of violence clearly surmounted the results obtained by the German survey (41% to 10%). However, in both samples in the case of crimes of violence the victim risk estimation exceeded the corresponding victimization experiences. The level of the victim risk estimation according to the offence in question was the highest in the case of Greeks in burglary and among Germans in malicious mischief.

The estimated risk of being victimized by an offence did not appear to be tightly linked with the sustained victimizations also in the case that it did not refer to specific crimes. However, more respondents in the Greek sample firmly reckoned with the ("very probable") likelihood of being the victim on an offence than in the German one in the year following the data collection period (7% to 1%).

One of the most glaring differences between the two samples was observed in the frame of a comparison of the subjectively evaluated probability of criminal victimization with the scale of emotional anxiety based on the estimated probability of victimization. Greek respondents were substantially more worried about criminal victimization than their German counterparts (52% to 10%, respectively, were "rather" to "very" worried).

In both samples, the interest in the topic of crime as a social problem was very strongly expressed. However, there were clear disparities with regard to the intensiveness of the respondents' interest as to crime. Greeks were much more concerned about criminal events than Germans (39% to 14% respectively, were "very" interested in criminal events).

Just something more than the half of the respondents in both samples had not taken not even one safety precaution in their home to protect themselves from crime; however, the extent of the security devices was under the Greeks somewhat greater than among the Germans (1.7 to 1.3).

3.5.3 *Attitudes toward the Treatment of Crime and Criminals*

Considerably more Greeks than Germans advocated the death penalty as a possible sanction for certain serious offences (58% to 42%). Parenthetically, it should be noted that in Greece up to the present the capital punishment is not de jure abolished; a fact that demands a differentiating judgement of the attitudes of both groups. On the whole, the order of the advocacy of the death penalty in reference to the different offences in question was similar in both groups.

The endorsement of the parole and parole supervision showed in both samples far-reaching similarities.

In the eyes of the Germans the rehabilitation of the prisoners as a purpose of the imprisonment was substantially more important than among Greeks (87% to 71%); whereas, Greeks were more likely than Germans to place of an emphasis on deterrence (73% to 63%) and punishment (63% to 52%).

Finally, striking disparities were found with regard to the advocacy of the suspension of sentence (on probation) by type of offence. Germans were more likely than Greeks to favor the suspension of sentence (83% to 59%). When crimes were ranked by the percentage of each sample expressing advocacy of the suspension of sentence each of the ethnical groups placed each offence on a different position in their own (subjective) scale of seriousness of crime (Pitsela 1986; 1988). The relatively lower support of the suspension of sentence among the Greeks can be partly attributed to the fact that the Greek legislation ignores the institution of probation for adults

(in contrast, this is the rule in Germany). Since we had not queried whether and to what extent Greeks were aware of the probation, a direct comparison between the two groups is only restrictedly possible.

It should be assumed that attitudes toward the German criminal justice agencies as well as toward their treatment of crime and criminals among Greeks are subconsciously influenced by corresponding attitudes toward the one of their mother-country.

3.5.4 *Attitudes toward the Criminal Justice Agencies*

Scarcely one out of two respondents in both samples gave an unfavorable assessment of the sentencing practices of the courts with regard to the treatment of convicted criminals. Those who criticized the practices of the courts, most often found them "too lenient" (cf. *Secret & Johnson* 1989 with respect to racial differences on attitudes toward court harshness). However, Germans were more supportive of harsher criminal courts than Greeks (39% to 28%).

The effectiveness of the resocialization efforts of the correctional system was evidently more negatively rated by Germans than Greeks. Just over the half of Germans, but one-fourth of Greeks, doubted that custodial sanctions lead to any rehabilitation. The law-breaker's chances of reintegration in the society after having served a sentence were considered small.

Regarding the assessment of the performance of the police Greeks were much more satisfied with the work done by the city police than Germans (64% to 34%, respectively, felt the police work as "excellent" or "good").

All in all, in both samples the effectiveness of the prison system was most of all doubted. Germans rated the sentencing practices of the courts most positively; whereas, most Greeks evaluated the work of the city police as confidence inspiring. However, ethnic differences in attitudes toward the criminal justice agencies were substantial in the (unexpected) direction, in particular that Greek residents of Stuttgart tended to rate their city police higher on effectiveness than did Germans.

The evaluation of past crime trends in their community was more positive among Germans than it was among the Greeks. In this respect, it should be noted that the Germans rated the trends in crime in their community, whereas, the Greeks rated the trends referred to the entire area of Stuttgart. However, it is empirically recognized that the public tend to rate crime trends more positively in their (immediate) community than in the city in which they live (see e.g. *Stephan* 1976). Therefore, this item is not exactly comparable since the frame of reference is different.

Both ethnic groups perceived crime similarly on the national level; local crime trends were clearly more positively rated than national trends in crime. The crime situation was expected to worsen considerably in the future in comparison with previous years.

Regarding the reasons which the respondents thought to be responsible for the increase in crime in their city (Greeks) or community (Germans) differences were ascertained between the both groups. The vast majority of the Greeks connected rising crime rates with use of drugs and the precarious economic situation; whereas, Germans made responsible for the increase in crime mainly the collapse of the family life and parental discipline, as well as the decay of morals. In general, Germans were more likely to cite family-oriented factors as the most important causes to explain the increase in crime in their community; whereas, Greeks were more likely to focus on social ills as the most important attributions of city crime increases. However, both groups equally blamed the "leniency of the courts and the police" (23% each) for the increase in crime (*McIntyre 1967; Hindelang 1974; Banks, Maloney & Wilcock 1975; Flanagan 1987*).

On the whole, it remains unanswered, whether and to what extent existing ethnic differences in attitudes regarding crime-related issues disappear when socio-economic and demographic factors are controlled; all this cannot be tested with the data at hand, but is certainly an issue that merits further research.

4. Discussion

The objective of this paper was to examine the different dimensions of direct and vicarious criminal victimizations as experienced by the Greek community in Stuttgart.

The data used in this analysis were collected through a mail survey. The only noticeable discrepancy between the characteristics of the original sample and the final set of respondents was that women were underrepresented in proportion to their participation in the original sample. In other words, women were less inclined to respond than men.

A breakdown of the victimization burden by type of offences showed that burglary was the most experienced victimization event. Within the frame of violent crimes assaults were most experienced. Victimization appeared to be concentrated in the middle age brackets. The highest degree of victimization was reported by the age group 30-39 years. Contrary to our

assumption, young Greeks in the age bracket of 18-29 years were victimized more seldom than ones of other age brackets. In other respects, the probability of victimization decreased with age.

The individual's perception of vulnerability to eight different crimes did not appear to be tightly linked with the self-experienced victimization - varying from offence to offence. Respondents were much more concerned about crimes of violence, even though these occurred less frequently than property crimes. Nevertheless, with regard to the risk of becoming the victim of a criminal act only a small part of the sample firmly reckoned with the occurrence of a criminal offence against them.

On the whole the Greek sample had adopted a positive attitude toward the effectiveness of the criminal justice system. This finding should be considered satisfactory because of the necessity that the public be engaged in the crime policy. The convicted offenders were given proper punishment in the broadly shared respondents' view; whereas, the opinion that the convicted offenders were treated too leniently was joined by nearly every third among them. Obviously, one-fourth of the sample doubted whether the discharged prisoners after their return to the society can be prevented from committing further offences. Finally, the attitudes toward the police were predominantly favorable. The assessment of crime trends on the city level was more positive than on the state level. Nevertheless, the majority of the respondents were much more apt to be convinced that the crime rate - both on the state and on the city level - would increase. On the item regarding the possible reasons of the past rise of crime, there was a large consensus with respect to the use of drugs, the precarious economic situation, and the collapse of family life and parental discipline.

Unfortunately, due to the small number of victims within the one year reference period, it was restrictedly possible to measure the impact of recent victimization on fear of crime, on the attitudes toward the treatment of criminals, and the criminal justice agencies. Nevertheless, in the frame of the available sample crime victims neither harbored more punitive attitudes toward criminal offenders nor were more likely to name the inefficiency of the criminal justice authorities than non-victims. Generally, the recent direct or vicarious victimization experiences seemed to be of little importance with regard to the influence on the attitudes toward the criminals and the perceptions of criminal justice agencies queried. The same conclusion can be stated by the comparison of victims who reported offences and those who abstained from doing so.

In contrast, victimization experience (both direct and vicarious) appear to have an influence on the fear of victimization. Persons who have been directly or vicariously victimized during the reference period were more

fearful of being victims of crime than their respective counterparts. Recent victims were generally more concerned about a new victimization experience and tended to take more prevention measures to avoid revictimization than persons without any recent direct experience. However, these sub-groups differences must be regarded cautiously, because of the small number of the sample members. Further exploration should be made as to whether there is any relationship between actual and perceived risks of victimization, punitiveness and evaluation of the criminal justice agencies.

Furthermore, as a result of the few criminal incidents reported restricted valid statement can be made either concerning the reporting behavior or the motives for non-reporting of offences to the police. Nevertheless, in the frame of the available sample only about one third of the victimizations reported to us had been reported to the police or you may well say the police had filed a complaint. Serious offences such as burglary were more often reported to the police; in contrast, petty offences such as malicious mischief and thefts were more often reported to us but not to the police. This result is largely consistent with the findings of other victim surveys. Failure to report victimizations to the police was found to be partially associated with the nature of the victimization. In any case, it was most associated with the anticipated inefficiency of the criminal justice agencies, a result that at first glance seems not to be compatible with the appraisal of the work done by the police. It may be assumed that attitudes toward the police were only of relatively limited relevance to the reporting behavior (*Rosellen* 1982). Further research is necessary in order to learn the specific motivations for reporting an non-reporting behavior and how the police deal with offences.

The victim rate between the Greek and German sample groups was similar (the figures of the persons victimized during the one-year reference period per ethnic group did not differ remarkably). However, the victimization rate (the number of victimizations sustained per victim) varied between them. Similarly, differences emerged when the patterns of victimizations were considered: Greeks had experienced more often violent crimes. The discrepancy concerning the non-reporting behavior between the two groups in probably accounted for by the finding that the mean age of the Greeks was lower than the one of the Germans. Empirical research namely has demonstrated that younger people are less likely to report offences (*Reuband* 1979; *Rosellen* 1982; *Villmow & Stephan* 1983; *Skogan* 1984; *Kaiser* 1985; 1988).

The realized sample was really too small for reliable conclusions, especially in the light of the relative rarity of the offences. Possibly, these results cannot be extrapolated beyond the specific foreign group to which the analyses were referred. If the victim risk in other foreign groups had been

studied, the results might have been very different. However, for valid conclusions about the victims, extent and type of victimization and factors related to fear of crime among foreigners in the Federal Republic of Germany only further empirical research work can shed additional light on these issues. On the whole, a large scale victimization survey is needed in order to examine to what extent official crime statistics depict an accurate picture of the actually occurring victimizations.

5. Summary

The purpose of this paper was to present some results of a victimization survey among Greeks in Stuttgart and a comparison to a German sample. The key issues addressed in the survey were: experience of victimization, fear of crime, attitudes toward the treatment of criminals as well as to the criminal justice agencies. The research was carried out at the beginning of 1983 by means of a standardised questionnaire. The data was collected in the frame of a mail survey. 219 persons residing officially in the research-city and aged 18 years and older were queried.

The empirical research attested of 22.6% of direct victimizations experiences per year. The survey results had shown that slightly more than one-third of all personal victimizations experienced during the reference period were reported to the police. The reporting behavior depended partly on the seriousness of the crime in question. The analysis of the motives for non-reporting offences to the police showed that the most frequently named reason for abstaining from reporting an offence was "no chances for success" because the offender was unknown.

Regarding the issue of fear of crime, there were some findings presented which indicate that Greeks were very worried about crime. Close to 50 percent of the adult Greek respondents thought that they would be criminally victimized in the next year. Feelings of insecurity were experienced particularly strongly by women. Persons who were apprehensive of fear of crime did not advocate more often rigorous measures against criminals. However, those who were fearful of crime criticized more often the sentencing practices of the courts by advocating heavier sentences, and the work done by the police.

A relationship between recent victimizations experienced, directly or vicariously, and the risk of becoming personally a victim of offences has

emerged from the findings. However, victims neither were more likely to favor a tougher line with criminals nor were more dissatisfied with the work done by the criminal justice agencies than non-victims.

The comparison of the results of the victimization survey in Stuttgart between Greeks and Germans demonstrated that the data did not show Greeks to be substantially more victimized than Germans. On the whole, the victim survey results showed amazing similarities, but also substantial differences with those of the comparison sample. Feelings of anxiety were much more expressed by Greeks than by Germans. Greeks were more supportive of both capital punishment and punishment as a very important function of prison, whereas Germans were more supportive of harsher criminal courts. Finally, Greeks tended to hold more positive attitudes about the criminal justice system and some of its practitioners than did their German counterparts.

6. References

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Aboriginal Victimization in Central Australia¹

- An Empirical Study in Comparative Victimology -

Hans Joachim Schneider

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1. Preconditions of Victimization: The Aborigines, Aboriginal Traditions and the White Settlement of Australia

The Aborigines (from Latin "ab origine" = from the beginning), the original inhabitants of Australia, came to this continent from Asia on rafts and boats between 100,000 and 10,000 years ago (*Gibbs* 1984, p. 9). They developed a peaceful, well-organized and stable society and a finely balanced ecological system, adjusting themselves to Australia's harsh landscape and climate. They knew exactly how to interpret the natural signs of the bush. They used the natural resources available without ever endangering the existence of any animal or plant species. Their selection of food was finely tuned to the environment. They lived in complete harmony with nature. Although the men did go hunting with boomerangs, most of their food was collected by the women and children in the form of plants, fruits, birds' eggs, frogs, worms, caterpillars, and larvae. Several family clans, each comprising between 20 and 50 people, wandered over the sandy plains and through the bush in a particular area with well-defined boundaries, moving from water-hole to water-hole. These clans formed tribes with between 100 and 1,500 members, each tribe having its own language, customs, and value notions. In Australia there were roughly 500 tribes, each with its own distinct language, none of which can be considered primitive. The Aboriginal languages are, on the contrary, grammatically complex and display great vocabular diversity. In addition to everyday speech there were also special vocabularies, e.g. secret languages for rituals. The Aborigines regarded themselves as part of the natural environment. They were able to adapt admirably to the extreme temperatures and irregular rainfall in Central Australia. Here, long frequent droughts are interspersed with thunderstorms and heavy rainfall, regularly leading to severe flooding. As in former times the Aborigines still live in huts with roofs made of branches and leaves, which can be erected and dismantled quickly and which are able to withstand wind, rain, and windblown sand. Sometimes they just build a protective shelter of leafy branches facing the main wind direction to sleep under. The everyday life of the Aborigines was conducted on the basis of a mythological "dreamtime" (*Lamping* 1985, p. 23) and they spent much time involved in social and religious activities. They had little interest in technical progress. Unlike the Europeans they were not sedentary, did not enter into stockpiling, had no form of currency, no written language, and no concept of regular work with fixed hours. All the same their artistic and cultural

achievements are remarkably sophisticated, as can be seen, for example, in the 20,000-year-old cave paintings in the area known today as Arnhem Land in Northern Australia. Thirteen to sixteen year olds are introduced to tribal religious rituals and taboos during initiation ceremonies which can last for months. Their social and religious creativity can be seen in their ceremonial dances and songs. They believed that evil spirits caused death and sickness, and that medicine men could drive them away with magic. The Aborigines' kinship ties were very strong. Each child had many mothers and fathers among its relatives. Especially its maternal uncle played a central role in its upbringing. Although small babies were sometimes killed in times of hardship, children were brought up with tolerance and child abuse was rare (*Schneider* 1987, pp. 668-685). Their daily life was organized by strict rules. Any breach of these rules was severely punished, e.g. by death penalty or expulsion from the clan and tribe. This severity served to strengthen their consciousness of law and justice.

When - following the rediscovery of the Australian continent by *James Cook* in 1770 - a penal colony for deported English prisoners was established in 1788, the total Aboriginal population was estimated to be no less than 300,000. Cook admired the Aborigines' peaceful nature, and the anthropologist *Matthew Flinders* (1814, p. 58) described them as being shy but not timid. Their reaction was one of shame whenever they encountered the European intruders. The whites introduced diseases against which the Aborigines had no natural immunity, violently attacked them and neglected them, destroyed their behaviour patterns and value systems, and took away their living space. Thus the European settlers had reduced the Aboriginal population to just 67,000 by 1933. The population has increased again since and is today estimated at around 150,000. The Europeans have treated and many still treat them with arrogance and presumptuousness, regard them as savages, and view them as being lazy, violent, uncivilized, and primitive. Too many whites deny them any intelligence and attempt to prove their "innate inferiority" by arguing that they had never invented the wheel nor developed agricultural methods. In their missionary "christian" zeal to civilize the Aborigines the whites destroyed their social order and value notions. Their lifestyle was registered with disgust and contempt by whites, who also showed no respect for their cultural achievements. They took away their land without even respecting or preserving their sacred areas. The Aborigines were simply subjected to the European system of justice, which they did not understand and which has remained alien to them up until the present day. The European settlers developed an unfounded fear of them and destroyed their tribal customs and moral standards.

For a long time Australian Government policy towards the Aborigines oscillated between their extermination, their complete integration into the European way of life, and racial segregation. Their culture was suppressed and they became completely dependent on welfare support. They superficially adopted the language, clothing, and behaviour of the European settlers, while at the same time they developed passive, non-violent methods of resistance. Well into the 1950s, official Australian Government policy towards the Aborigines was based on the concept of total assimilation. In the 1960s this policy was subject to increased criticism. The depth and strength of Aboriginal culture came to be recognized. The Australian Government granted them the right to self-determination and in particular the right to choose their own lifestyle. They were also granted full citizenship rights and the right to vote. Restrictions on marriage and on the right to purchase alcohol were lifted. They became entitled to receive the same wages as white Australians. In 1976 the Aborigines in the Northern Territory gained the right to own their land and since then they have been struggling with the multi-national mining companies who exploit the mineral wealth of this region. With their reserves here the Aborigines now formally possess the spatial freedom to exercise their right to self-determination and to show self-initiative. The state supports their education and housing, and also helps them to acquire private property. Attempts are being made to improve their health and to offer them career opportunities. School curricula still tend, however, to neglect their language and culture.

2. The Aborigines in Central Australia Today : Social and Economic Conditions and Living Environment of Victimization

2.1 Visits to Three Settlements (Yuendumu, Mutitjulu, Papunya): Research Methods

In December 1986 and January 1987 I undertook a research expedition to Australia's Northern Territories and, in particular, to three Aboriginal reserves in Central Australia, an area in the south of the Northern Territory. I compiled this journey at the Australian Institute for Criminology in Canberra in August 1982 and in November 1986. I prepared an observation plan and statistical data sheets on the basis of previous reports together with interviews and conferences with administrative officials from the state and regional police forces as well as from probation departments and departments of correctional services in both Darwin and Alice Springs. Controlled,

systematic observations were then carried out in the three reserves visited and I also interviewed 30 Aborigines and 15 white police officers and teachers there. Finally, I held in-depth interviews with a total of 10 prison wardens and 25 imprisoned Aborigines (15 adults and 10 juveniles) at the following prisons and detention centres: Alice Springs Prison, Giles House Juvenile Detention and Training Centre in Alice Springs, Berrimah Prison in Darwin, Gunn Point Prison Farm, the Beatrice Hill Rehabilitation Project, and the Wilderness Work Camp for Juvenile Offenders. The average duration of an interview was one hour. As not all the Aborigines interviewed had enough English I was assisted by three Aboriginal "interpreters" whose English was sufficient for the task at hand. In order not to uncomfortably alienate the atmosphere I decided against psycho-diagnostic tests and did not tape the conversations. No white Australians were present during the interviews I held with the Aborigines. I was not able to interview any judges as at the time of my visit to Alice Springs both magistrate posts were vacant.

2.2 The Northern Territories, the Landscape and Climate of Central Australia and the Outward Appearance of the Reserves

The Northern Territories, which do not constitute a state under the provisions of Australia's federation, but which have been under self administration since 1978, have a land area of 1,346,000 square kilometres, making them three-and-a-half times as large as the Federal Republic of Germany. Only 120,000 of Australia's 15.6 million inhabitants, that is, less than 1% of the total population, live in the Northern Territories, which are rich in mineral resources, e.g. uranium, bauxite, aluminium, manganese, copper, tin, oil, and natural gas. After mining, agriculture and tourism constitute the major sources of income for the population of this region (Courtenay 1982). The capital city of Darwin lies in the north of this region and enjoys a tropical climate. It has a population of just under 60,000, i.e. almost 50% of the Northern Territories' inhabitants. Central Australia, the "red centre", lies in the south of the Northern Territories and is known in Australia as "the Outback". Its regional administrative centre is Alice Springs, a small city with almost 20,000 inhabitants. It is internationally famous for the "Royal Flying Doctor Service". Alice Springs lies between Darwin to the north and Adelaide to the south. It is connected with Darwin by an asphalt road of 1,500 km and with Adelaide by a railroad of the same length. The 30,000 Aborigines living in the Northern Territories constitute about 25% of the total population and have been forced into the unfertile hinterland of Central Australia. Since 1976 they have acquired around 33% of the land area. The population density of the Northern Territories is

extremely low: One person per 11.2 square kilometers (Western part of Germany: 246 / km²). Central Australia is practically devoid of inhabitants, with a population density of one person per 90 square kilometers (*Lamping* 1985, p. 23). Of all the regions in Australia the Northern Territories exhibit the highest rate of criminality, especially of violent crime (*Harding* 1986, p. 5). In the year 1984/85 14 622 crimes were committed with a crime rate of 12 185 per 100,000 inhabitants (Federal Republic of Germany 1985: 6 909). The Northern Territories have by far the highest crime rate for murder, assault, rape, and burglary (*Mukherjee, Walker, Psaila, Scandia & Dagger* 1987), as well as the highest prison population in Australia (*Walker & Biles* 1986; *Clifford & Harding* 1985, p. 51). In 1985 the prison population was 291 per 100,000 inhabitants (Australian average: 67.8 ; Federal Republic of Germany: 99.7) and 70% of all prisoners are Aborigines (*Department of Correctional Services* 1986, p. 34).

The landscape of Central Australia is characterized by its red sand and white-barked ghost gum trees. The colour of the sand is due to a fine coating of iron oxide covering the grains. Sandy plains with a vegetative cover of manna and burdock grass merge into scrub and bushland with expansive, dry salt lakes. Rocky mountain chains, fissured and cut by ravines and river gorges, cut through this bushland. Winding through these sandy plains and areas of bushland are wide, intermittently flowing creeks in which trees and bushes grow. The "red centre" is mainly inhabited by the Yankuntjatjara and Pitjantjatjara tribes. The Aborigines have a chocolate-brown skin which appears black in direct sunlight. They have small heads and thick, wavy or curly hair. They have a low, sharply receding forehead, deep-set eyes, a wide, full nose, thick lips, and bushy eye-brows. They are thin-limbed and their hands are fine-boned. Their average height is between 1.65 m and 1.68 m (approx. 5'6" - 5'7"), but some do reach a height of over 1.82 m (approx. 6'1").

Central Australia is arid. During the summer months (November-March) the sky is cloudy and temperatures are high, averaging 30 to 35^o Celcius. The humidity produces thunderstorms and torrential rains. In winter (April-October) the sky is clear and the days are warm. The nights can be cold, with temperatures sinking below freezing. The worst problem in Central Australia is the shortage of water resulting from the low, sporadic rainfall and the high rate of evaporation. During the long dry season the region turns into a red desert. The merciless heat bakes the earth and cracks appear in the surface. Animals flee the region or seek refuge in the cool, rocky ravines and caves. After the intermittent rainfalls (in summer in November and February, in winter in July and August) Central Australia changes overnight: plants grow, flowers bloom, and insects pollenate the blossoms; birds,

reptiles, dingoes, and kangaroos give birth to their young; rabbits, foxes, and wild camels come out from their refuges; roads and tracks are cut by the now water-filled creek beds as there are no bridges over them. During the dry season "floodways" form the roads across these dry river beds, but these become impassable in the rainy season.

The Aboriginal settlements Yuendumu, Mutijulu and Papunya, lying between 100 and 200 km apart in scrub and bushland between 150 and 500 km from Alice Springs, have populations ranging from 300 to 1,500 inhabitants. Between these settlements lies bushland without roads or tracks, making it impassable. The Aborigines run the reserves' administration themselves. In reality, however, it is the white social worker acting as an advisor to the Aboriginal council who makes the decisions. Surrounding the huge reserve areas are expansive cattle farms owned by white Australians. Helicopters are used to observe and round up the cattle grazing in the bushland. The police and the Flying Doctor can land on tarred airstrips at each settlement. After being flown to one of the settlements' landing strips in a twin-engined police Piper, we were driven to the nearby settlement in a Landcruiser (a Japanese built 4-wheel-drive police jeep with large wheels). The brick houses here are all identical and have a kitchen, two rooms, and an open verandah. Some even have air conditioning and sanitary facilities. Since, however, the Aborigines are not accustomed to cool temperatures and hygiene in the European sense they do not accept these houses with the result that they are usually unoccupied. Likewise, many of these simple houses have been deserted, vandalized, or even destroyed. In order to prevent the Aborigines from destroying their houses these are now prefabricated out of steel-plated units by inmates of the prison in Alice Springs. The Aborigines' houses are sparsely furnished, the occupants sleeping on mattresses or, more commonly, on the bare ground due to their close relationship to the earth. Most of the inhabitants in the settlement do not live in the houses built for them, but in self-constructed shacks with roofs made from branches or sheets of corrugated iron, erected outside of and around the settlement. They have not accustomed themselves to garbage disposal with the result that the surrounding bushland is littered with old cans, bottles, tyres, transistor radios, and batteries. Rusty car bodies and unauthorized garbage dumps can be seen everywhere. Each settlement has a supermarket, sports field, school, youth centre, and a health centre run by a nursing sister. Electricity is generated by a "powerhouse". The church and the police station are well-maintained, but all the other facilities appear neglected and dilapidated. In Papunya the school and health centre have been destroyed by young Aborigines, the teacher and nursing sister driven away.

2.3 The Aborigines on Reserves: Their Lifestyle and the High Crime and Victimization Rates

Many of the full-blood and half-caste Aborigines living in white urban settlements are socially integrated, working, for example, as doctors, lawyers, and social workers. The majority of the Aborigines living on the Settlements are peaceful and do not commit any crimes. The health, education, and living standards on the reserves are, however, well below the Australian average and suffer from many disadvantages (*Altmann & Nieuwenhuysen 1979, p. 57*). Almost all the inhabitants are unemployed and fully dependent on social security. The men hardly ever go hunting any more and the women and children seldomly go out to collect food. Any motivation to work has been destroyed by their weekly social security cheques, which they use to buy groceries at the local supermarket. They have given up their traditional activities without being given a chance to develop new ones. So they just sit around in a state of boredom and hopelessness. They have become totally reliant on social security and have lost all pride and self-respect. They avoid whites while they let whites make the decisions for them. They do not send their children to school as it is a white man's institution which has remained foreign to them. The young Aborigines often spend weeks being prepared for their tribal initiation ceremonies in sacred places that are out of limits for whites. The children and teenagers are not interested in going to school as their parents and relatives have not provided them with the necessary discipline or approach to learning, and also because the adult Aborigines do nothing to support the teachers' efforts. Hardly any Aborigine manages to reach secondary school level. The few who do can prepare for university studies at a boarding school in Alice Springs, the costs of tuition and accommodation being wholly covered by the state.

The Aborigines refuse to move into new, modern settlements. If someone dies in a house the other inhabitants desert it or even the whole settlement; sometimes they destroy their houses if someone has died there. Aborigines have no problems operating machines or driving cars and tractors, but they have not learned how to service and repair them. Faulty machinery is simply left where it breaks down and transistor radios are thrown away when the batteries are flat. Under the supervision of whites they are able to establish a plantation or cattle station and will work there, but as soon as this supervision and instruction is withdrawn the project collapses. The Aborigines cannot relate to school and work because the white man's concept of education and labour remains foreign to them. They had developed their own behaviour patterns and value notions in a social process extending over hundreds of years, and this cannot suddenly be abandoned. The consumption of alcohol does not fit into this traditional system - they

have not learned how to cope with it. For decades the Aborigines were forbidden by whites to drink alcohol. After being granted the basic right to consume alcohol in the 60s, their own settlement administration decided to ban it on the reserves in view of the close relationship between violent crime and alcohol consumption. Today, alcohol is smuggled into the settlements from outside. The settlements' police stations all have sobering-up cages to let drunken Aborigines sleep it off overnight. They are picked up off the street by white police officers, who are assisted by Aborigines assigned as helpers.

Each settlement has between 15 and 30 white Australians who, in their capacity as police officers, teachers, social workers, nurses, and missionaries, look after the Aborigines. These people live in almost total isolation from white civilization. They cannot receive radio or television signals as the transmitting stations are too far away. There is a radio telephone, but it is reserved for police use only. The whites can only entertain themselves by watching the same videos over and over again and by listening to the same old tapes and cassettes. Their only social contact is limited to that with the other whites on the settlement.

The Aboriginal crime rate is high across the whole Australian continent. While the imprisonment rate for Aborigines in Australia in 1984 was 640, that of non-Aborigines was only 40 (*Department of Aboriginal Affairs* 1986, p. 48). While constituting around 1% of the Australian population, they make up almost 30% of the total prison population. In West Australia 1,300 Aborigines per 100,000 inhabitants were in prison in 1979/80, compared with a figure of 81 per 100,000 for non-Aborigines (*Clifford* 1982, p. 8). The number of homicides and assaults involving bodily harm on the reserves is 10 and 5 times above the Australian average, respectively (*Clifford* 1982, p. 9). While the assaults committed by Aborigines on the reserves are primarily against other Aborigines, white institutions are usually the target of their burglaries, vandalism, and arson. Juvenile delinquency is often associated with petrol-sniffing.

3. Causes for High Aboriginal Criminality and Victimization

3.1 Previous Explanations

The high criminality and victimization of the Aborigines has been attributed to a wide range of causes in the past:

- A criminal statistics approach takes their high crime rate for a purely statistical artefact resulting from the high social visibility of the Aborigines, which in turn leads to selective perception of crimes committed by them. The police concentrate their attention on the Aborigines. Although the Northern Territories have the highest number of police officers per 100,000 inhabitants in Australia (*Harding* 1986, p. 11A), selective perception of Aboriginal crime can only occur in white towns and cities. There is no concentration of police in the Aboriginal settlements. The general attitude is: When a crime involving only Aborigines is committed on a reserve, police action is only taken when its severity warrants this (*Grabosky* 1985, p. 73).
- A biological theory of criminality argues that the Aborigines have not inherited the necessary bodily mechanisms to tolerate alcohol. Alcohol, however, only precipitates breaches of the law, and tolerance of alcohol is not genetic but acquired.
- An economic theory of victimization places the blame on poor economic circumstances, sub-standard housing, the lack of proper nutrition, health care and education, and the high level of unemployment (*Foster* 1986, p. 76). The theory that unfavourable economic circumstances lead to reprehensible behaviour is, however, an oversimplification. Nor, for this reason, can the high Aboriginal criminality and victimization be attributed to the differing opportunity levels of blacks and whites. The elimination of poverty is an admirable goal because only in this way can a humane lifestyle be achieved for all, but in order to prevent crime, more than just the creation of favourable socio-economic opportunities is necessary.
- According to the power conflict theory, racial discrimination is the basic cause of the high Aboriginal criminality and victimization (*Wilson* 1985, p. 21, 59): The Aborigines are dominated by the white Australians, who repress them politically and define them as being criminals in order to maintain their political power over them. The fact cannot be denied that the Aborigines are socially ill-equipped to come to terms with the existing criminal justice system dominated by white Australians. They do not defend themselves effectively and confess to their crimes quite openly and without hesitation. It is for these reasons that young Aborigines are over-represented in juvenile courts (*Brady* 1985). The percentage of Aborigines convicted is much higher than that of white Australians (*Newton* 1977, p. 145). At the same time the Australian police challenge the claim of Aboriginal discrimination (*Gale & Wundersitz* 1987). It has been pointed out that the Aborigines have recently become much more self-confident and that they now

receive support from the Aboriginal Legal Aid Service when defending themselves before the Australian criminal justice system (*Clifford* 1982, p. 8).

3.2 Aboriginal Victimization: Culture Conflict, Social Disorganization, Subculture Creation and Anomie

The present conflict between the white Australian and Aboriginal cultures, behaviour patterns, and value notions is almost unresolvable. This disparity leads to the failure of most attempts at interaction. Aborigines enjoy being together with others. Creating and maintaining a harmonious community spirit is of vital importance to them (*Lieberman* 1985, p. 113). They spend hours sitting on the red earth in the shade of a tree, "contemplating" the day. Their communal creativity derives its strength from this silent act in the close proximity of others. Decision-making is always a group affair. The individual is at one with nature, is part of his group, and has no desire to dominate either of these. Although Aboriginal social life is by no means without conflict, their interaction is basically marked by tolerance because their behavioural patterns are based on this feeling of belonging to a group. Decisions are only reached by the group after a lengthy, time consuming process of interaction. The European settlers who came to Australia considered Protestant values such as socio-economic development, work, ambition, and discipline to be important. In contrast to the Aborigines, who just let things take their own course, the Australians of European origin constantly want to change things, to control their environment, and to dominate their fellow beings. They are bent on perpetual self-assurance and diligence. They overran the Aborigines in Central Australia and subjugated them. The whites needed the blacks to prove to themselves their superiority. They arrogantly condemned them as being lazy, apathetic, and useless. As was the case in the past, they still are treated as mere objects. There are still well-meaning and not so well-meaning white Australians on the "Outback" reserves, who consciously or unconsciously dominate the Aborigines they come into contact with (*Lieberman* 1985, p. 218). The Aborigines offer them passive resistance in response and do their utmost to profit from the white man's economic system without doing particularly much themselves as far as work is concerned.

The community cohesion of the Aborigines is being increasingly destroyed by the white man's domination (*Clifford* 1982, p. 7/8). They have abandoned their traditional tribal lifestyle (for example, hunting) without adopting the white man's models. They lack the will and energy needed to integrate. The white Australians living in the "red centre" are no better in

this regard, the majority of them still considering the Aborigines inferior. The white Australians' rejection of the Aborigines, based partly on their socio-economic dependence on the whites, was socially and psychically misconstrued by the Aborigines, which resulted in their developing a poor self-image, low self-esteem, and minimal community pride. In the settlements sub-cultures have developed who see their own juvenile delinquency and criminality as a white artefact for which they cannot be held responsible. They continue to socialize their children in the traditional manner, that is, they seldomly scold them and rarely discipline them. "Appropriate behaviour", such as white children learn at home and at school, remains alien to them (*Lieberman* 1985, p. 237). For this reason their children are oriented neither to achievement nor to competition. As Aboriginal children are treated with tolerance and leniency when they commit delinquent acts, they learn delinquent behaviour, especially alcohol consumption, at an early age within the sub-culture of the reserve. The adult Aborigines, not having had the benefit of a century-long social process of learning to cope with alcohol, use it to escape the boredom and wretchedness of their lives, to overcome the loss of their identity and role within the group, and to forget ("solve") their problems and to flee everyday reality (*Clifford* 1982, p. 11; *Sargent* 1979, pp. 129-137). The white teachers, social workers, and police officers in the settlements misinterpret the passive behaviour of the Aborigines as laziness and apathy. They see their stay on the reserve as an annoying temporary solution and are eager to leave the settlement as soon as possible. They restrict their contact with the Aborigines to a bare minimum, so that most Aborigines on the reserves live in an anomalous social no-mans-land; they have largely forgotten their traditions; not only have they adopted the behaviour patterns and value notions of white Australians superficially, but also completely inadequately, as they remain unconvinced of their values.

3.3 Ineffectiveness of the White Man's Criminal Justice

The white man's criminal justice is too formal and too abstract for the Aborigines, who see an individual's misdeed as a signal of the collapse of their kinship relationships. A breach of the law is more a group problem than an individual one. There is a problem between the relatives of the victim and those of the perpetrator. Kin relationships have suffered and must be restored by re-establishing the *status quo ante*. When this has been achieved, both offender and victim are automatically reinstated in the community. Should the crime, however, have involved the violation of a taboo, then reparation is impossible and the culprit will be permanently expelled from his community (*Clifford* 1982, p. 15). The main aim of the traditional Aboriginal tribal jurisdiction is to promote peace between feuding

kin and to restore social harmony. The Aborigines believe that people can never be friends again if they have faced each other as witnesses for the defence and the prosecution, that is, as victim and offender, at a trial in a white man's court of law. Individual culpability is a white man's concept which has no meaning for them at all. When a crime violates the laws of white Australians and upsets and violates their life on the settlement it is of little importance to the Aborigines. They pay no attention to the white man's criminal proceedings and develop a host of justifications for their criminal behaviour, for which they themselves accept no individual responsibility. A delinquent youth, after being released on probation by a court in Alice Springs, can hardly be supervised by his white probation officer in Alice Springs because the unpaved tracks running through the bushland from Alice Springs to the settlement are impassable for most of the year. The delinquent youth often leaves the settlement and disappears into the impassable terrain of the surrounding bush and scrub land. The Aborigines do not regard the white man's prison sentences, which they receive all too often, as being stigmatic (*Daunton-Fear & Freiberg 1977, p. 76*). For them it is a sort of holiday with a warm bed, television, and regular meals. The white man's system of criminal justice, developed under completely different conditions of social change in Europe, has simply been forced onto the Aborigines with their fundamentally different social structure. Such an approach is doomed to failure.

4. Controlling Aboriginal Criminality and victimization: Suggestions for Victim Policy

It was commendable to give the Aborigines autonomy, although its realization has been extremely difficult due to the dominating position of the white Australians. Racial segregation is racist and unrealistic. Both cultures are in constant contact with each other and 200 years of social development cannot simply be nullified. If the Aborigines are to be socially integrated then their socio-economic conditions, inadequate housing, poor health, and deficient education will have to be greatly improved and their high level of unemployment will have to be reduced. It is not sufficient, however, to simply improve their socio-economic opportunities; it rather requires an effort to merge on the part of both cultures. This is only possible if elements from both cultures are adopted mutually on a basis of equality. Certainly white Australian civilization could benefit from assuming some Aboriginal behavioural norms and value notions (*National Committee on Violence 1990, p. 166*). What is definitely false is the attitude of many white

Australians in Central Australia, who begrudge the Aborigines the provision of improved socio-economic opportunities, objecting to this on the grounds that the Aborigines are unable to improve themselves in this regard and that they are educationally unreceptive. On the other hand, the Aborigines are not doing themselves a favour by increasing their dependence on the white economy without adopting the European approach to work and education. The white man's domination of the Aborigines and their economic dependence lead them to have a poor self-image and to lack community pride. The fact that the Aborigines wish to retain some basic elements of their culture, such as their language, ritual dances, and cave paintings, does not cause any problems. It is, however, unrealistic of them to reject white Australian concepts of education and work when the majority of Aborigines have decided to enjoy the same material conditions as white Australians. For instance, initiation rites lasting for months disturb, among other things, the eagerness and ability of young Aborigines to study.

Social control on the reserves can only be improved under two conditions:

- The Aborigines' informal social control must be reinforced. This is only possible if they adopt the white concepts of "delinquency" and "criminality" and if they assume part responsibility for their enforcement. For this to succeed both races must have equal rights on the reserves. The white Australians must feel responsible to initiate these measures, as it is they who are the intruders, and it was they who harmed the Aborigines in the past. They must attempt to develop a relationship with the Aborigines based on equal rights. The white teachers, social workers, and police officers on the reserves are still a long way from this ideal. They tend to live in social isolation and expect the Aborigines to accept the European civilization unconditionally.
- A recommendation to implement tribal justice reflects the current international victimological trend towards "diversion", i.e. a by-passing of the formal criminal justice system. The Aborigines should try and settle their criminal conflicts by means of reconciliation with the help of Justices of the Peace and tribal courts, which would assume direct responsibility (*Clifford 1982, p. 17*). Only when this proves unsuccessful should formal legal proceedings be instituted. Even here, where possible, the police officers, judges, probation officers, and prison staff should be Aborigines.

5. Incorporation of Research Findings into Existing Knowledge in Comparative Criminology

Research in the field of comparative criminology (*Clinnard 1978; Adler 1983; Hartjen & Priyadarsini 1984; Shelley 1981; Brillon 1980*) has established the fact that countries with low rates of delinquency and criminality are characterized by value coherence, strong social ties, the frictionless integration of the formal social control (criminal justice systems) into informal social control. The latter are enforced by social groups such as the family, school, neighbours, colleagues, and recreational clubs. This basic principle of comparative criminology is in accord with findings from research into the high level of criminality and victimization among Australian Aborigines: They have abandoned their traditional value norms without developing or adopting new ones. The dominant influence of the white Australians has led to the almost total dissolution of their social ties. They reject the white man's formal social control, i.e. the criminal justice system; they do nothing to support it. They neither enjoy equality in, nor assume responsibility for, the settling of their own conflicts.

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10. The Elderly

Elder Abuse in Greece: A descriptive Study

C.D. Spinellis and E. Pitsiou-Darrough

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1. Introduction

Elder abuse is the most recent form of family violence to emerge into public view. Little was written about elderly victims of violence until very recently. Child abuse and spouse abuse became the focus of research during the 1960s and early 1970s. In the 1980s the topic of elder abuse, most often in studies examining parent-child interaction, was brought to light as a serious family problem (*O'Brien* 1971; *Schneider* 1987).

Often the elderly become victims of physical battering such as beating or shoving or of other forms of victimization such as psychological abuse, including but not limited to threats, humiliation, isolation, lack of social interaction and sexual abuse. Scientists from different disciplines, sociologists, psychologists, psychiatrists, gerontologists, social workers and others, tried to determine the causes for the abuse and find ways to prevent it. Elder abuse was the theme of several international conferences and the United Nations and the European Community Council made several recommendations.

1.1 Background of the Study

The impetus for the study of Elder abuse in Greece came from the Council of Europe. Specifically, during 1987, at a colloquium of the Council of Europe on problems of family violence, we became aware of the lack of information on this issue in our country and of the need to collect appropriate data to reckon its existence and extent.

In 1987 the Ministry of Health and Social Welfare, Department of Aging, conducted an inquiry on the problem of elder abuse. Specifically, they requested information on elder abuse or neglect from some of the major hospitals in the greater Athens area. The most complete of these reports was submitted by the major Orthopedic hospital in Athens (KAT hospital). This report stated that physical violence against elderly people was very limited. Using a representative method of data collection, the hospital admittance records and the emergency department books were examined to determine the rate of violence during a four month period, May 1987 through the end of August 1987. This investigation determined that out of 16,000 cases of patients who were brought to the hospital for different injuries, only 33 cases were defined as beatings (equal to 0.2%). From the 33 cases, only 6 cases

(18.2%) were persons 65 years of age and older. Therefore, the percentage of physical abuse against elderly individuals, out of the total number of injuries treated at KAT hospital, was only 0.04%.

Similarly, reports from four general hospitals in the greater Athens area disclosed a very small number of physical abuse or assault cases against elderly people. The Social Service Departments of these Hospitals stated that they treated, on average, six cases of physical abuse or assault per month. However, all hospitals implied that the major problem was that of neglect or abandonment. The data presented above provide enough evidence to support the following conclusions:

- 1) Elderly persons who become victims of abuse or neglect are not an unknown phenomenon in the Greek society.
- 2) Despite the fact that major hospitals are important points of data gathering on the topic of abuse and neglect, most of the information gathered by the hospitals on the cases that reach their emergency department is incomplete. For example, sometimes cases of assault or violence are placed under the category "accident". Another issue concerns the lack of information on the abuser. When information on the abuser is not available, it is impossible to determine if the abuse is intrafamily abuse or external to the family.

In summary, the limited information on elder abuse and neglect, the need to establish national policy on the issue of victimization of the elderly, as well as the demand to present information to different international organizations, necessitated a more extensive and well organized study. On December 15, 1987, the Department of Penal Law of the University of Athens Law School, was awarded a grant by the Department of Aging, Ministry of Health, Social Welfare and Social Security, to conduct a research study on the topic of elder abuse and neglect.

1.1.1 Preliminary Investigation

Before embarking on our research we tried to collect information on the topic of elder mistreatment from different sources in order to have a more comprehensive picture of the issue. We examined literature available in Greece, as well as studies conducted in other countries. We also examined the changes in the age structure of the Greek population and the recent changes in life expectancy.

The "Police Journal", a monthly periodical published by the department of Public Order, was the primary source we examined to determine the

existence of any studies on the topic of violence against the elderly. The journal did not include any articles on the topic of elder abuse for the years 1987-1988. During 1987 only two major crimes were reported with victims being elderly individuals. The two crimes involved nine persons. In the first incident: "Two young drug addicts killed, by strangulation, and robbed a seventy five year old woman, in her home in the city of Argypolis" (p. 482).

The second case dealt with the murders of eight elderly persons. A well organized group of profiteers, headed by a lawyer, killed eight elderly persons with the primary aim of forcing them to sign blank paper, which the murderers, subsequently, used to write a will that was beneficial to them. These elderly victims were wealthy individuals, who were not in close contact with their families. Three of the victims were women and five were men. They ranged in ages from 67 to 89. Four victims were living alone, two were living with their spouse, one was living with his very old and handicapped mother and no information was given regarding the household composition of the eighth victim (pp. 568-571).

In another article, in 1988, the same journal reported eight murder cases, with elderly persons as victims. Four of the victims were men and four were women. Two of the victims were murdered by a family member (one by his half-brother and the second by his wife); four persons fell victims of purse snatchers (only two of the attacks were successful); an elderly person died of an arson at home and the eighth victim lost his wallet when a criminal put a hypnotic drug in his orange juice.

The above cases, reported in the "Police Journal," are obviously a sample of cases selected out of national crime data and deal with elder people as victims of violence. Always the older victims were abused either by their families or outsiders.

We also examined the records of the major orthopedic hospital in Athens, KAT Hospital. An examination of the 1984 and 1985 emergency records, where the everyday admittance and treatment profile of the patients is recorded, revealed few cases of violence (beatings) against elderly persons, in comparison to the large number of beatings recorded in the hospital books for other age groups.

We found that from the total number of patients who were treated at the hospital during 1984 and 1985, only 3.1% during 1984 and 4.8% during 1985 were 61 and older and were listed as victims of beatings or other assaults. It should be noted that the KAT Hospital is close to the Olympic stadium where many soccer games take place every year. When games are played, many fights erupt between members of opposing teams and many

young people are injured and are taken to the KAT hospital for treatment. This explains, at least partially, the reason for the greater difference on the number of victims from the different age groups.

The research on population changes in Greece indicated that:

- 1) The percentage of persons over the age of 60 is constantly increasing. Greece's elderly population numbered 1,023,500 in 1961, went up to 1,397,000 in 1971 and reached 1,649,455 by 1981. It has been estimated that by the year 2000 Greece will have one of the oldest populations in Europe.
- 2) Life expectancy for people over the age of seventy five has been extended, according to studies conducted during the late seventies; it was listed as 9.5 years for men and 10.3 years for women, and is constantly increasing. Further, the number of individuals over the age of 60, who live in urban inner city areas, is constantly increasing making living conditions, in neighborhoods that are already overpopulated, very difficult for many elderly. In 1961 only 40.2% of the elderly were living in urban centers; by 1971 the percentage of elderly in urban areas went up to 46.1% and 1981 almost half (49.0%) of the elderly were living in urban areas. Also, a study conducted by the Center of Planning and Economic Research revealed that over 1/4 of the households in urban areas (29.7%), in which the head of the household was a person 60 years of age or older, were living in small two bedroom houses.
- 3) In 1981 the elderly, persons 60 years of age and older, comprised 16.9% of the population and those over the age of 65 made up 13% of the population. Still, 40% of all hospital beds are taken by older people and they average more hospital days than any other age group. It has been estimated that 4,500 older individuals enter a hospital due to a hip fracture every year and the annual cost for their care exceeds 2,7 billion drachmas.
- 4) The increase in life expectancy has resulted in a larger proportion of elderly who suffer from mental problems, limited mobility, depression, senility or other chronic illness. We should mention that senile dementia is one of the main reasons for elder abuse and neglect.

Considering all the data presented above we realized that there was a need for an extensive evaluation of those elderly who had been victimized or those who run the risk of victimization. It also became clear to us that the present day statistical data, as well as the limited literature on the topic, covered cases in which it was difficult to determine criminal intent, and that

even when criminal intent was verified, the crime remained unreported. The purpose of the present study was not only to determine the extent of the problem but also to propose solutions and actions to prevent it.

In conclusion, this study was an attempt to determine the extent and etiology of violence against the elderly. More specifically, it tried to determine the prevalence of abuse and neglect as a social, medical and legal problem. Accordingly, the present study explored the extent and nature of abuse and neglect among older adults age 60 or older who lived at home, alone or with other family members. Institutional abuse was excluded.

There were several research questions that guided the present study. First, what was the demographic profile of the victim of abuse? Second, what were the differences in the characteristics of abused and non abused elders? Third, what forms of abuse were the most common forms of victimization? Fourth, what was the cost of abuse to the family and society? Finally, was there any evidence of other factors, such as physical, mental or other limitations that might increase the vulnerability of an elderly person to abuse?

2. Methods

2.1 Research Design and Sample

It needs to be said at the outset that there is no setting that can be defined as the typical or representative locality for a research topic such as elder abuse. For this reason we would like to emphasize from the start that our findings and conclusions are not necessarily true across the country. Nevertheless, every attempt was made to select sample areas that were representative of the county of Attica that is the largest county in Greece and where 1/3 of the population of Greece lives (The total Population of Greece is 9,740,417 and that of the greater Athens area is 3,027,331, according to the 1981 census).

The selection of the various participating Open Day Centers for the Elderly (KAPH centers) and hospitals was based on earlier evaluation of knowledge and probability of incidence of elder abuse. As originally designed the study was going to be conducted in three different settings. In making the final selection, the following were considered. First, the sites had to be representative of the area. Second, the sites had to be representative of the population they were serving.

We utilized a purposive comparative design to conduct the present study because this is the first project on elder abuse in Greece and the availability of any information on the subject is very limited. Given the fact of the absence of empirical research on elder abuse, an exploratory comparative study was justified.

The research design specified three different research sites. These three sites comprised the first component of the study. First, eight state hospitals in the district of Attica were selected as research sites for the first subsample. Second, ten KAPH centers, from the same county, were randomly selected out of a list of seventy one (71) centers, under operation at the time the sample for this study was selected. In each center the interviewer responsible for collecting the data was given specific instructions for the selection of a random number of respondents. The last sub-sample of elderly respondents was selected, at random, from the same ten communities that the KAPH samples were selected. This group of subjects was included in the study as a control group.

In the second research component we incorporated two aspects. First, we examined the books of the ten Police Stations of the ten communities where the KAPH centers were located. Research assistants studied the police records in order to determine if any crimes had been committed against persons over the age of 60 during a six month period, between October 1988 and February 1989.

Second, in order to assess the level of abuse in other areas of Greece, an investigation of service providers was included in the study. For this component, all the KAPH centers and all the state hospitals of Greece were included in the sample. One hundred and forty hospitals and two hundred and eleven KAPH centers were contacted and asked to participate in the study.

Receiving information from professionals was included to enable us to compare the general characteristics of abused elders in the district of Attica with those of other abused victims in other parts of the country. Moreover, having some information from most of the counties in Greece was going to enable us to establish a better basis in estimating the prevalence of mistreatment of the elderly in the population at large.

2.2 Data Collection

The primary data were collected during a nine month period from October 1988 through June 1989. During that time weekly contacts were maintained with the doctors and/or the social workers at the eight hospitals in the district

of Attica. Moreover, letters were sent to all the service providers of the KAPH centers and the state hospitals of Greece, requesting their cooperation regarding the second component of the study.

Consent to cooperate in the study had to be obtained at several levels. Initially, the administrators and/or service-providers from the hospitals and the KAPH centers were contacted and the purpose and procedures of the study were explained. This was facilitated by providing the service-providers, administrators and social workers with a written description of the study, definitions of key terms and explanations regarding anonymity and confidentiality. Similar procedures were followed in later stages for the training of the interviewers.

Consent to cooperate from qualifying respondents was obtained by the interviewers during the initial contact and during that time the nature and purpose of the study was explained to them. In assessing whether a qualifying respondent should be interviewed, consideration was given to the individual's pathology. A set of questions was included in the interview instrument in an attempt to define the capability of the respondent to take part in the study.

For the first component of the study different interviewers were trained to conduct the interviews at the different settings. Training sessions were conducted with the doctors who agreed to participate in the study in the eight hospitals in Attica and the social workers or health practitioners who were going to collect the data from the elderly respondents in the ten KAPH centers in Attica. Also, the Law students, who participated in the study, had several training sessions to become knowledgeable on data collection techniques and the sampling procedures that they were going to utilize to select and interview the control group sample in the ten communities.

2.2.1 Completion Rate

Five hundred and six elderly persons were interviewed at the ten KAPH centers. In each community between 24 to 26 older individuals were interviewed by the Law students, at home. A total of two hundred and fifty one individuals responded to the community study.

A list containing the names and addresses of all the hospitals and KAPH centers in Greece was obtained from the Ministry of Health and Social Security and three hundred and fifty one questionnaires were mailed to the service providers, administrators or social workers, at the different sites. The list included 140 hospitals and 211 KAPH centers at the time the data for the present study were collected. A total of one hundred and thirty-one

completed questionnaires were returned which reported citations of elder abuse, from 21 Hospitals and 75 KAPH centers. For this component of the study we had a low return rate. Specifically, we had a 15% return rate from the Hospitals and a 35% return rate from the KAPH centers. We do not know if those who did not respond did so because they did not have any abuse cases or because they did not want to participate in the study.

2.2.2 Modification of the Sample

As stated earlier in this paper, the purpose of this survey was to provide descriptive information on elder abuse so that, we believe, we could establish a basis for designing more analytical studies on the extent of elder abuse and the variables associated with the abusive situation.

Our review of literature on elder abuse research, conducted in other countries, revealed that, with few exceptions, the early studies relied on samples of cases that had come to the attention of professionals. Studies that rely on this form of data cannot be utilized to estimate the extent and type of elder mistreatment. Therefore, we designed our study to more accurately assess the nature and extent of abuse and neglect of the elderly occurring in the community at large. This was the first multiple sample survey of the problem, involving large number of random samples of respondents from different settings.

Preliminary work at an orthopedic hospital revealed several cases of elder abuse and a decision was made at the early stages of the study to include several representative hospitals as research sites in our study. These hospitals comprised one of the three areas where older respondents were going to be interviewed by trained professionals. Only those elderly persons who had suffered abuse, according to the admitting doctor's evaluation, were going to be included in the sample.

Despite the preparations and agreements with the administrators of the hospitals and with the doctors themselves and despite the continuous efforts of the research team, urging the doctors to collect data from the abused elders, during the specified interval that the study was conducted, only three questionnaires were returned from the eight hospitals in the county of Attica. For this reason the study design was modified and the hospital sites were eliminated from the study.

2.3 Measurement

2.3.1 Interview Instruments

Three different interview schedules were developed specifically for this study. The first interview schedule was designed for hospital patients who would be interviewed by doctors. The second was designed for the elderly subjects from the KAPH centers of the district of Attica, as well as for the control group of respondents from the same communities as the ten KAPH centers. The third was designed to be answered by the sample of service providers, administrators and/or social workers who were included in the second component of the study. The interview schedules were written in clear simple language. Moreover, the format for their administration was easy to understand. An attempt was made to develop interview schedules that will be easily understood by respondents of different intellectual and educational levels. An attempt was also made to include several open-ended questions in order to provide respondents with an opportunity to elaborate when they wished. Given the difficulty involved in discussing topics such as abuse, an assumption was made that respondents will require both structured and unstructured opportunities to do so.

The interview schedules went through several revisions. Input was received from Dr. George Lyritis and Mr. Alexandros Giatzithis of the Orthopedic Research Center of the University of Athens (KAT), as well as from several law students who participated in the pretesting of the questionnaires. The pretesting of the questionnaires resulted in some questions being added, some eliminated and the wording of few changed. The next section gives a brief description of the two interview instruments that were used for data collection and analysis.

A) Interview Schedule-C: KAPH Centers and Community Residents

Schedule-C, like the others used in this study, was constructed specifically for use in this project. It was developed to meet certain criteria. The first section of the questionnaire included questions regarding general demographic characteristics of the subject. The variables for which information was sought were sex of the subject, religion, place of birth and age. The second section measured the mental health status of the individual. This section attempted to determine if the respondent was mentally alert and capable of answering the questions included in the interview schedule. Section three included questions regarding individual abuse or abuse of another person in the last few days, as

well as information about the abuser and the place of abuse. An effort was also made to determine the subject's perception of the reason for the abuse.

The fourth section was divided into four parts. The first part attempted to elicit information in relationship to different types of abuses that the subject might have suffered in the past twelve months. The second part included questions regarding the specific health problem or injury that resulted from this abuse. The third part sought information about the abuser, the reasons for the abuse and the place of the abuse. Finally, the last part of the fourth section attempted to estimate the cost of the abuse to society and the individual. This part included questions regarding days of hospitalization or medical treatment received by the abused elder for each type of abuse he or she experienced in the last twelve months. The fifth section included questions pertaining to subject's life style, family structure and information on specific characteristics that could reduce the older person's capacity to resist or retaliate against abuse occurrence. All four parts included questions regarding abuse of another person.

One open-ended question, which sought general information regarding the different issues the subject had discussed during the interview, was added to this section in order to give an opportunity to the respondent to express his/her feelings regarding the issue of elder abuse, or any other issue related to aging, or any other aspect of his/her life that the respondent wanted to discuss.

B) Interview Schedule-B: Service-provider Interviews

This questionnaire consisted of two separate schedules. The first part of the questionnaire was designed to elicit personal information about the respondent, in this case the service provider. Questions included in this part of the questionnaire focused on the service provider's personal and professional work experience and his/her knowledge and information regarding elder abuse. The second part of the questionnaire consisted of a separate schedule that contained several questions that were included in interview schedule-C, but the questions were worded in such a way as to facilitate their completion by a person other than the victim of abuse. This schedule focused on the most observable characteristics of the abused person and the abuser, data likely to be available in case records of the services we surveyed.

Persons receiving this part of the survey were asked to complete the form as soon as possible, making additional copies of the blank survey schedule for each case of elderly abuse being reported.

In all schedules, most closed-ended items were of the dichotomous type, asking for a Yes or No response. Those items that were not dichotomous, were five-point or seven point Likert-type items. However, most sections included items that were a mixture of open-ended and close-ended questions.

3. Results

As stated earlier in this paper, this study utilized a purposive sample to examine elder abuse that occurs in family settings. Institutional abuse was not examined. We collected data from elderly people living at home and from service providers who had treated abused elders. The present study does not include a random sample of all elderly Greeks living in their communities. Yet, the sample is internally random. The sample we selected from the different communities was similar demographically to the 60 and older urban population of Greece (1981 census) and to the 60 and older population of the 10 communities in which we conducted the personal interviews with the elderly respondents. The two community groups (KAPH and Control group) had 57% females and 43% males. Greece's urban population 60 years of age and older, according to the last census was comprised of 55% females and 45% males. Also, our sample was similar to the older population in other characteristics, such as income, marital status and education.

3.1 Operational Definitions

For the purpose of this survey we examined two major areas of mistreatment: a) active mistreatment and b) passive mistreatment. By active mistreatment we mean intentional harm or abuse, such as physical, psychological, and "legal", against an elder. Notably, physical abuse was defined as any form of bodily violence and was measured by a series of items that covered a range of violent behaviors, from being pushed, beaten to being sexually abused. Psychological abuse was defined as mental anguish and was operationalized using a single item regarding verbal abuse or insults. "Legal" abuse was defined as material exploitation and misuse or theft of an elder's money or other assets and was measured with a single question.

By passive mistreatment we imply unintentional harm - neglect and abandonment - against an elder. Neglect - physical, psychological or environmental - was measured by a series of items designed to evaluate if the older person needed help with daily living activities and help was withheld.

3.2 Unit of Analysis

Each questionnaire reporting on a mistreatment suffered by the respondent is considered to be an citing of "personal abuse." For every questionnaire that the respondent indicated mistreatment of a friend, relative or neighbor, the abuse is considered to be an citing of "other abuse." The third category is the reporting of mistreatment of elderly provided by the service providers. This survey uncovered 117 citings of "personal abuse," 109 citings of "other abuse" and the Service Providers reported 131 citings of abuse and abandonment. Data analysis is mainly descriptive in form and attempts to answer the questions posed earlier in this paper.

3.3 Characteristics of the Respondents

3.3.1 KAPH Sample

Among the 506 subjects comprising the KAPH sample, there were more women than men (56% and 44%, respectively). Nearly all were Christian Orthodox (98%). Half were married, 42% were widowed and 7% were unmarried, usually having never married (4%) or divorced (3%). Most were living in single family homes (69%), while 28% were residing in apartments. The majority (71%) were living with their spouse and children and 27% were living alone. A vast majority of subjects received some pension (83%), and a small minority (15%) reported receiving income from other sources, such as rent or money from their children. Irrespective of the source of income, 64% stated that their income was enough for their daily needs and 33% indicated that their income was inadequate to meet their needs. A broad range of schooling was represented, from less than six years (37%) to some post-secondary or college education (10%). The largest number (39%) were elementary school graduates and only 12% had completed high school.

3.3.2 Control Group

Among the 251 subjects comprising the control group, there were more women than men (59% and 41%, respectively). Ninety eight percent of the subjects were Christian Orthodox. The majority were married (56%), while over one third of the subjects (39%) were widowed and a small number

(4%) were never married or divorced. Sixty one percent resided in single family homes and the rest (39%) lived in apartments. Most subjects (80%) lived with their spouse or children and 19% lived alone. A vast majority (80%) indicated that they received a pension, while 20% stated that their main source of income was from rents or from help from their children. Despite the source, 50% of the subjects said that their income was not enough to meet their daily needs, while smaller numbers (18% and 30%, respectively) mentioned that their income was either adequate or almost adequate to meet their daily needs. Their educational level ranged from less than six years of schooling (33%) to some post-secondary education (17%). The largest number, however, had completed six years of schooling (37%) and only 13% had graduated from high school. The demographic profiles that emerged from both samples are very similar, and in the few instances that we notice a difference it is only minor and usually within 5 percentage points.

3.4 Does Elder Mistreatment Exist in Greece?

The data collected from all the populations we sampled for our study suggest that elder mistreatment is present in the Greek society. Of the 757 questionnaires collected from persons over the age of 60, a total of 117 persons stated that they had suffered some form of abuse within the year preceding the interviews. Besides, 109 respondents knew of at least one case of elder abuse. The Service providers reported 131 citations of elder abuse. Specifically, 13% of our KAPH and Control group respondents had experienced an abuse in the last twelve months, while 3.2% stated that they suffered an abuse within the last few days. Also, 14% of our respondents knew of another older person who had been abused within the last year.

Perhaps one of the most significant findings of this survey is that many elderly had suffered multiple abuses. Twenty two elderly stated that they endured more than three types of abuse, ten elderly had suffered between 5 and 11 types and thirteen had been subjected two types. The rest mentioned only one type of abuse.

Table 1: Elder Abuse Citings

Type of Sample	Number of Interviews Returned	Percent of Interviews	Percent Citing Abuse		Self	Other
			(N)	(%)	N	N
KAPH Sample	506	100%	(167)	33%	80	87
Control Group	251	100%	(59)	23%	37	22
Service Providers	351*	44%	(131)	84%	131	

* Total number of service providers. Only 96 providers completed questionnaires and some providers reported more than one abuse case.

3.4.1 *What does elder abuse look like?*

The types of mistreatment uncovered in our survey include theft, beatings, verbal abuse and neglect, as well as three cases of sexual abuse.

Table 2 aggregates abuse data into four categories and more clearly separates the groups of respondents and the different types of abuses that they suffered in the past twelve months. Both active and passive mistreatment are included in Table 2.

The most frequently cited active mistreatment reported by both community samples was verbal abuse, such as insults. Twenty eight individuals from the KAPH sample and 12 respondents from the control group had endured verbal abuse, while 16 elderly KAPH members and 9 elderly from the control group were victims of material losses. On the average 6 to 10 respondents had been subjected to some type of active mistreatment, such as physical injury, or passive, such as neglect.

Table 2: Abuse during the last Year by Sex of Respondent

Abuse	KAPH Sample				Control Group				Service Providers Report			
	Male		Female		Male		Female		Male		Female	
	N	%	N	%	N	%	N	%	N	%	N	%
Physical Abuse	9	29	11	21	2	18	3	15	31	36	50	30
Material Abuse	7	23	9	17	3	27	6	30	5	6	18	11
Psychological	9	29	19	37	6	55	6	30	7	8	33	20
Neglect	6	19	13	25	0	0	5	25	43	50	63	38
Total Abuse	31	100	52	100	11	100	20	100	86	100	164	100

The Service providers, however, reported 81 cases of physical injury and 106 cases of neglect. These data clearly show that some kind of physical injury is present in a large number of cases and may serve as a clue to care providers when they try to determine elder abuse.

3.5 Characteristics of Abused Respondents

3.5.1 Age

Studies in the United States and Canada indicated that those at greater risk for abuse were the very old (more than 75 years), female, and dependent on others because of physical or cognitive impairment (*Lau & Kosberg 1979; O'Maley et al. 1979; Block & Sinnott 1979; Douglas 1979*). For comparative purposes we divided the age categories into three groups: under 70, 70-79 and 80 and older. Results indicate that the largest age represented in the survey were elders under the age of 70. In this age category we had 21 citings of abuse reported by respondents from the control group and 47 citings mentioned by the KAPH sample.

Table 3: Abused Victims by Age Group

Sample	Age Groups					
	Under 70		70 to 79		80 and older	
	N	%	N	%	N	%
KAPH Group	47	33	29	40	7	21
Control Group	21	15	9	12	4	12
Service Providers	74	52	35	48	22	67
Total	142	100	73	100	33	100

The Service Providers reported 74 citings for this age group. The next largest category, ages 70-79, contained 9 citings by members of the control group, 29 citings by the KAPH sample and thirty five citings by the Service Providers. The oldest group of subjects, that comprised the smallest age group of respondents in our study, reported 5% to 12% of all abuse citings. These data are presented in Table 3.

The surprising finding in relationship to age is that, contrary to results from studies in other countries that report high abuse rates in the oldest age group, our study revealed more abuse cases, both active and passive, in the younger age group. We believe that the number of abuse citings may reflect the proportion of the elderly population in that age group. That is, we may have uncovered more cases of elder mistreatment in the under 70 age group because that population represents a proportionately larger segment of the older population. If abuse occurs in all age groups with the same frequency, then our data mirror the composition of our sample of elderly as indicated in Table 4.

Table 4: Abused Victims and Non-abused Respondents by Age Group

	Age Groups													
	Under 70					70 to 79					80 and older			
	Victim		Non-victim			Victim		Non-victim			Victim		Non-victim	
	N	%	N	%		N	%	N	%		N	%	N	%
KAPH Group (18)	47	59	202	47	(14)	29	36	181	42	(14)	4	5	43	10
Control Group (16)	21	57	113	53	(11)	9	24	69	32	(11)	7	19	32	15

But, if elder abuse is higher among the very old, as data from other countries suggest, then our data might not present a clear picture of the problem of elder abuse. Most other countries found that the very old are more dependent and therefore more vulnerable to abuse. This is an aspect we must examine more carefully in future research.

Table 4 contains comparative data regarding percentages of abused and non-abused respondents for the KAPH and control group in each age group. In both cases we have a larger percentage of abused elders in the younger age group in comparison to their numbers in the total sample and to the total number of abused respondents. While 34% of people under 70, from both groups, had suffered an abuse, only 25% of those 70 to 79 and those over the age of 80 had the same experience.

Table 5: Abused Victims and Non-abused Respondents by Sex Compared to the Total Population

Sex	KAPH Group				Control Group				National Population	
	Victim		Non-victim		Victim		Non-victim		% Total	% 60+
	N	%	N	%	N	%	N	%		
Female	47	59	235	55	25	68	123	57	51	55
Male	33	41	189	44	12	32	91	43	49	45
No Answer			2	1						
Total	80	100	426	100	37	100	214	100	100	100

3.5.2 Sex

We compared our abused elders to our non-abused respondents and to the ratio of men to women in the National population and to the ratio of men to women in the over age 60 population. Table 5 displays these data.

We notice in Table 5 that females were victimized more often than males. Although women outnumber men in the total population as well as in the group of 60 and older, their numbers in relationship to abuse were much larger than their proportion among the elderly. This finding is consistent with results reported in studies conducted in other countries. We also looked at the proportion of men to women victims in the different age groups and found a similar pattern. More women than men were mistreated across all age groups.

3.6 Abuse Reporting

Another examination we undertook in relationship to sex and level of victimization is presented in Table 6. We examined the records of the police departments, in the same 10 areas we had conducted the personal interviews, for the same time period - September 1988 to February 1989 - to determine the level of reporting of victimization on the part of the victim, and compared these reports to the percentage of abused elders from our personal interviews and to the ratio of men to women in the 10 sampling areas and to the ratio of men to women in the National population. It can be seen in Table 6 below that while more women than men reported different types of abuse in the personal interviews, more men than women were listed as victims of some type of abuse in the police records. However, most of the victims in the police records were identified as victims of theft or of other material abuse. Only four listings alluded to some type of verbal or physical abuse as a result of interpersonal mistreatment.

Table 6: Abused Victims from Different Sampling Units and Police Reports, compared to the 60 and older Population of the Sampling Areas and the Total Population of Greece over the Age of 60

Sex	KAPH Group Victims		Control Group Victims		Police Reports Victims		Population 60+ from Sampling Areas	National Population 60+
	N	%	N	%	N	%	%	%
Male	33	9	12	5	35	54	44	45
Female	47	7	25	10	30	46	56	55
Total	80	16	37	15	65	100	100	100

These findings generate several questions that cannot be answered by the present study. Why do police records contain so few cases of elder abuse? Are elderly people underreporting or is the lack of information in the police records the result of a police system that is not set up to intervene in cases of family violence? Is it more acceptable for a male to report a crime to the police or are more males than females victims of material abuse? We must remind the reader, however, that since our data are not based on a random sampling of the total elderly population our findings in relation to age and sex might be skewed in these directions. Nonetheless, as shown in Table 6, our samples were selected from communities that are very similar to the ratio of men to women over the age of sixty, in the national population.

3.7 Marital Status and Household Composition

Many studies report a higher percentage of abuse for older people who live with someone, relative or friend, than for elderly individuals who live alone (Pillemer & Finkelhor 1988; Wolf *et al.* 1984). Most mistreated subjects, both from the KAPH sample and the control group, were single, divorced or widowed (56%), while the rest (43%) were married. However, most of the victims (67%) lived with a relative, either a spouse or a child (Table 7).

Table 7: Household Composition of Abused Respondents

Sample	Household Composition				Total	
	Spouse/Children		Alone			
	N	%	N	%	N	%
KAPH Sample	52	65	28	35	80	100
Control Group*	24	68	11	31	35	100
Service Providers	48	37	83	63	131	100

The Service providers reported that only 12% of the abused elders were married while the majority (88%) were single, divorced or widowed. Most of the victims lived alone (63%), a fact that explains the higher rate of passive neglect reported for these subjects.

3.8 Relationship of Abuser to the Abused

In 51% of the citations in the KAPH sample the abuser was a relative, most often a spouse or a child. Nonrelatives accounted for 34% of abusing persons. Fifteen percent of the victims blamed themselves for their condition. In the control group 16 percent of the respondents stated that the abusing person was a relative and 16 percent indicated that the abusing person was a nonrelative, friend or neighbor; additionally, 60% did not know their abuser. The Service providers reported that 38% of the victims had been abused by a relative and 17% were cases of self neglect.

3.9 Social Isolation

Studies report that social isolation is a contributor to abuse occurrence. In the United States researchers discovered that abused elders had few

contacts with persons outside their household (*Sengstock & Liang 1982; Phillips 1983*). *Pillemer (1985)* suggested that the critical issue is the amount of involvement of outsiders in the life of the elder. "The greater this involvement the less easily a relative can be abusive without incurring the cost of negative sanctions from others" (p. 3).

We asked our subjects questions regarding the frequency of contact with relatives and friends outside the household and their involvement with the senior citizen's center (KAPH).

Table 8: Visiting Patterns of Abused and Non-abused Respondents

Sample	Abused Visiting Patterns						Non-abused Visiting Patterns					
	Never or less than 1 per mth		1 or 2 per mth		At least 1 per week		Never or less than 1 per mth		1 or 2 per mth		At least 1 per week	
	N	%	N	%	N	%	N	%	N	%	N	%
KAPH	3	4	5	6	72	90	24	6	14	3	381	91
Control	8	22	1	2	28	76	48	23	90	42	75	35

Twenty two percent of the abused elders from the control group and 4% from the KAPH sample stated that they never or very rarely get out of their homes. Still, the majority (76%) of the abused elders from the control group and 90% from the KAPH sample indicated that they go out to visits at least once a week.

Table 8 presents data comparing abused and non-abused respondents and their activity patterns. These data reveal very small differences between abused and non-abused elders, regarding visiting patterns, for the KAPH sample, while the differences within the control group are very significant.

Table 9: Telephone Contacts of Abused and Non-abused Respondents

Sample	Abused Phone Contacts						Non-abused Phone Contacts					
	Never or less than 1 per mth		1 or 2 per mth		At least 1 per week		Never or less than 1 per mth		1 or 2 per mth		At least 1 per week	
	N	%	N	%	N	%	N	%	N	%	N	%
KAPH*	11	16	27	39	31	45	33	8	163	38	234	54
Control	7	19	19	51	11	30	22	10	73	34	119	56

* Seven KAPH respondents did not answer this question.

Besides visiting family members and friends, we tried to ascertain if our elders maintained regular contact with others, friends or relatives by phone. Table 9 presents a comparison between abused and non-abused respondents and their telephone interactions. Overall, non-abused respondents maintained higher levels of telephone contact with friends and relatives than did the abused elders.

3.10 Functional Disability and Life Satisfaction

Early research studies found that most abused elders were functionally impaired (physically or mentally) and could not fully care for themselves. In our study we interviewed only people who were mentally alert because our attempt was to find the incidence of abuse among the fully functioning older adults. However, our samples included individuals over the age of sixty, with a possibility of diminished capacity to resist or retaliate against abuse occurrence and for that reason we incorporated in our questionnaire three four-point items to measure subjective evaluations of health and well-being, and thus obtained some information regarding our respondents' physical and mental functioning.

3.11 Health Status

Table 10 presents data on health evaluation for both abused and non-abused respondents, while Tables 11 and 12 contain data on their self-concept and well-being.

Over half (55%) of the KAPH respondents and 43 percent of the control group respondents who had been abused, stated that their health status was very poor. But, only 38 percent of the non-abused KAPH respondents evaluated their health as poor and 62 percent stated that their health status was either good or very good. Similar results were found to be present in the control group. Forty-one percent of the respondents in this group indicated that their health was poor and 59 percent said that their health was either good or very good.

Table 10: Health Status of Abused and Non-abused Respondents

Sample	Abused Health Status						Non-abused Health Status					
	Very Good		Good		Not Good		Very Good		Good		Not Good	
	N	%	N	%	N	%	N	%	N	%	N	%
KAPH	14	18	22	28	42	54	92	23	158	39	154	38
Control	12	33	9	24	16	43	69	33	54	26	87	41

3.12 Self-perception

A larger number of abused than non-abused respondents perceived themselves as elderly or old. However, a significant number of respondents defined themselves as middle-aged or other, such as young or feeling like a young bird and other very positive self evaluations (Table 11).

Table 11: Self Concept of Abused and Non-abused Respondents

Sample	Abused								Non-abused							
	Old		Elderly		M.Aged		Other		Old		Elderly		M.Aged		Other	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
KAPH	16	20	17	22	24	30	22	28	41	10	108	26	150	36	117	28
Control	11	30	5	13	9	24	12	33	40	20	42	21	54	26	67	33

3.13 Subjective Well-being

Most non-abused respondents, from both samples, indicated that they were satisfied or very satisfied from their life, while the majority of the abused subjects stated that they were very dissatisfied from their life (Table 12).

Table 12: Subjective Well-being of Abused and Non-abused Respondents

Sample	Abused Respondents							
	Very Satisfied		Satisfied		Not Satisfied		Not Satisfied at all	
	N	%	N	%	N	%	N	%
KAPH	9	13	20	28	25	36	16	23
Control Group	3	8	13	35	9	24	12	33
	Non-abused Respondents							
KAPH	67	17	159	38	147	35	42	10
Control Group	34	16	84	39	61	29	34	16

4. Conclusion and Implications

The purpose of this study was to explain elder mistreatment in family settings. Conducting our study we opted for an eclectic approach in which concepts of the different theories were utilized to study and possibly explain elder mistreatment. We placed major emphasis on socialization processes and exchange theory and secondary emphasis on pathology and stress. For several variables that earlier research studies had suggested as related to elder abuse we found support in our study, but other variables were not supported by our data.

We examined several potential causes of elder mistreatment: (1) intergenerational conflict, (2) dependency, (3) social isolation, and (4) individual dynamics. The majority of the mistreated elderly had been abused by a family member and they were more likely to be dependent on their families than non-abused respondents. Moreover, the majority of abused elders were more ill than the non-abused subjects and a larger number of abused respondents had poor self-image. The abused respondents scored more poorly on one of the social isolation measures. They had fewer telephone contacts with friends and relatives than did non-abused respondents. Also, the abused elders were less satisfied with their life than the non-abused subjects.

Clearly, these findings need to be supported by future research. Based on results presented here, however, it is possible to speculate on a configuration of factors that could place older persons at risk of abuse. Also, based on evidence presented here, we must be willing to shed, or at least suspend, accepted notions about the responsible behavior of some family members of the elderly. We must take into consideration the characteristics of the abuser, an area we did not examine in the present study, and not only those of the old person, because they might be strongly associated with violence against elderly.

Some of the limitations of the study were presented earlier in this paper. As a product of exploratory research, the findings can only be considered as preliminary. As we indicated throughout this paper, we were hampered in the development of a more extensive design due to the fact that this was the first study on the topic of elder mistreatment in Greece and very little information on the topic was available on which to base this study. However, we were able to unearth several areas of abuse and neglect and our findings suggest the need for further research, using more rigorous research designs into the circumstances leading to mistreatment of the elderly. We believe, our findings, regardless of their limitations, can be helpful in pointing out solutions to the problem of elder abuse and neglect.

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Victimization of Elderly Persons in Japan

Koichi Miyazawa and Schura Euller Cook

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1. Introduction

Victimization of the elderly generation is no modern phenomenon but has existed for various reasons throughout the ages in Japan and other places. An especially radical approach of solving the social costs of supporting the elderly has been practiced, according to a Japanese tale, by a feudal lord. The writer Shichiro Fukazawa in "Huefukigawa" describes the agony of a son, who was ordered, like everybody else in the village, to leave his old father at the top of a mountain to die. This feudal edict intended to extract higher rice yields from the subjects of a feudal lord around Kofu city by preventing the aged from consumption.

As we know, the Eskimo practiced a similar custom by leaving the weak in an igloo to die by themselves since they were not capable anymore to travel with their tribe under extreme environmental conditions.

Compared to this harsh treatment democratic industrial society has raised the standard of living for the elderly considerably. Many can enjoy an active, happy and secure life until their eighties or nineties. To some degree one can make the point, that the older generations are the real beneficiaries of modern society. As a distinct and large social group they were non-existent before the advent of industrialization. Better nutrition and modern medicine have increased general life-expectancy by twenty to thirty years. Some authors speak therefore about an aged subculture, which becomes their own reference group and which will develop a new basis for adaptation (*Hendricks* 1986, p. 115).

Japanese senior citizens are some of the longest living in the world; 73.0 years for men and 78.8 for women (*Fukutake* 1981, p. 204). Due to the low crime rate in Japan, they also enjoy a relatively secure social environment. Elderly shopkeepers are no exception; they often even sell goods like liquor, considered high risk sales in the United States since there are many robberies in stores with expensive goods.

A long, relatively carefree old age, has been considered as an important indicator of progress in democratic societies. One has therefore to analyze carefully the relationship between the development of aging societies, characteristic of most Western industrial countries and the victimization trends of the elderly population. If the rate becomes unreasonable high, it could

signal major shortcomings of the social system which may be incapable to provide vital social goods and services, like protection information and communication.

2. Method

Although there are some recent victimization data concerning the elderly population in Japan, these materials have not been systematically collected, interpreted, supplemented and compared with international surveys. (The term elderly is used by the Health and Welfare Ministry for the age-groups 65 years and older, while the Ministry of Justice and the National Police Agency uses this category for the persons 60 years and older.) While victimization studies in Japan are a rather new criminological research interest, specific victimological data like those for the elderly, are only randomly collected and available. The material we could rely on in this paper was therefore quite general. It consists mainly in government reports, newspaper publications reflecting public discussions on the aging society, and some research done by Japanese and international experts. The books available on the subject are usually written for the European or American context and the data, interpretation and social background are often not comparable with the Japanese situation and research results.

3. Results

This paper has given some relevant statistical data as released by a number of government agencies on the present and future aging society. It has discussed to some extent the implications for the social security system and formulated categories of abuse of the elderly. It has given thought to the changing structure of the family, which means that the family is no longer the only place providing care for the elderly. Public care centers are increasing and at the same time aid the government family care, which provide certain experts to speak of a "Japanese-type welfare society which reinforces the family and looks to it to provide security for old people" (*Fukutake* 1981, p. 205)

The paper has elaborated on the demographic fact of aging populations. Senior citizens are now a distinct social group with certain socio-economic and behavioral characteristics. One unfavorable development concerns their vulnerability in relation to victimization. This paper has emphasized two

forms, namely financial exploitation and victimization in traffic situations. There are very few data available concerning abuse of the elderly at home and by caregivers like hospitals or old-age homes. The survey of the National Police Agency suggests rather low incidences of bodily injury cases or neglect. We can assume that the rate is considerably lower than in the United States but there might also be a high "dark" figure, since personal victimization, especially from family members, is a subject not talked about in the open. Conflict management at the interpersonal level has often been characterized as non-confrontational in Japan (*Sugiyama Lebra* 1984, p. 55).

An other issue in this paper concerns the increasing suicide rate of the elderly. There are two possible explanations. It might have something to do with the tradition of suicide in Japan, or it is a sign of increasing alienation of socially disconnected elderly. Probably both factors are relevant in explaining the phenomenon. It has been noted, that "self-destruction for Japanese is a tempting answer to a wide range of conflicts whether intro-punitive or extrapunitive, whether involving guilt, shame, or hostility, whether altruistic or egoistic" (*Sugiyama Lebra* 1984, p. 49).

Government responses to the aging society and their victimization have been numerous in the last years. Important is the discussion by experts and academics if the government can deal with these changes in population structure and what this means for the ideological framework of modern democratic society which uses in the economic sector, a great deal of youth culture stereotypes. Advertising portrays the image, that what is worth living for is youth, sex and abundant consumer possibilities. The costs of this dream are not mentioned in the perfect world of illusions. Everything and everybody is fresh, new, young, energetic and healthy. This illusion is one of the most powerful legitimizations of the system, camouflaging the fact of how dangerous it is to manipulate nature, human nature and social institutions.

The advent of aging societies will demask these stereotypes by the power of reality and will give the system less room to escape into fantasies and dreams. The bills for exploiting and feeding on the social system for economic gains and unlimited power have eventually to be paid by having a less vital and youthful culture in reality. How the system will adjust to the changes on an ideological level is not clear yet. The public and economic sector will nevertheless have to allocate more economic and human resources to senior citizens, if it wants to avoid a serious crisis in legitimacy, legitimacy which is based primarily on increased consumer opportunities for people of all ages.

Forms of victimizations which have been described, include investment swindles and victimization in traffic situations. Financial exploitation directed at the elderly by shady criminal business practices, created some major scandals in Japan. What explains general patterns of elderly victimization for other industrial countries holds also true for the Japanese situation. "The elderly are less frequently the victims of most personal and household crimes. The important exceptions in this regard concern crimes that appear to have as their primary motivation, economic gain on the part of the offender" (*Fattah & Sacco* 1989, p. 177).

The results of a victimization survey by the National Police Research Institute comes to similar conclusion, namely that the incidence of bodily injury cases is lower than pickpockets, burglaries or fraudulent sales.

4. Some Data about the Aging Society

It is only in the last decade that Japanese policy makers and the media have shown an increased awareness of the criminological and sociological implications of aging society. While the postwar period was characterized by enormous growth rates, including population growth, the 80's and 90's show, in the increase of the silver generation, a gradual stagnation in population expansion. Suddenly a number of articles, research, conferences, ministry statements, television reports, and data surveys were the response to the increased awareness of the changes in the population structure.

According to a survey conducted in the 90's by the Health and Welfare Ministry, families with elderly members have hit an all time high of 10.77 million, or 27 percent of all households. The number of households in 1989 comprising a single senior citizen was 1.98 million. Women made up 84 percent of that figure, making this figure relevant for victimological data studies. Households consisting of two elderly people totaled 1.92 million, as the survey shows (*The Japan Times* Aug. 15' 1990).

The Institute of Population Problems of the Health and Welfare Ministry estimates that the population of elderly people in Japan will reach 21.34 million - or 16.3 percent of the total population by the year 2000, and 31.88 million (23.6 percent) by the year 2020. At present, the rate of the elderly in relation to population is the highest in Sweden, at 17.9 percent, followed by 15.1 percent for Britain, 13.1 percent for France and 12.0 percent for the United States. Although Japan's percentage is lower, it is expected to exceed

the U.S. figure within the coming decade, eventually passing France, Britain and Sweden in the first several years of the 21st century (*The Japan Times* Sept. 14' 1987).

A study by the Nihon University's Population Research Institute (NUPRI) projects a number of social changes which could become, if unchecked, preconditions for an erosion of the social security system and consequently a higher degree of victimization of socio-economically weaker members of society like the aged.

The study examines the interaction of social welfare, population variables and the economic sector. The fact that by the year 2021 one out of every 4.06 people in Japan will be 65 or older, means a great burden for the medical and pension systems.

Naohiro Ogawa, professor at NUPRI, believes, that unless Kokumin Kenko Hoken and two other public health insurance schemes which are financially sounder are integrated, the nation's health insurance system will go bankrupt. He also says that the increase in the number of elderly will undermine the nation's pension system and will cause inequity in the payment-benefit ratio between generations.

Concluding, Ogawa interprets, "Japan has been relying on its human resources for economic performance. But by the year 2001, the nation's labor supply will show a downward trend, unprecedented in Japan's modern history. On top of that, the labour force itself will be aging and working hours shortenend. These factors will weaken Japan's economic base. Corrective measures including use of robots must be considered" (*The Japan Times* Dec. 5'1986).

The strain on the social security and health insurance system as a result of an aging society and other adverse effects of industrial society on the social climate, could give rise to an increase of abuse of elderly persons. Categories of abuse that have been identified by *Nancy King* (1984, p. 4), include:

- Physical abuse - conduct that results in bodily harm;
- psychological abuse - threats or violence that result in mental distress, fright, and/or emotional disturbance;
- negligence - breach of duty or careless conduct that results in injury to an older person or in a violation of his or her rights;
- financial exploitation - theft or conversion of money or property belonging to the older person by relatives, caregivers or business people, sometimes accomplished by threat, deceit, or battering.

5. Changing Attitudes towards the Family

Changing attitudes towards the care of the elderly can be found by daughters-in-law and daughters, traditionally responsible for taking care of their parents or in-laws. For instance in a poll conducted by the Kokushikan University Research Institute, 70 percent of female students said they would not live with their husband's parents after they got married. Only 20.3 percent of the sixty year olds said they would like to be cared for by their daughters-in-law and 35.7 percent said they would prefer to live in old people's homes (*The Japan Times* Sept. 15'1987).

This shows to some extent, that in Japanese society there is also a distinct trend toward a more institutional approach for solving social problems and less willingness and capability on the part of the family in relation to providing social services.

As *Tadashi Fukutake* points out, in spite of a slow decrease, the proportion of old people who are living with their children or other relatives is still over 70 percent. This is an extremely high figure compared with the 20 or 30 percent common in the industrial countries of Western Europe" (1981, p. 205).

There are no reliable data in relation to the elderly in need of care who are maltreated in Japan. Apparently parent abuse is a growing problem in the U.S. according to the Pennsylvania Commission on Crime and Delinquency (*Costa* 1984, p. 53) Parent abuse is related in Japan not to the elderly but the middle-aged parents with Highschool or university children. They increasingly use violence against their parents due to the incredible stress endured while competing for entrance examinations into prestigious schools.

6. The Problem of Suicide

To some degree the high suicide rate among the aged can be explained as a result of the process of alienation from family and community ties, according to *Durkheim's* anomie theory. In the year 1989 the number of elderly people aged 65 or older who committed suicide reached a postwar high,

according to the White Paper released by the National Police Agency. The total number of people across the nation was 22,436; of the total 6,358 were 65 or older (*Mainichi Daily News* April 26'1990).

As far as the reason for suicide is known, three out of every four elderly people were worried about an illness, showing to some extent that natural bodily processes like illness become overly threatening in a societal setting where the old are disconnected from their social ties and often do not have the financial means to get the full benefits of institutional care like from a good hospital or nursing home.

Suicide, one must know, has a long tradition of solving personal and social conflict in Japan. *Ruth Benedict* interpreting cultural patterns of suicide observes: "American condemnation of suicide makes self-destruction only a desperate submission to despair, but the Japanese respect for it allows it to be an honorable and purposeful act" (*Ruth Benedict* 1946, p. 167).

Regardless of suicide or natural death, the death of elderly people living alone often goes unnoticed for several days, concludes a survey made public by the Metropolitan Medical Examiner's Office in 1988. The office's investigation revealed that the deaths of about 8.6 percent of elderly people were not reported to authorities immediately because of a delay in discovering their absence by either relatives or neighbours (*The Japan Times* May 26'1988).

7. Government Responses

In anticipation of an increase in the number of elderly people in the 21st century, the Gerontology Center of the Tokyo Metropolitan Government compiled a report based on a 2-year study by a specially organized committee which explored the function and need for more nursing homes and related facilities. Officials at the Health and Welfare Ministry announced in 1989 that about 5,000 special centers will be set up throughout the country beginning in 1990 to give counsel to families looking after bedridden aged people in their homes.

The Home Care Support Center Project can be considered as an attempt to bolster traditional family care with institutional and scientific help. So the special homes will take care of elderly people during the daytime, giving them meals and helping them bathe, therefore providing services which many working mothers or daughters cannot perform easily anymore.

Another program launched by the Ministry of Health and Welfare in 1988 involves training for family members who look after elderly relatives at home. The training will be provided over a period of three years at 95 centers throughout the country. It is planned for the bedridden members of each family to stay at one of the centers for about three weeks, while other family members will be asked to stay for at least 4 or 5 days to learn how to look after them properly.

The training will cost 1800,- Yen per day for each patient, plus the cost of meals for other family members. The program was designed to aid inexperienced people looking after elderly bedridden relatives, who sometimes suffer nervous breakdowns and other problems as a result of dealing with a stressful situation (*The Japan Times* Sep. 15'1987 and Sep. 9'1989).

Stress endured while caring for elderly patients can be a major cause for the abuse of them. In 1988 a gruesome series of killings of dozens of elderly patients occurred over a year in a hospital in Vienna. Three nurses were involved in the murder of mostly terminally ill patients. When questioned, they also cited unbearable stress as one of the reasons for their actions in dealing with a job they felt mentally unfit for. King also identifies a close relative or primary caregiver as the typical abuser of elderly dependent. The abuser was likely to be under severe stress, she states (1984, p. 7).

In that sense, this particular government program of enhancing home care, can prove helpful in reducing the victimization potential of elderly patients in need of care. Nevertheless, Kiyotaka Matsuo, analyzing the data collected in a survey by an organization of doctors on housing conditions and health problems, maintains that elderly people especially are affected by poor housing conditions in Japan. Matsuo therefore sees problems in the government policy of putting the emphasis on medical care at home instead of looking after elderly patients in medical institutions (*The Japan Times* Jul. 22'1987).

A Massachusetts study of the physically or mentally abused at the home, found that fifty-four percent of the victims were over seventy-five; 80 percent were female, and seventy-five percent lived with the person who abused them (King 1984, p. 6).

8. Victimization Trends of the Elderly Population

The National Police Agency's annual report of 1986 was for the first time subtitled "Towards an Affluent Long-Life Society" showing that the agency has taken due note of the rapid aging of society and the question of what

roles the police should play in this development. The agency report notes that last fall there were already 638,000 elderly people living alone and 239,000 of them had need of police aid at one time or another (*White Paper on Police* 1987).

Senior citizen, the report notes, accounted for 16.2 percent of the victims of fraud in 1985. Intellectual crimes like breach of trust, swindles and embezzlement are increasing. Retirees getting along on their life savings are the most vulnerable to this kind of crimes.

In 1989, 1,483,590 criminal cases involving damage to individuals were registered. Of these, 96,556 cases or 6.5% of the total, involved elderly victims. The so-called intellectual offences (fraud, embezzlement and forgery) accounted for 65,957 cases. Of these, 7,544 cases, i.e. 11.4% involved elderly victims. Thus, the proportion of elderly victims in this crime category is twice that for criminal offences in total. In this context it is interesting to note that in 6.51% of the 1,483,590 theft cases in 1989 the victims were elderly, while among the 611,330 persons detained for theft 2.6%, i.e. 15,958 persons, were elderly. This shows that the elderly are more likely to be victims than perpetrators.

Offences where the elderly are most likely to become victims, are connected with unlawful business practices such as sales of counterfeit goods, multiple sales, investment fraud, etc.

The high level of victimization might be due to two factors: On the one hand, the elderly, having accumulated savings over the years, depositing their retirement allowance and living off the interest, have a considerable amount of money at their disposal. On the other hand, in addition to declining health and reduced living options, they are prone to feelings of financial insecurity, fear that inflation will diminish their savings, etc. Furthermore, they have no close relatives such as children or living nearby to turn for advice due to the increasing number of nuclear families. Parallel to this, the prevailing overall financial situation with its unstable interest rates resulted in an investment boom, with elderly property owners increasingly becoming targets of ruthless and often criminal real estate speculators.

9. Confidence Swindles of the Elderly

One of the major financial scandals involving prospective investors, especially the elderly, concerned the Toyoda Shoji and Cosmic Sangyo Companies.

On Oct. 4th 1990 the police raided 15 locations of a company in Osaka for allegedly selling about 4 billion Yens worth of fraudulent leisure facility memberships. The police reported that they were questioning the 43 year-old Cosmic Sangyo owner Nobuo Iwasaki and other company executives on suspicion of violating laws regulating door-to-door sales and travel business. Iwasaki is known to be one of the former executives of the now defunct Toyoda Shoji which was responsible for one of Japan's worst fraud cases. Toyoda Shoji had swindled 200 billion Yens from 20,000 people through sales of gold bullion certificates between 1981 and 1985. In June 1985, Toyoda Shoji founder Kazuo Nagano was stabbed to death by two men who broke into his residence while television camera crews were watching.

Police suspect that since 1984, Cosmic Sangyo has lured some 1,500 people, mainly the elderly and housewives, into buying phony membership certificates. Sales people of the company, based in Umeda, Kita Ward, have allegedly given clients false information that memberships are marketable at any time and will definitely produce capital gains. The company has sold seven types of certificates with the most expensive one costing 10 million.

The company's sales method is reportedly similar to that of Toyoda Shoji. Both companies would initially have female clerks make random telephone calls to possible clients. After reaching elderly people living alone or housewives, the company would then have salesmen visit them repeatedly (*The Japan Times* Oct. 5'1990).

Only in fall 1990 the victims of the Toyoda Shoji scheme received a portion of their losses. A group of bankruptcy administrators representing the victims have announced that the recovery of assets from the defunct company has been completed and that the victims will be paid 10.565 percent of the total credit losses they had claimed. The announcement was made five years after former Osaka-based Toyoda Shoji was declared bankrupt in July 1985 (*Mainichi Daily News* June 23'1990).

As a result of the Toyoda Shoji case and several other similar cases of fraudulent businesses, the government introduced a law in March 1986 designed to control such operations. However, since there was no legal measure to regulate such businesses when the Toyoda Shoji started operating, the state is not legally responsible for losses to the victims, said a government official. The plaintiffs include elderly people living in Tokyo, Osaka and nearly 20 other prefectures. They have demanded a return of about 30 percent of the amount each lost.

Citing provisions of the Basic Law for Protection of Consumers, they argued that the state has an obligation to protect the interests of consumers comprehensively. The plaintiffs said that the Ministry of International Trade

and Industry, the Justice Ministry and the Finance Ministry are all legally empowered to employ administrative guidance and to file complaints against irregular practices of business corporations. The lawyers who represent the victims in court argued by the spring of 1984, that officials of these ministries were in a position to know that the Toyoda Shoji operations were legally dubious (*The Japan Times* April 24th 1988).

This victim compensation case is interesting, since it could be a precedent for further claims by victims of fraudulent companies which purposely target the elderly. To what extent the government can be held responsible for victim compensation is an important legal issue which is worthwhile studying.

Studies in the U.S. have revealed, that consumer-fraud victimization often results from the elderly victims getting the impression that they can get something free or at a bargain prize. Costa recommends that "Antifraud committees composed of senior citizens with trade and legal skills should be developed by Crime and Delinquency field staff" (Costa 1984, p. 52) to reduce the incidence of confidence swindles.

10. Victimization of Elderly People in Traffic Situations

An other increasing victimization trend of the elderly occurs in traffic situations. Of the 9,261 people killed on the roads in 1985, 2,426, or close to 27 percent, were old. This is a highly disproportionate number. The National Police Agency attributes the increase in traffic deaths involving senior citizens to the fact that the elderly represent a growing proportion of the population. Of some 59 million people who have driving licenses, 2.36 million are aged 65 or over. The number of elderly drivers indicated a nearly threefold increase over 1979.

In the last twenty years the gender specific victimization of pedestrians in the traffic situation shows a paradox statistical development. Until sixty years of age there are more male pedestrians traffic victims, while women show higher victimization rates as men after sixtyfive years of age (Miyazawa 1986, p. 32).

To explain this interesting phenomenon one can only speculate at the moment. Maybe men of 60 become more negligent in traffic situations than women of 65 years of age. The case that this age difference for victimization has something to do with the longer life-expectancy of women can only be made in a psychological sense, namely that men lose their lifelong trained caution earlier in traffic situations while women five years later. Probably

one has also to look at the life cycles of both men and women. If the man experiences the retirement shock at sixty, then this might contribute to his higher vulnerability to victimization, since he has to readjust to a new life situation.

11. Results of a Data Survey on Victimization and Vulnerability of the Elderly Population in Japan

The National Police Agency Research Institute has made a data survey to find out to what extent the aged are victimized and vulnerable to harm (*Nishimura* 1988).

Senior citizens ranging from sixty to seventy-four years of age were randomly sampled based on the list of residents of different municipal offices. They were presented a questionnaire inquiring about victimization experiences in relation to crime and accidents, fearful situations, troubles and inconveniences in community life, perception of secondary victimization, alienation in the community, social resources, reaction to visiting salesmen, social attitudes, personality and feelings of frustration.

The results show that the victimization rate to crime and accidents was 12 per 100 persons. The research design also aimed to find out if a certain socio-economic background or being male or female makes one especially vulnerable to victimization. A particular category of victims could not be identified, although elderly females, people on welfare and people with a good educational background have shown a slighter higher degree of victimization in relation to certain types of crimes.

Elderly people with a good educational background usually belong to the more affluent group of people and therefore are more often victims of burglary cases where losses are suffered.

Welfare recipients are on the other hand more often victims of burglaries or unlawful entering without goods being taken from their premises.

Elderly Women are more often victims of pickpockets and handbag-snatching than men (0.4% male; 1.3% female.)

Socio-economic status of the sample:

The structure of the sample was as follows: Housewives 47%; employees in industry, services, trade 21%; different types of office workers, freelancers, parttimers, others 32%.

Living situation:

110 lived single, 727 lived with spouse, 42 lived with parents, 517 lived with son, 199 lived with daughter, 336 lived with grandchildren.

Results of actual victimization: 12 persons/100.

Burglary 2.3%, pickpockets 0.9%, handbag snatching 0.3%, fraudulent sales 2.6%, bodily injury 0.2%, hit by car 2.1% others.

*Victimization attempts: 15 persons/100:**Inconveniences in daily life: 26 persons/100.*

Fights with neighbors 4%, noise, smell pollution 13%, motorbike noise 6%, illegal parking in front of living quarters 8%, telephone abuse (including sexual) 11%, rough manners by public and private personnel, sales people, bank and hospital employees 8.8%, problems with property 3%, fights with friends and family 2.9%, others.

Different forms of fears, complaints and worries: 58 persons/100.

Too many cars, roads not safe 36%, pedestrian areas not adequate 28%, too many people 9%, fear of crimes 19%, rude behavior by people in the public transportation system 12%, cities inadequate for old people; there are not enough areas to relax, meet people, do sport etc. 36%, no help at home 2%, feeling of uselessness in social life 5%, problems in the relationship with family, friends, neighbors 14%, worries about who will take care of them in the future 16%, worries about housing 9%, worries about economic situation 10%, worries about health 43%, worries about one's own character 6%, worries about the meaning of one's life 5%, others.

12. Interpretation of Results and Closing Remarks

These questionnaire results show, alongside other aims, the intentions of the researchers to include within the victimization concept not only actual incidences, but also psychological categories like the perception of inconveniences in daily life, fears, complaints and worries. By including these categories, the quality of life, as experienced by the individual, can be measured to some degree. Between actual victimization and fear of victimization psychologically there is not often much difference. Increased fear of

crime is in itself an indicator of a higher structural victimization potential. If fear becomes a statistically relevant factor, countermeasures are indicated, like for instance the reduction of fear inducing stimuli in the media.

The question which arises here is, if people in general and elderly in particular, have a right to peace of mind which also means the absence of unnecessary worries and fears and if society can be structured in a way that the harmonious interaction between people and psychological control techniques are part of the normal learning experiences an individual is exposed to during socialization.

Japanese patterns of ritualizing behaviour for the purpose of making social interactions less aggressive and conflict-oriented, are the expression of applied psychology, which does not just analyze a socio-psychological problem, as Western, especially American, psychology often does, but rather uses pedagogic standards for learning correct social behavior and thinking.

Nevertheless, in spite of a rich tradition of human and spiritual wealth in Japan, erosions and abuse of the social fabric are part of the changed, fast-living and materialistic pace of life. It might well be, that Japan is now rapidly consuming its social wealth accumulated for centuries and that the future will show more egoism by all social groups.

The results of the victimization research are also an indicator, that the elderly are often lonely and socially isolated. That they fall so easily prey to salesmen, shows that their phony friendliness is often the only human communication they can enjoy. Those elderly are often, before they become financially abused, the victims of structural changes, inherent in rapid modernization, which has left many people alienated from family, society and nature. Poor housing, changed family patterns and an inadequate welfare system by the state has aggravated the alienation process.

The dynamics of the Japanese economy depends to a great extent on the image of healthy, strong males between forty and fifty years old. This image conveys an ideology of power and mastery over the other members of society, including women, children, younger men and the elderly. If Japan can reconcile its power with its social and human priorities, it will not only affect its cultural identity, but also the victimization rate of its weaker members of society.

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11. Children and Juveniles as Victims

Victim-Offender Interaction in Juvenile Delinquency

Nikolaus Heim

1. Introduction
2. Method
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1. Introduction

It is well known that criminal acts in general do not occur by accident but show a process-like development and interactional dynamics that are accessible to reconstruction and scientific investigation. The fact that the outcomes of violent situations are socially structured has led to the development of models and approaches aimed at understanding aggressive interactions in isolation from the personality characteristics or the motives and goals of the participants involved in them. Thus, *Luckenbill* (1977) described a six-stage model of dynamic interchange between adult offenders, victims, and - not to be forgotten - bystanders. The occasions in which situated transactions have resulted in violent death reveal in stage 1 that the victim utters some verbal tirades or insults, refuses to cooperate or makes some physical or nonverbal gesture which the offender subsequently interprets as personally offensive. The occurrence of these events serves to disrupt the social order of the situation. In stage 2, the offender imputes significance to the victim's previous behavior as being personally offensive, insulting or intentional. Previous verbal or non-verbal behavior on the part of the victim serves the offender as an interpretive scheme for making sense of the situation at hand. Stage 3 is the offender's opening move in saving face and honor or in forcing retaliation. Thus, the offender appears to suggest to the victim a definition in which violence is suitable to settling situational problems. In stage 4, the victim, already placed in a problematical and momentous position, achieves (possibly supported by the audience) a working agreement with the definition proffered of the situation, namely that violence is appropriate. Stage 5 focuses on forging a situational agreement in which the offender and the victim appear committed to fight or to come to a physical interaction. In stage 6, the victim having been disabled, the transaction is terminated by the offender's fleeing or being arrested by the police.

Whereas *Luckenbill's* (1977) model includes cognitive elements (stages 2 and 5), the approach of *Felson* and *Steadman* (1983) is strictly behaviorally orientated. Moreover, it includes mediating and evasive actions but ignores termination or aftermath components. The three stages that were able to be demonstrated empirically are more detailed: The first stage is focused on verbal conflicts in which identities are damaged or attempts to placate the opponent fail. The second stage focuses on threats and evasive actions. Mediation tends to occur at this level. The third and final stage leads to

battle and physical assault. This 3-stage model casts doubt mainly on *Luckenbill's* (1977) conclusion that there exists a working agreement among victims and offenders in the sense that violence is appropriate.

In particular with regard to homicide in juvenile delinquency, the German criminologist and psychiatrist *Lempp* (1977) introduced an interactional pattern based on three steps: (1) Pre-scene: An emotionally critical situation develops in which the victim, through his behavior (reproaches, insults etc.), bluntly reveals to the offender his previously unconscious, repressed ambivalent impulsive behavior. (2) Pre-act: The confrontation with his own insufficiency leads the offender to act in an impulsive-aggressive fashion, although the act does not yet imply a homicidal intent. (3) Definitive homicidal act: Following a turning point, i.e. after the initial affect has subsided, the offender now suddenly sees himself confronted with a second situation even more threatening and injurious to his sense of self-worth: the aggressive outrage that has now become manifest. The offender now, panic-stricken, seeks refuge in attack, i.e. in a rash "overkill" or a systematic, well-considered homicide. Empirical examination of this situational typology shows that pre-scene and pre-act can frequently be demonstrated, while the phase of the definitive act of homicide occurs relatively infrequently.

As the above-mentioned studies come up with different models, mainly owing to sample dependency, and because there is little research available on victimization in juvenile delinquency, the aim of this study is to show on an empirical basis the victim-offender configurations that have occurred in aggressive offences of juvenile delinquency in West Berlin.

2. Method

The research material stems from criminal cases brought to trial before the Juvenile Division of the District Court of West Berlin (1975 - 1982). In all, the case records include 94 convicted offenders, i.e., 34 (36%) juveniles (14 to under 18 years old) and 60 (64%) young adults (18 to under 21 years old). A comparison of the cases with the data deriving from the official prosecution statistics of the city of Berlin (convicted offenders) results in a complete collection of the sample data for perpetrated or attempted violent crimes of homicide (N=39/N=43), manslaughter (N=24/N=26), infanticide (N=3/N=2), battery with fatal outcome (N=1/N=2), battery causing grievous bodily harm (N=10/N=11), and robbery with fatal outcome (N=4/N=5), while the case material pertaining to battery causing dangerous bodily harm (N=9/N=2.824) and aggressive offences committed while in a state of

intoxication (N=4/N=276) must be regarded as selected at random. Analysis of the data is based on agglomerative cluster analysis for 14 variables, coded 1 (for yes) or 0 (for no), in the quantitative section, and on trial records in the qualitative section of the study.

3. Results

Agglomerative cluster analysis made it possible to identify four clusters that show different interaction configurations between victims and offenders (Table 1).

Table 1: Cluster analysis of offence structure characteristics (N = 74)

Variable	Cluster 1 N=24 %	Cluster 2 N=18 %	Cluster 3 N=11 %	Cluster 4 N=21 %
1 Juvenile	29.2	38.9	0.0	66.7
2 Lone offender	100.0	72.2	45.5	4.8
3 Offence planned	16.7	5.6	18.2	85.7
4 Offender: verbal provocation	0.0	66.7	100.0	0.0
5 Offender: conflict reduction (verbal)	29.2	33.3	0.0	9.5
6 Bystanders: conflict aggravation	4.2	44.4	63.6	66.7
7 Bystanders: conflict reduction	8.3	38.9	27.3	23.8
8 Offender: threatening behavior	4.2	88.9	81.8	0.0
9 Offender: evasive reaction	8.3	16.7	18.2	9.5
10 Fight	20.8	50.0	54.5	14.3
11 Instrument used in offence	100.0	88.9	27.3	61.9
12 Escalation of offence	29.2	88.9	9.1	47.6
13 Victim: known	100.0	77.8	81.8	57.1
14 Victim: dead	54.2	66.7	36.4	76.2

Cluster 1 primarily includes young adults, all of whom are lone offenders; the offences they commit are for the most part not planned. It is characteristic of the action structure of the offence for the victim, at the outset, to provoke the offender verbally. In approximately one third of the cases, the offender reacts by using verbal means of conflict reduction. Bystanders are, almost as a rule, not involved in the events constituting the offence. The victim then continues to show behavior that presents a threat to the offender. The latter, however, only seldom evades the critically deteriorating situation. A (physical) struggle between offender and victim only occasionally results; the aggressive altercation is in the last analysis always conducted with weaponlike instruments. The events involved in the offence show features of escalation in around one third of the cases. The victim, who is killed in every other case, is invariably known to the offender.

The following case (young adult, 19.2 years of age; sentenced for attempted murder to 6 years of juvenile detention) will be presented by way of illustration; the description is based on the wording of the court's judgement:

In the early summer of 1975, the defendant made the acquaintance of the witness S., who was at that time 15 1/2 years of age, and formed a rather intimate friendship with her. The defendant's mother, Mrs. H., in no way approved of this relationship. Mrs. H. was nevertheless friendly to the girl when her son introduced her for the first time. Subsequently, however, during occasional visits made to her in her apartment by the girl, Mrs. H. made fewer and fewer attempts to conceal her disapproval of the girl and the relationship between her and her son. When Mrs. H. learned that her son intended to become engaged to the witness, she entirely lost her composure. In a telephone conversation with Mrs. T., S.'s mother, she indulged in rudely insulting language in rejecting an invitation to the planned engagement ceremony. These events led to a growing inward distance of the defendant to his mother, which in turn led him to seek closer contact to his fiancée and her family.

In the sequel, Mrs. H. conducted several telephone conversations with her son at the residence of family T. as well as with members of the family. On the occasion of one of these conversations, she lost her head and reviled S. as a whore and slut who was unable even to scramble an egg and whose capabilities extended only to spreading her legs.

In the days between Christmas and New Year of 1976, the defendant's situation became more and more critical. The company with which he was employed had dismissed him as of the end of the year for repeated lack of punctuality, which appeared

unendurable to his employer. He had received advances on and spent all of the wages due to him until the end of the year. He was therefore now for all practical purposes destitute.

Around 11.30 in the morning, the defendant was at home in his apartment. He was considering, one way or the other, how he might raise some money, and drank several bottles of beer while doing so. As he saw no way out of his predicament, he decided to again look up his mother in the hope of procuring money from her. Mrs. H. was clothed only in a dressing-gown and did not look well. They spoke of things of no consequence. Mrs. H testified as a witness that she was surprised to see that her son was again not at work and asked about his employment. He again withheld from her the truth about the loss of his job. As he appeared cold and hungry, she invited him to prepare for himself some coffee and rolls in the kitchen. In preparing his breakfast, the defendant used a small, pointed kitchen knife with a blade approximately 9 cm in length. He entered his mother's small living room carrying the coffee, the rolls and the knife and sat down obliquely behind her in an armchair at a little table. Again and again the thought crossed his mind that he was in dire need of money. He at the same time now felt hatred for his mother because she had been too crass in rejecting his fiancée and even now continued to abuse her. Without being observed by his mother, he, in his growing anger, took the knife and furtively slipped it into his left-hand sleeve. He then stood for a while at the window behind his mother. He considered doing harm to his mother in order to gain access to her money and at the same time to avenge his fiancée.

When, in this situation that seemed strange even to her, Mrs. H. allegedly again made a disparaging remark about S., the defendant cast off his last inhibitions toward his mother. He drew the kitchen knife from his left-hand sleeve, took it in his right hand and stabbed it into her back from behind. Mrs. H. perceived the stab as a blow, turned halfway around and asked her son in surprise: "What are you doing there?" The defendant did not respond, but instead took the comforter with which his mother was half covered, pulled it over her face and head and pushed her with it onto the couch in order to silence her. At this point of time at the very latest, he intended to kill her, or he at least knowingly and recklessly accepted possibility of her death. Mrs. H. was seized by a fear of death and defended herself vehemently. Mrs. H. suddenly became completely calm, for which reason the defendant believed she was dead. He then lifted the comforter enough to note that his mother was still breathing. He therefore covered her again with the comforter, fetched from the neighboring room another comforter, a quilt and a woolen blanket and piled these up on the body of his mother, who was lying unconscious on the couch. In this way, he wanted in his mind once and for all to kill his mother and at the same time, as it were, to bury her as well.

Mrs. H. recovered consciousness only hours later, after darkness had already fallen. She then extricated herself with difficulty from the burden of the comforters and blankets piled on her. Mrs. H. was paralyzed from the waist down due to the stab wound to her back, which entailed damage to her spinal cord. She has since then been confined to a special wheel chair. In addition, the digestive organs of the injured woman, intestine and bladder, are permanently impaired in such a way that she is incapable of regular bowel movements and urination without medical treatment and medication.

Cluster 2 consists of juveniles (39%) and young adults (61%), for the most part lone offenders whose offences are conspicuously seldom planned in advance. The offence structure shows that, at the outset of the interaction, it is mainly the offender who behaves in a provocative manner. It is then for the most part the victim who mediates in the conflict on the verbal level. Bystanders who aggravate or mitigate the events involved in the offence tend to be about equal in number. In the further course of events, the offender reacts in an aggressive-threatening fashion, which evokes evasive reactions on the part of the victim. A physical altercation results in every other case. Instruments are used relatively frequently, and an escalation of the events involved in the offence often results. The offender is for the most part already acquainted with the victim, who not infrequently dies in the aftermath of the aggressive altercation.

A case typical for cluster 2 takes the following shape (young adult, 18.10 years of age; sentenced for manslaughter to 8 years of juvenile detention):

At the end of November of 1980, the defendant purchased for 700 marks a small-bore rifle along with a silencer, an aiming telescope and at least 130 rounds of ammunition. The defendant paid 300 marks of the purchase price agreed upon, the proprietress, R., of his regular pub laying out the remainder of 400 marks. Neither he nor the proprietress were in possession of a gun permit. The weapon, including accessories, was stored in the proprietress's pub, although, initially, the proprietress refused to consent to this, as she regarded the defendant as unpredictable when he was in a state of intoxication.

On the day of the offence, altercations arose in the pub during the afternoon between the defendant and witness K., in which the witness's mother successfully intervened as a mediator. The defendant began by directing his further aggression against proprietress R., whose behavior in the preceding days had angered him, as she had during this time not sufficiently attended to business. He insulted her, struck her several times in the face and attempted to set fire to some bank notes.

After, in the meanwhile, peace and quiet had been restored, a fresh quarrel arose between the defendant and witness W. In the course of this quarrel, the defendant, who was also drinking alcohol, took two knives approximately 30 cm in length and threatened the persons present with them. After witness U. had succeeded in obtaining one of the knives from him, he began to threaten his 15-year-old brother by pressing the knife against his throat and stating: Let him whine and find out what it is to experience fear. He then again pounced on witness W., who, to defend himself, had taken down a wall decoration consisting of a shield and, attached to its rear side, two decorative swords, and shouted: "I'm going to cut you all down!". Witness W. did not succeed entirely in defending himself from the defendant's assaults. He suffered two lacerations to his thumb and to the left-hand side of his belly.

P., who was later killed and who had known the defendant for some time although he was considerably older than the defendant, was not involved in any of these events. At the outset, he was in the back room of the pub and attempted to calm down the defendant only toward the end of the altercation. He had always got along well with the defendant and had a certain influence on him. He now, too, succeeded in having the defendant hand the second knife over to him.

After a certain degree of calm had returned to the pub, another quarrel arose between witness K. and the defendant. Witness K. had gone behind the bar upon request of proprietress R. to provide himself and other guests with drinks, when the defendant ordered him to disappear, self-service not being customary there. When the witness failed to comply immediately and continued to dispense drinks, the defendant fetched his small-bore rifle from a niche behind the bar, between a window and the refrigerator, where the weapon had been deposited in a protective sheath. Using words to the effect that those present had no idea of how much they should stand in fear of him, the defendant unpacked the rifle and placed it on the sink. He then removed the silencer from a drawer, unscrewed a cover piece from the muzzle, inserted the silencer and held the weapon at hip-level with the muzzle aimed obliquely at the ceiling of the front bar room. By this time, K. had already left the bar. When proprietress R. called upon the defendant to put the weapon down, he fired a first shot into the ceiling. Proprietress R. and some of the guests then fled from the pub. The alcohol concentration in the defendant's blood at this point of time amounted at most to 1.6 per mill. P., who had until then been sitting in the back room of the pub, stepped through the door arch, approached the defendant, who was standing behind the middle of the bar, and exhorted him: "Don't do anything stupid; hand the rifle over to me!" Apparently trusting in his mitigating influence on the defendant, P. approached him without fear. The defendant, aiming the rifle at P., warned him and called

on him to stop where he was. P., however, continued to approach him while at the same time talking to him and finally came to within two meters of the defendant. The defendant shot directly at P. from this short distance, and P., wounded, fell over on his back. P. shortly thereafter died of the wound he had sustained.

Cluster 3 contains exclusively young adults, about 50% of whom are lone offenders and 50% group offenders. The offences are for the most part not intentionally or deliberately planned. The dynamics of the offence begin exclusively on the verbal level, with provocative behavior on the part of the offender, who makes no contribution whatever to mitigating the conflict. Bystanders tend more to aggravate than to alleviate the situational dynamics involved. The offender then proceeds to threaten the victim, who attempts to extricate himself from the situation through evasive behavior. Not seldom, physical attacks occur between offender and victim, who are frequently already acquainted with one another. Instruments play little if any role in this connection. Since features of escalation are not typical of this offence profile either, the victim for the most part remains alive, though injured to one extent or another.

The following case may be cited as a paradigmatic offence structure for cluster 3 (young adult, 18.9 years of age; sentenced to 6 years of juvenile detention for attempted murder):

In the early afternoon, the defendant was waiting in a pub for his former fiancée, with whom he wished to conduct a frank discussion. When she failed to appear in the pub, the defendant was disappointed and angry. He began drinking. By about six o'clock in the evening, he had consumed alcoholic beverages worth some 250 marks and was, apart from some 10 marks he had received in change, completely without means. He subsequently went to a snack bar, where he drank a Coca Cola. Being in an irritable and aggressive mood, he beat up two juveniles on the way there who he felt had provoked him in one way or another. He then proceeded to his parents' apartment. He had on the one hand the intention of having an open discussion with his father, in particular on repaying his debts to him, but on the other hand he hoped at the same time that he would again be able to obtain money from his father. Although he assumed that his parents would - as usual on Wednesday - be returning home only at around quarter to seven in the evening, he rang the bell of the locked front door to the house before six thirty, without being let in. He then rang the bell of the 73-year-old witness Z., with whom he was acquainted and who lived in the ground-floor apartment across from his parents' apartment.

The defendant appeared to witness Z., a woman who then was and still is exceptionally fit and generally well oriented despite her age, in some way altered and uncanny. She became aware of his blurred language and a - as she perceived it - sweetish odor emitted by him. She therefore sought to rid herself of this - in her eyes - bothersome and uncanny visitor as quickly as possible. She for that reason abstained from switching off the television set she was watching, intending thus to signify to the defendant that she wished him to leave without delay. The defendant told the witness, untruthfully, that he was employed in a bar as a barkeeper earning 2,800 marks a month. He also spoke of the establishment's character as a homosexual bar. He became angry when the witness expressed doubt as to whether this might be the proper place of employment for him as a young man. Being in any case in an exceedingly tense and aggressive state of mind, he, at this point of time at the very latest, decided to make some attempt on witness Z., possibly without yet having developed a clear notion what that might be. He briefly left the room, to, as he claimed, go to the toilet, but used the opportunity to unlock the kitchen window, which was barred from within, in order later to be able to climb in through it from the court yard. Witness Z. did notice a clattering noise that could not have been associated with the defendant's using the toilet, but she did not become suspicious.

A few minutes before, according to his own calculation, his parents were due home, the defendant suddenly left the witness's apartment, asking her to convey his regards to his father and to tell him that he would return on the following day. Witness Z. accompanied the defendant to the apartment door and watched him gain the street through the front door of the house. The witness then locked her door from within and, shortly before six forty-five p.m., sat back down in front of her television set. The defendant may have observed her sitting there from the street. He opened the door again with a key he had with him, entered the court yard and climbed into the kitchen through the kitchen window he had previously unlocked. He had now at least developed the fixed intent of assaulting witness Z. In his desire neither to be recognized nor to be observed by bystanders, he made use of a ruse. In the fusebox behind the apartment door, he disengaged the automatic fuse system for the apartment's lighting in order to lure witness Z. into the darkened hallway. The light was extinguished, and witness Z. expressed her surprise at this in a subdued voice. The defendant now quietly walked to the middle of the darkened corridor and there took up his position in the expectation that the witness would proceed directly from the door of the living room to the fusebox behind the door to the apartment, thereby turning her back on him so that he might overwhelm her without being recognized. Witness Z. unsuspectingly entered the corridor with the intention of going to the fusebox to check the

fuses. In doing so, she suddenly perceived a shape in the corridor. She hastily attempted to gain the kitchen door across the hall in order there to switch on a light secured by a different fusebox. But she no longer reached it.

The defendant immediately approached the witness from behind, placed his arm around her neck without speaking a word and began energetically to strangle her. He was at this point conscious that his mode of action could lead to the death of the elderly woman. The defendant either wanted to achieve precisely this end or he at least intended, even at this risk, which he perceived, to completely overwhelm and silence the witness. Witness Z. temporarily lost her clear consciousness and fell to the floor. The defendant, too, somehow fell, bumping his shoulder on the door-frame. The fall loosened the defendant's stranglehold on the witness. As the witness began to fear for her life and cried out for help, the defendant again strangled her, this time applying his hands to her throat. The witness, however, managed to free her throat from the defendant's hands. In order to avoid being recognized, the defendant remained silent. He sought only, at any cost, to silence his victim, who was whimpering and mutely calling for help; in doing so the defendant at least continued knowingly to accept the possibility of the witness's death. Only when, at about quarter to seven p.m., the defendant's parents returned home and, standing in the entryway to the house, heard some peculiar noises, the witness's groaning and calls for help, emanating from her apartment, and knocked at the door to the apartment did the defendant desist from his assault on the witness, who lay helplessly on the floor, bleeding profusely. Fearing that the police might already have been notified and now be knocking at the door, the defendant fled, not as he had come, through the kitchen window, but into the living room, where, having opened the locked double window, he climbed out to the street and pushed the window shut from outside so as to obscure any conspicuous traces. He then proceeded to a snack bar, where he washed his hands, which were bleeding profusely. He stated to some acquaintances whom he met there that he had been involved in a fight.

At ten minutes to seven, the defendant's parents had residents of the house call the police and fire department, who entered the apartment from the street and found witness Z. lying in her own blood and took her to a hospital. The doctor on duty registered fresh, bleeding wounds in the witness's facial region and a fracture of her nasal bone. Her right eye was swollen entirely shut, both eye sockets were discolored and altered. Her eighth and ninth right-hand ribs were fractured. A number of her other ribs were bruised. Witness Z. had furthermore sustained a serious concussion. Among other things, the mucous membrane of her oral cavity required surgery, since her denture, which had been shat-

tered by blows delivered to it by the defendant's fist, had caused serious injuries to her oral cavity. Fortunately, she survived her serious injuries without any subsequent complications.

Cluster 4 primarily contains juveniles, nearly all of whom are group offenders and whose offences are frequently an expression of (long-term or situational, short-term) planned action. On the verbal level, the provocations stem exclusively from the victim; the offenders' reactions show few signs of mollification. Bystanders, i.e. above all co-offenders, tend more to contribute to heightening the conflict than to reducing the tension. The offenders do not demonstrate obviously aggressive-threatening behavior; accordingly, evasive reactions on their part are seldom. Physical altercations with the victim occur only rarely. The offence is often committed with the aid of instruments. The events involved in the offence escalate in every other case. The victim is frequently not acquainted with the offenders; the offence often takes a lethal course.

The following case will be cited as an illustration of the offence constellations included in cluster 4 (2 juveniles, 17.4 and 15.3 years of age; sentenced to 7 years of juvenile detention each for murder committed jointly):

The defendants met in 1980 in a youth recreational home. When they discovered that they shared numerous common interests, they saw one another more frequently and became friends. They were particularly interested in matters military, which they documented for the outside world by the manner in which they dressed. In the spring of 1981, the defendants spent some of their time in a military lore shop, where they found a number of items of interest to them. They also made there, among others, the acquaintance of the later victim, a 39-year-old student named B. He not only collected antiques, but had become specialized in particular in purchasing objects from the period of the "Third Reich". His apartment resembled a complete arsenal of such utensils and was decorated with, among other items, steel helmets, parts of uniforms, weapons, flags and literature of the Nazi period.

The at that juncture strongly developed interest of the defendants in the period of National Socialism occasioned them to meet B. more or less frequently and to conduct minor business transactions with him. When they had purchased books or other items from the Nazi period at favorable terms, they offered them for sale to B. and were pleased to be able to make businesslike transactions with him. B. had also showed them his apartment, the decorations of which had not failed to make an impression on them. They had also frequently heard his neo-Nazi manners of expression, but without reacting to them. B. had once even made reference to the seriously disabled sister of defendant X., stating that "such

people" should actually be "gassed". But defendant X. did not break off his contact with B. at this point; he merely demanded that he stop making such remarks; otherwise he, X., would "paste him one".

Even in the fall of 1981, when the defendants lost - according to their own statements - their interest in Nazi lore, they remained in touch with B. They regarded him as a "crackpot", but continued to offer him items with a military or National Socialist touch whenever they were able to acquire such articles at favorable terms. On the evening of January 25, 1982, a telephone conversation took place between the defendants and B. in which defendant K. stated that he and X. were in a position to arrange for the purchase of an English military weapon, Government model. B. was interested and agreed to meet the defendants on Wednesday, January 27, 1982, at eight o'clock in the morning, requesting of them to bring the weapon to the meeting.

The defendants arrived at B.'s apartment, on the second floor of the side wing of an apartment house, at eight o'clock in the morning. After they had knocked at the door, which was secured with a total of six locks, and identified themselves upon B.'s request, the door was opened to them and they were first conducted into the kitchen. B. then dressed, made tea and went with the defendants into his living room, which was also secured with an additional safety lock. He here showed them some newly acquired items from his collection - including a china plate with a portrait of Adolf Hitler - and then addressed the matter of the weapon they had offered him for sale. When the defendants were forced to concede that they had not brought the weapon with them, B. reacted indignantly and stated that they had in that case had no reason to come. Since, however, the defendants showed no signs of intending to leave, B. finally asked them to have a look at a stereo system in his bed room and a record player in his living room, both of which were in need of repair. Though the defendants made efforts to repair the equipment, they failed to find the defect and finally suggested to B. that they take the equipment to a repair shop.

B. and the defendants spent the further course of the morning in the living room. X. was wearing - because he found them chic - a pair of black gloves that he had removed only during their unsuccessful attempts to repair the stereo system. Somewhat later B. stated that he was in temporary financial straits and asked the defendants to lend him some money until Friday next so that he might purchase some food for himself and some birdfood for his parrot. Both K. and X. refused, however, and failed to respond to comments made by B. to the extent that they could not simply leave an "old comrade" in the lurch. Nor did they accept his proposal that they take a knife from his collection as security for

the loan. B. finally suggested that they buy something from him. He sat down at his desk, removed a stiletto from the draw and offered it to defendant K. for 40 marks. K. was not particularly interested in the knife, regarded the situation as "beneath his dignity", particularly since B. was, in his eyes, merely a "crackpot", and finally declared himself, after having conferred with X., prepared to purchase the stiletto for 20 marks. B. was angered by this type of haggling and stated repeatedly that they, the defendants, were acting "like Jews": They could not simply leave "an old comrade" in the lurch, otherwise they were "betrayers of the people", "Bolshevists" and deserved to be "deported". He finally agreed to the price of 20 marks, placed the knife on the desk in front of defendant K. and took 20 marks from him. Being still angry about the transaction, B. continued to refer to the defendants as "Bolshevists" and "Jews", adding that people like them were "gassed" in earlier times.

At this juncture, B. was sitting at the desk, while defendant K. was leaning against the desk to his right. Defendant X. was standing behind B., with eye contact to defendant K. Both defendants had put up with B.'s words and neither responded nor taken the situation as a reason to leave the apartment. When B. failed to calm down and finally declared - which was not able to be refuted - that defendant X was in any case not an "Aryan", not having a German name and having a "cripple" in the family, this defendant for his part fell into an emotional state, particularly since it occurred to him that B. had earlier used the term "to gas" in connection with his sister. He was angry, outraged and decided on the spur of the moment to kill B. To this end, he took, unnoticed by B. and behind his back, a piece of rope from his jacket pocket and wrapped it several times around his hands. He was resolved to strangle B. from behind with the rope.

Defendant X. then immediately approached the unsuspecting B. from behind, wrapped the rope two or three times around B.'s neck and energetically pulled the ends of the rope apart. Both of the defendants here perceived that their victim did not expect to be assaulted and consciously utilized this situation to their ends. When B., at the onset of strangulation, attempted to defend himself, grasped at his neck with his hands and tried to jump to his feet, defendant K. put an end to his attempts at defense by kicking B. two or three times in the chest. B. thereupon collapsed in the chair, while defendant X. continued, with considerable energy, to strangle him for approximately 2-3 minutes, knowing full well that K. also willed B.'s death.

B. lost consciousness within a short period of time. He died at the latest three minutes after strangulation had begun. When the defendants saw that B. was dead, each of them first smoked a cigarette. Then defendant K. pushed over the chair on which the

victim had collapsed. B. landed in front of the window, where defendant X. spread a swastika flag that he had previously torn from the wall over the victim's face since he was unable to bear the sight of the dead body.

4. Discussion

It can be said by way of summary that one cannot proceed on the assumption of an invariant offence structure in cases of criminal violence. Seen empirically, the contention found in the German literature that cases of criminal violence committed by juveniles or young adults are to a certain extent fortuitous events will have to be relativized substantially (*Heim* 1986). True, an offence that is judged in legal terms to have been planned need not necessarily be qualified, psychologically, as an offence that has been knowingly and deliberately committed. However, cluster 4 (N = 21) precludes ruling out the possibility that above all in group offences infractions of the norms of criminal law are frequently conscious and deliberate and that in such cases, without an offence escalation being involved, a victim unknown to the offenders may meet his death. While in clusters 2 and 3 the events involved in the offence are indeed also influenced by elements of fortuity - whereby cluster 2 is most typical of offence escalation - cluster 1 stands for classical offences involving conflicts in relationships. With these offences, the mode of the emotional tie involved is of central significance. According to *Mawson* (1981), three conditions of action can be differentiated: 1) B responds inadequately to the attachment behavior shown by A, so that A again and again tries to establish contact to B through interpersonal nearness (spiral of positive feedback); 2) A rebuffs B for whatever reasons; to the extent that A attempts to distance himself from B, B seeks to re-establish nearness to A, with possibly fatal consequences (spiral of negative feedback); 3) A establishes intensive contact to B as a response to stress having its sources outside the interpersonal relationship (e.g. unemployment etc.). - These three modes of attachment behavior may occur separately or in combination and are, in their specific shapes, characteristic for cluster 2.

5. Summary

The empirical study presented relates to juvenile delinquency cases (aggressive offences) in West Berlin. Data analysis (N=74) based on agglom-

erative cluster analysis reveals four clusters as different victim-offender patterns. Cluster 1 relates to young adults (18 to under 21 years old) and lone offenders. It is mainly characterized by provocative behavior on the part of the victim that is followed by verbal mediations made by the offender. In general, the victim and the offender know each other. Physical interchange occurs with the aid of instruments. Cluster 2 comprises juveniles (14 to under 18 years old) and young adults whose offences occur unintentionally. The interaction starts with verbal attacks of the offender whom the victim attempts to placate. Bystanders show hostile as well as smoothing reactions. The offender, growing more and more aggressive, compels the victim to step aside. The altercation very often takes a lethal course. Cluster 3 pertains only to young adults who are in part lone offenders and in part gang offenders. The interaction dynamic is strongly controlled by the offender so that the victim has little influence on reducing situational conflicts. However, no escalation of dynamics is involved. Instruments are not used in such physical attacks so that the victim may be hurt, but in general survives. Cluster 4 is typical for juvenile gang offences that are intentional although sometimes provoked by insulting behavior on the part of the victim. Instruments are used for the aggressive act, whereas bodily altercations are rare. There for the most part exists a relationship between victim and offender, and the criminal act generally takes a lethal course. - These four configurations found by employing quantitative analysis techniques are illustrated, in addition, by case material.

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Detecting Young Victims of Physical Abuse

Ercilia Palacio-Quintin

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1. Introduction

A scientific and social interest about child maltreatment has grown up in the eighties. The problem has been studied from the medical (*Benzel & Hadden 1989; Flaherty & Weiss 1990; Kempe et al. 1962; Manciaux & Straus 1986*), psychological (*Egeland et al. 1983; Cicchetti & Carlson 1989; Oates et al. 1985; Trickett & Kuczynski 1986*) and psycho-social (*Belsky 1980; Bouchard et al. 1987; Chamberland et al. 1986; Garbarino & Gilliam 1980; Garbarino et al. 1987; Kimball et al. 1980*) point of view, allowing us to build up a body of knowledge about some characteristics of the maltreated child, its family and its environment.

Since the seventies, whether in North America or in Europe, more and more children are reported as maltreated to the child protection agencies. Estimates of the incidence of child maltreatment vary widely. Some statistics include the reported information to child protection agencies, others, the cases really considered as maltreatment by the agency (*American Association for Protecting Children 1986; Comité de la Protection de la Jeunesse 1989; Department of Health and Social Security 1986*), and finally some try to estimate number of the non reported cases (*Robinson 1976; Straus & Gelles 1986*). Depending on the type of severity of abuse chosen as criteria, different rates will result. The general estimate of the child population being maltreated oscillates between 3% and 10%. Of these children, more than half are neglected, while the others are abused. Nevertheless, there is a large gap between the number of reported and actual cases.

If the incidence of the phenomena is important, the after-effects are no less so. The after-effects of physical abuse and neglect are multiple. Neglected children are not necessarily physically abused, but many physically abused children are also neglected. That is why we speak here also about neglect, even though our research focuses on physically abused children.

From the medical point of view, beyond burns, hematomas and fractures, several studies have reported intracranial damage and neurological impairment (*Benzel & Hadden 1989; Martin & Rodeheffer 1976*), denutrition (*Manciaux & Straus 1986*), anemia (*Flaherty & Weiss 1990*) and growth delays (*Skuse 1989*).

Early focus on physical harm has given way to recognition of psychological consequences. Even if these studies are far from being complete, multiple types of psychological damage have been reported. Some studies

(Cryan 1985; Perry *et al.* 1983; Sangrund *et al.* 1974) find a lower cognitive development in maltreated children, while others underline the prevalence of learning problems at school in this population (Egeland *et al.* 1983). Other studies have shown that abused children function poorly in many areas of emotional and social behavior (Erickson & Egeland 1987; Kinard 1980) and suffer frequently from socio-emotional maladjustment (Georges & Main 1979; McCord 1983; Trickett & Kuczynski 1986). Some children exteriorize their troubled emotions through hyperactivity, impulsivity, aggression and violence to others, while others interiorize their feelings and present depression, nightmare and isolation (Krugman & Krugman 1984). Expression of these difficulties appear also differently according to the child's age.

According to these data, it is obvious that prevention and early treatment of abused children must be a priority. Specific strategies for early identification of maltreated children are of vital importance for the treatment of these children. But what is the actual situation about abuse detection? Generally, detection of abused children comes from some persons' reports to the social or child protection agencies. These persons, physicians, teachers or neighbors, frequently have the opportunity of observing the violent behavior of the parent or some visible after-effects. In some few cases the abused child confides in them. In all these cases, when external signals are evident or when the child is old enough to confides in someone, the child abuse situation is well established. Finally, the abused children detected actually are a small proportion of the children effectively being maltreated (Hallet 1988).

Objective detection strategies are needed to solve this problem. Very few have been developed up to now.

Several researchers have tried to detect abusing parents or parents with abuse potential. Some (Avison *et al.* 1986; Azar & Rohrbeck 1986; Plotkin *et al.* 1982) have tried to detect parents with abuse potential making check lists of some characteristics frequently associated with abusing families such as low social support, unrealistic expectations about the child, the aggressivity level of parents, etc. The efficiency of this method is low because all these characteristics are not exclusive or specific to abusing parents.

A few texts have developed a parents' test battery or a parents' questionnaire. Disbrow *et al.* (1977) obtain interesting results with a large battery of instruments covering family history, the parents' personality, the child's attachment, child-parent interaction, parental attitudes and the social network. But their battery represents hours and hours of testing and demands the collaboration of parents. It is thus useful insofar as it provides information about abusing families but it does not have practical value for detection.

Milner and Wimberley (1979) are the only researchers to have constructed a parental inventory in the detection of abusing parents: the Child Abuse Potential Inventory (CAP).

But what about information gained from the abused child itself? One attempt has been made by *Doty (1989)* to develop an instrument designed to detect all kinds of maltreated children (physically abused, sexually abused, emotionally abused and neglected). The Screening Questionnaire for Child Abuse (SQCA) was constructed and tested with 107 non-maltreated children from 4th to 6th primary school classes (mean age= 10.5 years old) and 30 maltreated children of the same age. The results were disappointing. Only 55% of the children of the abused group were correctly classified. We believe that a principal problem is the difficulty that abused children have in communicating directly and consciously their family situation and feelings about it.

We believe that, the child itself is able to give valuable indirect information about the abusive situation, providing that the appropriate techniques are used to elicit and interpret the hidden message. That is why indirect methods such as behavioral observation and projective techniques seem to be more adequate.

Projective techniques and particularly storytelling have the advantage of resembling a play situation and thus enable the child to express more freely those feelings of guilt, shame, anxiety, and fear that cannot be expressed consciously because of internal inhibition or external prohibition. Stories can provide information about the real life and about the inner life of the child. One can see through stories how the child perceives the world around it and particularly how he perceives its parents and their behavior. In storytelling, we can communicate with children through the characters in the story rather than directly with the children. The situation enables children to distance themselves from disturbing emotions and the children can express their feelings and describe traumatic situations as if they belong to someone else. Consequently, their fear is reduced.

Storytelling techniques are widely used by the child therapist and psychologist. The way storytelling can be used will vary from open situations to highly structured situations. More open situations are used principally in psychotherapy while more structured situations are used in diagnosis.

For diagnosis, conditions must be built with a view to allowing the child to "tell" indirectly how it perceives and feels specific problems or events. It is necessary to call the child's attention to the central question investigated.

The available projective tests for children use stories for completion (*Duss' Fables* 1950) or pictures that leave place to the free expression of the child (CAT, *Bellak & Bellak* 1949; PN, *Corman* 1961). They are used for diagnostic purposes as they allow analysis of personality characteristics and emotional conflicts. The problems considered are jealousy, the Oedipus complex, orality, dependence, etc. These tests are time-consuming and difficult to analyze and interpret and are not designed to promote expression of the problem of maltreatment.

Furthermore, the work of *Garbarino et al.* (1987) shows that there is no instrument for the detection of maltreatment that can be used systematically in schools or nursery-schools. No attempt has been made up to now to develop instruments allowing one to detect child abuse by indirect information taken from the young child. So, we have constructed a Test for Detection of Parental Violence (TDPV) designed to be used with children.¹ The first goal of this instrument is to identify, in school and nursery-school, children who experience parental abuse. In addition we aim of gathering information about the specific circumstances that can trigger maltreatment episodes at home and about the response and the feelings of the child to those circumstances. The procedure for the test construction and the results obtained from a study carried out with abused and non-abused children and designed to analyze the detection validity of the test are presented below.

2. Method

2.1 Instrument

2.1.1 Description

The test is designed for children from 4 years old to 10 years old. The TDPV test is an apperceptive test, meaning that the child has not only to say what it sees on the images, but must interpret the situation represented.

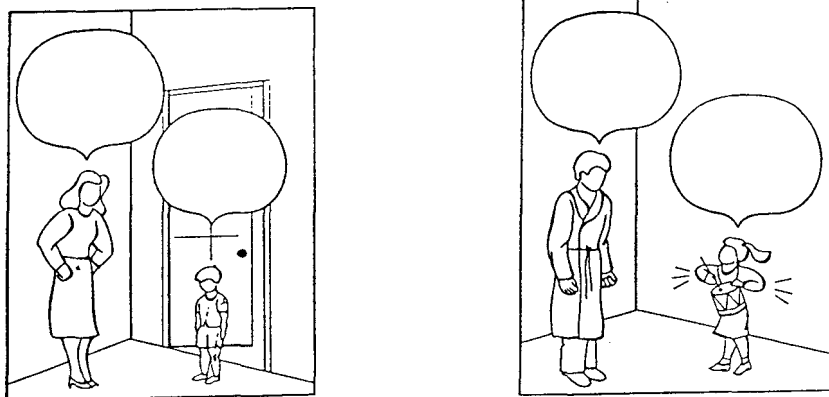
Ten cards representing scenes of daily life constitute the test material. (See examples on figure 1). On each card, a child and a parental figure are represented (6 cards with a maternal figure and 4 with a paternal figure). One version has been designed for girls and one for boys. The scenes are

1 This research was partially supported by Health and Welfare Canada, Project # 6605-3423-SV 1989-1991.

the same but the child's figures are girls in one version and boys in the other. This is to allow easy identification of the tested child with the child figure of the cards.

Neither the parental figures, nor the children figures have facial features. In this way, one avoids an induced attribution of feelings to the figures.

Figure 1: Two TDPV Test Cards



Taking into account our goal, the technique used in our test has a number of advantages compared with other projective techniques:

- a) Stimuli are provided by situations drawn from daily life rather than by situations appealing to phantasmic life as several classic projective tests do.
- b) The shape and content of the stimulus cards mark the boundaries of the narrative, allowing a more clear and objective coding and analysis.
- c) Administration of the test is easy and is not time-consuming.
- d) The test is developed with a unidimensional diagnostic goal.

Description of the whole cards can be seen on table 1.

Table 1: Subjects and Figures of each Card

Subject Figures	
1. Mealtime	woman and child
2. Bedwetting	woman and child
3. Child is noisy	man and child
4. Broken pot of flowers	woman and child
5. Child falling downstairs	man and child
6. Child carrying flowers	woman and child
7. Child taking (or putting) something from (or in) a cupboard	woman and child
8. Children fighting	man and two children
9. Dirty or injured child	woman and child
10. Bedtime	man and child

2.1.2 *The Administration of the Test*

The examiner presents the cards to the child one by one and asks the child "Do you like comic books?..... Well, we are going to make short stories as in comic books. I shall show you only one image of the story and you will tell me what happens, what people are doing and saying. Encouragement to the child can be added if necessary. For example, if the child says only "There's a child and a mammy", the examiner should answer: "O.K. there's a child and a mammy. What are they doing? What are they saying?. Induction of any idea, situation or figure identification must be avoided. The only questions allowed are questions concerning what happens in the story, what the figures say and do. Other encouragements such as: "Tell me more" or "Does something else happen in your story? can be added.

The whole verbalization of the child, his non-verbal behavior and relevant contextual information must be recorded.

2.1.3 *Test Construction Procedure*

Each story that the child tells will match its personality and its experience regarding the content of the stimulus-image. The selection of the scenes is thus extremely important.

Several studies have shown that some behaviors of maltreated children such as non-compliance, aggressive behavior, bedwetting or playing with

forbidden objects (*Gelardo & Sanford 1987; George & Main 1979; Herrenkohl et al. 1983; Lahey et al. 1984*) as well as certain daily situations such as mealtime, bedtime, activities that have to do with elimination functions (*Kadushin & Martin 1981*) are frequently associated with the onset of abusive parental behavior and can trigger these behaviors. These aspects have been considered in the selection of the content of the images and consequently support the construct validity of the test.

From the technical point of view we have been inspired by some features of the children version of the Rosenzweig picture-frustration test (*Rosenzweig et al. 1948*). This test is a projective test designed to reveal children's reactions to frustrating situations in daily life. It allows one to study the direction in which the child's aggressivity is driven (extrapunitive, intrapunitive and non-punitive) and the types of reactions to frustration. We have considered only the technical aspect and built up a set of picture stimuli and quotation guidelines adapted to our goal.

After developing theoretical guidelines for coding, the test was administered to 100 four to six year old children. This sample included members of the general population and abused children (physically abused and neglected). A team of three psychologists made the detailed analysis of verbatim, without knowing which were the "normal" and which were the abused children. This work led to the construction of the final coding pattern.

2.1.4 Scoring

Two kinds of analysis have been developed: quantitative analysis and clinical analysis. The first is used with the general goal of detecting abused children while the second is intended to make a contribution to psychological diagnosis, increasing knowledge of the type of parent-child relation, defence mechanisms, identification problems, etc.

We will deal here only with the test as a detecting tool, in other words, with the quantitative analysis.

All the behaviors or feelings attributed to the parental and to the child figure of each card are quoted separately in one of the behavior subclasses shown in table 2 and table 3. A weighted score has been attributed to some behavior subclasses. For instance, parental behaviors such as physical aggression, ignoring basic needs or behaving incoherently have a higher score than verbal aggression, ignoring child's conversation or giving unexplained orders.

Table 2: Classification of Behavior and Feelings of parental Figures

Behavior classes	Subclasses
Parental negative behavior (P-)	
- Aggression	Mild verbal aggression, acute verbal aggression, acting-out, mild physical aggression, acute physical aggression.
- Punitive techniques	The parent withholds privileges, withholds food, isolates, slaps, beats.
- Negative feelings	The parent scolds, gets angry, threatens, damages child's self-esteem, rejects child.
- Avoidance and neglect conversation.	The parent gives up on child, ignores child's or request, does not accept expression of child's feelings, ignores its basic needs.
- Control techniques	The parent gives unexplained orders, forbids, gives unjustified orders, behaves arbitrary or in an incoherent fashion, behaves strangely.
- Other negative feelings or behaviors	
- The parent faces a painful situation	
Parental positive behavior (P+)	
- Positive affects	The parent approves, praises, shows affection, comforts, rewards, gets interested in child's behavior or feelings, gives emotional support.
- Explanation	The parent makes demands, explains the orders, explains displeasure.
- Caregiving	The parent takes care, feeds, tells a story, protects.
- Other positive	Is glad or happy, accepts.
Parental neutral behavior.	
All the parental behaviors not having a direct relation with the child, for example "Mother is watching TV" is quoted as neutral and not considered in the general score.	

Table 3: Classification of Behavior and Feelings of Child's Figures

Behavior classes	Subclasses
Child's negative behavior (C-)	
- Aggression addressed	Mild verbal aggression, acute verbal aggression, to the parent acting-out, mild physical aggression, acute physical aggression.
- Aggression addressed to other figures.	Mild verbal aggression, acute verbal aggression, acting-out, mild physical aggression, acute physical aggression.
- Negative feelings	The child is tiresome, non-compliant, gets angry, provokes, threatens.
- Running away	
- Sad feelings	The child sulks, weeps, has bad dreams, is afraid.
- Self-aggression	Child's self-punishment, self-aggression, submissiveness because of fear.
- The child faces a painful situation	Accidents
- Strange behavior	
Child's positive behavior (C+)	
- Obedience	
- Autonomy	
- Responsibility	The child apologizes, promises not to do so again or to be good.
- Explanation	The child explains its behavior or its consequences.
- Glad feelings	The child laughs, sings, is glad.
- Other positive	
Child's behavior directly induced by the cards.	
All the child's behaviors that are directly induced by the cards, for instance "the child is playing with the drum and has woken his father" (card 3) or "oh! little boy has broken mama's pot of flowers" (card 4) are quoted here and not considered in the general score. This information is used in the clinical analysis.	

A total parental negative score (P-), a total parental positive score (P+), a total child's negative score (C-), and a total child's positive score (C+) are finally computed.

2.2 Sample

A sample of 15 children already recognized by the Youth Protection Department of Québec² as physically abused and 15 children from the general population, matched with the formers by age, gender, family type and socio-economic status has been tested with TDPV. Table 4 summarizes the characteristics of the sample.

Table 4: Characteristics of the Sample

		Abused group N= 15	Control group N= 15
Child's age	(Mean in months)	62.4	63.13
	SD	11.47	10.33
Child's gender	Male	10	10
	Female	5	5
Family type	Single parent family	8	8
	Two parent family	7	7
Family SES	Without work	9	9
	.39 and less*	6	6
Income	14,999 \$ and less**	10	10
	15,000 \$ to 24,000 \$	5	5

* *Blishen and McRoberts (1976)* SES index. Built upon occupation for the Canadian population. Index under .39 correspond to general definition of low class.

** In Canadian dollars.

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- 2 This research could not have been carried out without the collaboration of Guimond Cliche, Director, Centre des Services Sociaux du Centre du Québec (CSSCQ); Suzane Lemyre, Director, Direction de la Protection de la Jeunesse 04 du Québec (DPJ 04); Pierre Pinard, Director of Professional Services, DPJ 04; Gilles Lacroix, Planning Counselor, CSSCQ; Richard Lemyre Professional Assistant, DPJ 04; and all the practitioners of the DPJ 04 of Québec.

2.3 Procedure

The abused children were directly referred to us by the Direction de la Protection de la Jeunesse, region 04 du Québec, while the control children were recruited from schools and nursery schools in the neighborhood where the abused children live. Administration of the test to all children was made at school or in our research group playroom by postgraduate psychology students. Each test administration takes on average fifteen minutes. Each session was audio-taped and the examiners noted non-verbal expressions by the child and other relevant contextual observations. Full written transcripts of the child's verbalization were then made. The anonymously tests coding was made using these protocols.

Two abused child protocols were impossible to code. In fact these children were not able to express themselves for different reasons. One child was developmentally delayed, had a very poor language level and was able only to name some objects in the pictures. The other, was emotionally paralyzed, said nothing during the showing of nine of the ten cards and, in the last one, displayed an enormous amount of aggression. In consequence, these two cases and their corresponding control subjects were not included in the quantitative analysis. No problem of this type was met with normal children.

3. Results

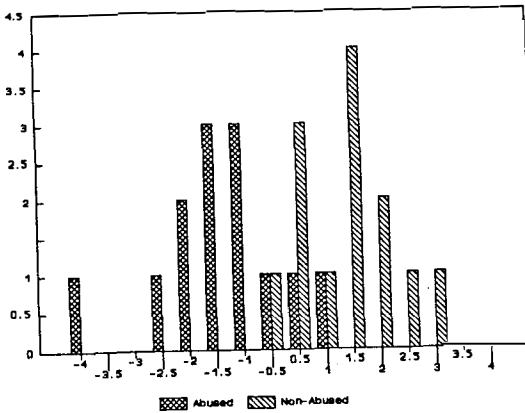
Descriptive results are shown in table 5. As one can see, differences appear between the two groups. Abused children attribute much more negative and less positive behavior to the parental figures than non-abused children do. They also attribute more negative and less positive behavior to the children figures.

Table 5: Means for parental Behavior and Child's Behavior on TDPV Stories for Abused and Control Groups

	Abused group		Control group	
	M	SD	M	SD
Parent-	44.15	25.02	13.54	7.94
Parent+	2.85	1.95	8.23	4.47
Child-	19.15	15.99	12.38	6.62
Child+	3.46	3.01	6.62	4.07

In order to determine whether these TDPV scores can really discriminate between abused and non-abused children, discriminant analyses including as independent variables parents negative behavior (P-), parent's positive behavior (P+), child's negative behavior (C-) and child's positive behavior (C+) as quoted from TDPV test have been used. Figure 2 shows the distribution of all subjects in relation to the discriminant function.

Figure 2: The abused and non-abused stacked Histogram



The discriminant function assigns correctly 88.46% of cases to their respective class (Table 6) The expected chance accuracy being 50%, the 88 percent classification is a very good one. The non-error rates in the respective groups are 85% for the abused group and 92% for the non-abused group. Only the situation of 3 children, two from the abused group and one from the non-abused group, was incorrectly predicted by the TDPV scores.

Table 6: Classification Results with discriminant Function between Abused and Control Groups

		Predicted group membership	
Actual group	N	Abused	Non-abused
Abused	13	11 (84.6%)	2 (15.4%)
Control	13	1 (7.7%)	12 (92.3%)
Percent of grouped cases currently classified: 88.46%			

The contribution to the overall discrimination of each of the four TDPV's scores used as independent variables can be seen in Table 7.

Table 7: Discriminant Loadings of the four Variables

Variables	Discriminant loadings
P-	-.72
P+	.68
E+	.36
E-	-.22
Group centroids:	abused: -1.14 non-abused: 1.14

By convention, discriminant loadings .30 and up are considered significant. Analysis of discriminant loadings and group centroids shows that the higher the positive value of a factor, the greater is the possibility that a child would be a non-abused child, and that higher is the negative value of a factor the greater is the possibility that a child would be an abused one. Consequently, we can see that P-, P+ and E+ TDPV scores make a significant contribution to discriminating between abused and non-abused children, the two parental scores being the more significant. The E- scores did not attain a significant level of discrimination. This phenomena can be explained even if abused children are more aggressive. Several studies (*George & Main*

1979; *Herrenkohl & Herrenkohl* 1981; *Hoffman-Plotkin & Twentyman* 1984) have shown that abused children show more aggressive behavior with peers than do normal children. *Kinard* (1980) has studied answers of abused children with the Rosenzweig picture-frustration test (*Rosenzweig et al.* 1948) and she finds that these children do not exteriorize their aggressivity to their parents, but they shift it on to other children. Our results are in agreement with these findings. Aggressive behavior plays a large part in the children's negative behavior TDPV score. As all the pictures present a child faced with a parental figure, abused children do not manifest more aggression than do normal children. So abused children's projections of their own behavior when faced with parental figures do not differ from those of normal children.

4. Discussion

Our goal was to create a tool that would serve to detect abused children in a rather simple and effective way. The administration of the test is simple and short, it can easily be administered by educators, social workers, psychologists or other professionals having daily contacts with the child. The final interpretation and a differential diagnosis must be carried out by a certified psychologist. The results presented here have shown that the TDPV test has a very good discriminant value and can detect abused children aged four to six years old. It is important to emphasize that the TDPV cannot be used to attest to the form of abuse, but only to detect the existence of possible abuse. Other information and procedures must be added to make an assessment of the real situation.

Like other projective storytelling tests, the TDPV test cannot be used with children under 4 years old. Child performance as an informant, will depend on specific capacities related to general intellectual and emotional development. To use the test some minimal development of the child's language skills is also required. The mean 2 or 3 years old child does not have the intellectual and language skills required to tell a story. At this age, children make only a brief description of the picture or a single enumeration of objects represented in the image. However, the test can be used with children older than six. A study to test the detecting power of TDPV test with seven to ten years old children is in progress.

The TDPV test enables us also to improve on knowledge of the perception that maltreated children and other children at-risk have of their parents and of certain situations in daily life.

Finally, this instrument opens up new outlooks on maltreated child detection and early treatment.

5. Summary

A scientific and social interest in child maltreatment has grown up in the eighties. Three to 10% of the children in occidental countries suffer from different types of maltreatment. The incidence and the after-effects of maltreatment are important, and this is why prevention and early treatment of abused children must be considered a priority. To attain this goal, objective detecting strategies are needed, but very few have been developed up to now. No attempt has been made up to now to develop instruments allowing us to detect child abuse by indirect information taken from the young child himself. We have therefore constructed a Test for Detection of Parental Violence (TDPV) designed to be used with children aged from 4 to 10 years. A description of the test and of the test construction is presented. The results obtained with a group of 15 physically abused children and a group of 15 control non-abused children show that the TDPV test has a powerful discriminant power (discriminant function classifies correctly 86.46% of cases). Consequently, this instrument opens up a new outlook on maltreated child detection and early treatment.

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Abused Children and Their Families

Louise S. Ethier and Ercilia Palacio-Quintin

Contents

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1. Introduction

Over the past decade, maltreatment of children has become a social priority. In 1980, for example, the National Center on Child Abuse and Neglect in the United States invested 50 million dollars in research and intervention (*Wolfe* 1987) whereas the Québec Ministry of Social Services, in 1989, gave itself as priority objective to lower the rate and consequences of maltreatment and of neglect towards children over the next decade. At present, specific intervention programs to lower the rate of maltreatment towards children are underdeveloped and their success is questionable (*Azar* 1986; *Olds & Henderson* 1989). We think that the intervention's small success is due to a lack of developed strategies on a solid conceptual basis.

Until 1981, the knowledge we had about child maltreatment was based more on clinical studies than on empirical researches. Moreover, the few empirical studies that were conducted in this field were clearly lacking credible methodology (*Plotkin, Azar, Twentyman & Perri* 1981). Since the last decade, research on child victims of violence and of parental neglect has progressed considerably. The ill effects of maltreatment on the child have been recognized, although all of the variables related to this phenomenon and its effects on the child and its family remains a complex subject with more questions than answers.

We can see that the actual research on the etiological factors responsible for maltreatment suffers from the division or compartmentalization between the disciplinary fields. Each of these disciplines, whether in psychology or in sociology, is concentrated on very specific variables without taking into account the numerous explanatory factors of maltreatment.

Thus, the psychological approach tries to define the personality characteristics inherent to the individual which explain the parental conduct of abuser; this approach also tries to understand the parent's individual history of attachment. The results of the psychological studies have shown that maltreating mothers are depressive (*Anderson, Ambrosino, Valentine & Lauderdale* 1983), more strict, irascible and emotionally immature (*Milner & Wimberly* 1980). The mother's immaturity is the factor most often given to explain her neglect. These women had never been mothered themselves and therefore would be incapable of mothering their child.

A parent maltreating his or her child is often perceived by society, at the psychological level, as a very different person from the parent who is not

maltreating. In fact, if we take into account the numerous ways of educating a child as well as the fact that each parent presents a variety of conducts in nature and in intensity, maltreating parents differ very little from other parents of the same socioeconomic environment. What would differentiate the violent parents from the nonviolent parents is the chronic and escalating pattern of conflict between the parents and their children, culminating in more and more injuries over time (Azar & Wolfe 1989), whereas negligent parents differ by their tendency to ignore the child's needs and behavior. According to Crittenden (1988), whenever possible, neglecting parents deferred both authority and responsibility to someone else.

Concerning the sociological approach, it focuses on the socioeconomic level, unemployment, single parenthood and on social support. Poverty is the social factor which is most related to neglect and to physical abuse. Among the poor, negligent families would be the most impoverished (Crittenden 1988). With poverty, social isolation characterizes maltreating families, their interactions with parents, friends, neighbors and more formal resources are very limited. This isolation is dealt with in particular in the studies of Garbarino, Guttman and Seeley (1987) and Wahler (1980) having proved the poor quality of life in high-risk areas of bad treatments. In these areas, interactions are minimal or based on a limited trust between partners.

The studies which have brought up the factors of poverty and social isolation recognize the importance of the social context in order to explain the phenomenon of maltreatment, while psychological studies tend more to understand the process of interaction between parents and their children. In fact, maltreatment, as any human behavior, stems from a number of factors all linked together of which we absolutely must take notice if we want to assess its true complexity. Abusing parents have a developmental past which predisposes them to act in an abusive manner. The factors bringing about stress inside the family, such as marital conflicts, the partner's negative perception of the child, and outside the family, such as absence of work and of social support, increase the possibility of a violent conflict between the parents and the child.

Presently, there are few empirical studies where the objective is to understand in which manner the different kinds of maltreatment, violence and neglect are related to the psychological and social characteristics of the family system. In the following paragraphs we will dwell on parental stress in relation to the quality of social support, the marital status, the education and age of the mother, the socioeconomic level.

The research results communicated in this chapter fit into a much broader study (*Ethier, Palacio-Quintin & Jourdan-Ionescu* 1989)¹ the objective of which is the multidimensional evaluation of children victims of maltreatment and of their family. In the global project, the point is to evaluate the developmental, cognitive, emotional and psychosocial characteristics of forty children neglected and physically abused by their parents. The children of the study are between four and six years old. This multidimensional perspective also takes into account the child's different living environments: day care center, school and home. Furthermore, the evaluation is made by different people such as the teacher, the parent and the research professional. This study also evaluates the maltreating parents on demographic data, social support, stress related to the child's education, the parent's perception of its child's behavior, the background of the parent's family of origin and the parent's attachment background. Each family of the maltreating group is paired off on several variables (socioeconomic level, parents education level, age and sex of the target-child) with a control family.

1.1 Links between Stress and Educational Attitudes

One can often find that when a person experiences stressful events such as loss of employment, illness or death of someone close, his or her general behavior changes and particularly his or her conducts as a parent. We define stress as being a state of high tension following environmental changes that keep the individual from reacting normally (*Ledingham & Crombie* 1988). The adaptation to stress indicates the person's ability of living with stress agents.

Parent's high and continuous stress is associated with behavior problems of the child. Specifically, stress is more associated with externalized behaviors, such as aggressiveness, than with internalized behaviors, such as inhibition or withdrawal. A stressed parent would be more coercive and less positive with his or her child (*Burgess & Conger* 1978; *Ethier & La Frenière*, submitted). On his or her part, with an aggressive behavior, the child would contribute to increase the parental stress. There is not only a connection between the parent's stress and the coercive attitudes but also between stress and depression. Thus, *Breen and Barkley* (1988) have proved that maternal stress is related to the mother's depression and to the level of severity of the child's aggressive behaviors towards its peers. Depressive

1 This research was supported by Health and Welfare Canada, Project # 6605-3423-SV 1989-1991.

mothers have fewer positive interactions with their children, they perceive them more negatively, they have less energy and feel less competent as parent (*Ovaschel* 1983). However, *Welch* (1985) proved that non-depressive mothers also use physical punishment more often than other educational means when they feel themselves inadequate to solve problems related with their children.

If a link is established between the parent's stress, parents depression and the child's sociability, the direction of the links is far from being clear. Is the aggressive child creating stress for the parent or is it the parental stress which encourages a development of aggressive behavior in the child? Is the depressive parent more disposed to perceive the exterior events as more stressful or does the tension coming from exterior events create a depressive state? How does the parent's depression affect the child's behavior?

According to *Webster-Stratton* and *Hammond* (1988), mothers of aggressive children are more depressive and more stressed than other mothers. They have also experienced more negative events than the control group during the previous year such as loss of employment and financial problems. *Patterson* (1982; 1983) mentions that mothers of aggressive children punish the child more but mostly they "complain a great deal". For *Patterson*, since mothers are depressive, they exert a control over their child which is less efficient and much less positive. This kind of deficient parental control would be the beginning of the child's antisocial behavior.

For *Mash* and *Johnson* (1983), hyperactive and aggressive children are harder to educate than other children and they cause a great deal of stress for their mother. These authors, using *Abidin's* (1983) parental stress index, found that mothers of hyperactive children are more depressive, socially more isolated and feel constrained by their role of parent. These mothers would also be less attached to their child and would feel less competent as parent.

1.2 Stress and Maltreatment

Abusive parents perceive themselves as being less capable of coping with different kinds of stress (*Conger, Burgess & Barrett* 1979; *Mash & Johnson* 1983; *Rosenberg & Reppucci* 1983). *Mash, Johnson* and *Kovitz* (1983) have proved that abusive mothers are particularly coercive in stressful tasks. In situations of free play or of semi-structured play, that type of interaction between mother and child is less obvious.

In a study of physically abused and non-abused children having developed severe aggressive behavior, *Egeland, Breitenbucher* and *Rosenberg* (1980)

have proved that mothers of abused children experienced stressful events but that all stressed mothers were not abusing their child. Stress seems to be an important factor in predicting parental attitudes but it greatly appears that it can not be studied separately. The effects of stress vary according to whether it is accompanied by other social and psychological variables. Ecological studies, including that of *Chamberland, Bouchard and Beaudry* (1986), proved that mothers at risk for physical abuse are poor, live alone and are socially isolated.

1.3 Stress and Socioeconomic Factors

Studies conducted in the french speaking area of Montreal prove that the poverty index and the rate of families where the woman declares herself being the only financial supporter of the family are the two most powerful predictive variables concerning the parents' abusive behavior towards their children (*Chamberland et al.* 1986). However at equal poverty, families most at risk of coercion and abuse make less use of childcaring services for their children. They live well away from networks where help is offered, and have a negative perception of their environment (*Dumas* 1986). In this sense, the degree of social support of the parents would also affect the quality of the relations between the parents and their children. For *Garbarino et al.*, (1987) the parent's negative stress would be a transition variable explaining the link between poverty and the coercive parental conducts.

1.4 Towards a Conceptual Model of the Parental Stress

Table 1 resumes the main studies conducted on stress of parents who are maltreating or at risk of maltreating. The negative perception of exterior events which create stress for the parent depends partially on the individual background (such as stressful past events, *Egeland & Jacovitz* 1984), on the psychological state (such as the parent's depression, *Panaccione & Wahler* 1986), on the physical health, on the experience and comprehension of events (mother's age and education, *Bouchard & Desfossés* 1989). It is to be noted that a number of mothers who are violent to their children are adolescents who are poorly educated and who have lived through separations and violent conflicts in their family of origin (*Field, Goldberg, Stern & Sustek* 1980; *Crittenden* 1988).

The main effects which would be linked with the parent's stress are the increase of coercive family interactions (*Welch* 1985; *Breen & Barkley* 1988), the decrease of positive parent-child interactions (*Burgess & Conger*

1978; *Ethier & La Frenière*, submitted), the increase of parental incompetence and of depression feelings (*Mash & Johnson* 1983), the increase of the child's aggressiveness (*Webster-Stratton & Hammond* 1988), the increase of negative interactions with neighbors and the surroundings (*Wahler & Dumas* 1983).

The main social stress factors which would have an influence on the parental behavior are loss of employment (*Straus, Gelles & Streinmetz* 1980), poverty and the social status such as single parenthood (*Weinraub & Wolf* 1983; *Wahler & Dumas* 1983) and social isolation (*Garbarino* 1977; *Garbarino & Sherman* 1980).

The stress factors identified as contributing to maltreatment stem from different systems, individual, family and social, which themselves are linked together. How do variables of the individual system such as maternal depression influence social isolation and employment? In what way do unemployment, social isolation and poverty influence the parent-child relationship? The basic principle that we must rely on is that the phenomenon of maltreatment is determined by multiple factors coming from the individual, the family and the community in which the family lives. Consequently, we must aim at extracting the meaning of these phenomena, and this as much by studying the microprocesses as the macroprocesses which are related to one another.

Table 1: Stress and Maltreating Parents or at Risk of Maltreating Parents

Stress related to environmental conditions	
- Loss of employment	Straus, Gelles & Streinmetz (1980)
- Poverty and marital status	Weinraub & Wolf (1983) Wahler & Dumas (1983)
- Social isolation	Garbarino (1977) Shermann (1980)
Personal capacity of reacting to stress	
- Stressful past events	Egeland & Jacovitz (1984)
- Physical health, mother's age and education	Bouchard & Desfossés (1989)
- Depressive state	Panaccione & Wahler (1986)

Table 1 (continued)

Main effects related to the parent's stress	
- Increase of coercive family interactions	Welch (1985) Breen & Barkley (1988)
- Decrease of positive parent-child interactions	Burgess & Conger (1978) Ethier & La Frenière (subm.)
- Increase of negative interactions with the surroundings	Wahler & Dumas (1983)
- Increase of the child's aggressiveness	Webster-Stratton & Hammond (1988)
- Increase of the feeling of parental incompetence	Mash & Johnson (1983)

2. Method

2.1 Objectives and Hypotheses of this Study

According to *Abidin* (1983), we define parental stress as being a state of psychological uneasiness related to the specific field of the child's education, that is the stress that the parent lives through when raising its child. For *Abidin* (1983), the stress experienced in the first few years of parenting are determining for the child's emotional and behavioral development.

The objectives of this study are to describe the links between maternal stress and the type of maltreatment of the child. We advance the hypothesis that violent mothers are globally more stressed than neglecting mothers and that neglecting mothers are more stressed than control mothers. The maltreating mothers will be more concerned with depression, the lack of support from the partner, the feeling of being restrained in one's activities and the feeling of parental incompetence than control mothers.

The second objective of this study is to better understand the relation existing between parental stress and the quality of social support.

The third objective is to distinguish the profiles of negligent and violent parents in accordance with the stressful events lived through in the family of origin.

2.2 Sample

Our sample is composed of 52 french speaking Quebec families from an urban population (100,000 inhabitants). These families have one child between the age of four and six. Our entire sample is made up of 28 boys and 24 girls divided up into four groups: physical abuse (N=15), neglect (N=11), control-neglect (N=11) and control-physical abuse (N=15). The first two groups were formed according to whether the child is a victim of physical abuse and of neglect or of neglect only. All of these children come from the Youth Protection Services of Québec, district 04.²

Parental neglect is defined as omission or lack of gestures from the parent towards his or her child, whereas physical abuse is made up of voluntary or involuntary acts, assaults and physical or emotional aggression towards the child which also compromise his or her development. If, at the conceptual level, we can distinguish between neglect and abuse, we notice that in reality, for a number of parents, these problems are connected. In 1985, the *American Humane Association* evaluated that 46% of neglected children were also physically maltreated.

In the abused group, thirteen children out of fifteen (86%) are abused and neglected. Two children (14%) are physically abused but without obvious neglect. The violence done towards the children of our group was evaluated as being severe by practitioners of the Youth Protection Department . All these children have been regularly assaulted by their mothers. Fourteen children out of fifteen (93.3%) also have a violent father but are not always in contact with him. Only five children out of fifteen (33%) live with their father and mother. In the neglecting group, 63% of mothers are single parents.

Each family of the neglect group (n=11) and of the violence group (n=15) was paired off with a control family in accordance with the following variables by order of priority: the child's age and sex, the socioeconomic level of the family defined by the financial income and the socio-professional index of *Blishen and McRoberts* (1976) and the mother's marital status. In order to eliminate the possibility that children of the control groups are

2 This research could not have been carried out without the collaboration of Guimond Cliche, Director, Centre des Services Sociaux du Centre du Québec (CSSCQ); Suzane Lemyre, Director, Direction de la Protection de la Jeunesse 04 du Québec (DPJ 04); Pierre Pinard, Director of Professional Services, DPJ 04; Gilles Lacroix, Planning Counselor, CSSCQ; Richard Lemyre, Professional Assistant, DPJ 04; and all the practitioners of the DPJ 04 of Québec.

victims of family neglect and, or violence, we verified whether the child was known by the school and social services as a maltreated child. During the interview with the mother, the professional made sure that the child was not the object of violence or of neglect from one of the family members. Table 2 presents the characteristics of the subjects in our study.

Table 2: Mother's and Children's Characteristics in Control, Physical Abuse and Neglect Groups

Children's characteristics	P.abuse	Neglect	Control P.abuse	Control Neglect
Girls	n = 6	n = 6	n = 6	n = 4
Boys	n = 9	n = 5	n = 9	n = 7
Age (xTO (x) months)	62.80 (11.26)	61.54 (10.85)	(63.00) (9.97)	61.63 (7.97)
Mother's characteristics				
Age (Years)	26.46 (4.12)	29.54 (8.71)	31.38 (6.10)	31.20 (6.56)
Educational Level				
Elementary School	n = 2	n = 4	n = 0	n = 1
High School	n = 12	n = 7	n = 12	n = 8
College	n = 0	n = 0	n = 3	n = 2
Marital Status				
Single parent	n = 10	n = 7	n = 6	n = 8
Two parents	n = 5	n = 4	n = 9	n = 3
Family Income				
- 9,000	n = 5	n = 5	n = 7	n = 4
10,000 - 19,999	n = 8	n = 3	n = 7	n = 5
20,000 - 25,000	n = 2	n = 3	n = 1	n = 2

2.3 Measures

In order to collect the data, a psychologist with clinical experience met the mothers twice at their home. The following instruments were used.

2.3.1 Demographic Questionnaire

A questionnaire was created by *Ethier* (1985) in order to organize and standardize the information of our families (age and sex of the target-child and siblings, experience in day care center, education of each parent). The employment of each parent is rated in accordance with the scale of *Blishen* and *McRoberts* (1976). This instrument was created and validated for the Canadian population.

2.3.2 Psychosocial Interview

Elaborated by *Ethier*, *Lacharité*, and *Benoît* (1989), following an exhaustive literary review on variables predicting maltreatment, this interview covers the following dimensions: 1) The social support of the parent. These nine items comes from The Social Support Questionnaire (*Sarason, Levine, Bashman & Sarason* 1983). The mothers were asked to describe their social networks in terms of the number of supporting persons, the relationship to the person, what kind of help she received from these persons and the satisfaction about the help received. 2) The characteristics of the parent's family of origin : presence of psychiatric and/or psychological problems and presence of violence, neglect or sexual abuse. 3) Characteristics of the father figure and of the parental couple : number of father figures that the child has met, quality of relationship of the mother with each partner, quality of relationship of the partner with the child. 4) Emotional expression of the mother during the interview.

2.3.3 The Parenting Stress Index (PSI) (*Abidin* 1983)

The PSI was developed to identify stress factors in parent-child interaction that may be associated with unsatisfactory caretaking and/or problems in child development. The instrument assumes that stress is multidimensional, that it has multiple sources, and that stress factors are additive. The PSI consists of thirteen subscales and 101 items grouped in two domains. Table 3 shows description of full scales.

The PSI has been used in a few studies that have established its reliability (*Burke & Abidin* 1978) and its validity (*Ethier & La Frenière*, submitted; *Loy & Abidin* 1985; *Mash & Johnson* 1983).

Table 3: The Parenting Stress Index Subscales

Child Characteristics Domain	N of items
Child Adaptability/Plasticity	11
Acceptability of Child by Mother	7
Child Demandingness/Degree of Bother	9
Child Mood	5
Child Distractibility/Activity	9
Child Reinforces Mother	6
Mother Characteristics Domain	N of items
Mother's Depression, Unhappiness, Guilt	9
Mother's Sense of Competence	13
Mother's Attachment	7
Restrictions imposed by Parenting Role	7
Parental Health	5

3. Results

3.1 The Social Network

Results obtained at items of social networks show that there are no differences between control families and maltreating families when negligent and violent groups are considered together. The analysis with Mann-Whitney test of differences indicates that maltreating mothers have the same number of resource persons in their environment ($U= 317$; $p.< .88$), have access to the same number of support categories ($U= 243$; $p.<.11$) and have the same global level of satisfaction ($U= 268$; $p.<.27$) than control mothers do. However, control mothers rely more on their partners as source of support ($U= 241$; $p.<.04$).

Nevertheless, other differences appear when negligent and abusive mothers are considered separately. Table 4 shows the results at items of social support for the group of abusing mothers, the group of neglecting mothers and their respective control groups. Negligent mothers consider that they have a more limited number of categories of resource persons ($U= 29$; $p. <.03$) than control mothers and that they have less support from partners than control group ($U=29$; $p. <.02$) and abusing group have ($U= 43$; $p.<.03$). Nevertheless, negligent mothers call on a girlfriend more often than abusing

mothers. On the other hand, abusing mothers use more often their own parents as source of support than do negligent mothers ($U=32$; $p.<.01$) but they are less satisfied with their social support network than control mothers ($U=64$; $p.<.03$).

Table 4: Social Support Results (Mean and Standard Deviation) for Abuse, Neglect, Abuse-Control and Neglect-Control Groups and Mann-Whitney U tests.

Scales of Social Support	Abuse	C.Abuse	Neglect	C.Neglect	Neglect vs Abuse
Total number of supporting persons	4.85 (2.6)	5.8 (3.96)	6.18 (3.31)	5.40 (2.16)	
Level of global satisfaction	1.5* (0.45)	1.7 (0.21)	1.60 (0.46)	1.60 (0.47)	
Number of categories of support	3.66 (1.80)	4.0 (1.5)	3.50** (1.20)	4.70 (1.30)	
Partner/husband	2.35 (2.5)	3.0 (3.1)	0.45*** (1.21)	2.7 (2.3)	U = 43.0 p <.035
Mother's parents	4.5 (2.70)	2.73 (2.37)	1.63 (2.50)	1.8 (2.1)	U = 32.0 p <.012
Other family members	2.14 (2.60)	4.46 (4.38)	4.72 (6.0)	2.1 (1.4)	
Mother's child	1.0 (1.7)	0.86 (1.30)	0.54 (1.29)	1.3 (1.8)	
Mother's friend	2.21 (3.30)	4.46 (6.40)	4.36 (3.98)	2.3 (3.7)	U = 41.0 p <.042
Mother's neighbor	0.21 (1.90)	0.20 (0.56)	1.09 (3.01)	0.72 (1.10)	
Professional	1.30 (1.90)	1.13 (2.47)	2.90 (3.53)	0.54 (1.20)	
Ex-partner/husband	0	0.13 (0.51)	0	0	
Herself	1.30 (1.50)	0.93 (1.30)	0.90 (1.0)	1.70 (0.46)	

* Abuse vs. control: $U = 64.5$; $p.<.03$

** Neglect vs. control: $U = 29$; $p.<.03$

*** Neglect vs. control: $U = 29$; $p.<.02$

3.2 Parental Stress

Maltreating mothers (abusive and negligent, N=26) show a higher degree of stress than control mothers (N=26) on all scales of the Parent Stress Index. The analysis from Mann-Whitney indicates significant differences in the child domain score (U= 101; p. <.001), the parent domain score (U= 101; p. <.000) and the total score (U= 73; p. <.000). When we take into account the type of maltreatment in our analysis, we notice that violent mothers are more stressed than negligent mothers. The average scores for each scale of the PSI for the four groups are shown in Table 5. The abuse group differs from the control group in all the subscales score (13) and in the total scores of the PSI, while the neglect group differs only in three subscales and in the total score. Negligent mothers are globally more stressed than control mothers but less stressed than violent mothers (U= 42.5; p. <.05).

Table 5: Mother's Results (Average, Standard Deviation) to the Parental Stress Index (PSI) for the, Physical Abuse, Neglect, Control Physical Abuse and Control Neglect Groups and Mann-Whitney U tests.

Scales of PSI	Physical Abuse	C. Physical Abuse	Neglect	C. Neglect	Neglect vs. Abuse U Test
Total Stress Score	*306.35 (39.28)	223.46 (43.07)	**282.00 (33.04)	236.81 (39.42)	U = 42.5 p. <.05
Child Domain Score	* 135.92 (24.72)	100.13 (19.55)	** 24.45 (19.94)	103.36 (16.05)	n.s.
Adaptability	*31.87 (6.80)	25.40 (6.13)	** 32.18 (6.38)	25.36 (4.54)	n.s
Acceptability	* 18.35 (4.84)	12.80 (4.61)	15.36 (4.27)	12.72 (3.49)	n.s
Demandingness	* 26.78 (4.87)	20.20 (6.46)	24.72 (5.42)	19.63 (4.90)	n.s
Mood	* 13.78 (3.74)	10.40 (2.94)	11.72 (3.46)	9.81 (2.63)	n.s
Distraction/hyper	* 30.28 (6.40)	21.86 (6.33)	26.63 (5.27)	25.27 (3.71)	n.s
Reinforces parent	* 14.85 (5.06)	9.46 (2.92)	13.81 (5.05)	10.54 (2.50)	n.s

Table 5 (continued)

Scales of PSI	Physical Abuse	C. Physical Abuse	Neglect	C. Neglect	Neglect vs. Abuse U Test
Parent Domain Score	* 170.00 (25.00)	123.33 (30.39)	**157.54 (21.29)	133.45 (26.01)	n.s
Depression	* 29.14 (5.69)	20.06 (6.96)	25.72 (5.74)	21.45 (5.01)	n.s
Attachement	* 18.35 (4.12)	12.20 (4.32)	17.18 (4.0)	14.18 (3.60)	n.s
Restriction of role	* 24.42 (7.27)	19.26 (6.63)	22.18 (4.51)	20.09 (5.09)	n.s
Sense of competence	*40.21 (5.25)	31.33 (7.12)	** 38.18 (4.0)	31.81 (5.26)	n.s
Social isolation	* 18.00 (3.35)	12.86 (5.42)	15.90 (3.50)	13.09 (6.36)	n.s
Relation with spouse	* 24.87 (4.41)	17.80 (5.97)	** 25.54 (6.9)	20.54 (5.8)	n.s
Parent' health	* 15.42 (4.29)	9.80 (3.57)	12.81 (3.68)	12.27 (4.38)	n.s.

* Abuse vs. control: $p < .01$

** Neglect vs. control: $p < .05$

3.3 Links Between Maternal Stress and Social Support

Pearson's correlations calculated with the whole sample ($N=52$) for the variables of parental stress and social support network indicate a negative relation between the fact that the mother considers her partner as source of support and several facets of the stress parenting system. This negative correlation is particularly significant with two facets of the child domain: adaptability ($r = -.23$; $p < .05$) and child as a source of positive reinforcement of good feeling of mothers about themselves as parents ($r = -.35$; $p < .005$) and two facets of the parent domain: depression ($r = -.24$; $p < .04$) and sense of competence ($r = -.23$; $p < .05$). Mothers who can count on their partner as a source of support are also less stressed in the whole parent domain ($r = -.29$; $p < .02$) and at the level of total stress ($r = -.27$; $p < .02$).

3.4 Marking Events Experienced in the Family of Origin.

The interviews put forward the numerous marking events that have been lived through in the mother's family of origin. More violent mothers have experienced distressing situations in the past. Some of them (21%) are the only women of our sample that have been sexually abused by their fathers or brothers. Furthermore, 57% of them were sexually abused either by members of their family or by other men. Violent mothers have also suffer a lot in their homes from psychological and physical violence (64%) and from neglect (50%). The percentages of mothers of each group having lived different marking events are shown in Table 6.

Table 6: Family Background of Mothers in Physical Abuse, Neglect, and Control Groups

Events	Abuse	Neglect	C.Abuse	C.Neglect
	n = 15	n = 11	n = 15	N = 11
Marital conflicts with violence (Parents of mothers)	21.42%	27.00%	13.30%	18.18%
Physical violence from the family to mother	64.00%	27.00%	13.30%	18.18%
Psychological violence from the family to mother	64.00%	27.00%	26.66%	18.18%
Sexual abuse from father and/or brothers to mother	21.00%	0.00%	0.00%	0.00%
Sexual abuse from others to mother	36.00%	9.00%	26.66%	9.00%
Neglecting from family to mother	50.00%	36.00%	26.66%	18.18%

4. Discussion

Several researchers (*Dumas* 1986; *Garbarino et al.* 1987) have supported the idea that maltreating families have a reduced social network. Our results show that, at equal poverty, there is little difference in general social networks between maltreating and non maltreating families. It is important to underline that all the mothers having participated in our study are economically impoverished, 15% having a family income that stands on the

threshold of poverty and 85% being clearly under. This poverty seems a factor of social isolation. A reduced social network and a lower satisfaction of the way in which all these mothers are supported in daily life characterize them when compared with mothers of general population as reported in several studies. Thus, a narrow social network is more a general characteristic of poor families than a special characteristic of maltreating families. Nevertheless, a particular resource support for the mother seems to play an important role. We have shown that maltreating mothers call on their partner for support less than control mothers do. It is also important to underline that the more women are supported by their partner, the less they feel stressed when they are confronted with their role of parent. According to this data, it seems that the supporting behavior of the partner has a beneficial effect on mothers feelings and behavior as a parent. These results confirm the importance of the father in his role of psychological support to the mother. It is clear that the father has at least an indirect positive effect on the child through his influence on the mother. Consequently, intervention in at risk families should always take into account both the mother and her partner.

The majority of the studies on maltreatment do not make distinction between violent families and negligent families. Nevertheless, it seems that some realities are different in these two kinds of family. Our study has shown that the profile of violent mothers is even more problematic than that of negligent mothers. The violent mothers have experienced more distressing situations in the past when living in their family of origin. More than a half of them (57%) have been sexually abused and some of them are the only ones of the whole sample having been sexually abused by their father and/or brother. These violent mothers have also been victims of psychological and physical violence in a high proportion (64%) and suffered from neglect when they were young (50%). The intergenerational violence hypothesis have already been raised (*Egeland & Jacovitz 1984*) but sexual abuse as a factor in mothers violence is a new finding.

Even if violent and negligent mothers are in general more stressed by the education of their child than control mothers, violent mothers are more stressed than negligent mothers. Sources of stress are numerous, they come from the child and from the mothers difficulty of adapting to the constraints of the role of parent. The stress related to the role of parent for these mothers is so high that the fact of having a child seems to imply only constraints and not pleasure.

Negligent mothers have a less problematic profile than violent mothers, but they have some characteristics that differentiate them from non-maltreating mothers. Negligent mothers have experienced a little more neglect and

physical abuse in their family of origin. They feel also more stressed and specially more incompetent as parent. The relation with the partner is also a greater source of stress for these mothers. Even if negligent mothers have the same number of supporting persons, they have less categories of support. The actual problems characterize more negligent mothers than their family background.

Violent mothers name their partner and their own parents as a social support more than negligent mothers do. But these relationships are not very satisfying. Meanwhile, negligent mothers rely very little on their parents and partners and often turn towards a girlfriend. We can then conclude that violent mothers have parents and partners more involved in the family relationships, but these relations are conflictual ones; while negligent mothers suffer more from an absence of affective and concrete involvement of those significant persons.

According to these results, it is obvious that, even if there are probably some pathways between neglect and abuse, the dynamics of these phenomena must be studied separately. One can conclude also that only a superposition and interrelation of psychological and social factors can explain them.

5. Summary

Over the past decade, maltreatment of children has become a social priority. Research on this problem has advanced in this period, but it is yet quite incomplete. There are actually few empirical studies where the objective is to understand in which manner the different kinds of maltreatment, such as physical violence and neglect, are related to the psychological and social characteristics of the family system. In this study, we dwell on parental stress in relation to the quality of social support, the marital status, the education and the age of the mother and the socioeconomic level.

The objectives of this study are to describe the links between maternal stress and the type of maltreatment of the child, to better understand the relation existing between parental stress and the quality of social support and to distinguish the profiles of negligent and violent parents in accordance with the stressful events lived through in the family of origin. This study was carried out with 52 families having one child between the age of 4 and 6. Fifteen children are physically abused and eleven neglected. The 26 others are paired off control subjects. The results suggest that at equal poverty, there is little difference in the social networks of maltreating and non-mal-

treating mothers. But neglecting mothers have less support from their partners than abusing and control mothers. Abusing mothers show the highest level of stress and control mothers the lowest, the negligent mothers been between. Violent mothers differ also in relation with marking events experienced in the family of origin. A large number of these mothers have been physically and sexually abused in the past.

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**Prospective Identification of Violent
Mother-Child Relationships.
Child Outcomes at 6.3 Years**

Anette Engfer

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1. Introduction

Research on the conditions leading to child abuse has recently overcome the methodological flaws inherent in retrospective studies without adequate control groups (see *Geffner et al.* 1988; *Engfer* 1986a). Prospective studies investigating the conditions of child abuse before its actual occurrence have enriched the knowledge about the factors conducive to violent or neglectful treatment of children (see *Egel & Brunnquell* 1979; *Egeland et al.* 1980; *Altemeier et al.* 1979 1982, 1984; *Sherrod et al.* 1984; *Murphy et al.* 1985; *Pianta et al.* 1989). However, their focus had been mainly on the prediction of child abuse and neglect in high-risk populations. They could not reveal the causes of violence in the middle of the continuum ranging from occasional physical punishment to actual child abuse, although this intermediate form of violence may be common in many families with young children. Consequently it was the goal of this study* to inquire into the causes of violence in a sample of so-called "normal" German families with young children.

2. Method

According to the prospective design of our study we observed the families throughout the first six years of the children's development. Beginning with the observation of the mothers' and newborns' characteristics on the maternity ward, we collected data on a number of variables at eight points in time. We selected these variables according to the hypotheses developed in child abuse research where violence against children is assumed to be multiply determined. These variables and the points of measurement are displayed in tables 1 and 2 and will be described in more detail with the presentation of our results.

* This study was funded by a grant from the German Research Council. If I use the "royal plural" in describing the results of "our" study, I want to underscore the fact that many people helped me with the collection and evaluation of these data. Therefore I would like to thank *Nora Codreanu*, *Maria Gavranidou*, *Lind Heinig*, *Mechthild G6dde*, and many others for their great help in conducting this study.

The sample consisted of 39 families living in Munich and surroundings. The families were recruited in cooperation with the medical doctors on the maternity ward of the Munich University Clinic. No special criteria were used for the selection of subjects except that the babies were born full term and healthy. The families were middle and lower middle class. At delivery the mothers were between 23 and 41 years of age with a median of 30 years. There were 25 boys and 14 girls in our sample, 11 boys and 8 girls being first-born, the others being second or third born children.

We identified six mothers who disciplined their children by use of physical punishment. These mothers were classified as belonging to the violent group and compared with the other 33 non-violent mothers of the control group. The criterion for this classification of mothers as being violent were recurring situations of anger involving the use of intense physical punishment. This information was obtained through personal contact with these mothers who were very open about their childrearing difficulties. Since in most cases these childrearing problems did not become evident until the end of the second year, our earlier observational measures were not contaminated by this knowledge. At later points in time the observers were blind to the status of the mothers in terms of this classification.

In describing our results, I will follow the main hypotheses found in child abuse research. To compare the violent with the non-violent group of mothers, we used *t*-tests. Unfortunately, these analyses are based on varying numbers of subjects due to incomplete data sets. We had to omit more sophisticated methods of multivariate data analysis because of the small size of our sample. This was a big disadvantage since many of the conditions that were found to be associated with the violent treatment of children were interrelated in the sample as a whole. For similar reasons it was also difficult to say that any of these conditions **caused** the violent treatment of the children. In this exploratory analysis, I can merely describe the factors in which the violent mothers differed from the control group. I will address these issues in more detail in the final discussion of our results.

3. Results

3.1 Demographic Characteristics of the Families

Among parents registered by child protection authorities, members of the lower social classes are usually overrepresented (see *Creighton* 1984; *Pelton* 1978; *Engfer* 1986a). This finding was not wholly supported, however, by

studies of representative samples of families not known to such public authorities: this applies to the U.S.A. (see *Straus et al.* 1980) as well as to Germany (see *Schneewind et al.* 1983; *Engfer & Schneewind* 1982), especially if the children themselves were asked about the frequency of harsh parental punishment (see *Engfer* 1982, 1984a).

In our present study we assessed the class-related characteristics of these families four months after delivery. Here we found none of the class-related characteristics such as maternal education, family income and professional status to distinguish the violent mothers from the control group (for all results see tab. 3). A slightly lower income in the violent group was just short of significance.

Neither did we find differences between the violent and the control group in terms of maternal age, marital status, in terms of sex and birth order of the child. These findings differ from those of other studies where younger and unmarried mothers, boys and first-born children appeared to be at slightly greater risk for subsequently abusive mother-child relationships (see *Creighton* 1984; *Egeland & Brunnuell* 1979).

3.2 Unhappy Childhood of the Mother

One of the main hypotheses about the mechanisms leading to child abuse is the so-called "inter-generational cycle of abuse". This implies that the experience of physical punishment and rejection by their own parents may predispose mothers to the violent treatment of their own children. Recent methodologically adequate prospective studies have shown, however, that there may be a "break" in this cycle of abuse: not all mothers who were abused as children do the same to their own children and some with a happier childhood may become abusive in the maternal role (see *Hunter & Kilstrom* 1979; *Herrenkohl et al.* 1983; *Rutter* 1989; *Egeland* 1988; *Kaufman & Zigler* 1989).

In our present study, we inquired into the childhood of the mothers in two ways: (1) Firstly, we used one scale of a comprehensive questionnaire that was pre-tested with 170 mothers (see *Codreanu* 1984; *Engfer* 1984b). This scale "unhappy childhood" consists of 17 items pertaining to the experience of violence and rejection in the mother's family of origin. (2) Secondly, we used an in-depth interview to assess how these mothers were punished in their childhood, who punished them and how much they suffered from the punishment they experienced either from mother or father.

Our results yielded no evidence for the "cycle of abuse"-hypothesis. Irrespective of the method of inquiry the violent mothers reported no more

punishment and rejection than the control group mothers. Although half the violent mothers revealed in the interview that they suffered severely from their parents' punishment, there were 22 control group mothers who also suffered from parental punishment in their childhood, ten of them very severely.

These latter ten mothers differed from the violent mothers, however, in terms of almost all variables that were found to distinguish the control group mothers from the violent ones: they were healthier and emotionally more stable, they perceived their children as being easier at all points in time, they had far better marital relationships and had been married for a longer time when the child was born. Above all, they had a much lower tendency to endorse rigid and power assertive child-rearing attitudes (for all these comparisons see tab. 4). Therefore our data corroborate the notion that there may be major discontinuities in the intergenerational transmission of parenting problems. These issues shall be addressed again in the final discussion of our results.

3.3 Maternal Feelings of Ambivalence during Pregnancy

Not only "unwanted" children may be at a higher risk for abuse. Maternal ambivalence towards the unborn child may be expressed during pregnancy in more indirect ways such as rejection or concealment of weight gain, delay in buying baby things and picking a name for the baby and the unwillingness to breastfeed the baby after delivery (see *Schneider et al.* 1976; *Egeland & Brunnuell* 1979; *Kempe & Kempe* 1978). Lack of extended contact in the form of rooming-in was likewise associated with subsequent abuse in some studies (*O'Connor et al.* 1978; 1980; *Klaus & Kennell* 1976), but not in others (see *Siegel et al.* 1980).

We inquired into these issues related to the course of pregnancy and delivery by use of a comprehensive interview conducted four months after delivery. Here we found no differences between the violent and the control group concerning the "plannedness" or "wantedness" of the child as perceived by the mothers. Also, the violent mothers did not differ from the control group in their acceptance of the physical changes connected with the pregnancy and their willingness to breastfeed the baby. Differences were found, however, in the reaction of the spouses: they reacted more negatively when told about the pregnancy and they were somewhat less accepting of the physical changes of their wives. Likewise, they were less willing to support their wives in preparation for child birth.

Some other differences were also evident in the behaviour of the mothers: compared to the control group, the violent mothers were slower to buy baby things and in picking a name for the child. Fewer of them chose the option of rooming-in. This last finding was mainly related to the fact that the violent mothers generally suffered from serious and chronic impairments of their health (see below, part 3.5) and therefore felt too exhausted to care for their babies themselves.

3.4 Maternal Personality Problems

Child abuse research has repeatedly found abusive mothers to be more depressed and emotionally unstable (see *Disbrow et al.* 1977; *Milner & Wimberley* 1979; *Egeland et al.* 1980, for a comprehensive review see *Engfer* 1986a). In many cases it was not clear, however, whether these emotional problems were causally conducive to the violent behaviour or whether they were mainly a reaction to the detection and accusation of abuse.

In our present study, we used the scales of the Freiburg Personality Inventory (see *Fahrenberg et al.* 1978) to assess maternal personality characteristics four months after delivery, i.e. before the actual onset of abuse. Here we found the violent mothers to score significantly higher on all the scales indicative of depression, irritability and emotional instability. These mothers also reported to have had more extreme degrees of "postpartum blues". These differences between the violent and the control mothers remained throughout the course of our study, as they were also evident both 18 months and 6.3 years after delivery, when we assessed maternal characteristics with a reduced set of personality scales (see tab. 3).

3.5 Life Stresses

Stress is assumed to be another factor increasing the risk of child abuse (see *Gelles* 1973; *Gil* 1979). There is no uniform theory, however, on which kind of stresses really augment the risk for physical abuse. Some conditions that are considered to be stressful (i.e. losses, chronic poverty, etc.) are more likely to lead to depression and resignation than to aggression (see *Parke* and *Lewis* 1981). The role of stress in the explanation of aggression is less clear.

In my own review of the empirical evidence concerning the relations between stress and child abuse (see *Engfer* 1986a), I came to the tentative conclusion that only **certain types** of stressors (i.e. diseases of mother and

children, strains connected the care of several small children being born in a short birth interval, unemployment, and marital conflicts) appear to increase the risk of family violence. Only if parents due to their personality characteristics deal with family conflicts in angry and aggressive ways, these stressors will intensify their aggressive actions including the punishment of their children (see *Egeland et al.* 1980; *Pianta et al.* 1989; *Patterson* 1982, 1986).

In our present study we examined the role of these stressors by use of an interview conducted four months after delivery. We also used a questionnaire with ten critical life events preceding the time of our assessment, but this instrument yielded no differences between the violent and the control group.

Concerning other stressors as assessed by the interview, we found that only three of them showed differences between the violent and the control group:

- (1) In the sample as a whole we had two fathers who suffered from prolonged times of unemployment, and both were in the violent group.
- (2) The violent mothers suffered from serious and chronic impairments of their health. These health problems included conditions such as epilepsy, asthma, uncontrollable growth of myomas which in one case led to the removal of the uterus right after delivery, one mother suffered from chronic bronchitis, and another from a very serious bacteria phobia with compulsive tendencies.
- (3) The third most pervasive stress condition consisted of marital conflicts and will be described below (see section 3.7).

Another stress condition - the strain connected with the care of two young children with a short birth interval - did not apply to the violent group, since in only one case was the second child born shortly after the first. But in the sample as a whole we found that condition to be associated with greater feelings of strain and aggravation. These correlations were in the magnitude of $r = .49$ and therefore highly significant. Although we could not substantiate the assumption that the children in the violent group were more frequently ill throughout the first year of their lives, again, we found frequent illness of the children to be associated with maternal feelings of angry impatience and the inclination to use physical punishment in the sample as a whole - these correlations were in the magnitude of $r = .43$ and therefore highly significant.

3.6 Social Isolation

Social isolation is frequently thought to be typical of child abusing families (see *Garbarino* 1981). A closer look at the empirical studies including the measurement of this condition revealed, however, that social isolation may be more typical of neglecting than of abusing families (see *Seagull* 1987).

In our present study we assessed the amount of social support these mothers could count on as part of our comprehensive interview conducted four months after delivery. Here we asked about the social contacts of the mothers and the amount of help they received from their relatives, friends and neighbours. Comparing the violent mothers with the control group mothers, we found no differences between the two groups concerning their social support systems.

3.7 Marital Problems

Marriage is thought to be the main and most important support system for young mothers at the transition to parenthood (see *Belsky* 1984). However, in violent families, marriage may not only fail as a source of support, but also be a source of additional stress. As such it may augment the problems mothers have in caring for their infants (see *Altemeier et al.* 1982, who found the unexpected, but plausible result that unmarried mothers may be **less** at risk for abusing their children).

In our present study we assessed the quality of the marital relationship three times, i.e. at four months, 43 months and 6.3 years after delivery. At all points in time we used the Relationship Questionnaire ("Partnerschaftsfragebogen") by *Hahlweg* (1979) including the scales of "conflict", "communication" and "affection". While at 4 months after delivery this questionnaire was completed by the mothers only, at 43 months and 6.3 years the husbands were also asked to assess the quality of their marriages. Did the mothers in our violent group differ from the control group in terms of marital quality?

Again the answer is "yes". On all measures that we used to assess the quality of the marital relationship at 4 months, 43 months, and 6.3 years, the violent mothers described their marital relationship as being considerably more distressed than the control group did: they had far more conflicts with their husbands and their exchange of communication and affection was lower. These differences became even more pronounced 43 months after delivery when this very negative appraisal of their marriages was shared by

their husbands. 6.3 years after delivery this negative appraisal of the marital relationship was basically maintained (see table 3). In three cases the marital relationship was also violent. One couple has separated in the meantime, one is in the process of getting a divorce.

3.8 Maternal Feelings and Childcare Attitudes in Relationship with the Child

Child abuse research has identified three major groups of child rearing attitudes characterizing abusive mothers, i.e. (1) rigid and power assertive attitudes towards children and childrearing (see *Egeland & Brunnel 1979; Disbrow et al. 1977; Engfer 1982; Crittenden 1985*), (2) angry impatience and helplessness in dealing with aversive and negative emotions of children (see *Frodi & Lamb 1980; Egeland et al. 1980; Disbrow et al. 1977; Engfer 1982; Engfer & Schneewind 1982*), and (3) unrealistic expectations concerning the role of the child as a main or only source of emotional gratification for the mother usually described as "role-reversal" (see *Steele & Pollock 1968*). To assess these feelings and attitudes we developed a questionnaire that was pre-tested with 170 Munich mothers of small children according to the criteria of classical test-construction (see *Codreanu 1984; Engfer & Gavranidou 1987*). These main scales shall be described here quickly.

To measure the first main group of maternal power assertive and rigid attitudes we used the scales "rigidity" and "punishment". The "**rigidity**" scale describes an attitude where principles and rules have absolute priority over the needs of the baby. The "**punishment**"-scale describes a power assertive attitude toward childrearing including the belief in physical punishment as an effective means for disciplining children.

To measure the second group of feelings and attitudes in relationship with the baby we used the scales of "aggravation", "frustration" and "exhaustion and helplessness". The "**aggravation**"-scale describes intense feelings of anger provoked by the crying of the baby. The "**frustration**"-scale describes maternal feelings of disenchantment concerning the maternal role. It also reflects a somewhat realistic account of the daily hassles connected with the care of young babies. The "**exhaustion and helplessness**"-scale describes maternal feelings of nervous exhaustion, self-doubts and passive helplessness.

The last group of maternal attitudes was measured by use of two scales, i.e. the "overprotectiveness"- and the "role-reversal"-scale. The "**overprotectiveness**"-scale describes the almost irrational fear of the mother that

something may happen to the baby or that the mother may lose her baby again. The "role-reversal"-scale describes the expectation of receiving love and affection from the child. As such it focuses more on the needs of the mother than on the needs of the child.

As shown in tab. 3, there were highly significant differences between the violent and the control group mothers four months, 18 months, and 6.3 years after delivery: at all points in time the violent mothers scored more highly on all scales measuring power assertive and punitive attitudes towards childrearing and likewise more highly on the scales measuring angry impatience, exhaustion and aggravation in relationship with the child. Concerning the third group of variables, the violent mothers showed more role-reversal and overprotectiveness shortly after delivery, but at 18 months these differences became insignificant for the role-reversal scale. Even at the last point in time when we used a slightly modified version of this questionnaire adjusted to the older age of these 6.3 year-old children, the violent mothers scored much higher on all these scales measuring power assertive attitudes, angry impatience, and aspects of "role-reversal" (see tab. 3).

3.9 The Observed Behaviour of the Mothers

A number of studies have shown that mothers who subsequently became abusive, behaved differently towards their newborn and very young infants. They were found to be less sensitive and affectionately involved with their babies (see *Egeland & Brunquell 1979; Funke-Furber 1979; Vietze et al. 1979*) and to show a more coercive and interfering style when interacting with them (see *Crittenden 1982*).

In our study we observed the behaviour of the mothers on the maternity ward, eight, and 33 months after delivery. On the maternity ward we had nurses and medical doctors rate the behaviour of the mothers on the following dimensions: active and affectionate involvement with the infant, responsiveness to the states of the baby, quality of physical contact, efficiency in soothing the baby, and risk status of the mother concerning subsequent caretaking problems. There was a highly significant correlation of $r = .83$ between the ratings of the nurses and the medical doctors concerning this overall rating of maternal sensitivity (see *Engfer and Gavranidou 1987*).

Eight months after delivery maternal sensitivity was observed in a free play situation with the baby lasting half an hour. These ratings were made by three independent observers. Two observers were present in the family, a third one rated maternal sensitivity from the video-tapes of the interaction.

Maternal sensitivity was rated along 11 dimensions including different aspects of maternal behaviour such as sensitivity to the signals of the baby, responsiveness, patience, acceptance of the baby, quality of body contact, etc. Since these different dimensions were shown to be highly correlated, we combined them into one scale measuring maternal sensitivity (see Mauter 1985; Engfer 1986b).

At 33 months maternal behaviour was observed again when we conducted the developmental testing of the child. Here three aspects of maternal behaviour were found to be highly correlated (between $r = .45$ and $.74$) and therefore combined into one scale of "angry helplessness". These aspects of maternal behaviour included (1) affection vs. angry rejection in the way the mother related and talked to the child, (2) consistency vs. inconsistency in setting limits to the child and (3) efficiency vs. inefficiency in obtaining child compliance.

In the early stage of the mother-child relationship, the violent mothers were observed to be far less sensitive in relating to their newborn and eight-month old children. At 33 months they appeared to be more negative, less efficient and more helpless in their relationship with their children, who according to our own observations were indeed more difficult to handle at this point in time.

Concerning the relations between other subjective measures of maternal functioning and these observational measures, we found a rather close correspondence not only for the violent group but also for the sample as a whole. Mothers who expressed rigid and power assertive childrearing attitudes, who felt aggravated by the strains of childrearing and who showed role-reversal and overprotectiveness in relationship with the child, also appeared much less sensitive in the interaction with their infants on the maternity ward and eight months after delivery. These correlations were in the magnitude of $r = .35$ to $.64$ and therefore highly significant (see Engfer & Gavranidou 1987).

3.10 Mother-perceived Behaviour Problems of the Child

Children who become victims of abuse are often perceived by their parents as being "difficult" or in other ways "different" from other children (see Creighton 1984; Engfer 1986a). In a former cross-sectional study, I also had found perceived "child-difficulty" as being one of the main factors predicting harsh parental punishment (see Engfer & Schneewind 1982; Engfer 1982). In these former cross-sectional or retrospective studies it was difficult to decide, however, whether child-difficultness was really an ante-

cedent or already an outcome of abusive parenting. The findings of other prospective studies were inconclusive as to whether child characteristics can be conceived as a causative factor of child abuse (see *Egeland & Brunnuquell* 1989; *Vietze et al.* 1989; *Laucht* 1990; *Engfer* 1991 a, for a review and discussion of these issues). In our present study we asked whether there were specific child characteristics preceding the use of physical punishment.

To assess perceived child-difficultness we used different instruments at different age groups, the same instruments however twice in adjacent time segments. At 4 and 18 months we used a German adaptation of the scales developed by *Broussard and Hartner* (1970). Here the mothers had to rate ten items on a five-point rating scale such as how many difficulties the baby had with drinking, digestion, how often he/she cried, how easy or difficult it was to soothe the baby. At 18 and 43 months we used selected scales of a German adaptation of the Infant Characteristics Questionnaire by *Bates et al.* (1979). The factor-structure of this questionnaire is described in detail in another paper (see *Engfer* 1986 c).

Asking whether the violent mothers would perceive their children as being more difficult, again the answer is "yes". The violent mothers described their children as far more difficult at both ages. But these difficulties were clearly age-dependent: four months after delivery these babies were said to cry a lot and to be less soothable, at 18 months they appeared to be more moody and restless (see table 3).

Since these maternal perceptions were shown to be influenced by a number of subjective factors in the mothers themselves (see *Engfer* 1986 c; *Engfer et al.* 1986; *Engfer* 1991a), we also examined whether these children behaved differently from the perspective of outside observers.

3.11 The observable Behaviour of the Children

Children who as newborns are highly irritable and/or bad orienters may be at risk for subsequent abuse or neglect (see *Egeland & Brunnuquell* 1979; *van den Boom* 1991). Later on, persistent moodiness and aggressive non-compliance may be child characteristics inviting parental abuse (see *Patterson* 1982 1986). To test the assumption that certain child characteristics may contribute to the risk of abusive treatment we assessed observable child characteristics on the maternity ward and 8 months after delivery, i.e. before the onset of abusive episodes.

On the maternity ward we had the medical doctors and nurses rate the neonatal characteristics of irritability, social responsiveness and soothability. Eight months after delivery, observers rated the children on three dimensions including general mood, activity and alertness.

Contrary to our expectations, we found no differences between the children in the violent and in the control group in terms of irritability or other neonatal characteristics as observed on the maternity ward. But as early as eight months after delivery these differences emerged: at this point in time the children who were subsequently abused appeared to be significantly unhappier and more negative in mood than the children of the control group.

3.12 The Consequences of Child Abuse: Child Outcome at Different Ages

So far we have only considered child characteristics actually preceding the onset of harsh physical punishment. In the next section I will examine which child characteristics were associated with ongoing abuse or could be observed as longterm consequences of maltreatment. The findings of other studies suggest that maltreated children are at risk for a number of abnormalities in their cognitive and social-emotional development. Maltreated children were found to be cognitively less competent and less motivated to master cognitive tasks, they generally appeared more depressed, withdrawn or aggressively non-compliant, and less popular with teachers and peers (see *Erickson et al.* 1989; *Aber et al.* 1989; *Dodge et al.* 1990; for comprehensive reviews see also *Kinard* 1980; *Engfer* 1986a). These consequences of maltreatment have been found to depend on the age of the child, the setting, and the source of data used. Consequently, different forms of developmental "deviance" may be observable for different age groups and for different domains of behaviour depending on the focus of the study, the situation, and the kind of "observers" utilized for this assessment.

Consequently, we used a number of different measures to assess the outcomes of maltreatment in the children of our longitudinal study. 33 months after delivery the children were rated on different dimensions of behaviour as observed during our developmental testing: these included their cooperativeness during the developmental testing, self-confidence and positive mood in doing different tasks, and compliance with the requests of the mother. Since these behavioural dimensions showed intercorrelations in the magnitude between $r = .48$ and $r = .58$ they were combined into one compound scale of "cooperativeness".

At 43 months we used the Infant Characteristics Questionnaire (see *Bates et al.* 1979) to assess child characteristics from the perspective of mothers and fathers. Additionally, mothers completed a more comprehensive questionnaire about behavioural characteristics being typical of children in that age group such as shyness, activity, social competence, moodiness, aggressiveness, non-compliance and lack of persistence. These scales contained five to eight items, were constructed according to the criteria of classical test construction, and had sufficient internal consistencies and item validities. A slightly modified and extended version of this questionnaire was used again 6.3 years after delivery to assess perceived child characteristics from the perspective of mothers, fathers, and preschool teachers (see *Gavranidou et al.* 1987; *Engfer* 1991b).

At this age of 6.3 years the behaviour of the children during our assessment in the family was observed and rated on five-point rating scales. Seven of these scales were highly interrelated and therefore combined into a compound-scale of "shyness" including behavioural aspects such as "shyness in the initial phase of contact", "reluctance to talk during the assessment", "lack of self-confidence", "dejected mood", "timidity" etc. (for details, see *Engfer* 1991b). At this point in time we used a German adaptation of the Pictorial Scale of Perceived Competence and Social Acceptance for Young Children by *Harter & Pike* (1983) to assess the self-concept of these children.

At 6.8 years the penultimate assessment of these children included the following measures: (1) the same behavioural rating-scale of "shyness" which was used five months earlier; (2) the Pictorial Scale of Perceived Competence and Social Acceptance for Young Children by *Harter & Pike* (1983); and (3) the vocabulary and the block design subtests of the German Hamburg Wechsler Intelligence Test for Children (HAWIK, see *Hardesty & Priester* 1966).

And these were the findings concerning concurrent and subsequent characteristics of children who were harshly punished by their mothers (see tab. 5). Compared to their well-treated counterparts these children were much less cooperative and compliant at 33 months. However, except for one child, these children were not developmentally delayed at this point in time.

At 43 months these children were perceived by their mothers as being less persistent, more aggressive and dependent, less compliant and far more forcefully demanding of maternal attention. At 6.3 years these negative characteristics ascribed to them by their mothers were basically maintained as their mothers saw them as more aggressive, more moody, more shy, less persistent, and less socially competent. However, this negative view of child

characteristics was only partially shared by fathers and preschool teachers: fathers saw their maltreated children as less persistent and more shy, while preschool teachers merely described them as being more aggressive than well-treated children.

According to our own observations, the maltreated children appeared more shy, timid, unhappy, and less self-confident during our assessments at both 6.3 and 6.8 years. Their measures of self-perceived competence and social acceptance in the Pictorial Scale did not differ from those of the control-group at our first assessment at 6.3 years. However, five months later one difference emerged: the maltreated children received significantly lower scores on the scale of perceived acceptance by their mother. Concerning their measures of cognitive competence their vocabulary scores in the HA-WIK were slightly lower than those of the control group children, but this difference was short of significance.

4. Discussion

In this final section I will first discuss the factors identified as antecedents of subsequently violent mother-child relationships. In a second part I will discuss the relevance of our findings related to child characteristics observed as consequences of maltreatment.

4.1 Antecedents of Violent Mother-Child Relationships

Concerning the antecedents of violent mother-child relationships, we found significant differences between the violent mothers and the control group mothers on a number of variables. To be specific, the violent mothers had poorer health during pregnancy and after delivery associated with the concomitant symptoms of depressiveness and nervous exhaustion. They seemed to lack the personal resources necessary for coping successfully with the stresses of early parenting. Their pervasive emotional problems apparently made them less tolerant of the behaviour of their children, whom they perceived as being more difficult and annoying at all ages.

Although observed characteristics of the newborn children were not found to be related to subsequent parenting difficulties, the children later showed behaviour patterns which made them look more "difficult" even to outside observers. At eight months they were more moody and irritable, at 33 months they were significantly less cooperative and compliant. Mother perceived characteristics distinguished these children from their well-treated

counterparts from the very beginning: four months after delivery these mothers described their babies as highly irritable and difficult to soothe, 18 months after delivery they complained mainly about their restlessness and negative mood.

During our eight-month observation of mother-child interaction, we were able to discover some mechanisms which may have contributed to the negative mood of these babies: although there was no uniform way in which the violent mothers behaved, and although there were a number of "insensitive" mothers in our control group as well, the violent mothers appeared as being emotionally less available to their children. One mother did not respond to the whining and unhappiness of her baby throughout our whole observation time of half an hour, another neglected physical contact to such an extent that during our video-recording, the baby fell off a high bed. All these children made the impression of being rather unhappy and over the span of our observation time they started crying, some with an intense quality as if expressing a desperate need for maternal attention.

Since these mothers had stated as early as four months after delivery that their babies cried a lot and did not respond to their attempts to console them, it looks as if these mothers had ceased to respond to the signals of their babies. This pattern of maternal withdrawal from irritable and inconsolable babies was also observed in other studies (see *van den Boom* 1991; *Crockenberg* 1986). Although these babies had not differed from the control group in their neonatal characteristics, it may well be that subsequently their irritable behaviour had contributed to the unfortunate course of the mother-child relationship, especially, since their mothers seemed to lack the personal and social resources to cope with and modify their "difficult" temperament (see *Engfer* 1991 a). The behavioural difficulties subsequently observed as "consequences" of maltreatment may just as well be interpreted as an outcome of these earlier and deeper disturbances in the mother-child relationship where the mothers had ceased to be emotionally available to the needs of their children (see below, section 4.2).

These violent mothers were definitely lacking marital support. Many of our findings concerning the differences between the violent and the control group during pregnancy were related to these marital problems. Whereas these mothers themselves claimed that they wanted the baby, there were some indications that their partners were less happy about their pregnancy. This was evident not only from the fact that three mothers in the violent group were not married at the time of becoming pregnant, but also because their partners expressed more ambivalence when informed about the pregnancy. Therefore the timing of pregnancy in the course of their relationship was apparently less than optimal. Even the delay in picking a name for the

baby was related to such marital problems. Often the spouses disagreed about the sex they would prefer and could not reach consent on a name for the baby. Later on these marriages looked much more distressed in terms of high conflict and lack of communication. It may be recalled that three of these marriages were also violent. The harsh discipline used with the children was thus very closely related to the conflicts in the marital relationship.

But it would be too simple to conclude that the mothers treated their children the way they felt treated by their husbands, since the links between the marital problems and child abuse varied considerably. In one case the husband beat his wife every time she had beaten her children or endangered them by throwing things. In another case the wife was so preoccupied with her difficult child that she totally neglected her husband: this husband became very dissatisfied and unhappy in his marriage, although he never physically abused his wife. Therefore the links between marital problems and the abusive treatment of the children had many faces. It was never just a one-way street from the husband to the wife and then to the child.

However, the violent mothers did not differ from the control group in terms of their unhappy childhood and social isolation. Regarding the first condition, i.e. the unhappy childhood, this negative finding may be related to two factors.

First, the parenting difficulties we observed in our sample were not extreme cases of child abuse, but more in the middle range of parenting difficulties. *Egeland* (1988) found that negative childhood experiences were mainly predictive of more extreme breakdowns in parenting, not, however, of intermediate parenting difficulties. In our sample we had only two cases which, according to the criteria of German youth authorities, would qualify as real child abuse cases. In both cases the mothers had suffered severely from the punitive behaviour and rejection of their own mother or father.

Secondly, we had an even greater number of mothers in the control group who felt severely punished by their own parents. It may be recalled that these non-violent mothers differed from the violent group on most of the variables which according to our findings distinguished the control group from the violent mothers: they were healthier and emotionally more stable, they perceived their children as being easier at all ages, they had far better marital relationships, had been married longer when the child was born and above all they had a much lower tendency to endorse rigid and punitive attitudes in relationship with their babies. These non-violent mothers who formerly had been punished by their own parents differed in only one respect from the violent and the control group as a whole: they described their

childhood as much **unhappier**. Whatever the mechanisms were that protected them from the re-enactment of the punishment they had experienced themselves, these mothers apparently did not repress their negative childhood experiences, but had learned to come to terms with their past. According to *Main and Goldwyn (1984)*, *Egeland (1988)*, and *Grossmann et al. (1988)* this realistic appraisal of one's childhood may be more important for the adequate fulfillment of the maternal role than the childhood experiences as such.

We did not find social isolation to be a factor associated with abuse. This may have to do with the fact that so many of the first-time mothers in our sample were socially isolated. Some of the violent mothers were in fact extremely socially isolated. But, unlike the control group, this was related less to the fact that there were no people available (they had neighbours and relatives nearby), but had much more to do with the way they related to other people. Their basic distrust and readiness to react offensively if they did not get their own way presumably made it difficult for them to build up and maintain pleasurable relationships with other people.

When I described the ways in which the violent mothers differed from the control group, I did not claim to uncover mechanisms explaining the violent behaviour. Instead these variables should be understood as risk indicators which may enable us to identify violence-prone mothers early on. Only a few of our results may be interpreted as coming close to mechanisms explaining violent behaviour.

Why do depressed and unhappy mothers express their feelings in the form of hitting? Here it may be relevant to recall that the violent mothers not only felt ill and exhausted, but also agreed at an early stage to statements supporting the use of physical punishment in childrearing. Apparently, for the prediction of harsh punishment these two components have to occur simultaneously - the strain and aggravation felt by many mothers in the early phases of parenthood **and** this primary readiness to use physical punishment as a means of disciplining children. Not only was the apparent "difficult-ness" of their children a reason used to justify this punitive expression of anger, but also these mothers believed in the use of punishment to bring about the desired change in child behaviour.

Two things appear noteworthy concerning these results. First, the finding that the violent mothers scored more highly on the scales measuring punitive power assertion and aggravation were not merely just significant, but in all cases significant at the .001 level. Secondly, the violent mothers showed these extreme patterns as early as four months after delivery, that is before the real conflicts with the children began. Therefore, we were able to

identify these violence-prone mothers at this very early stage of the mother-child relationship. We would caution, however, against the use of our instruments for practical purposes of screening out violence-prone mothers. Although our findings are basically in harmony with the results of our former cross-sectional study (see *Engfer and Schneewind 1982*), they are based on a very small sample and need to be cross-validated in other samples.

As I said in the introduction, many of the variables by which the violent mothers differed from the control group were highly interrelated in the sample as a whole. This was mainly true for maternal personality problems, child-related feelings and attitudes, observable maternal behaviour and perceived child-difficultness (see *Engfer 1984 a 1986 c; Engfer and Gavranidou 1987*). Due to the very small sample size, we could not examine which of these variables were most predictive of later violence. Nor could we analyse these variables as independent cumulative risk factors to examine which number and combination of risk factors were most highly related to subsequent abuse (see *Straus 1980*). Here larger samples are needed which allow for more sophisticated methods of data analysis and thus for the testing of the predictive relevance of our variables for correct classification of cases (such as discriminant analysis).

This overlap of variables related to maternal characteristics also has implications for the question about the causes of violent mother-child relationships. Apparently, the personal and social (marital!) resources of the mothers or the lack of them mainly account for the problems we observed in these families. This finding is very much in harmony with the results of the research group around *Egeland* (see *Egeland & Brunnuquell 1979; Pianta et al. 1989*) who in their prospective study of maltreatment in a high-risk sample likewise found maternal factors to play the critical role in the explanation of child abuse. This does not mean, however, that mothers should be blamed, because nobody can be blamed for feeling ill, depressed, for living in an unsupportive marriage or for the problems of caring for an irritable baby. It just implies that the prognosis and prevention of violent mother-child relationships should focus on these maternal characteristics.

What about the fathers? What role did they play in this scenario of distressed mother-child relationships? Were they violent themselves? Did they differ from the fathers in the control group? There are just a few things we can say about the fathers: (1) From the marital data we can conclude that they were not sufficiently supportive as spouses to strengthen the coping resources of their wives. Three of them even hit their wives. (2) From the interviews with the mothers we know that two fathers also used corporal punishment with the children. One of the fathers was violent towards his

wife and his two children. This father was the least cooperative in the study and we have only very limited data about him because he frequently refused to fill out our questionnaires. (3) Otherwise the fathers in the violent group did not differ on any of our variables from the fathers in the non-violent control group - neither in their personality characteristics nor in their child-related attitudes and feelings. However, this finding may be related to the fact that we assessed paternal characteristics directly only from 43 months onwards. Therefore, we do not know if the fathers in the violent group differed from the control group before that point in time. Nevertheless, it was our impression that fathers played a rather insignificant (and certainly not very helpful) role in this drama developing mainly between mothers and children.

4.2 Consequences of Maltreatment

Children in the violent group differed from their well-treated counterparts throughout the six years of our study. The kind of problems they presented were clearly age-dependent. Four months after delivery they were perceived by their mothers as irritable and less soothable, four months later they were observed to be unhappier and more negative in mood, at 18 months their mothers described them as being moody and restless, at 33 months they behaved less cooperatively during our developmental testing, 10 months later and up to the age of 6.3 years their mothers saw them far more negatively in terms of moodiness, dependency, shyness, aggressiveness, lack of persistence and social competence. Although this negative view of child characteristics was only partially shared by their fathers and preschool teachers, these children apparently differed from their well-treated peers in some central aspects of their social-emotional functioning: they were more moody, irritable, and unhappy, and this predominant negative affect was subsequently transformed into different behavioural symptoms including aggressiveness, problems with parents and peers, shyness and lack of social competence.

Considering this developmental path from initial moodiness to other social-emotional problems, some issues deserve discussion: (1) These behaviour problems of children are not directly and exclusively a consequence of the fact that these children were disciplined so harshly. Instead, they can be considered as an outcome of a family atmosphere where the children did not receive the warm, responsive, and predictable care they needed for their development.

In fact, they grew up in a family characterized by marital discord, maternal depression, and limited emotional availability of their mothers, and

all these conditions may have contributed to their social-emotional problems. Arguing from the perspective of the attachment theory, *Aber et al.* (1989) conceive the pervasive emotional problems of maltreated children as being mainly caused by their "overconcern with security issues reflecting an expectation of unresponsive, unavailable, rejecting adults" (p. 614). Although we did not directly assess the quality of attachment for the children of our study, some of our observations related to the emotional unavailability of their mothers can be interpreted as support for this hypothesis.

(2) It is difficult to distinguish the causes from the outcomes of maltreatment. Although infant moodiness and lack of soothability clearly preceded the onset of physical punishment, these child characteristics presumably were not sufficient causes for subsequent maltreatment. However, if mothers responded to these problems by withdrawal, their relative emotional unavailability may have contributed to the subsequent problems of these children including their clingy dependency, non-compliance, and moodiness (see *Engfer 1991 a*). Consequently, these child characteristics could just as much be causes of physical punishment, as they were consequences of unresponsive caretaking, and subsequently they could be both, causes and consequences of maltreatment. According to this transactional view of mother-child relationships, the distinction between causes and consequences of abuse is not only difficult, but also no longer theoretically meaningful.

(3) The finding that the maltreated children were seen as more aggressive by their mothers and preschool teachers can be explained in different ways. The most straightforward explanation would be the one offered by the social learning theory (see *Bandura 1973*), namely that the observation of aggression caused the children to adopt aggressive responses into their behavioural repertoire especially if aggression was perceived as leading to positive outcomes. This assumption does not explain, however, why children imitate the behaviour of their mothers through which they suffer themselves as victims. Here the hypothesis derived from the attachment theory (see *Sroufe and Fleeson 1988*) is more convincing, namely that the victims of abuse have incorporated **both** roles into their internal working model of relationships, i.e. the role of the punishing mother **and** the role of the punished child. Within this framework it is assumed that maltreated children have a biased social perception: being hypervigilant towards aggressive cues, they interpret actions of others as provocative which are actually neutral or even positive. Due to this misperception they try to ward off the presumed attacks of others by their own "preventive" aggressions (see *Crittenden & Ainsworth 1989; Dodge, Bates, and Pettit 1990*).

Although we did not test this perceptual bias of the maltreated children in our study, the finding that these children were perceived as being more

aggressive not only within the family, but also in relationship with peers could be interpreted as support for this hypothesis. The only other finding lending support to the assumption that these maltreated children had a somewhat distorted view of their social relationships stems from the observation that these children did not differ from the control group children in their self-perceived social acceptance by peers in the Pictorial Scale of Perceived Competence and Social Acceptance by *Harter and Pike* (1983). Thus, their own appraisal of social acceptance differed considerably from the judgments of their parents who described them as more shy and socially withdrawn than the control group children. According to our own observations these children appeared much unhappier, less self-confident, and much more withdrawn than their well-treated peers.

This discrepancy between the self-concept of maltreated children and the appraisal of their competence by parents and preschool teachers was likewise found in the study by *Vondra, Barnett, and Cicchetti* (1990), however, mainly for the self- and other-perceived physical and cognitive competence of their somewhat younger lower-class children. The authors interpreted their findings as a consequence of the delayed cognitive maturity of the maltreated children who could not make realistic self appraisals because they confused ideal and real aspects of self. Since the maltreated children of our middle-class sample showed only marginal delay in their cognitive competence, this argument is less convincing than the "repression" hypothesis suggested by these authors, namely that maltreated children may need these positive self-appraisals as defenses (see *Vondra et al.* 1990).

However, it is more difficult to explain why these defenses were not maintained at our second assessment, when the maltreated children of our sample described their mothers as being much more remote and less caring than the control group children did. This last finding may be related to the advanced age of these 6.8 year old children, to the fact that they were more familiar with the procedure and the examiner, or to all these conditions. Under these special conditions the Pictorial Scale seemed to assess valid differences between maltreated and control group children. Here it seems worth noticing that we generally found more meaningful results with the Pictorial Scale of Perceived Competence and Social Acceptance for Young Children (*Harter & Pike* 1983) when it was administered this second time (see *Engfer* 1991b).

The only finding that we could not replicate in our sample was the impairment of cognitive competence usually accompanying maltreatment. Only one of the children in our study showed serious developmental delays, and these were the outcome of prenatal complications combined with abusive and neglectful treatment by his mother.

5. Summary

39 German families were observed prospectively from the birth of a child up to the age of six to identify the conditions associated with the violent treatment of children. In spite of the fact that this sample consisted of so-called "normal" middle and lower middle class families, six mothers were identified as using corporal punishment as a means of disciplining their children. The conflicts involving the use of physical punishment began around the end of the second year. Conditions distinguishing the violent-mothers from the non-violent control group were (1) maternal chronic illness, (2) depressiveness, (3) marital conflict, (4) perceived child-difficult-ness, and (5) the coincidence of parental anger and power-assertion in relationship with their children. These groups did not differ, however, in terms of (6) characteristics associated with social class (i.e. education, income, and professional status), (7) social isolation, and (8) the experience of punishment and rejection in their own childhood. (9) Child characteristics observable as consequences of maltreatment included non-compliance, aggressiveness, dependency, and problems in their relationships with parents and peers. However, no impairment of cognitive competence was associated with the violent treatment of these children.

6. Tables

Table 1: Sample and Times of Measurement in the Prospective Study on the Prediction of Violent Mother-Child Relationships

Time of Measurement	Age of Child	Sample
t1: August 82 - February 83	0-10 days	46 mothers and infants (doctors and nurses judged characteristics of mother and infant)
t2: November 82 - May 83	4 months	46 mothers (interviews and questionnaires in the home of the families)
t3: March 83 - September 83	8 months	40 mothers and their infants (behavioural observation and videotape of 1/2 hour free play in the home of the family)
t4: February 84 - August 84	18 months	36 mothers (questionnaires sent to the mothers)
t5: April 85 - October 85	33 months	38 mothers and their children (developmental testing of the children and observation of mother and child)
t6: March 86 - September 86	43 months	36 mothers and 33 fathers (questionnaires with parents, observation of mother and child characteristics)
t7: November 88 - March 89	6,3 years	39 mothers, 34 fathers, and 39 children (testing of the children, interviews and questionnaires with parents, observation of mother and child characteristics)
t8: May 89 - November 89	6,8 years	39 mothers, 34 fathers and 39 children (testing of the children, interviews and questionnaires with parents, observation of mother and child characteristics)

Table 2: Variables, Procedures, and Times of Measurement in the Prospective Study on the Prediction of Violent Mother-Child Relationships

Variables	Procedures	Times of Measurement			
		t2	t3	t4	t5
Demographic characteristics of the family	Interview	t2			t7
Developmental history of - mothers - fathers	Interview Questionnaire Questionnaire	t2 t2			
Personality characteristics of - mothers - fathers	Freiburger Personality Questionnaire Freiburger Personality Questionnaire	t2	t4		t7 t7
Sources of Stress	Interview Critical Life-Events-Scale	t2	t3	t5	t7
Lack of social support	Interview	t2	t4		t7
Marital relationship of - mothers - fathers	Relationship Inventory Relationship Inventory	t2			t6 t7 t6 t7
Mother perceived behaviour problems of the child	Broussard-Scale ICQ-Scales (Bates et al. 1979) Child Behaviour Questionnaire	t2	t4 t4		t6 t6 t7
Father perceived behaviour problems of the child	ICQ-Scales (Bates et al. 1979) Child Behaviour Questionnaire				t6 t7
Pre-school teacher perceived behaviour problems of child	Child Behaviour Questionnaire				t7
Maternal feelings and child-care attitudes	Questionnaire	t2	t4		t7
Paternal feelings and child-care attitudes	Questionnaire				t6 t7
Observed maternal behaviour	Rating Scales	t1	t3	t5	t7 t8
Observed child characteristics	Rating Scales	t1	t3	t5	t7 t8
Self-concept child	Pictorial Scale (Harter & Pike 1983)				t7 t8
Cognitive competence child	Hamburg Wechsler Intelligence Scales				t8

Table 3: Means, Standard Deviations, and t-Values of Selected Variables for the Violent Group (VG, N = 6) and the Control Group (CG, N = 33)

Variables	Groups	x	SD	t-Value	df	p
Demographic Characteristics:						
- Maternal education	VG	5.16	2.99	.15	36	.88
	CG	5.31	2.02			
- Family income	VG	2,250	898	1.62	35	.11
	CG	2,997	1,053			
Unhappy childhood mother	VG	30.40	6.43	.82	34	-.42
	CG	33.84	8.97			
Pregnancy variables:						
- first reaction mother*	VG	2.66	1.03	.77	36	.45
	CG	3.50	2.60			
- first reaction father	VG	4.33	1.96	-1.99	36	.05 ^x
	CG	2.53	.91			
- acceptance weight-gain by mother	VG	2.50	.55	.08	35	.93
	CG	2.53	.91			
- acceptance weight-gain by father	VG	2.66	1.03	-3.41	36	.19
	CG	2.03	.17			
- buying things for baby	VG	1.83	.41	-1.77	36	.08 ⁺
	CG	1.41	.56			
- picking a name for baby	VG	1.83	.98	-1.90	36	.06 ^x
	CG	.128	.58			
- rooming-in	VG	2.33	.51	-1.94	36	.06 ^x
	CG	1.78	.66			
Maternal personality problems at 4 months:						
- nervousness	VG	7.00	1.87	-3.01	34	.005 ^{xx}
	CG	3.61	2.39			
- depressiveness	VG	8.00	2.23	-3.50	34	.001 ^{xxx}
	CG	3.67	2.60			
- irritability	VG	7.00	2.00	-2.29	34	.03 ^x
	CG	4.74	2.04			
- composure**	VG	1.80	1.30	3.72	34	.001 ^{xxx}
	CG	5.32	2.03			
- neuroticism	VG	9.00	2.55	-3.65	34	.001 ^{xxx}
	CG	4.48	2.56			

Table 3 (continued)

Variables	Groups	x	SD	t-Value	df	p
at 18 months:						
- nervousness	VG	7.60	2.51	2.63	34	.01 ^{xx}
	CG	3.93	2.94			
- depressiveness	VG	8.80	2.16	-4.46	34	.000 ^{xxx}
	CG	3.19	2.66			
- irritability	VG	6.80	1.92	-2.41	34	.02 ^{xx}
	CG	4.29	2.19			
- composure**	VG	1.80	1.30	2.91	34	.006 ^{xx}
	CG	4.96	2.35			
- neuroticism	VG	8.60	2.07	-3.00	34	.005 ^{xx}
	CG	4.32	3.05			
at 6.3 years:						
- depressiveness	VG	19.80	3.03	2.44	34	.02
	CG	16.54	2.73			
- composure**	VG	12.80	2.49	-2.00	31	.05
	CG	15.39	2.69			
- irritability	VG	18.66	1.86	2.96	34	.006
	CG	15.63	2.35			
Life stresses:						
- maternal illness	VG	3.00	1.87	-2.86	35	.007 ^{xx}
	CG	1.53	.91			
- social isolation	VG	11.00	2.91	-.32	32	.75
	CG	10.48	3.36			
Marital relationship mother-perceived at 4 months:						
- amount of conflict	VG	11.83	9.10	-2.66	36	.01 ^{xx}
	CG	5.03	4.91			
- communication**	VG	18.00	6.60	2.03	36	.05 ^x
	CG	22.75	5.01			
- affection**	VG	23.16	5.98	1.53	36	.13
	CG	26.47	4.65			
mother-perceived at 43 months:						
- amount of conflict	VG	16.83	5.84	-4.91	32	.000 ^{xxx}
	CG	5.54	5.02			
- communication**	VG	12.00	2.00	3.49	32	.001 ^{xxx}
	CG	20.43	5.77			

Table 3 (continued)

Variables	Groups	x	SD	t- Value	df	p
- affection**	VG	9.80	1.92	3.24	32	.003 ^{xx}
	CG	18.33	5.76			
father-perceived at 43 months:						
- amount of conflict	VG	14.50	8.78	-2.95	29	.006 ^{xx}
	CG	6.48	5.21			
- communication**	VG	11.83	5.63	3.40	30	.002 ^{xxx}
	CG	19.88	5.14			
- affection**	VG	6.83	5.11	2.25	27	.03 ^x
	CG	13.78	7.05			
mother-perceived at 6.3 years:						
- amount of conflict	VG	13.50	11.70	1.44	31.10	.24
	CG	5.00	3.88			
- communication**	VG	11.40	2.70	-1.78	32	.08
	CG	15.10	4.47			
- affection **	VG	13.00	2.12	-3.14	18.22	.006
	CG	17.66	5.95			
father-perceived at 6.3 years:						
- amount of conflict	VG	14.60	9.78	1.83	4.31	.13
	CG	6.42	4.55			
- communication**	VG	11.60	2.60	-2.20	32	.03
	CG	15.59	3.86			
Maternal childcare attitudes at 4 months:						
- rigidity	VG	31.20	4.08	-3.90	34	.000 ^{xxx}
	CG	23.06	4.35			
- aggravation	VG	25.40	3.64	-3.05	34	.004 ^{xx}
	CG	18.80	4.58			
- punishment	VG	33.60	4.33	-5.62	34	.000 ^{xxx}
	CG	21.90	4.31			
- frustration	VG	33.75	6.29	-2.54	31	.01 ^{xx}
	CG	24.20	7.12			
- overprotectiveness	VG	38.20	3.42	-.255	34	.01 ^{xx}
	CG	29.87	7.10			
- role-reversal	VG	20.00	2.64	-2.73	33	.01 ^{xx}
	CG	15.06	3.86			
- exhaustion & helplessness	VG	38.20	6.05	-4.46	33	.000 ^{xxx}
	CG	24.23	8.53			

<i>Table 3 (continued)</i>						
Variables	Groups	x	SD	t-Value	df	p
at 18 months:						
- rigidity	VG	30.40	6.19	-4.29	33	.000 ^{xxx}
	CG	21.87	3.75			
- aggravation	VG	30.60	5.32	-5.47	33	.000 ^{xxx}
	CG	18.73	4.36			
- punishment	VG	33.00	6.36	-3.92	33	.000 ^{xxx}
	CG	21.13	4.40			
- frustration	VG	36.40	4.50	-3.41	33	.002 ^{xxx}
	CG	25.93	6.56			
- overprotectiveness	VG	33.60	6.50	-1.85	33	.07 ⁺
	CG	27.90	6.35			
- role-reversal	VG	17.20	3.27	-1.63	33	.11
	CG	14.60	3.29			
- exhaustion & helplessness	VG	37.40	5.77	-3.88	33	.000 ^{xxx}
	CG	25.26	6.57			
at 6.3 years:						
- rigidity	VG	29.50	2.59	3.70	35	.001
	CG	23.26	3.95			
- aggravation	VG	21.50	3.67	3.26	34	.003
	CG	16.10	3.70			
- punishment	VG	28.33	4.71	4.55	34	.000
	CG	19.93	4.01			
- frustration	VG	21.66	5.04	1.81	34	.07
	CG	17.23	5.55			
- overprotectiveness	VG	21.66	6.37	3.22	35	.003
	CG	15.06	4.23			
- role-reversal	VG	15.33	4.17	2.00	5.57	.09
	CG	11.83	2.19			
- exhaustion & helplessness	VG	12.66	2.25	3.11	36	.004
	CG	9.15	2.58			
Observed maternal behaviour						
- insensitivity on the maternity ward	VG	33.75	15.90	-2.83	30	.008 ^{xx}
	CG	20.07	7.91			
- sensitivity 8 months after delivery**	VG	32.40	9.31	3.30	34	.002 ^{xxx}
	CG	41.32	4.91			
- impatience & helplessness 33 months after delivery	VG	8.80	2.68	-3.20	29	.003 ^{xxx}
	CG	5.77	1.79			

<i>Table 3 (continued)</i>						
Variables	Groups	x	SD	t-Value	df	p
Mother-perceived child-difficultness at 4 months:						
- lack of soothability	VG	5.00	2.00	-3.95	36	.008 ^{xx}
	CG	2.78	1.09			
at 18 months:						
- restlessness	VG	9.00	2.82	-3.07	33	.004 ^{xx}
	CG	6.40	1.54			
- moodiness	VG	8.40	1.51	-2.08	34	.04 ^x
	CG	6.67	1.73			
Observed child behaviour on the maternity ward:						
- irritability	VG	12.20	3.83	-.33	32	.75
	CG	11.65	3.32			
- lack of social responsiveness	VG	8.50	1.92	-1.14	31	.26
	CG	7.27	2.01			
at 8 months:						
- negative mood	VG	3.17	.43	-1.90	34	.06 ^x
	CG	2.73	.47			

⁺p = 0.10; ^xp = .005; ^{xx}p = .10; ^{xxx}p = 0.001

* Unless otherwise indicated all variables are pooled into the negative direction, i.e. indicating the presence of problems.

** These variables are pooled into the positive direction.

Table 4: Means, Standard Deviations, and t-Values of Selected Variables for the Violent Group (VG, N = 6) and the Non-Violent Control Group (CG, N = 10) who Suffered Severely from Parental Punishment in their Childhood

Variables	Groups	x	SD	t-Value	df	p
Unhappy childhood mother*	VG	30.40	6.42	2.17	12	.05 ^x
	CG	39.88	8.46			
Maternal personality problems at 4 months:						
- nervousness	VG	7.00	1.87	-2.49	12	.003xx
	CG	4.00	2.29			
- depressiveness	VG	8.00	2.23	-2.16	12	.05xx
	CG	4.55	3.12			
- irritability	VG	7.00	2.00	-.76	12	.46x
	CG	6.11	2.14			
- composure**	VG	1.80	1.30	2.66	12	.02 ^{xx}
	CG	4.66	2.17			
- neuroticism	VG	9.00	2.55	-2.22	12	.05 ^x
	CG	5.22	3.27			
at 18 months:						
- nervousness	VG	7.60	2.51	-2.35	11	.013 ^x
	CG	4.00	2.77			
- depressiveness	VG	8.80	2.16	-3.06	11	.01 ^{xxx}
	CG	3.87	3.13			
- irritability	VG	6.80	1.92	-1.39	11	.19
	CG	5.25	1.98			
- composure**	VG	1.80	1.30	1.83	11	.09 ⁺
	CG	4.00	2.45			
- neuroticism	VG	8.60	2.07	-1.72	11	.11 ^x
	CG	5.37	3.81			
Life stresses:						
- maternal illness	VG	3.00	1.87	-2.23	13	.04 ^x
	CG	1.40	.96			
- social isolation	VG	11.00	2.91	-1.41-	13	.18
	CG	9.10	2.23			

<i>Table 4 (continued)</i>							
Variables	Groups	x	SD	t- Value	df	p	
Marital relationship mother-perceived at 4 months:							
- amount of conflict	VG	11.83	9.11	-3.01	14	.009 ^{xx}	
	CG	2.70	2.79				
- communication**	VG	18.00	6.10	1.66	14	.12 ⁺	
	CG	22.80	4.98				
mother-perceived at 43 months:							
- amount of conflict	VG	16.83	5.84	-4.27	13	.001 ^{xxx}	
	CG	4.88	4.93				
- communication**	VG	12.00	2.00	4.15	13	.001 ^{xxx}	
	CG	20.00	4.38				
- affection**	VG	10.16	1.94	2.30	13	.03 ^x	
	CG	17.00	7.03				
father-perceived at 43 months:							
- amount of conflict	VG	14.50	8.78	-1.85	11	.09 ⁺	
	CG	77.1	3.90				
- communication**	VG	11.83	5.63	1.84	11	.09 ⁺	
	CG	17.14	4.77				
- duration of marriage	VG	3.40	2.51	1.59	13	.14	
	CG	7.00	4.66				
Maternal childcare attitudes at 4 months:							
- rigidity	VG	31.20	4.08	-4.99		.000 ^{xxx}	
	CG	21.66	3.04				
- aggravation	VG	25.40	3.64	-2.61		.02 ^{xx}	
	CG	18.88	4.83				
- punishment	VG	33.60	4.33	-6.77		.000 ^{xxx}	
	CG	20.88	2.75				
- frustration	VG	33.75	6.29	-2.30		.04 ^x	
	CG	23.88	7.44				
- overprotectiveness	VG	38.20	3.42	-6.66		.000 ^{xxx}	
	CG	25.77	3.30				
- role-reversal	VG	20.00	2.64	-3.45		.05 ^{xx}	
	CG	14.44	3.00				
- exhaustion & helplessness	VG	38.20	6.05	-3.74		.003 ^{xx}	
	CG	23.88	7.22				

Table 4 (continued)

Variables	Groups	x	SD	t-Value	df	p
at 18 months:						
- rigidity	VG	30.40	6.19	-3.31	11	.007 ^{xx}
	CG	21.75	3.32			
- aggravation	VG	30.60	5.32	-4.06	11	.002 ^{xxx}
	CG	18.75	5.00			
- punishment	VG	33.00	6.36	-4.32	11	.001 ^{xxx}
	CG	22.25	2.60			
- frustration	VG	36.40	4.50	-2.65	11	.02 ^{xx}
	CG	26.75	7.24			
- overprotectiveness	VG	33.60	6.50	-3.11	11	.01 ^{xx}
	CG	24.00	4.69			
- role-reversal	VG	17.20	3.27	-2.43	11	.03 ^x
	CG	14.00	1.51			
- exhaustion & helplessness	VG	37.40	5.77	-2.78	11	.02 ^{xx}
	CG	25.62	8.22			
Observed maternal behaviour						
- insensitivity on the maternity ward	VG	33.75	15.90	-2.16	12	.05 ^x
	CG	20.27	8.09			
- sensitivity 8 months after delivery**	VG	32.40	9.31	3.10	13	.008 ^{xx}
	CG	43.25	4.53			
- impatience & helplessness 33 months after delivery	VG	8.80	2.68	-3.22	12	.007 ^{xx}
	CG	5.33	1.41			
Mother-perceived child-difficultnness at 4 months:						
- lack of soothability	VG	5.00	2.00	-3.66	14	.003 ^{xx}
	CG	2.50	.70			
at 18 months:						
- restlessness	VG	10.20	3.42	-2.63	11	.02 ^{xx}
	CG	6.75	1.28			
- moodiness	VG	8.40	1.51	-2.50	11	.03 ^x
	CG	6.75	.88			

<i>Table 4 (continued)</i>						
Variables	Groups	x	SD	t- Value	df	p
at 43 months:						
- lack of persistence	VG	15.00	4.00	- 2.00	13	.06 ^x
	CG	11.33	3.12			
- aggressiveness	VG	14.50	6.89	-1.58	13	.13
	CG	10.00	4.18			
- aggressive non-complicance	VG	18.66	3.20	-2.70	13	.02 ^{xx}
	CG	13.22	4.17			
-dependency	VG	7.50	1.64	-3.05	13	.009 ^{xx}
	CG	4.88	1.61			
Observed child behaviour at 8 months:						
- negative mood	VG	3.17	.43	-1.74	13	.10 ⁺
	CG	2.76	.43			
at 33 months:						
- lack of cooperativeness	VG	11.50	.480	-1.74	13	.10 ⁺
	CG	8.11	2.80			

⁺p = 0.10; ^xp = .005; ^{xx}p = .10; ^{xxx}p = 0.001

* Unless otherwise indicated all variables are pooled into the negative direction, i.e. indicating the presence of problems.

** These variables are pooled into the positive direction.

Table 5: Consequences of Child Maltreatment: Comparison of the Violent Group (VG, = 6) with the Non-Violent Control Group (CG, N = 33)

Variables	Groups	x	SD	t-Value	df	p
Observed child behaviour at 33 months:						
- lack of cooperativeness*	VG	11.50	4.80	-2.08	29	.05 ^x
	CG	8.40	2.85			
Mother-perceived child characteristics at 43 months:						
- lack of persistence	VG	15.00	4.00	-2.14	35	.04 ^x
	CG	11.74	3.30			
- aggressiveness	VG	14.50	6.89	-2.41	35	.02 ^{xx}
	CG	10.12	3.36			
- aggressive non-compliance	VG	18.66	3.20	-2.14	35	.003 ^x
	CG	14.70	4.27			
- dependency	VG	7.50	1.64	-3.09	35	.004 ^{xx}
	CG	4.96	1.87			
at 6,3 years:						
- moodiness	VG	10.66	2.16	2.13	33	.04
	CG	8.41	2.39			
- lack of persistence	VG	18.50	4.50	1.93	36	.06
	CG	14.93	4.07			
- shyness	VG	20.00	6.98	2.39	35	.02
	CG	14.64	4.63			
- aggressiveness	VG	26.16	5.42	2.74	34	.01
	CG	19.96	4.98			
- social competence**	VG	19.16	4.07	-1.62	34	.11
	CG	22.03	3.94			
Father-perceived child characteristics						
- lack of persistence	VG	17.00	4.06	1.77	31	.08
	CG	14.32	2.94			
- shyness	VG	20.00	5.95	2.16	32	.03
	CG	14.86	4.75			
Preschool teacher perceived child						
- aggressiveness	VG	19.80	3.56	1.74	27	.09
	CG	15.45	5.29			

Table 5 (continued)

Variables	Groups	x	SD	t-Value	df	p
Observed child behaviour at 6,3 years:						
- shyness	VG	23.33	2.50	4.63	19.90	0.00
	CG	16.30	6.46			
at 6,8 years:						
- shyness	VG	19.83	7.05	1.85	37	0.07
	CG	14.84	5.92			
At 6,8 years: Child perceived						
- acceptance by mother**	VG	13.50	1.76	-3.43	14.88	0.004
	CG	16.81	3.72			
Child cognitive competence** at 6,8 years						
- vocabulary	VG	14.16	4.62	-1.68	5.64	.14
	CG	17.44	2.66			

⁺p = 0.10; ^xp = .005; ^{xx}p = .10; ^{xxx}p = 0.001

* Unless otherwise indicated all variables are pooled into the negative direction, i.e. indicating the presence of problems.

** These variables are pooled into the positive direction.

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Childhood and Adolescent Victimization Among Female Prisoners

Sarah Ben-David

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1. Introduction

The psychological imprint of violent and traumatic events occurring within the family during childhood and adolescence as a primary cause of antisocial personality and criminal and/or deviant behavior, is widely discussed in the literature. (Caesar 1988; Fagan & Wexler 1987; Loeber & Stoutamer-Loeber 1986; Sutker 1981; Walker 1984). While some researchers have suggested that the core-family role as the origin of deviant behavior might be overstated (Fagan & Wexler 1987; Fagan, Hansen & Jang 1983), the relationship between violence and abusive behavior, sexual offenses and childhood victimization remains a constant theme in contemporary research (Fagan & Wexler 1987).

There is considerable evidence which indicates that physical and/or sexual abuse of women results in an increased likelihood that the abused victims will become involved in criminal or antisocial behavior (Borges *et al.* 1978; Finkelhor 1979; Glover Reed 1981; James 1980). Several studies report that as many as 70% of the prostitutes (Silbert & Pines 1981), and up to 44% of female drug addicts (Van Buskirk & Cole 1983), have histories of incest, early sexual exploitation and physical/emotional abuse.

A similar pattern was found which indicates an unusually high occurrence of childhood and/or adult physical, sexual and/or emotional abuse among women serving sentences in correctional institutions for violent or other serious crimes. The percentages cited range from 60% (Division of Program Planning 1985) to as much as 75% (Sultan *et al.* 1984).

Due to inherent difficulties in finding a suitable and comparable control group, the only possible alternative is to compare these trends with reported statistics concerning the general public. It is estimated that among the general population, the rate of incest is approximately 5%, and rape, 18% (Glover Reed *et al.* 1987). Between 14% (Briere & Runtz 1988) to 19.2% of female students questioned maintain that they had been experienced sexual abuse as children (Finkelhor 1979). These figures should however, be accepted with some caution, because the samples were not random samples, and included only students. The comparison of the abuse rate among deviant/criminal female with data from the general population is striking, even when taking into account that abuse is significantly higher

among poor, urban families (*Straus et al.* 1980), and the fact of the underreporting of family violence (*Walker* 1984; *Straus et al.* 1980; *Page-laow* 1981).

While there is statistical data suggesting the role violent/traumatic events play in the development of deviant female behavior, a direct link has not been explicitly drawn or clearly conceptualized. The purpose of this paper is therefore to further examine and develop the theoretical assumption concerning the correlation between victimization during childhood and/or adolescence and the deviant/criminal behavior of the female adult.

2. Theoretical Background

The impact of trauma experienced by abused children including sexual exploitation or incest does not easily fade. (*Finkelhor* 1979). A direct correlation between the individual's being victimized and her committing a violent crime later on in life, is not self-evident. On the contrary, it would seem unthinkable that a victim of abuse would seek to impose suffering on another. The suggested link between childhood and adolescent victimization and deviant behavior must therefore be more clearly defined. The following chapter will propose several explanations derived and based primarily on theoretical propositions.

2.1 The "Hole in the Mind" or primal Repression - Kingston and Cohen

Kingston and Cohen (1986) discuss the 'hole in the mind' theory which they believe is what *Freud* recognized as the mysterious core of mental illness and called 'primal repression'. The 'hole in the mind' theory refers to an absence of psychic structure, or emotional understanding (*Cohen & Kingston* 1983), and is associated with confusion, terror, hopelessness and loss of self-preservative functions.

Absence or loss of psychic structure may be brought about by traumatic events which leave some form of permanent impression on the mind. When this happens, the existing psychic structure is no longer able or capable of assimilating the new situation and the individual becomes increasingly dependent on, or vulnerable to the environment (cf. *Freud* 1920; *Rappaport* 1958). Past experience is no longer a guide, and the existing matrix of understanding becomes irrelevant.

2.2 Identification with the Aggressor - Anna Freud

Identifying with the parental threat of punishment through internalization of criticism, is an important step in normal superego formation. Criticism and/or aggression is the material for the superego building operation. But when the aggression continues for an extended period, and is accompanied by extreme and/or severe criticism, it is possible that the individual never quite completes internalization of the critical process. He/she remains arrested at the intermediate stage in the superego development; the external criticism has been internalized but the link connecting the criticism with the offense remains external. They perceive their own guilt, but continue to be peculiarly aggressive in their attitude to others. Under normal conditions, the process of identification with the aggressor as a factor in superego formation, helps towards mastery of the drives. It is sometimes followed by what *Anna Freud* (1966) describes as "an active assault on the outside world". In those situations, the identification is not with the person (the aggressor) but with his aggression (*Sandler with Freud* 1985).

2.3 Separation/Individuation Theory - Margaret Mahler

Margaret Mahler (*Mahler et al.* 1975) found that children move through six phases in the course of their development. Children experiencing parenting that provides them with sufficient love and positive attention, pass from one phase to another with relative ease. They undergo separation from their parents in a healthy way and are able to internalize what she refers to as the 'constant self object' (*Mahler et al.* 1975).

Abused children, having experienced a completely different form of parenting, are compelled to seek alternate ways of behavior that would keep them as safe as possible. They decide to act in a manner they feel will elicit parental approval. By repressing their normal childhood spontaneity, these children are not able to pass successfully through the phases in the Separation-Individuation Process (*Bat Or* 1988; *Miller* 1983, 1984; *Maltz & Holman* 1987).

2.4 Theory of Self Psychology - Heinz Kohuts (Bat Or 1988)

Heinz Kohuts believes that children not receiving appropriate and/or sufficient parental attention, will experience self-fragmentation including the feeling that they are 'falling apart'. Fragmentation occurs when the individual's self esteem is severely damaged as in the case of abused children (*Maltz & Holman* 1987; *White & Weiner* 1986).

As a form of self-defense and in an effort to allay feelings of anxiety, fear and immobilization caused by this fragmentation, either a 'grandiose' self-image or a depressed, defeated self-image is developed. The grandiose self-image will eventually lead to an internalized belief that he/she can accomplish or achieve anything they set out to do, by themselves. If the opposite occurs and the depressed, defeated self-image evolves, the individual will believe he/she is a failure and a "worthless" person (*Bat Or* 1988; *White & Weiner* 1986).

2.5 Developmental Approaches

Traumatic events can affect psychosocial development in different ways depending on the stage of ego development (*Erikson* 1982); the level of personality integration and identity formation (ego strength); and the severity of the trauma itself (*Wilson et al.* 1985).

Victimization may cause the individual to experience a loss of continuity in psychoformative processes, and may also lead to a feeling of physical and psychological disintegration. In response to the massive changes in psychoformative processes, the victim may become physically numb during the initial stage of adaptation following the trauma. The blunted emotional responsiveness is frequently coupled with a recurrence of death imprint in consciousness, and the task of reformulating the experience so as to develop a new sense of the self (*Lifton* 1983; *Wilson et al.* 1985).

In many traumatic situations the victim experiences profound moral conflicts, moral and survivor guilt, fundamental changes in values, loss of meaning and a need to search for new meaning, negative view of the world and a tendency to develop universal modes of moral reasoning (*Wilson, Smith & Johnson* 1985).

2.6 Behavioral Approach

The two-facet learning theory proposed by *Mowrer* (1947, 1960) may provide a suitable framework for the conceptualization of the effect of trauma (*Kean et al.* 1985). This theory essentially supports the importance of both classical Pavlovian conditioning involving learning by association, and instrumental learning in the development of psychopathology. The second component in *Mowrer's* two-facet theory is that an organism will behave in whatever way necessary to avoid an aversive stimulus.

Individuals experiencing a trauma become conditioned to the wide assortment of stimuli (cues) present during the event. The place, time of day,

smells, other people in the room, all become associated with the anxiety felt during and following the traumatic event. The presence of any one of these stimuli can evoke extremely high levels of arousal. These 'cues' may generate a stimulus generalization - and thus further condition other similar or associated cues to evoke the same physiological response. With the increase in number of stimuli linked directly or indirectly by conditioning to the trauma, it becomes increasingly difficult to avoid evoking the memory of the trauma (*Keane et al.* 1985).

2.7 Symptomical Outcome of Childhood and Adolescent Victimization

Several distinct personality traits have been well documented as long-term consequences of continuing sexual and physical abuse. (*Sultan & Gary* 1988). Personality traits such as the loss of self-esteem, defective superego formation, ideological changes, lack of goal-direction; survivor guilt anger/bitterness; identity diffusion and sexual malfunction (*Goodwin* 1987; *Owens* 1983; *Van Buskirk & Cole* 1983; *Williams* 1987; *Wilson, Smith & Johnson* 1985) were reported as consequencing characteristics of childhood/adolescent victimization.

Clinicians treating female victims, describe serious symptomatology such as depression, sleep disturbance, feelings of worthlessness, helplessness, rage and mistrust directed primarily at authority figures (*Goodwin* 1987; *Finkelhor* 1979), social isolation and alienation, and feelings of powerlessness in controlling their own destiny (*Goodwin* 1987; *Finkelhor* 1979; *Walker* 1979).

Many victims are often in possession of lethal weapons and the possibility of suicide is always present (*Finkelhor* 1979; *Goodwin* 1987). A significantly large number of victims also reported feelings of psychic numbing, with their emotions seemingly anesthetized (*Finkelhor* 1979; *Goodwin* 1987; *Lifton* 1983). *Bat-Or* (1988) views the pathology syndrome following traumatic events as one of the ways the victim has 'chosen' to defend herself from her family and thus survive the abuse.

A number of these pathological symptoms were observed in a segment of the female prison population. But, as it will be shown in the discussion, in many cases, deviant behavior served as a way to remove, release or diminish the suffering from the symptoms following a trauma.

2.8 Purpose of the Study

There is empirical evidence to demonstrate that childhood/adolescent victimization is directly related to female deviant behavior. But most of the data (as noted above) seems to have been gathered from only a small segment of the relevant population (i.e. prostitutes or drug addicts), or from a non-representative, nor random sample. In addition, in most cases, the evidence was gathered by self-report interviews allowing little or no possibility of verification. Parenthetically, prior research has shown that self-report interviews are reliable and valid in measuring family characteristics and environments (*Fagan & Wexler 1987*) and that the difficulty in finding collaborative evidence (particularly within the criminal female population) is a well known fact. On the other hand, there might exist some secondary gains to be derived from the female offenders in their self-presentation and/or their self-perception as victim rather than perpetrator.

Since some doubt regarding the victim-perpetrator link remains, before attempting theoretical explanation, there arises a need for an additional research. The following research will further examine the frequency of childhood/adolescent victimization among female prisoners and the connection between such victimization and drug addiction, and self mutilation and/or suicide attempts.

3. Methodology

3.1 Sample and Procedure

Data were collected from interviews with convicted female prisoners in Neve Tirza, the only prison for female inmates in Israel. Eighty-one prisoners were interviewed, comprising 94% of the convict population at the time of the research. Five prisoners were unable to comprehend the interview questions either because of lack of Hebrew language skills or due to an unstable mental state.

Corroborating data were drawn from the interviewees' files and through meetings with their prison social worker.

3.2 Measurement of Variables

The interview was the basis for obtaining information relating to three variables:

3.2.1 *Childhood and Adolescent Victimization*

The Child Abuse Prevention Handbook (*Office of California Attorney General 1982*) defines child abuse as "the act of inflicting injury or allowing injury to result, rather than the degree of the injury". Abuse includes physical abuse, physical neglect, sexual abuse and emotional maltreatment. The definitions apply to acts perpetrated by parents, step-parents, siblings, other relatives or strangers. This definition was adopted for this research. The upper age limit for childhood and adolescence was chosen to be 18; the legal age of maturity in Israel.

In those instances when an interviewee had been subjected to more than one type of victimization, the most serious type of abuse was recorded. Seriousness was graded on an ascending scale from "battered", through "rape" to "incest".

3.2.2 *Drug Abuse or Addiction*

Drug addiction/abuse was defined as habitual usage of hard drugs (cocaine, heroin, LSD, or amphetamines), for a period longer than six months, reported by the prisoner during the interview, documented, and/or declared by her when processed at the beginning of her sentence.

3.2.3 *Suicide Attempts/Self-mutilation*

Self-mutilation refers to self-induced injury by cutting, slashing, or burns caused by setting fire to one's clothing and that caused serious damage requiring medical intervention or treatment. Attempted suicide refers to cutting or igniting one's self, hanging or ingesting potentially lethal substances.

Explanations offered after committing either types of self injurious acts are similar, the most common being that the act was intended to secure attention; as a demonstration of frustration or anger; or as a result of the need "to do something". It should be added that physical damage resulting from self-mutilation is sometimes more serious and life threatening than some of the suicide attempts.

It is often difficult to distinguish, especially among the prison population, between a suicide attempt and self-mutilation, or between serious suicide attempts and demonstrative suicide attempts. Hence all the cases that were reported and/or documented as suicide attempts or self-mutilation were unified into one category.

3.3 Validation

Family variables including childhood and adolescent experiences were validated by comparing the interviewees' reports with previously documented information from their files and material supplied by their social worker.

Instances of attempted suicide and self-mutilation, are well documented by the prison medical team and guards, especially when the attempt was serious or when the prisoner required medical attention.

Urine tests to examine for the presence of drugs are conducted several times during a prisoner's term of sentence. Many of the drug dependent female prisoners have a documented history of addiction and of pre-imprisonment treatment.

Only information that was corroborated by more than one source was regarded as valid.

4. Findings

Subject ages ranged from 20 to 49 years with a mean age of 25.3. The average age of prisoners with no history of victimization (25.6 years) was slightly above that of victims (25.2). About 70% of both groups were single or divorced, and there were no significant differences in education or economic status. Low levels of both were the general rule as is characteristic of male and female offenders.

Table 1: Distribution of Victimization and Criminality among Female Prisoners

Offences Victimization	Fraud/ Fraud related	Drug	Pro- perty	Bodily Assault	Murder	Total	
						N	%
Abused child	5	5	8	3	3	24	29.6
Incest	2	4	4	-	2	12	14.8
Rape	8	9	10	-	3	30	37.0
Not a victim	2	4	6	2	1	15	18.5
Total N	17	22	28	5	9	81	100.0
%	20.9	27.1	34.6	6.2	11.1		

Table 1 shows the distribution of the crimes committed by the female prisoners. The distribution indicates that a larger proportion of females are convicted of violent crimes, more than 17% (assault 6.2%; murder 11.1%). Note the comparison with the data for male prisoners in the same year (*Meiri* 1990) where violent crimes comprise only 10% (5% assault and murder 5%).

There appears to be a higher proportion of fraud and similar offenses compared to males (21% vs. 11% for males); a large proportion of burglary (34.6% versus 35% for male) and more than a quarter of the females prisoners were convicted for drug offenses, 27% compared to 20% for males. It should be noted that many of these convicts are serving their sentence for more than one offense, while Table 1 shows only one; the most serious offense. (Table 1 also shows the relation between type of victimization and the type of offense, but no significant correlation between these two variables was found.)

Table 2: Childhood/Adolescent Victimization of Female Prisoners

Battered/ Abused	Incest	Rape/Sexual abuse	Not a victim	Total
24	12	30	15	81
29.6%	14.8%	37.0%	18.5%	100%

Table 2 presents the findings which more than support the suggestions of many other researchers. The figures show a very high incidence of childhood/adolescence victimization among the female criminal prisoners. (The data are conservative in that there were more females that reported victimization, or that in their files victimization was mentioned, but for lack of corroboration by an additional source they were not counted).

About 45% of the female prisoners were victimized by their parents often by their father, during childhood or/and adolescence. An additional 37% of the total population were raped or sexually abused by persons outside their family. Thus a total of more than 80% of the female prisoners were victimized during their childhood or adolescence. Only some 18.5% of this population have no record of abuse as children, however some were victimized during their adult lives.

The data reported above was gathered from close to 100% of all female prisoners serving terms in Israeli prisons. In addition, all variables were

validated and verified using independent sources. It should however be noted that while representing an entire population, that population is relatively and absolutely small. The research design is post-facto and the conclusions should therefore be regarded as tentative.

Table 3: Childhood/Adolescent Victimization and Drug Addiction among Female Prisoners

Victimization Drug addiction	Battered/ Abused	Incest	Rape/Se- xual abuse	Not a victim	Total
No addiction	3	1	9	8	21
Addiction	19	10	20	6	57
Total	22	11	29	14	78

$\chi^2 = 10.49$; d.f.= 3; $p < .01$.

Table 4: Childhood/Adolescent Victimization and Suicide Attempts or Self Cutting/Slashing

Victimization Suicide/Cutting	Battered/ Abused	Incest	Rape/Se- xual abuse	Not a victim	Total
No suicide/cutting	4	2	11	12	29
Suicide/cutting	20	9	19	3	51
Total	24	11	30	15	80

$\chi^2 = 18.1$; d.f.= 3; $p < .01$.

Table 3 and Table 4 describe the relationships between childhood/adolescence victimization and deviant behavior. The findings suggest that there is a significant difference between females that were victimized during childhood/adolescence and those that were not victimized at that stage in their lives. The findings described in Tables 3 and 4 suggest that there is a significant tendency for more drug addiction among females subjected to childhood/adolescence victimization ($\chi^2 = 10.49$; $p < .01$) than among the female prisoners who were not abused before reaching adulthood. The data also suggest that there is a stronger significant tendency for the previously victimized female prisoner to attempt suicide and to commit self-mutilation. ($\chi^2 = 18.1$; $p < .01$) than those without such a history.

5. Discussion - Victimization as a Factor in Introducing Addiction, Violence or deviant Behavior

The research reported above, examined the relationships between childhood and adolescent victimization among females and subsequent criminal behavior, drug addiction and self-mutilation (including attempted suicide). The findings confirm the statistical evidence as reported in the literature, noting that there exists among the female prisoner population a significantly larger proportion of victimized youngsters than exist in the general population. Moreover, the findings suggest descriptive links between victimization and attempted suicide/self mutilation and between victimization and drug abuse. While it is obvious that the victimization occurred before the deviant behavior, the post facto retrospective pattern, and the small sampling studied, does not permit suggesting a causal relationship, and only a descriptive link can be inferred from the findings.

From the theoretical point of view it is obvious that each individual reacted to a particular traumatic-victimization experience in a unique manner, depending mainly on the victim's age at the time the experience occurred, on the phase of the individual's physical development (*Mahler et al.* 1975) and/or stage of ego development (*Wilson et al.* 1985).

In extending the theoretical approach described above, several levels or stages in the path from childhood and adolescent victimization through to deviant or criminal behavior seem to emerge:

- I. The first level is characterized by one or more of the consequences of one or more traumatic events on personality characteristics:
 1. Psychological disintegration (*Wilson et al.* 1985), self fragmentation, *White & Weiner* 1986), and/or confusion (*Kingston & Cohen* 1986).
 2. Identification with the aggressor (*Freud* 1966; *Sandler & Freud* 1985); Moral conflict (*White & Weiner* 1986), loss of meaning (*Wilson et al.* 1985) and/or loss of direction as past experience serves no longer as a guide (*Kingston & Cohen* 1986).
 3. Loss of self esteem (*Kingston & Cohen* 1986); Worthlessness (*Bat Or* 1988; *White & Weiner* 1986); Hopelessness (*Kingston & Cohen* 1986), Depressed, defeated self (*White & Weiner* 1986).

II. The intermediate or second level is characterized by one or more of these characteristics derived from the first stage:

1. High level of anxiety (*Kean et al.* 1985), and/or terror (*Kingston & Cohen* 1986).
2. Survivor or moral guilt (*Finkelhor* 1979; *Wilson et al.* 1985).
3. Numbness or blunted emotions (*Lifton* 1976 1983).

III. The third level is the habitual deviant behavior, or crossing the lines and joining the culture or the sub society of criminals; drug addiction and self mutilation or suicide attempts. These behavior patterns may be seen as:

1. Acting out or as an expression of depression, loss of meaning and hopelessness or rage and anger (*Goodwin* 1987).
2. An outcome of the craving for punishment and sanction due to inner guilt (*Shoham* 1970), and the search for a way to lighten the guilt feelings, or in order to displace the moral or survivor's guilt.
3. An almost natural development of the identification with the aggressor (*Freud* 1966).
4. Alternatively, as a way out of the moral conflict, and rage at authorities and figures of authority by adopting the counter culture norms and customs.
5. A cry for help.

The path from victimization to criminal/deviant behavior can be described in an additional way:

An abused child learns not to be aware of or express feelings, since the feelings of pain are so strong as to be intolerable. As adults, the same individual becomes detached and increasingly difficult to communicate with. He/she learns to survive abuse by negating his/her true feelings (*Bat Or* 1988). Such negation can be achieved in one of two ways, either by anesthesia of feelings or by avoidance. Anesthesia of feelings may be reached by psychic numbing or blunted emotions (*Lifton* 1976, 1983), or by becoming addicted to a substance or substances (e.g. alcohol, drugs, food, etc.) (*Bat Or* 1988; *Goodwin* 1987; *Keane et al.* 1985).

Avoidance can be achieved by finding other attractions. A number of the victims live from crisis to crisis (*Martin* 1981), the overall outcome of which seems to be an endless production of casualties with no perceivable goals attained (*Goodwin* 1987). In their adult life, some of the victimized females

who experienced the abuse during their childhood or adolescence, will not be able to feel content about their lives and will generate or employ crises to help relieve their built-up anxiety (*Bat Or* 1988).

Children who experience physical violence or sexual abuse, might understand that this is a common or acceptable way of behavior, a way to relieve anxiety, or to express anger and/or rage (*Gil* 1983). For these children when reaching adulthood, the normal response to crisis situations may be violent behavior.

It can be easily deduced that imposing loss and suffering upon another is facilitated by numbness of feeling and blunting of emotions, and that addiction leads to other deviant behavior, including prostitution, theft and assorted criminal acts.

Self-esteem and self-worth (*Kingston & Cohen* 1986) is very low among the child/adolescent abused and is accompanied by extensive guilt feelings. This factor facilitates the acquiring of suicide attempts and self-mutilation behavior which are common occurrences in the criminal society. This form of behavior can also serve as an outlet or acting out of rage (*Goodwin* 1987), anger, anxiety and/or guilt feelings.

6. Conclusion

While it seems strange that one who has suffered abuse will impose suffering upon others, an attempt was made to explain the path of victimization to criminalization from several theoretical points of view.

When childhood and/or adolescent victimization is experienced, the individual's age and his/her psychological stage of development have an important role in the process of evolution from abused to abuser.

The research findings reported herein, and evidence appearing in the literature suggest an obvious descriptive link between childhood/adolescent victimization and the development of socially deviant and criminal behavior.

This research as well as most research reported in the field, are of a post facto retrospective design thus presenting an obstacle to any attempt at asserting a causal link between victimization and deviant behavior. A comprehensive follow-up research of children and adolescents experiencing a traumatic event is a long, difficult and expensive process. But in order to achieve a better understanding of the subject matter, it is essential. An international joint-effort is required.

The therapeutic implications of this study suggest that the therapeutic process of deviant females should be aimed at identifying past victimization and understanding the organization of the deviant female defensive structure and its relationship to the abuse. Similarly, it should be directed at unlinking the trauma at the perceptual, expressional and cognitive levels from the dysfunctional deviant behaviors.

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How to Prevent Sexual Abuse?
Conclusions from two Empirical Studies with
Teachers and Pediatricians

Hertha Richter-Appelt

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1. Introduction

The sexual abuse of children is becoming a matter of concern for workers in a variety of professions, in part due to non-scientific publications. The disagreements on extent and severity of sexual abuse do reflect differences in the definition of child sexual abuse. The various definitions tackle problems such as what kind of behaviour should be called sexual, especially sexual abusive, and which characteristics have to be specified, like the traumatizing effects of certain experiences in different ways.

Hildebrand (1986) argues that three aspects are important for the definition of child sexual abuse: A sexual activity, the dependency of the child and the satisfaction of the needs of a powerful person. Further characteristics are the request for secrecy and a lack of empathy in the abuser.

There are three methodological approaches to investigate sexual abuse of children:

- The investigation of victims who either ask for professional help or react to an announcement.
- The investigation of a representative sample of unselected people where it can be assumed that a certain percentage of victims may be included.
- The investigation of professionals who are in contact with sexually abused people.

Whereas six American studies on large samples suggested that 17 % to 28 % of adult women have been sexually abused in their childhood (*Landis* 1940 (reprint 1970); *Kinsey et al.* 1966; *J. Landis* 1956; *Gagnon* 1965; *Finkelhor* 1979; *Russell* 1986), no comparable studies have been carried out in Germany. *Draijer* (1990) investigated a representative sample of 1,054 Dutch women with semi-standardized psychodynamic oriented interviews and pointed out that 15.5 % of them has been sexually abused by male family members before the age of 16. Methodological problems of this kind of studies will not be discussed here. They are summarized in *Peters et al.* (1986).

Not much information exists on sexually abused boys. Estimate on the proportion of male to female victims suggest a five fold higher rate in women than in men (e.g. *Kavemann & Lohstöter* 1984; *Finkelhor* 1979). Both boys and girls are mainly abused by male offenders.

In Germany no representative studies have been carried out to estimate the number of sexually abused children. Most authors refer to the estimate of *Kavemann* and *Lohstöter* (1984) who stated that 250,000 girls and 50,000 boys may be sexually abused every year.

This estimate is based on court statistics from West Germany and West Berlin in 1980 and 1981, including sexual abuse, rape and sexual compulsion on children younger than 18 years. One assumes a number of unknown cases of 1:18 or 1:20.

The only large German investigation of victims of sexual abuse was done by *Baurmann* (1983), who studied 8,000 male and female victims of sexual abuse who had reported their abuse to police. His results are based on questionnaires, interviews, psychological tests and experts' witness.

The average age for the beginning of sexual abuse in non-clinical samples was found to be at 10 to 11 years. In clinical samples often younger children have been observed. The sequelae of child sexual abuse are include emotional, physical and/or behavioral symptoms. *Browne* and *Finkelhor* (1986) draw the conclusion on empirical studies of sexual abuse that 1/5 to 2/5 of the victims need professional help while suffering from severe symptoms even years after the abuse. In her study on 1,054 women from the Netherlands, *Draijer* (1990) detected that 54 % of the women who were sexually abused in their childhood suffered from symptoms like nightmares, eating and sleeping disorders, depression, suicidal tendencies etc.

When referring to studies on the sequelae of sexual abuse in childhood the following points have to be taken into consideration:

- The samples are restricted to cases presented at court, i.e. they include only the most severe cases.
- There are no adequate instruments to "measure" sexual abuse and the subsequent symptoms.
- Not one factor alone is determining the symptoms following sexual abuse. Secondary damage may cover the original sequelae.
- Not enough attention has been paid in investigations into sexual abuse to the positive aspects of sexuality between adults and children which are indispensable for the development of a so-called "normal sex life" of an adult.

While opening the discussion of sexual abuse in public certain professions became increasingly aware of the frequency of sexual abuse and are asking themselves how to prevent sexual abuse and what to do when such a problem becomes obvious. Two professional groups are in direct contact with sexually abused children, often without being aware of it: teachers and pediatricians.

Since no studies on pediatricians and school teachers had been carried out so far in Germany, we made two pilot studies on this topic. They are by no means representative but reflect what kind of problems these professionals have when dealing with sexual abuse and what can be concluded for the prevention of sexual abuse in children.

The purpose of these studies was to explore the attitudes of these two samples towards sexual abuse of children and their knowledge on this subject. Secondly, we wanted to get some ideas, how often pediatricians and teachers have actually been confronted with these victims in the past, and what they assume they would do if they discovered that a child had been sexually abused.

2. Methods

Questionnaires have been used in both studies, including 46 questions for the teachers and 43 for the pediatricians. Wherever possible, both groups were asked equivalent questions to similar topics, most of them closed questions.

The questionnaires covered the following aspects:

- Sociodemographic characteristics, professional training and experiences.
- The specific way teachers and pediatricians deal with the topic 'sexuality' with the children in school or in private practice, resp.
- Their knowledge on the phenomenon of sexual abuse and on the handling of this problem when they discovered or heard of a sexually abused child.
- Teachers have been asked if sexual abuse should be discussed in school in connection with lessons on sexuality or just when they are confronted with the problems of a sexually abused child.

- Pediatricians were questioned on the role of the physical investigations with regard to the problem of sexual abuse.

3. Results

3.1 Sample Characteristics

60 school teachers and 42 pediatricians participated in the studies (response rate: 56 % versus 31 %). Whereas about 3/4th of the teachers were female, the opposite proportion was found with the pediatricians. Furthermore the schoolteachers were definitely younger than the pediatricians (80 % under 50 years versus 37 %). But no difference existed between the time of practicing their profession. Table 1 presents some sample characteristics.

Inference statistics have not been used in comparing both groups because they differed from each other. Even representative samples of each professional group could not be compared with regard to the dependent variables since there are significant differences in population characteristics.

3.2 Conversations on Sexuality with Children

86 % of the teachers said they had had conversations on sexuality with their school children during the lessons over the last two years (91 % of the female and 66 % of the male teachers), irrespective of the type of school where they were teaching. The main topics were friendship and emotions (71 %), biology (66 %), AIDS (59 %), sexual molestation outside the family (43 %), contraception (32 %) and masturbation (28 %) (Table 2).

While sexual abuse outside the family had been discussed rarely but at least by 21 % of the teachers with both younger and older pupils, sexual molestation within the family only became a topic of conversation with older pupils, despite the fact that sexual abuse happens as often to younger children as to older ones. The initiative for these conversations came mainly from the curriculum or the teachers themselves. In 1/4 of the cases the children were asking questions concerning this topic and only in 6 % were parents asking the teachers to get down to this problem.

Teachers acquire their information on sexual abuse from pedagogic journals and the public media. Only 10 % of them took part in training seminars, only 3 % of the samples got some information on this topic during their studies at university.

90 % of the **pediatricians** had conversations on sexuality during the past half year with boys involved as often as girls. The remaining 10 % were male doctors, all of them older than 64 years. The main topics of this consultations were hygiene, washing of genitals (64 %), masturbation (64 %), "doctor"-plays (38 %), AIDS (31 %), contraception and coitus (32 % with girls, 8 % with boys), biology (10 % with girls, 24 % with boys), emotions and friendship (21 %), sexual molestation (16 % with girls, 5 % with boys) and sexual abuse (13 % with girls, 5 % with boys). No difference was found in the frequency of conversations on this topic between male and female pediatricians. In most cases the mother took the initiative to this conversation, in about 20 % the pediatrician started it and only in less than 10 % were the children themselves seeking information or help.

3.3 Sources of Information and Knowledge of Sexual Abuse

Whereas teachers became informed mainly by the public media, pediatricians say that they had their information in the first place from scientific publications followed by public media and professional training seminars. Table 3 shows in detail where the teachers and the pediatricians their information on sexual abuse aquired.

3.4 Experiences with Sexually Abused Children

During the last two years 17 % of the 60 **teachers** (all but one were women) had heard about 16 girls in their school, who had been sexually abused. They had never heard about a sexually abused boy. When asked to describe the sexually abused children it turned out that the mean age for the beginning of sexual abuse were 8.6 years and the teachers noticed on average this abuse three years later. In half of the cases the father might have been the offender, in one case it was the friend of the mother, a friend of the family, an uncle and twice a brother. In most cases the teachers did not initiate any professional help for the abused child, arguing that the sexual abuse had occurred some years ago. Two teachers contacted the social services. There was no significant relationship between knowledge on sexual abuse and the frequency of assumptions that a child had been sexually abused.

29 % of the 42 **pediatricians** had heard about 45 sexually abused children in their private practice during the past half year. Two pediatricians had seen half of these cases, despite the fact that officially no pediatrician is specialised in this field in Hamburg. Since the investigation was carried out anonymously we got no further information on these two pediatricians (one

male and one female). Table 4 displays the age and sex of these 45 cases. Whereas more than 1/3 of the sexually abused girls were younger than 6 years no boy was reported at this age. Although these numbers are very small they are backed up by similar results from earlier studies. Again the pediatricians were asked to remember one case of a sexually abused child they had seen in their private practice. The mean age of children involved in these cases was 7.5 years when the child was abused and on the average the pediatrician got knowledge of this abuse 1 1/2 years later. In all cases the pediatricians were informed about the suspect. In nearly half of the cases the abuser was the father, in three cases an uncle and in one the brother-in-law.

Table 5 presents what 11 pediatricians had done after being informed about a case of sexual abuse. While 7 of them had some conversation with the mother, 6 made a physical examination and only three talked to the child. Two referred the case to a psychotherapist and two contacted the social services. In this paper we will not go into detail about the problem of legal proceedings.

When speaking with the child about the sexual abuse the main concern of the pediatrician was the danger of further harm to the child. They were also confronted with a very close relationship of the family members which often has been described in literature for incestuous families.

3.5 Activities to Help the Abused Child and Motivation for Post-graduate Training

Various teachers would refer a sexually abused child to counselling places, psychologists, medical doctors and social services, pediatricians would only send them to counselling places, perhaps to psychologists but rather not to social services.

60 % of the teachers proposed that teachers should discuss the problem of sexual abuse with children but only 13 % had done so with girls and 5 % with boys. One reason not to speak to children about this sensitive topic might be that they themselves feel helpless. This may be demonstrated by the fact that various male teachers can imagine speaking to a male offender when knowing about sexual abuse but none of the female teachers can imagine doing so. One can assume that through identification with the victim a female teacher feels as helpless as the child in front of the sexual offender.

73 % of the teachers answered that they did not have sufficient knowledge on the topic of sexual abuse and 98 % wanted more information (especially

how to detect a sexually abused child, what to do when getting informed about it). 2/3 wanted more information on prevention programs. 75 % of the teachers wanted to get this information in the form of special training seminars.

Neither teachers nor pediatricians had acquired any information on the subject of sexual abuse when studying at university. Even if pediatricians seem to have more training seminars on this topic, 93 % of them wanted to acquire more information about it, but none of them wanted to learn how to handle the topic sexuality better in conversations with children. They want to know which counselling places exist, where they could find psychotherapists, what symptoms might be significant etc.

4. Discussion

Considering the estimated prevalence rate of sexual abuse, one must assume that many children are not recognized as sexually abused, either by teachers or by pediatricians. As long as teachers and pediatricians do not have special training seminars in this field, one can argue that perhaps it is better for the child not to be detected because of discriminative reactions. But this does not help a child to solve his problem. One reason why pediatricians so seldomly detect sexual abuse in children may be that in contrast to physically maltreated children, sexually abused ones often do not have any physical symptoms but only psychic ones. Prevention of child sexual abuse is a relatively new field. Many prevention efforts are targeted directly at children through a variety of media. Plays, storygroups and films have been produced either to detect abused children or prevent children from suffering sexual abuse. Basic themes of these programs are:

1. to educate children about what sexual abuse is (sometimes defined as: "bad" behaviour or emotion);
2. to broaden the children's awareness about who might be the potentially sexual offenders (not only strangers but also offenders whom they know very well and like);
3. to show the children how they can act in the event of someone trying to sexually abuse them.

But these programs cannot work if children do not find adults who are able to speak about sexuality and sexual abuse. Sexual abuse can only be prevented if parents, school teachers and pediatricians have a chance to point

out what positive, not abusive sexual contacts are. Prevention programs which avoid describing how sexual relationships should be can only have the effect of teaching people to avoid not only sexually abusive situations but also to deny their own sexual feelings, phantasies and desires or even behaviour. In most of these programs there is no suggestion that only those children who know what "good" sexuality means can really understand what they should learn to avoid. If parents argue that they are afraid of making the child more anxious and suspicious of others - one must agree, they are right.

The problem of what kind of sexual behaviour, what kind of "sexual relationship" between children and adults should be interpreted as abusive, and what kind as an important factor in developing a non-pathological sexuality - whatever this means - has to be discussed.

It is not the kind of behaviour which is the important criteria to decide whether or not sexual abuse has taken place. Often an independent observer is unable to decide what kind of contact has taken place. This is not including extreme situations where we all would agree that sexual abuse is involved. But intimate situations in families like bathing patterns or touching the parents genitals or those of the children can be sexually abusive, but do not have to be.

Although little empirical evidence is available, ideas about how typical parents rear their children with respect to sexual issues have an influence on court proceedings in different countries. The fact that a child touched a parent genitals on one occasion has been discussed as strong evidence of molestation. *Rosenfeld et al.* (1986) reported that such an activity is not uncommon even among ten year old middle class children. Furthermore there was a positive correlation between the frequency of bathing with parents and the frequency of touching mother's breast or father's penis. What can be concluded from such results? Are all these parents sexually abusing their children? These studies show only that behavioural elements alone are not sufficient to define sexual abuse. Prevention programs often emphasize that touching certain parts of the body has to be avoided and must give rise to negative feelings. If such programs restrict themselves to sexual abuse and do not include any positive aspects of body contact between adults and children, even on their genitals if necessary, such programs might generate guilt and anxiety. Perhaps they may prevent children from being sexually abused but may also prevent children from gaining a positive view of sexuality at all. For children without any "positive sexual experience" such programs may be overwhelming, providing more stimulation and information than his or her immature personality can inte-

grate. To be able to differentiate between good and bad feelings - when a child has been touched by an adult - presupposes that the child has experience of both kinds of emotions.

In modern societies it is not clear what parents or teachers or even pediatricians have to teach children to help them to develop a so-called normal sexuality without being hampered by anxiety and guilt. More studies will have to be made in this field and those aspects have to be included in prevention programs, for the goal of these should not be to prevent sexual feelings but to prevent sexual abuse. For teachers and pediatricians it seems to be very important to learn to speak about sexuality at all to be able to help children with problems of sexual abuse.

5. Summary

After a general introduction to the problem of a sexual abuse in children some results of a study including teachers and pediatricians are presented. It becomes quite clear that these two groups are not enough informed on this subject. Before confronting children with prevention programs, various professionals need training programs to learn to handle this problem.

6. Appendix

Table 1: Sample Characteristics of the Studies with School Teachers and Pediatricians

	School teachers n = 60	Pediatricians n = 42
Sex	22 % m 78 % f	69 % m 31 % f
Age	< 50 yrs 80 %	< 50 yrs 37 %
Average years of practicing the profession	16,6	15,6

Table 2: Percentage of Teachers and Pediatricians who had Conversations on different Aspects of Sexuality with Children resp. Mothers

	Teachers %	Pediatricians %	
		female	male
Emotions, friendship	71	21	
Biology	66	10	24
AIDS	59	31	
Sexual molestation	43	16	5
Contraception	32	32	8
Masturbation	28	64	
Sexual abuse within the family	21	13	5
Hygiene, washing the genitals	0	64	
"doctor games"	0	38	

Table 3: Sources of Information and Knowledge on Sexual Abuse in %

	Teachers %	Pediatricians %
Public media	98	73
Scientific publications	32	90
Conversations with colleagues	29	27
Non-scientific books for adults	27	12
Training seminars, congresses	10	61
University courses	3	5

Table 4: Age and Sex of 45 known Cases of Sexual Abuse by the Pediatricians

Age in yrs	n of girls	n of boys
0 - 6	15	0
7 - 12	12	2
> 13	17	4

Table 5: Activities of 11 Pediatricians following the Detection of a Sexual Abuse

Activity	Total
Conversation with the mother	7
Physical examination	6
Conversation with the child	3
Peference to a psychotherapist	3
Contact social services	2
Conversation with other family members	2

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**A Summary of
the New Legislation in Canada to Protect
Children and Youths from Sexual Abuse
and Exploitation**

Carolina Giliberti

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Since January 1988, when an Act to amend the **Criminal Code** and the **Canada Evidence Act** was proclaimed, the Criminal law in Canada with respect to sexual offences against children, has undergone radical reform. The purpose of this paper is to review the developmental process which led up to this reform of the law, to describe the actual changes in the law, and finally to describe some of the strategies developed by the Federal Government to ensure that the law is enforced and implemented in all provinces and territories in Canada.

1. Historical Overview

The impetus for the recent changes to the **Criminal Code** and the **Canada Evidence Act** with respect to sexual offences against children can be traced back to the early 1970s. In the early part of this decade, two Standing Committees of Parliament reported on the lack of appropriate measures for the prevention, identification and treatment of child abuse and neglect (Standing Committee on Health, Welfare and Social Affairs of the House of Commons and the Standing Committee on Health, Welfare and Science of the Senate). After a careful review of papers presented, the testimony of specialists and the research completed in this area, both committees made numerous recommendations designed to better protect children from abuse. The recommendations were far reaching and included the development of prevention strategies; the establishment of a database that would provide the ongoing collection of statistics on the incidence of child abuse (including child sexual abuse); the collection of up-to-date information on available programs; amendments to the **Criminal Code** and the **Canada Evidence Act**; and the promotion of public and professional education on these issues (*Badgley et al.* 1984, pp. 118-119).

Towards the end of the 1970s, the Canadian Commission for the International Year of the Child was established to identify and support activities that were designed to advance the rights and well-being of children. Just after the establishment of this Commission, the Law Reform Commission of Canada called for a sweeping reform of the sections relating to sexual offences in the **Criminal Code**. Following the tabling of the Law Reform Commission's report, the federal government established a Child Abuse Information Program at Health and Welfare Canada. This program was later incorporated within the mandate of the National Clearinghouse on Family Violence (*Badgley et al.* 1984, p. 125).

In reviewing the reports and recommendations prepared by the various Legislative Committees and Advisory bodies, it is evident that the work

done in this area in the early 70s focused on the broader area of child abuse - the main focus of the research was in fact abuse and neglect. Towards the end of the 1970s however, the legislative committees and lobby groups shifted their focus from general abuse to child sexual abuse and the need for radical changes to the **Criminal Code** (*Badgley et al.* 1984, p. 125).

The most recent committee established to review the problems of child sexual abuse was the Badgley Committee, which came into existence in 1981. Under the Chairmanship of Dr. Robin Badgley, this Committee was asked to enquire into the extent of child sexual abuse, juvenile prostitution and child pornography. Specifically, the Committee's mandate was to determine the adequacy of the laws and other means used by the community in providing protection for children against sexual offences and to make recommendations for improving their protection. Dr. Badgley's Committee reported in August of 1984 (*Badgley et al.* 1984).

The 52 recommendations made by the Badgley Committee ranged in scope from social awareness, public education and health awareness to changes in the **Criminal Code**. Twenty-three of the 52 recommendations dealt specifically with the reform of the **Criminal Code** with respect to sexual offences and principles of evidence.

Specifically, the Committee recommended that: children should be permitted to speak directly for themselves in legal proceedings; there be no statutory requirement for the corroboration of an unsworn child's testimony; rules regarding recent complaint be abrogated; previous sexual history and sexual reputation of the victim be inadmissible; where a spouse is competent and compellable, the privilege of disclosure may not be claimed by that spouse; a judge can proceed in camera where such a course is required in order to obtain a full and candid representation of a child's testimony; and no one may publish any information in which the name or surname or identity of the child is disclosed (*Badgley et al.* 1984, pp. 39-106).

Two years after the establishment of the Badgley Committee, another committee, under the Chairmanship of Mr. Paul Fraser, was asked to enquire into the nature and problem of prostitution and pornography (*Fraser et al.* 1985). The findings of this committee were reported in April, 1985. Together, there were 160 recommendations which called for programs of education, health promotion and social awareness, as well as changes to the law to address the needs of children who were victims of child sexual abuse or exploitation.

After a great deal of consultation with provincial officials and the private sector regarding their views on the recommendations contained in both the Badgley and Fraser Reports, **An Act to Amend the Criminal Code** and

the **Canada Evidence Act** with respect to sexual offences against children was proclaimed by the Federal Government on January 1, 1988 (Appendix A). The overall purpose of the Act was to increase the protection of children from sexual abuse while still ensuring that the fundamental rights of the accused were upheld.

In addition to the legislative changes, the response by the government also consisted of the allocation of 25 million dollars over a five year period to be spent on social, legal and educational activities that would assist victims of child sexual abuse. The establishment of a Special Advisor to the Minister of Health and Welfare on the issue of child sexual abuse and the development of public and professional awareness and education programs.

In order to put into context the difficulties that the federal government encounters in implementing new legislation, it is essential to have some understanding of the complex jurisdictional and administrative mandates that characterize the Canadian criminal justice system.

The Parliament of Canada has authority to legislate with respect to criminal law and to set out procedures in the **Canada Evidence Act**. The provinces have no authority to legislate these domains. On the other hand, the ten provinces are given responsibility for the 'administration of justice' (*British North America Act, 1867 (U.K.), 30 & 31, Victoria, Ch. 3*).

Although at first glance this broad division of responsibility would appear to be quite straightforward, in reality it is not. For example, the British North America Act, which set out the division of responsibility between the two levels of government, split jurisdiction over the operation of penal institutions by assigning the federal government with the responsibility for the establishment, maintenance and management of correctional services for offenders who receive a sentence of two or more years of imprisonment. The provincial governments are responsible for the provision of correctional facilities for offenders sentenced to terms of imprisonment of less than two years, for the management of police forces (with the exception of the Royal Canadian Mounted Police), the prosecution of alleged offenders, and the organization of criminal and family courts within their own borders.

In addition to the criminal law, provincial child welfare legislation exists in every province and territory. Under the provincial legislation, the state (province) has the authority to intervene, or if the need arises, to remove a child where it is deemed that he or she is being abused or neglected. Many professionals working in the area of child sexual abuse argue that one of the main weaknesses in the existing legal framework is that there are no clear-cut procedures establishing when either or both of these two state

interventions can or should be invoked. As a result, front line workers are left to make decisions which have critical consequences for the welfare of the child and the offender.

There are a number of difficulties resulting from the division of jurisdictional responsibilities, some of which produce significant problems regarding the implementation of changes to the **Criminal Code** and the **Canadian Evidence Act** with respect to the sexual abuse of children.

2. A Description of the Current Legislation

As indicated earlier, on January 1, 1988, **An Act to amend the Criminal Code** and the **Canada Evidence Act** with respect to sexual offences against children was proclaimed by the Federal Government. Although the Act also contained changes to the **Criminal Code** and **Canada Evidence Act** with respect to juvenile prostitution, the major thrust of the Act pertained to the broader issue of child sexual abuse. Consequently, the focus of what follows will deal exclusively with the changes as they affect this population of victims.

The overall purpose of the Act was to increase the protection of children from sexual abuse while still ensuring that the fundamental rights of the accused were upheld. In general, the Act did three things: it created new laws concerning offences in relation to child sexual abuse, it refined existing offences and it created new provisions in the giving of evidence.

At the outset, it is important to note that some fairly fundamental problems existed with the previous law which were taken into consideration in the drafting of the new Act. One of the difficulties with the old law was the fact that girls and boys were given different protection under the law. For example, in many offences, the victim had to be female and the offender male. Under the new law, gender specific offences have been changed to make the law gender neutral. As well, specific words have been changed to reflect current usage; for example, buggery has been changed to anal intercourse.

Finally, the Act is also premised on the assumption that children, by virtue of their age, size, lack of knowledge, and vulnerability to adult authority, are unable to give consent to sexual acts. It is therefore believed that an accused should not be able to use consent to the 'act' as a defence. At the same time, however, one has to be cognizant of the fact that children are frequently sexually active during their teens, and the dilemma for the law-makers is one of trying to protect children from sexual assault without

criminalizing consensual 'exploratory sexual behaviour'. "Consent" of a child under 14 is no defence except in those circumstances where the complainant is twelve years of age or more but under the age of fourteen years; the accused is twelve years of age or more but under the age of sixteen; and the accused is less than two years older than the complainant and is not in a position of trust or authority. In brief, this means complainants under the age of 12 are given absolute protection and consent cannot be used as a defense.

2.1 Creation of New Offences

The first, and some would argue the most important, thing that the Act did was that it created three new offences that were designed to reflect the nature of sexual abuse of children. Under the old law, the offences prohibit only vaginal sexual intercourse and did not encompass the range of sexual activities that would normally constitute child sexual abuse such as fondling, masturbation and oral intercourse. The new offence entitled "Sexual Interference" provides for the protection of children against a wide range of sexual activity, such as fondling, not covered under the old law.

As well, under the old law, unless the accused had touched the child, he or she could not be charged with sexual assault. The new provision, entitled "Invitation to Sexual Touching", makes it an offence to invite, counsel or incite a person under the age of 14 years to touch him or her or any other person for the purpose of sexual gratification.

Under the old law, sexual exploitation from someone in a position of trust or authority, such as a father or step-father, was not an offence. The third new offence entitled "Sexual Exploitation", makes it an offence for anyone in a position of trust or authority, either directly or indirectly, a person fourteen years of age or more but under eighteen thus protecting them from any form of sexual exploitation. It is important to note that consent is not a defence if the 'accused' is charged under this section.

2.2 Changes to the Canada Evidence Act

In addition to the creation of new offences and the modification of old ones, the Act attempts to solve several problems pertaining to the presenting of evidence by children required to testify in court. In cases of sexual abuse offenders often take care to be alone with the child in an effort to ensure that there will be no one else to verify the child's story. In many cases, usually in those where the offender is closely related to the victim such as a father or step-father, the abuse may occur for a number of months or in

some cases, years prior to the child disclosing the abuse to someone he or she trusts. As a result, material evidence pertaining to the offence is often either nonexistent or, as a result of the passage of time, has been destroyed (such as traces of semen on clothing etc). Under the old law, corroboration of a child's unsworn testimony by other material evidence was required. Revisions to the **Canada Evidence Act** and also the **Criminal Code**, now permit the courts to hear the evidence of children without the necessity of their testimony being corroborated by either material evidence or by a witness.

The research completed as part of the development of the Badgley Report strongly indicated a reluctance on the part of some police officers and prosecutors to have young children testify. This was largely due to the fact that prior to the amendments, the **Canada Evidence Act** specified that if a child was to testify he or she had to understand the nature of an oath. If the trial judge was not satisfied that the child witness understood the nature of an oath, a further inquiry had to be made to determine whether the child had sufficient intelligence to understand the duty of speaking the truth. In those cases where a child under 14 years of age testified under oath, the trial judge had first to warn the jury about the possible unreliability of the child's evidence. As a result, very few cases where the victim was under the age of 12 ever got to court. For those cases in which the child did in fact testify, the trier of fact assumed that this testimony suffered from certain frailties which would render the trier of fact reluctant to make a legal determination in the absence of corroborating evidence.

Recognizing that children are credible witnesses and that they are capable of telling the truth, the new provision to the **Canada Evidence Act** allows children under the age of 14 to testify if the court is satisfied that the child understands the nature of an oath or a solemn affirmation, and is able to communicate the evidence. For a child who does not understand the nature of an oath or a solemn affirmation, they still may testify, provided that they promise to tell the truth. Along with the removal of the rule for corroboration, this change will permit more children to testify.

Given the dynamics of child sexual abuse, actual disclosure of the abuse by the child may occur quite some time after the actual incident has taken place. In many cases, the fact that the child did not complain to someone immediately after the event was used by the defence as evidence that the offence may not have occurred at all. The new changes to the **Canada Evidence Act** abrogate the rules of recent complainant.

Other changes to the **Canada Evidence Act** include provisions that were designed to make the court process less traumatic for children should they

be required to give evidence in court. The two amendments in this area include a provision which, at the judges' discretion, allows a child to testify outside the courtroom or behind a screen. A second provision allows as evidence, a videotape of the child disclosing the abuse, provided that the child identifies him or herself as the child in the tape.

The rationale for the provision pertaining to the use of a screen or closed-circuit television is that many professionals argued that a children may refuse to testify, or if they do, they often do not give full disclosure because they are afraid to look at the accused while testifying. It was thought in some cases it would be less traumatic for the child if a screening device were used that would allow the victim not to see the accused. If the trier of fact believes that the mere presence of the accused is in itself traumatic for the child, and that exclusion of the victim is necessary to obtain a full and candid account of the act, the victim may be excluded from the courtroom. This may only occur however, if arrangements are made for the accused and the trier of fact to watch the testimony of the complainant by means of closed-circuit television and if the accused is permitted to communicate with counsel while watching the testimony.

In proceedings for a sexual offence against a person under the age of 18, the amendments permit the introduction of a videotape made within a reasonable time after the offence was committed, provided that the complainant adopts the contents. The rationale for the use of videotapes was that it would reduce the number of times the child would have to re-tell his "story", and that the videotape would be used in court so that the child would be spared from testifying. In order to ensure that the rights of the accused are upheld, the child will still have to be available for cross-examination. The end result may be that the child will still have to testify and be available for cross examination by the defense. Some argue that this provision will in fact make the proceedings more traumatic for the child, not less traumatic. However, it is still too early for us to know what the outcome of those changes will be in the long run.

Other changes to the **Canada Evidence Act** include the provision that except under certain circumstances, no evidence concerning the sexual activity of the complainant with any person other than the accused is admissible, and that no evidence may be submitted regarding the sexual reputation of the complainant regardless of whether the evidence supports or challenges the credibility of the complainant. As well, under the new law, the wife or a husband of a person charged with an offence pertaining to child sexual abuse can be compelled to give evidence. Under the old law, certain sexual offences had to be prosecuted within a year after they had been committed. This resulted in some incidents of child sexual abuse not

proceeding to court because the incident was not disclosed within this time period. Under the new Act, all provisions which were subject to a one-year limitation period have been repealed.

3. Research

Given the magnitude of the problems identified and the fundamental changes to the substantive and procedural law, Parliament recognized the need to ascertain the impact of the new legislation on the criminal justice system and the child victim. To ensure that a review of the legislation would be undertaken, parliament required that a review clause be placed in the Act. This requirement was unusual in that it is only the second piece of criminal legislation to stipulate that the impact of the Act be monitored and that a report be submitted to Parliament including recommendations pertaining to the continuation of those sections and changes contained in the Act.

In addition to the various victimization surveys, national opinion surveys, and various research studies completed in Canada in this area over the last 15 years, including the intensive work done by the Badgley Committee, very little is known about the extent of the problem or about the manner in which these cases are processed by the social service and criminal justice systems. Although official criminal justice statistics are collected nationally, up to now the information collected pertains only to offences committed against adults.

In preparation for the review of the legislation, research studies were completed in four sites in Canada to determine the ways in which cases of child sexual abuse were handled by the justice system prior to proclamation of the Act. This research generated, among other things, the number of cases coming to the attention of social service agencies and criminal justice officials within a two year period, detailed descriptive information related to the characteristics of the victim and the accused, and the manner in which these cases were processed by the various systems. In essence, these studies provide baseline data for comparative purposes for the impact assessment of the legislation.

The program of research, designed to monitor the new law, will provide documentation on how and to what extent the legislation has been implemented; whether the legislation's objectives have been attained, and to what extent; and the emergence of foreseen and unforeseen unintended impacts

of the new law. The major components of the research will include baseline studies, monitoring and impact studies, case law review, analysis of national statistics and various project evaluations.

4. Other Federal Initiatives

The passing of new legislation in and of itself, does not ensure that the people working in the field know and understand the issues and implications of the new law. A number of strategies have been developed by the Department of Justice, Canada to ensure that the law is enforced and implemented in all provinces and territories in Canada. As well as informing professionals working with the victims and offenders of child sexual abuse, Canadians generally need to be fully apprised of the new law. Unless people know about the changes, the changes are not effectual. To this end, the Department of Justice has prepared a package designed to inform Canadians about the new law. This package includes an easy-to-read booklet for young people who are victims of sexual abuse to prepare them for their role as witnesses in court, a videotape for teenagers to make them aware of the law, a booklet to inform social workers about how the changes to the law will affect their work and, television programs geared to inform the general public.

Because many of the changes to the law are innovative and have never been tried in Canada, demonstration projects are being developed to identify mechanisms and procedure for the reception of a child's evidence. The federal government will assist the provincial governments in their administration of the changes by supporting projects that explore the use of videotapes in court or the use of closed-circuit television. As well, projects which will prepare victims who are required to testify in court will be financially supported.

Finally, the Department will complete a program of research that will include studies to ascertain the impact of the law as well as evaluations of various experimental or demonstration projects designed to develop and implement means of assisting sexually abused children who come in contact with the criminal justice system.

In conclusion, some would argue that this legislation is the most radical, and hence controversial, criminal law reform that Canada has seen in a long time. The law in and of itself, however, cannot solve the many social problems Canada faces. Training and education must complement legal reform. As well, because it is felt that the new legislation is expected to

engender an increase in the number of child sexual abuse cases going to court, an additional strain will be placed on already extended support systems. Consequently, professionals working in this area will have to unite and develop a coordinated response to this problem for the sole purpose of meeting the needs of the victim. Most importantly, I believe that the only way to protect children from abuse is to accept them as credible reporters of their own experiences and to give their testimony equal weight to that of adults.

5. Appendix A

35-36 ELIZABETH II

CHAPTER 24

An act to amend the Criminal Code and the Canada Evidence Act

[Assented to 30th June, 1987]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Criminal Code

1. The heading preceding section 140 and sections 140 and 141 of the Criminal Code are repealed and the following substituted therefor:

"Sexual Offences

Consent no
defence

139. (1) Where an accused is charged with an offence under section 140 or 141 or subsection 146 (1), 155 (3) or 169 (2) or is charged with an offence under section 246.1, 246.2 or 246.3 in respect of a complainant under the age of fourteen years, it is not a defence that the complainant consented to the activity that forms the subject-matter of the charge.

Exception

(2) Notwithstanding subsection (1), where an accused is charged with an offence under section 140 or 141, subsection 169 (2) or section 246.1 in respect of a complainant who is twelve years of age or more but under the age of fourteen years, it is not a defence that the complainant consented to the activity that forms the subject-matter of the charge unless the accused

- (a) is twelve years of age or more but under the age of sixteen years;
- (b) is less than two years older than the complainant; and
- (c) is neither in a position of trust or authority towards the complainant nor is a person with whom the complainant is in a relationship of dependency.
- Exemption for accused aged twelve or thirteen (3) No person aged twelve or thirteen years shall be tried for an offence under section 140 or 141 or subsection 169 (2) unless the person is in a position of trust or authority towards the complainant or is a person with whom the complainant is in a relationship of dependency.
- Mistake of age (4) It is not a defence to a charge under section 140 or 141, subsection 155 (3) or 169 (2), or section 246.1, 246.2 or 246.3 that the accused believed that the complainant was fourteen years of age or more at the time the offence is alleged to have been committed unless the accused took all reasonable steps to ascertain the age of the complainant.
- Idem (5) It is not a defence to a charge under section 146, 154, 166, 167 or 168 or subsection 195 (2) or (4) that the accused believed that the complainant was eighteen years of age or more at the time the offence is alleged to have been committed unless the accused took all reasonable steps to ascertain the age of the complainant.
- Sexual interference **140.** Every person who, for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of fourteen years is guilty of an indictable offence and is liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction.
- Invitation to sexual touching **141.** Every person who, for a sexual purpose, invites, counsels or incites a person under the age of fourteen years to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the person under the age of fourteen years, is guilty of an indictable offence and is liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction."
- Sexual exploitation 2. Sections 146 and 147 of the said Act are repealed and the following substituted therefor:
- "**146.** (1) Every person who is in a position of trust or authority towards a young person or is a person with whom the young person is in a relationship of dependency and who

- (a) for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person, or
- (b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person,
- is guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years or is guilty of an offence punishable on summary conviction.
- Definition of "young person"** (2) In this section, "young person" means a person fourteen years of age or more but under the age of eighteen years".
3. Sections 151 to 155 of the said Act are repealed and the following substituted therefor:
- Anal intercourse** "154. (1) Every person who engages in an act of anal intercourse is guilty of an indictable offence and is liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction.
- Exception** (2) Subsection (1) does not apply to any act engaged in, in private, between
- (a) husband and wife, or
- (b) any two persons, each of whom is eighteen years of age or more,
- both of whom consent to the act.
- Idem** (3) For the purposes of subsection (2),
- (a) an act shall be deemed not to have been engaged in in a public place or if more than two persons take part or are present; and
- (b) a person shall be deemed not to consent to an act
- (i) if the consent is extorted by force, threats or fear of bodily harm or is obtained by false and fraudulent misrepresentations as to the nature and quality of the act, or
- (ii) if the court is satisfied beyond a reasonable doubt that person could not have consented to the act by reason of mental disability.
- Bestiality** 155. (1) Every person who commits bestiality is guilty of an indictable offence and is liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction.

- Compulsion to
commit bestiality (2) Every person who compels another to commit bestiality is guilty of an indictable offence and is liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction.
- Bestiality in
presence of or
by child (3) Notwithstanding subsection (1), every person who commits bestiality in the presence of a person who is under the age of fourteen years or who incites a person under the age of fourteen years to commit bestiality is guilty of an indictable offence and is liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction."
4. Sections 157 and 158 of the said Act are repealed.
5. Sections 166 and 167 of the said Act are repealed and the following substituted therefor:
- Parent or
guardian
procuring sexual
activity "166. Every parent or guardian of a person under the age of eighteen years who procures that person for the purpose of engaging in any sexual activity prohibited by this Act with a person other than the parent or guardian is guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years if the person in question is under the age of fourteen years or to imprisonment for a term not exceeding two years if the person in question is fourteen years of age or more but under the age of eighteen years.
- Housholder
permitting
sexual activity 167. Every owner, occupier or manager of premises or other person who has control of premises or assists in the management or control of premises who knowingly permits a person under the age of eighteen years to resort to or to be in or on the premises for the purpose of engaging in any sexual activity prohibited by this Act is guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years if the person in question is under the age of fourteen years or to imprisonment for a term not exceeding two years if the person in question is fourteen years of age or more but under the age of eighteen years."
6. Subsection 168 (2) of the said Act is repealed.
7. (1) Section 169 of the said Act is renumbered as subsection 169 (1).
- (2) Section 169 of the said Act is further amended by adding thereto the following subsection:
- Exposure "(2) Every person who, in any place, for a sexual purpose, exposes his or her genital organs to a person who is under the age of fourteen years is guilty of an offence punishable on summary conviction."

8. Paragraph 175 (1) (e) of the said Act is repealed and the following substituted therefor:

"(e) having at any time been convicted of an offence under section 140, 141, 146, subsection 155 (3) or 169 (2), section 246.1, 246.2 or 246.3, or of an offence under a provision mentioned in paragraph (b) of the definition "serious personal injury offence" in section 687 as it read before January 4, 1983, is found loitering in or near a school ground, playground, public park or bathing area."

9. Subsections 195 (2) to (4) of the said Act are repealed and the following substituted therefor:

Idem

"(2) Notwithstanding paragraph (1)(j), every person who lives wholly or in part on the avails of prostitution of another person who is under the age of eighteen years is guilty of an indictable offence and is liable to imprisonment for a term not exceeding fourteen years.

Presumptions

(3) Evidence that a person lives with or is habitually in the company of a prostitute or lives in a common gawdy-house or in a house of assignation is, in the absence of evidence to the contrary, proof that the person lives on the avails of prostitution, for the purpose of paragraph (1)(j) and subsection (2).

Offence in relation to juvenile prostitution

(4) Every person who, in any place, obtains or attempts to obtain, for consideration, the sexual services of a person who is under the age of eighteen years is guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years."

10. Subsection 246.1 (2) of the said Act is repealed.

11. Sections 246.4 and 246.5 of the said Act are repealed and the following substituted therefor:

Corroboration not required

"**246.4** Where an accused is charged with an offence under section 140, 141, 146, 150, 154, 155, 166, 167, 168, 169, 195, 246.1, 246.2 or 246.3, no corroboration is required for a conviction and the judge shall not instruct the jury that it is unsafe to find the accused guilty in the absence of corroboration.

Rules respecting recent complaint abrogated

246.5 The rules relating to evidence of recent complaint are hereby abrogated with respect to offences under sections 140, 141, 146, 150 and 154, subsections 155 (2) and (3), and sections 166, 167, 168, 169, 246.1, 246.2 and 246.3."

12. All that portion of subsection 246.6 (1) of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

No evidence concerning sexual activity	<p>"246.6 (1) In proceedings in respect of an offence under section 140, 141, 146, 150 or 154, subsection 155 (2) or (3), or section 166, 167, 168, 169, 246.1, 246.2 or 246.3, no evidence shall be adduced by or on behalf of the accused concerning the sexual activity of the complainant with any person other than the accused unless"</p>
Reputative evidence	<p>13. Section 246.7 of the said Act is repealed and the following substituted therefor:</p> <p>"246.7 In proceedings in respect of an offence under section 140, 141, 146, 150 or 154, subsection 155 (2) or (3) or section 166, 167, 168, 169, 246.1, 246.2 or 246.3, evidence of sexual reputation, whether general or specific, is not admissible for the purpose of challenging or supporting the credibility of the complainant."</p>
Testimony outside court room	<p>14. (1) Subsections 442 (3) and (3.1) of the said Act are repealed and the following substituted therefor:</p> <p>"(2.1) Notwithstanding section 577, where an accused is charged with an offence under section 140, 141, 146, 150 or 154, subsection 155 (2) or (3), or section 166, 167, 168, 169, 246.1, 246.2 or 246.3 and the complainant is, at the time of the trial or preliminary inquiry, under the age of eighteen years, the presiding judge or justice, as the case may be, may order that the complainant testify outside the court room or behind a screen or other device that would allow the complainant not to see the accused, if the judge or justice is of the opinion that the exclusion is necessary to obtain a full and candid account of the acts complained of from the complainant.</p>
Condition of exclusion	<p>(2.2) A complainant shall not testify outside the court room pursuant to subsection (2.1) unless arrangements are made for the accused, the judge or justice and the jury to watch the testimony of the complainant by means of closed-circuit television or otherwise and the accused is permitted to communicate with counsel while watching the testimony.</p>
Order restricting publications	<p>(3) Where an accused is charged with an offence under section 140, 141, 146, 150 or 154, subsection 155 (2) or (3), or section 166, 167, 168, 169, 246.1, 246.2 or 246.3, the presiding judge or justice may, on his or her own motion, or shall, on application made by the complainant, by the prosecutor or by a witness under the age of eighteen years, make an order directing that the identity of the complainant or the witness and any information that could disclose the identity of the complainant or witness shall not be published in any document or broadcast in any way.</p>

Rights	<p>(3.1) The presiding judge or justice shall, at the first reasonable opportunity, inform every witness under the age of eighteen years and the complainant of the right to make an application for an order under subsection (3)."</p> <p>(2) Subsection 442 (5) of the said Act is repealed.</p> <p>15. Section 586 of the said Act is repealed.</p> <p>16. The said Act is further amended by adding thereto, immediately after section 643 thereof, the following heading and section:</p>
	<p><i>"Videotaped Evidence</i></p>
Evidence of complainant	<p>643.1 In any proceeding relating to an offence under section 140, 141, 146, 150 or 154, subsection 155 (2) or (3), or section 166, 167, 168, 169, 246.1, 246.2 or 246.3, in which the complainant was under the age of eighteen years at the time the offence is alleged to have been committed, a videotape made within a reasonable time after the alleged offence, in which the complainant describes the acts complained of, is admissible in evidence if the complainant adopts the contents of the videotape while testifying."</p>
	<p>Canada Evidence Act</p>
	<p>17. Subsection 4 (2) of the Canada Evidence Act is repealed and the following substituted therefor:</p>
Idem	<p>"(2) The wife or husband of a person charged with an offence against subsection 50 (1) of the Young Offenders Act or with an offence against any of sections 140, 141, 146, 150 or 154, subsection 155 (2) or (3), or sections 166 to 169, 175, 195, 197, 200, 246.1 to 246.3, 249 to 250.2, 255 to 258 or 289 of the Criminal Code, or an attempt to commit any such offence, is a competent and compellable witness for the prosecution without the consent of the person charged."</p> <p>18. Section 16 of the said Act is repealed and the following substituted therefor:</p>
Witness whose capacity is in question	<p>"16. (1) Where a proposed witness is a person under fourteen years of age or a person whose mental capacity is challenged, the court shall, before permitting the person to give evidence, conduct an inquiry to determine</p> <p>(a) whether the person understands the nature of an oath or a solemn affirmation; and</p> <p>(b) whether the person is able to communicate the evidence.</p>
Testimony under oath or solemn affirmation	<p>(2) A person referred to in subsection (1) who understands the nature of an oath /or a solemn affirmation and is able to communicate the evidence shall testify under oath or solemn affirmation.</p>

Testimony on promise to tell truth	(3) A person referred to in subsection (1) who does not understand the nature of an oath or a solemn affirmation but is able to communicate the evidence may testify on promising to tell the truth.
Inability to testify	(4) A person referred to in subsection (1) who neither understands the nature of an oath or a solemn affirmation nor is able to communicate the evidence shall not testify.
Burden as to capacity of witness	(5) A party who challenges the mental capacity of a proposed witness of fourteen years of age or more has the burden of satisfying the court that there is an issue as to the capacity of the proposed witness to testify under an oath or a solemn affirmation."
Review after four years	19. (1) On the expiration of four years after the coming into force of this Act, the provisions contained herein shall be referred to such committee of the House of Commons, of the Senate, or of both Houses of Parliament as may be designated or established by Parliament for that purpose.
Report	(2) The committee designated or established by Parliament for the purpose of subsection (1) shall, as soon as practicable, undertake a comprehensive review of the provisions and operation of this Act and shall, within one year after the review is undertaken or within such further time as the House of Commons may authorize, submit a report to Parliament thereon including such recommendations pertaining to the continuation of those sections and changes required therein as the committee may wish to make.

Coming into Force

Coming into force	20. This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation.
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6. References

- Badgley, R., et al.* (1984). Report of the Committee on Sexual Offences Against Children and Youths, Sexual Offences Against Children. (v. 1, v. 2). Canada: The Minister of Justice and Attorney General, and the Minister of National Health and Welfare.
- Fraser, P., et al.* (1985). Report of the Special Committee on Pornography and Prostitution, Pornography and Prostitution in Canada. (v. 1, v. 2). Canada: The Minister of Justice and Attorney General.
- British North America Act*, 1867 (U.K.), 30 & 31, Victoria, Ch. 3).

12. Abuse of Women

Violence on College Campuses: Victims and Perpetrators

Emilio Viano

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1. The University: A World Apart

The serene campus, the realm reserved for intellectual quests, seems an unlikely environment for crime. As a matter of fact, until at least the 1960s, institutions of higher learning in America were considered and functioned as serene ivory towers, havens set apart from the larger society and settings where crime and criminal justice did not trespass.

That view stemmed, partially, from valid historical precedent. From the 13th century until quite recently, European universities, even though not free of crime, were autonomous of the world around them in several ways. As a matter of fact, the concept of the campus as a sanctuary originated in the hostility and even violence that were very much part of the "town versus gown" dealings. In reply to these frequent problems and competing interests, political barter led the authorities to grant special legal autonomy to the institutions of higher learning and their residents. Paramount was the right of faculty and students to be tried in university or church courts, instead of the town's courts. This right could be considered an institutionalized "change of venue" which recognized the difficulty, if not impossibility, for university people to obtain a fair hearing in front of a judge and jury composed of townspeople. On the other hand, of course, merchants and other people from the town felt quite discriminated against in the universities' courts.

Colleges and universities in the United States inherited this custom of independence from governmental jurisdiction. Until quite recently there were few legal provisions impacting the governance of universities. For example, before the 1960s, one finds very few court cases, particularly at the appellate level, involving universities and basically no federal or state legislation regulating higher education. American higher education functioned like a "Victorian gentlemen's club whose sacred precincts were not to be profaned" by common governmental rule (*Kaplin 1978*, p. 48). Universities "tended to think of (themselves) as removed from and perhaps above the world of law and lawyers," (*Kaplin 1978*, p. 48) and were considered as special entities that could regulate and govern themselves by relying on tradition and consensus.

However, in the United States, differently from the medieval European university, autonomy was a privilege enjoyed by the administrators and not by the faculty and the students. American college presidents were supreme

masters behaving very much like the railroad and industry presidents of their time. It was not until the 1930s that the faculty began to acquire some power and that the concept of "shared governance" became acceptable and had some impact. The main reasons behind this change were the growth of unions, the influx of federal regulation, and substantial legal developments ensuring some due process and equal protection for employees.

For the students, the wait was even longer. It was not until the 1960s that students began to claim and obtain some of the "rights" during their college education that are taken for granted today. The major reason behind this lag is that the Constitution of the United States addresses and protects the rights that the citizens have when dealing with the government and not necessarily with private organizations and institutions, like many universities are. Thus, the constitutional rights of students to free speech, due process, equal protection, and others were simply considered non-existing at private colleges and universities.

At the state universities, another legal concept effectively denied students their rights: the doctrine that post-secondary education is not a "right" but instead a "privilege" that can be given or taken away by the university according to its own rules and regulations and unhindered by state intervention. Several courts, including the U.S. Supreme Court, supported this legal theory. Another legal doctrine also hampered students' rights: the common law principles of *in loco parentis* and of *parens patriae*, according to which college administrators acted in the stead of the students' parents and, naturally, in the students' best interest. This approach reinforced the insulation of university administrators from the scrutiny and regulation of outside authorities and effectively defended them from legal and constitutional challenges.

2. Crime and Justice on the Paternalistic Campus

The special status of universities and the recognition of their separateness, insulation, and autonomy from the outside world explain why little or no crime on campuses has been reported until very recently. Student behavior that might represent a crime in the outside world was dealt with within the confines of the university. The "dean of students" or similar university officer was normally the judicial authority who decided the case, imposed a penalty or required a remedy, without possibility of appeal (*Otten 1970*). Nothing was reported to outside authorities and the records, if any, were kept confidential. Moreover, non-students, who today are the major perpetrators of crimes on campuses, had little chance to victimize the students

since the campuses were smaller and the majority of students fulltime. This situation made anonymity on campus quite difficult to maintain and thus discouraged trespassers and would-be criminals.

This does not mean that American campuses were free of crime and disruption. Murder, mayhem, riots, cheating on exams, and falsification of grades and academic records did take place occasionally since the very beginning of higher education in the United States. *Brubacher* and *Rudy* (1976) have recounted instances of this early violence. They write, for instance, about the strict discipline of the old paternalistic colleges that frustrated many students during the first half of the 19th century and that was at the origin of much disorder. Even at the University of Virginia, where the founder, Thomas Jefferson, had encouraged student independence and self-government, rebellions by riotous students caused much pain for him during the latter part of his life. These riots did not stop when Jefferson died in 1826 but continued into the 1830s and 1840s. Before they stopped, a professor had been killed and the sheriff had taken an armed posse onto the campus to restore order.

Severe riots also took place at Princeton, where half the students were suspended at one point after a particularly severe incident in 1807. At Yale violent and even fatal confrontations took place between town and gown during the 19th century. Violence and rebellion were not unknown at Harvard either. Brawls, assaults, and attacks among students and between students and faculty were not uncommon. Once, the university expelled more than half the graduating class, including the son of John Quincy Adams, the sixth president of the United States, on the eve of commencement.

In situations like these, the autonomy of the university also limited the range of possible responses to expulsion. Thomas Jefferson had advocated the establishment of a university court at the University of Virginia. He envisioned this court as having concurrent jurisdiction with the state courts, and full power to empanel grand juries to investigate and indict, and to try cases. It was also to have its own jail. The Virginia legislature, however, rejected the idea.

Historians explain this violence, and particularly mass violence, on American campuses during the 18th and 19th centuries as stemming from conflicts and incongruities of American society at the time. On the one hand, the United States was an ebullient and energetic young nation with unlimited national aspirations. This high-spirited national consciousness, however, clashed with the rigid and confining morality of Protestantism in general and Puritanism in particular. *Brubacher* and *Rudy* (1976, p. 54-57)

state that "there was an inner conflict between an over-repressive, Calvinistic morality and a frontier pattern of heavy drinking and brutal fighting." Consequently, campus violence simply reflected the restiveness and hot-bloodedness that characterized the general society. One could venture that it is still this way today.

By and large, however, the image that American colleges were protected from the crimes prevalent in the outside world may have been correct, at least until the 1960s. Certainly, this is what the record shows, although it hardly reflects reality. Given complete permission to police themselves, institutions did not stress, publicize or even record whatever misdeed may have occurred on campus. Notwithstanding this, the amount of crime must have been relatively low because otherwise such a situation would have eventually surfaced for public scrutiny.

It must also be kept in mind that many of the crimes that took place on campuses were not recognized as such, dealt with, and recorded because they were not classified as such in the general society either. It is only recently that society has finally recognized various forms of sexual assault, date rape, sexual harassment, and domestic violence as crimes worthy of condemnation, investigation and prosecution. Thus, it is not surprising that these criminal behaviors, which have certainly been long in existence, were not "seen" on campuses just as they went unrecognized and unpunished in the society at large.

3. World War II and Baby Boomers: Expansion and Change on American Campuses

The status of the university as a privileged sanctuary began to change after World War II. At that time, post-secondary education began a dramatic expansion in terms of institutions and numbers which is only now slowing down. Large numbers of veterans of World War II took advantage of the educational benefits provided for them by the federal government and enrolled in large numbers in universities and colleges, including the most prestigious ones. This was a radical departure from what had until then been considered "normal" in higher education. Veterans were older, more mature, worldly, often married and with children, more practical in outlook and aspirations. They tended to live off-campus, particularly if married, and to maintain closer ties with the community whose schools, services, and institutions they and their families used. They also began to introduce on campus ideas, lifestyles, needs, and demands that were unheard of before.

The federal government that paid their basic educational expenses also began to become more interested in how universities and colleges were administering these benefits and governed themselves.

Then, in the 1960s, the largest demographic surge in American population ever, the so-called "Baby-Boomers", reached college age and enrolled in record numbers, cognizant of the need of a higher education degree to obtain good employment and to have a career in an increasingly sophisticated and technological world. The way in which people went about obtaining university degrees also changed. Studying full-time ceased to be the norm. The opening up of higher education to the less affluent meant that many students had to rely on employment, while enrolled at the university, to cover the cost of higher education which, in the United States, has always been substantial. Mature students were generally married and needed to work to support their families. Thus, many were part-time students.

In response to these dramatic changes and needs, universities also changed the way in which they delivered higher education. Part-time students, commuter students and campuses, internships and cooperative programs with outside employers, "enrichment" curricula and remedial programs for non-traditional students, and the provision of services for a non-resident student population - from expanded parking to commuter lounges to evening and weekend classes - revolutionized the American campus. With the partition between academia and the outside world crumbling, it was inevitable that the troubles of the bigger culture would begin to infiltrate colleges and universities.

4. The Influence of the Civil Rights and Anti-War Movement

Another phenomenon that greatly encouraged the opening up of the universities to the influences of the outside world and the newly found assertiveness of students and faculty was the civil rights movement. The determined campaign by the National Association for the Advancement of Colored People (NAACP) and similar groups to see that post-Civil War civil rights guarantees were effectively enforced led to a major victory in 1954, the Supreme Court decision in the **Brown versus Board of Education** case. The decision signified not only the end of legal segregation in the United States but also the beginning of a concerted effort on the part of key Justices to use constitutional law to tackle widespread social ills and address individual grievances. The success of the civil rights movement inspired, motivated, and emboldened several groups with a variety of grievances.

There is no doubt that the idea of equality, once officially recognized and declared, acquired an unstoppable life of its own and aroused the attention and interest of disparate groups feeling neglected, abused, ignored, and downtrodden. During the last three decades, the thirst and hunger for equality in American society have appeared to be almost insatiable and universal. This in turn unleashed what has been called the "law explosion" focused and aimed mostly at the assertion of private rights against other individuals or organizations.

As a consequence, several trends have appeared in American life that have also influenced academia: a substantially greater propensity to use formal litigation to solve problems and disputes; the student protest movements; the propagation of unions on campus; the increased consciousness of employee rights in society; and the expansion of the federal government's presence in campus life, under the form of expanded regulation and protection of students and employees, and of federally funded programs that also introduced national standards, salaries, and accountability.

5. Civil Disobedience, Lawbreaking, and Violence on Campus

The civil rights movement and the anti-war protests during the Vietnam war, were particularly vital to the phenomenon of campus crime. For the first time in the United States, they encouraged extensive and willful civil disobedience, lawbreaking and violence on the campuses. At the end of the 1960s there were thousand of criminal cases before the courts stemming from sit-ins and other types of student demonstrations in favor of certain political convictions. Many students were convicted. Student protests, of course, are nothing new but they were a novelty to the American society of the 1960s. In reaction, many state legislatures hastily enacted laws that made it a crime to disrupt the operations of an educational institution. Just during 1969 and 1970, 44 states passed laws that were directly aimed at controlling student unrest.

Student rebellion peaked in 1970 and then it veered off toward a lethal outcome. National guardsmen fired into a crowd of protesting students at Kent State University in Ohio killing four and wounding nine. A few days later, police fired into a dormitory at Jackson State College in Mississippi killing two and wounding twelve students. The violent and punitive reaction of the state to the student demonstrations was justified by the belief that they were organized by conspirators whose ideology was totalitarian and anti-democratic.

However, the National Commission on the Causes and Prevention of Violence appointed by President Johnson in 1968 determined that both student and urban mass violence were caused by the failure of the political system to permit the manifestation of legitimate grievances by disenfranchised groups or to respond meaningfully to those grievances. It was because of these deficiencies in the system, the Commission concluded, that the people's and the students' frustrations erupted into violence.

6. The 1960s: A Crucial Dividing Point in American Culture

There is no question that the decade of the 1960s was a crucial dividing point in American culture. The way of life with which Americans began the decade was dramatically changed by the end of it. The increased awareness and affirmation of civil rights led to the introduction of the concept of "participatory or shared governance" in which students, faculty, and administrators participate in governing the university, and to the expansion of the use of the concept of "due process" by students, faculty, and other employees to challenge the administrators' decisions. The ideal of the campus as a sanctuary, free to govern its own affairs and exempt from the questioning, intimidating, and at times violent intrusions of society, the government and law enforcement was questioned and challenged many times during the 1960s and 1970s and, in the end, was irrevocably changed.

The university itself eventually shed its image of being *in loco parentis* and adopted a businesslike attitude and relationship toward the students. The contemporary university is a provider of a variety of services that go well beyond education. It is a mini-conglomerate of businesses selling food, recreation, housing, books, stationery, novelties, sport events, and travel. The student is seen as a consumer who has to be attracted, served, pleased, and retained. The introduction at many colleges in the 1970s of anonymous students' evaluations of the quality of teaching of their professors underlined this change in relationship, from the paternalistic, benevolent and unchallenged "father knows best" to the businesslike and demanding "the customer is always right."

7. Violence on Campus Today

There is no doubt today that campuses are part of society and are affected by the same forces that pervade contemporary lifestyles. The violence that

takes place between strangers, among acquaintances, and in close relationships also exists on college campuses. Some find this quite disappointing considering the official dedication of the institution to the education, development, and safety of its members. At times, this leads to considerable denial and coverup. Violence - behavior that is meant to harm another individual - is certainly contrary to the ideal of fostering student development. It injures both individuals and the organization, at times in an irreversible manner.

This violence encompasses a large range of actions, most often sexual assault, physical assault, harassment, and hazing. Rape and other types of sexual assault are carried out by acquaintances and dates just as by strangers and gangs. Dating violence is widespread and brings to campus the same dynamics as domestic violence off campus. Sexual harassment and extortion, that is uninvited sexual overtures in a relationship of uneven power, impact students, staff and junior faculty. Academic harassment intimidates and humiliates students in class. Also common is gender harassment, the vocal reviling of the qualities that characterize being male or female. Muggings, hitting, fighting, and even killings are not unheard of on campuses. Bias toward the handicapped, homosexuals, and ethnic and racial minorities exist as a steady undercurrent and surface from time to time. Racism, sexism, ageism, classism, homophobia, and ethnocentricity that reflect society's persecution of many of its members also thrive on university campuses.

The Uniform Crime Reports do offer some data on college crime. In the mid-1980s, for example, colleges were reporting each year from 2,000 to 2,500 crimes of personal violence (murder, manslaughter, rape, robbery, and aggravated assault) and more than 10,000 serious property crimes (burglary, larceny, motor vehicle theft, and arson) (*UCR* 1984 1985). It must be kept in mind that crime reports were received only from 400 colleges or about 15 percent of the total number of institutions of higher education in the United States. Moreover, as it is always true with this type of official data, only offenses reported to law enforcement were recorded.

Depending on the type of crime and place, it is generally thought that from three to ten times as many offenses take place as are reported to the police. Another important consideration is the fact that universities are basically quite reluctant to admit that crime exists on their campuses. Particularly during these times of fierce competition among universities for the recruitment of the next freshman class, given the scarcity of available youth because of a dip in births in the late 1960s and early 1970s, university

administrators and chiefs of security are very image-conscious and certainly do not wish to volunteer or admit that their campuses may be a dangerous place.

8. Studies of Campus Crime and Violence

One of the widest studies of campus crime and violence was conducted in 1987 at Towson State University, near Baltimore, Maryland (*Towson* 1987). The study consisted of a questionnaire mailed to campus security directors, student affairs managers, and residence directors at 1,100 colleges and universities in the United States. Responses were obtained from 764 institutions. Reflecting the hidden nature of crime, respondents said that only 33.6 percent of campus sexual assaults, 62.8 percent of physical assaults, and 63 percent of vandalism were actually reported to campus security. Quite interestingly, when respondents were compared by category, campus security felt that a large percentage of offenses had been reported while residence directors estimated that a smaller percentage of actual crimes had been reported. For example, security people stated that 96 percent of vandalism had been reported but residence directors felt that only 56 percent of actual vandalism was brought to the attention of the authorities. Similarly, there is considerable discrepancy between those two groups when it comes to sexual assault: security thought that 36.9 percent had been reported while residence directors felt that only 28.8 percent were. A strong difference surfaced about date rape: 64 percent of the residence directors considered date rape as a significant part of the sexual assaults that occurred on campus while only 47.3 of campus security thought so.

These divergent perceptions and reports may be explained by the fact that security directors base their assessment on hard figures reflecting reported crimes while residence staff rely more on "soft" data, often estimates based on personal recall and anecdotal evidence. Common sense suggests that residence directors simply know more about the frequency and incidence of crime than other campus administrators. Also, they are conceivably more aware of the several instances when a victim chose not to notify security for one of many reasons: unawareness that a crime had occurred; reluctance to invest the time and energy required to report and prosecute; doubt that the system would respond in a positive and helpful manner; uneasiness about tattling on fellow students; and fear of retaliation.

The Towson study also revealed that respondents thought that 29.7 of all campus physical assaults were committed by non-students. Unfortunately, the study does not clarify whether "non-student" means only people

completely unrelated to the university or includes staff and faculty. Outsiders present considerable challenges to the university authorities since they have no effective means to control them. Campus regulations can have an impact on faculty, staff, and students but little on outsiders. The only control that a college can exercise on outsiders is to restrict their access to the campus which is practically impossible or to "target-harden" vulnerable campus segments, also a very difficult task given the strong feeling of invulnerability that characterizes youth; the belief that still persists that the campus is somewhat insulated from the harsh realities of the outside world; and the sense of community among students, particularly on residential campuses.

Students are aware of the danger. A Gallup poll consisting of 508 face-to-face interviews on 100 campuses nationwide and published by *Newsweek* magazine showed that 38 percent of American college students worry about crime on or near their campuses "a great deal" or "a fair amount" (*Newsweek* 1986, p. 10). One out of six reported having personally been a victim of crime, mostly theft, while they were students.

To compare existing data between campuses and society at large is not easy. First of all, there is considerable overlap in the reporting system. For example, students are often counted twice, by the institution where they are enrolled and by the community where they live. Their offenses are also counted twice at times: by university security and by the police or the sheriff. On the other hand, there are instances when crimes on campus are reported only by outside law enforcement agencies and not at all by the colleges themselves. By and large, the Uniform Crime Reports indicate that crime on campus is about the same as crime in the general population.

9. Analyses of Campus Crime

One of the first sustained analyses of campus crime was conducted by *McPheters* (1978). He tried to discern significant variables affecting campus crime through econometric analysis of factors that may be influential. He used budget, student population, and physical and location information on campuses from 38 institutions, unemployment statistics, and crime data derived from the Uniform Crime Reports. The two independent variables that appeared to result in a larger number of crimes on campus were, first, a higher percentage of students living on campus in dormitories and, second, closer vicinity to urban areas with high unemployment rates.

There was not a great deal of difference between commuter institutions and established, isolated colleges with lots of dormitories. This finding was confirmed in 1985 by *Fox* and *Hellmann* (1985) who studied 222 colleges and universities utilizing an analysis of variance approach to study patterns of relative safety. They concluded that the campus location - urban or rural - did not affect crime rates, although violent crimes were somewhat more frequent in the urban institutions. *Fox* and *Hellman* agreed with the "trade off risk" concept advanced by *McPheters*: rural campus rates mirror the large percentage of students who live on campus, while urban campus crime data reflect the negative impact of the urban environment, offset by the small number of students residing on campus. *Fox* and *Hellman* also looked at 38 different correlates that they thought may influence campus crime rates. When it comes to student demographic factors, they found that the percentage of male students correlated positively with crime. However, the percentage of minority students, while positively correlated, was not statistically significant.

10. New Kinds of Campus Violence

The growing interest about campus crime is also focusing on new kinds of violence among students. In the United States, date rape, courtship violence, and sexual harassment have been attracting considerable attention. Violence between roommates, hazing, and crimes committed by student athletes are being studied as well.

Even though rape by strangers is most commonly feared by most women and responded most vigorously to by authorities, it actually happens less often than **acquaintance rape and date rape**. In the society at large, rape by persons known to the victim is responsible for 60 percent of all rapes (*Seligman* 1984). That percentage may be even higher on campuses. Several research studies have found that from 15 percent to 20 percent of college women have been sexually assaulted and that 20 to 25 percent were victims of attempted rape (*Koss & Oros* 1982; *Skelton* 1982; *Meyer* 1984). A study of college men by *Rapaport* and *Burkhart* (1984) revealed that 15 percent admitted having sexual relations with a woman against her will. Only 39 percent disclaimed any coercive sexual involvement. Similarly, *Kanin* (1984) studied 71 male college students who acknowledged having used or threatened force in order to engage in sex with a non-consenting woman. All the cases reportedly resulted in penetration. Although in all the cases the attacker was known to the victim, not one incident was reported to the authorities.

The Project on the Status and Education of Women (1985) has collected more than 50 incidents of gang rape on college campuses in the last few years. The great majority took place at fraternity parties. About 20 percent involved student athletes. The report states that the victims of these rapes generally drop out of school while the men are generally unaware that they have committed rape and consider their action as "normal party behavior." Some researchers have concluded that sexual aggression is common, normative, and rooted in the social structure of courtship (*Burkhart & Stanton* 1986).

Courtship violence refers to acts of aggression in dating relationships. These can range from verbal threats to pushing, choking, slapping, or striking someone with a weapon. It has received considerable attention in recent research. One of the first to study it was *Makepeace* (1981) who questioned 202 sociology students at a medium-sized midwestern university. Among them, 61.5 percent knew someone who had been involved in this type of violence while 21.2 percent had personally experienced it. The reason most often mentioned for sparking the violence was sexual jealousy (27.2 percent of the cases). *Makepeace* studied the relationship of courtship violence to spousal abuse.

Research on domestic violence has generally found that, for different reasons, many victims will continue their relationship with the assailant even though the violence may have been serious. The reasons given are often economic dependence, the good of the children, and the stigma of divorce. Since none of these reasons apply to unmarried students romantically involved with each other, *Makepeace* hypothesized that the majority of college students victims of courtship violence would end the relationship. On the contrary, he found that almost 16 percent were still involved with the attacker and that for 28.9 percent the relationship had become even deeper. *Makepeace* concluded that courtship violence is a "serious social problem" in college life and recommended more study on the links between the abuser and his or her family of orientation and, even more importantly, the linkage between the premarital role and subsequent marital roles. There is no question that the socializing role that courtship violence may play for later spousal abuse is troubling.

A survey of 510 students at a medium-sized state university conducted later by *Albritten-Bogal* and *Albritten* (1985) confirmed *Makepeace's* results. It showed that 61 percent of the students reported personal knowledge of another student involved in an instance of courtship violence; and 19 percent admitted that they had experienced it at least once. Sixty-two percent said that they had ended the relationship; 27 percent indicated that they were continuing their involvement with the attacker, and 11 percent stated that

the relationship had actually become closer, not necessarily because of the violence. Similar studies showed that from 23 percent to 35 percent of college students have been victims of courtship violence (*Cate et al.* 1982; *Broadbelt* 1983; *Matthews* 1984).

Most studies of **sexual harassment** on college campuses define it as including the following types of behaviors: seductive behavior, which, although inappropriate and offensive, is free of sanctions; sexual bribery, that is asking for sexual activity by promising certain rewards; sexual coercion, when sexual acts are coerced through the threat of punishment; and sexual assault. The literature on this topic indicates that between 18 and 30 percent of undergraduate women encounter sexual harassment by at least one of their professors during their college careers (*Metha & Nigg* 1982; *Wilson & Kraus* 1983; *Adams, Kottke & Padgitt* 1983; *Dzeich & Weiner* 1984; *Paludi*, in press). However, only about five percent disclose the harassment or file a grievance (*Fitzgerald* 1987). Generally, only about two to seven percent of undergraduates said that they confronted their harassers directly (*UCLA Survey* 1985; *Koss*, in press). As unpleasant and twisted blaming oneself for unwanted sexual attention may be, the literature on victimization indicates that blaming oneself and refusing to acknowledge that one was a victim is preferable to accepting and recognizing that one has been victimized.

While most of the violence on campus, as in society, is committed by men against women, there are also male toward male, female toward female, and female toward male physical attacks. Little published research exists to substantiate the extent to which fighting, hitting, slapping, kicking, and similar assaults take place, most probably because these interactions often take place in private settings and go unreported. A study by *Schuh, Shipton* and *Edman* (1986) revealed that physical confrontations between students seem to be growing when compared to the previous experience of residence hall staff.

Hazing, often described as a violation of rules of common decency, is responsible for the deaths of some 30 students on college campuses since 1978 (*Meyer* 1986). There is no commonly accepted definition of the initiation rituals called hazing. Often they require forced activities that are physically abusive; excessive exercise; drinking of large quantities of alcohol; attacking or harassing other students, particularly women; and, at times, defying the law. Acts that cause mental stress and shame are also considered hazing. Some 18 states now have enacted laws making hazing illegal.

Another type of deviant behavior which has attracted considerable attention in the United States in recent times is the perceived lawlessness of **campus athletes**. Since the start of the academic year 1990-91, for example:

- Three freshman football players at the University of Southern California were charged with battery and false imprisonment after a female graduate student accused them of sexually assaulting her. They remain on the team.
- A University of Georgia football player was arrested in September 1990 for allegedly attempting to sell crack cocaine. He was immediately suspended.
- A high school basketball star on a recruiting visit to Syracuse University was accused of raping a first-year female student.
- Six male students of St. John's University in New York, including five lacrosse players, were suspended after being charged with sexually assaulting a female student.
- Three football players at the University of Tennessee were suspended from playing after being accused by a female student of sexually assaulting her.

Many athletes have been charged with or convicted of crimes in 1990 ranging from misdemeanors (e.g., fighting in a bar) to felonies (e.g., drug possession or sexual assault). Since there are not yet reliable statistics on crimes perpetrated by college athletes or other students, it is impossible to say whether student athletes commit more crimes than other students. Certainly, incidents involving student athletes are much more likely to attract attention and generate newspaper headlines than crimes committed by regular students. In the past such behavior would have been covered up by sympathetic college administrators or local police. It is also plausible to think that athletes are more likely to become involved in violent crimes because of the type of people that they are or that they have been trained to become. They are definitely more "physical" than the average student; are often challenged physically by others; and are expected to react in kind (*Lederman 1990*).

11. Roots of Campus Crime and Victimization

Some factors underlining campus violence and victimization can be identified and linked. This should make the process of prevention and control easier and more effective.

University students in the traditional age group and not living at home are particularly vulnerable to victimization. Typically, they find themselves in a new setting affected by several environmental sources of stress; often far away from the direct supervision of their parents and from the support systems they were familiar with since childhood; and also at a period in their lives when sexual urges are making themselves insistently felt. There is considerable peer pressure while their identities are not yet very solid; their ability to live responsibly largely untested; their competence shaky; and, worst of all, the belief in their own invincibility very strong. They live in the midst of thousand of others who are also testing their newly-found freedoms and who may be living under quite different morality codes. Under these circumstances, the risk for victimization is quite high.

The glorification of violence which is characteristic of America also reaches into the campuses. In particular, violence in a close relationship is still, by and large, not considered that criminal or deviant, particularly when the relationship is strong and intimate. This climate of pro-violent values and behaviors cannot but influence many students, their way of relating to others, and eventually lead to criminality or victimization.

Sexuality and violence are often mixed together in movies, music lyrics, entertainment, sports, pornography and everyday expressions. This generates considerable confusion and double messages about sex, sexuality, and gender relations and inevitably leads, sooner or later, to creating situations leading to victimization, when people are taken advantage of or are abused by the violent use of sex and intimacy.

Another element that greatly contributes to violent expressions on campus is the process of sex role socialization. On the one hand, the stereotypical sex roles that define men as aggressive and exploitative and females as submissive and nurturing are still very powerful and influential; on the other hand, there have been dramatic changes in role definitions, moving from a societally imposed vision of what it means to be male or female and of what each sex can aspire to do and achieve to a more individualized and self-de-

fined interpretation of gender. This tension inevitably creates a quicksand environment marked by confusion and disagreement that can lead to conflict.

Violence is also fueled on campus by the stratified pattern of dominance and control that is prevalent in our society and that permeates relationships in the university as well. The wrong use of personal, physical, or hierarchical power is part of a constellation of factors that bring about victimization. Today, there is awareness that violence is generally more a struggle over power than an expression of aggression or sexuality. Most students bring to this situation conceptions of power relations learned growing up when they were reared to accept without question the control of adults who were bigger, powerful and controlled rewards.

It is exactly this interaction of power relations, age differences, and gender stratification that opens the door, for example, to sexual harassment of students by faculty members, mostly male.

The connection between alcohol, drugs and violence is a controversial one. For centuries, intoxication was used as the best excuse and even defense to explain away violent episodes, sexual transgressions, vandalism, and unruly crowd behavior on campuses. Today, many researchers question that connection, pointing out that many drugs and alcohol are actually tranquilizers. Current thought underlines that intoxication is not really a cause but rather a socially accepted way to rationalize deviant behavior, diminish personal accountability, and present an acceptable excuse to act in ways that are actually criminal, forbidden or at least frowned upon. While the use of hard drugs among American youth is reportedly steadily declining, and while many campuses are now officially "alcohol-free", alcohol remains an important ingredient mixed with recreation, sexuality, sports, celebrations, and rites marking the passage of time on the university campuses. Its role in the dynamics of campus violence is paramount.

Lastly, another source of violence and victimization on campus is racial, sexual, ethnic, religious, or age-related prejudice. When people consider others as beings with less value than themselves, this dehumanization allows unlimited amount of mischief and criminal behavior. Prejudice is a constant undercurrent in a society like the United States, where the racial, ethnic, and religious heterogeneity of the population has the potential of leading to friction, disagreement, stereotyping, and group violence. World events can exacerbate the volatility of the situation and create explosive situations. For example, events in the Middle East, like the taking of American hostages by Iran or the war with Iraq, can make life very difficult for students who can be readily associated with that region. Women, as a gender, are often

considered inferior and thus ready targets of victimization by males. Younger students are also the target of violent acts, as in hazing (*Roark* 1987).

12. Campus Crime Prevention: Its Necessity and Importance

Criminal violence, theft, vandalism, and other deviant acts clearly can be found on university campuses. The extent and amount of this problem is now beginning to be realized, admitted, and addressed, albeit reluctantly. The response of the universities to these problems are just in the beginning stages. It certainly takes time to change deeply ingrained attitudes that lead school administrators, faculty, and alumni to consider what in reality is exploitative and damaging behavior as just harmless student high jinks and pranks to be winked at (*Smith* 1988). The slow but appreciable increase of women in position of power and influence in universities is also making it more difficult to continue accepting the "boys will be boys" explanations of the past. The tendency of some administrators to disregard or downplay the situation in the hope that it was not truly there or that it will go away is no longer acceptable or responsible in light of the data that is surfacing slowly but steadily through research.

Denying or overlooking crime on campus can have several deleterious effects on both the criminal and the victim. The offender will lose respect for the criminal justice or campus disciplinary systems and, worst of all, fail to discriminate between acceptable and unacceptable behaviors and possibly continue to offend until finally caught in the adult criminal justice machinery. The offender is also deprived of counseling, treatment, and rehabilitative assistance at a time when they could be most effective. The victim too, ignored, shunted aside, or pressured to be silent, also loses needed emotional, health, economic, and academic support and assistance. It is a sad irony, particularly when it comes to campus crime, that often the offender continues his studies without hindrance or trouble, while the victim, especially in the case of date rape, falls behind in her studies or performance and even interrupts or quits her studies.

Ignoring crime on campus also leads to loss of data that would be very useful in planning for the safety of the campus community. Recently enacted federal legislation mandating the reporting of campus crimes will correct this situation in a considerable way. Another negative outcome is the loss of morale in the university community and particularly among victims, campus security personnel, and activists when the message given by the higher administration is that standards will be disregarded and offenders will

go unpunished. It is not uncommon, even today, that high profile offenders, like members of a university sports team, will either escape or receive light punishment. Upholding standards of conduct in those cases is subordinated to the interests of the institution that may derive considerable financial and visibility gains from an aggressive sports team. Alumni and sports fans can also place considerable pressure on the university to be lenient, unless it wants to incur their wrath and lose their financial support.

Finally, overlooking campus crime is shortsighted because it does not allow the institution to develop a coherent and effective crime prevention policy and to implement it, thus sparing others from future victimization. To reduce the risk of victimization may require considerable changes in campus administration from scheduling of classes, to types of events allowed on campus, to where activities can take place and when. The effort, support, and commitment must be campus-wide in order to be successful. Moreover, the university can be held liable if someone is victimized in subsequent acts of the offender that were predictable on the basis of the previous offense.

The havoc and disruption of the learning environment caused by crime and victimization on campus are very damaging and long-lasting for many students, faculty, and staff. Preventing campus violence does not require so much discovering new and unique measures and techniques. Rather, it demands the commitment to use and implement what is already known and in existence to resolve a problem that threatens the mission and functioning of the institution. For example, universities could formally adopt codes of conduct for students that specifically bar rape, sexual assault, and hazing and similar codes for faculty and staff that prohibit sexual harassment.

Violence takes place in a cultural and social context. Universities can perform a very valuable service, first for their own communities and then for society at large, by fostering an atmosphere where violence is clearly and unequivocally condemned and where a climate that is non-violent, non-exploitative, and non-abusive is generously nurtured. For example, instituting programs that encourage students to explore their attitudes about factors and situations that lead to victimization has considerable potential for transforming a campus atmosphere and the lives of the individuals living in it. Then, universities will be agents of change that will have repercussions reaching far beyond the geographical boundaries and the time frame of the students' experience and contribute to a more just and livable world.

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Sexual Harassment in the Workplace

- A Phone-In -

Gerd Ferdinand Kirchhoff and Christiane Rönnebeck

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1. Victimological Aspects and Levels of Sexual Harassment

Sexual victimization in the workplace has a long past and a short history (Erez 1987). It seems to be widespread and it causes problems for many people.

Victimology has the task to assist in reducing victimizations and to avoid secondary victimizations as far as possible. This goal is impossible to achieve, if there is no conscientious perception of the problem area. This has been proven by the victim movement in many speak outs and in "coming out" - if there is silence and if there is no open debate on issues then these topics will not be realized as things which can be changed. The silence around sexual victimization on the workplace is still prevalent. Staff members in the personal administration of companies do not like to discuss or tackle the problem. Equally the victims tend not to talk about this problem. Therefore a creation of public auditorium is necessary to discuss the possibilities of reducing this victimization. Since a lot of stress is caused by the social auditorium in the workplace, it is necessary to look at it in terms of secondary victimization too.

In discussing victimizations, victimologists stress certain characteristics of the event as typical. Victimizations are seen as invasions into the self of the victim, causing crises reactions and stress (see Kirchhoff 1991). Victimizations at another rather abstract level are seen as the result of an unfair exchange (a notion Paul C. Friday introduced during the 4th Post Graduate Course on Victims in the Criminal Justice System), and the awareness of the unfair nature means victimization. The interpretation of a situation as unfair is essential for victimization. Therefore victimizations often are a form of oppression. This is the link between crime victimizations and victimizations by human rights violations (see Elias 1986). Victimization is not a thing independent of varying interpretations - it is those interpretations (Friday 1989, p. 10). This makes it difficult to measure some victimizations.

In the area of sexual victimization in the workplace, there are typically men as offenders who do not fully realize the harm they are inflicting, but who see the victimization more in a playlike status relationship. Women have quite different interpretations of the events which they call sexual molestations or sexual harassments.

Erez (1987) delineates the short history of the notion, coined in 1977 at a conference in New York at Cornell University. All definitions which Erez

discusses indicate that unwanted imposition of sexual requirements in the context of a relationship of unequal power is essential. *Erez* follows the model which was suggested by the US National Advisory Council on Women's Education Programs. This contribution offers a guide for the measurement of this kind of victimization:

1. Level
include generalized sexual remarks or behavior, reminding the woman on power and status differential, even though no threat is directly made.
2. Level
includes situations in which sexual advances are made, in which the request for sexual encounters is made, even not explicit, but never free of the possibility of threat or sanctions due to the power differential.
3. Level
includes a solicitation for sexual cooperation with the promise of reward in some institutional or organizational structure.
4. Level
includes negative sanctions for failure to comply with a request for sexual favors. Essential is the choice between two unwelcome alternatives: sexual encounter or sanction.
5. Level
includes outright sexual assault, indecent exposure and gross sexual imposition.

These levels are helpful for understanding the nature of the acts from a victim's perspective. They too enable us to understand the measurement problems. If we are to measure sexual molestation in the workplace, we look at the degree of the invasion in the self of the victim or the degree of unfairness in the social exchange. All levels illustrate the inherent problems of interpretation. They illustrate the oppressive aspect of victimization. In a way these acts are an abuse of private power.

2. Creating Public Awareness in the Federal Republic of Germany

In Germany we have several attempts to get the public informed about the problem. The German technical term "Belästigung" is semantically closer to molestation than to harassment. Therefore molestation will be mainly used to describe what happens.

After first discussions in the mass media in 1977 there was an article of *Ruth Höh* 1981 that was published by a leading women's journal. This is in the line with the publication of *Redbook Magazine* 1976. Brigitte published a questionnaire which was sent with the journal - 4200 returned. 59% of the secretaries reported on sexual molestations, 34% reported of Erez level 1 and 2, 24% of level 3 and 1% of level 5.

A radio show (WDR 1983) received information of about 1000 women, 30% of them reported of one or more molestations, 14% denied any and 56% did not know whether they have been molested or not.

A wellknown German opinion poll (INFAS 1987) resulted in a victimization rate of 25%. 7% of the molested lost their job. *Plogstedt* and *Bode* (1984) and *Plogstedt* and *Betelsmann* interpreted this study and assumed that 15% of all employed women lost their job as a consequence of sexual molestation - about one fourth of them were fired (level 4). Interesting in this study is that nonemployed women were more sensitive than working women. A greater percentage of more than once molested women thought that sexual molestation was normal than the one-time victims. They voiced a greater tolerance of sexual touchings (78% as compared to 86% were completely against).

Following an initiative of the *European Parliament* (1986) the Federal Ministry of Youth, Family, Women and Health (1990) published a study which reports on the results of a questionnaire filled out by about 4000 women. The authors characterize their report as a first look into the data material (p. 177). The authors sent out about 22,000 questionnaires to different subgroups. They report of response rates of 15%, 22% and 27% (women) and 16% (men). It is unknown whether the sample is representative. However, the study has great importance as qualitative research. The relevance of sexual harassment for the victims is convincingly described. 93% of the cooperating women reported that they have been

personally the target of sexual attention in the workplace. About a third of the women reported a concrete detailed incidence of sexual molestation which was "especially present in their memory. "Somewhat molested" were about 60%. They revealed that they had at least once an experience which could be evaluated as sexual molestation but did not give detailed explanations like the first group. About 7% did not report of own experiences. As already mentioned, the results are not generalizable since the representativeness of the sample is highly questionable. But this study shows remarkably convincing what was considered sexual molestation or harassment.

Table 1: Experience of Sexual Molestation (adjusted from Holzbecher et al. 1990)

Per-cent	Had this experience	More than once
84%	Staring, whistling, evaluating looks	97%
81%	Sexual jokes	95%
70%	Apparently unintended body contacts	87%
56%	Remarks on figure and sexual behavior in private life	84%
35%	Unwelcome invitations with clear intention	58%
34%	Slappings and pinching of the rear end	64%
33%	Pornographic pictures in the workplace	71%
22%	Unexpected touching of breast	47%
15%	Forced kisses	41%
14%	Telephone calls or letters with sexual hints	61%
12%	Request for coitus	44%
7%	Promise of career rewards for sexual favors	40%
5%	Threats of professional sanctions for non-cooperation	54%
3%	Exhibition of genital	29%
3%	Coerced sexual acts	27%

It shows too that for the women who reported sexual harassment this victimization was not a one time event, but that this was repeatedly ex-

perienced. This study shows that women in typically male dominated professions experience greater degree of sexual harassment than others - especially women working in police and in construction work (p. 280), a detail which is reinforced by similar observations in Finland (*Högbäck & Andolin et al.* 1987). *Gutek* interprets this by pointing to the fact that women face the problems of being visible role deviants and attract sexual overtures (*Gutek* 1985 p. 97).

These attempts have the function of creating a social auditorium which listens. In front of this auditorium which discusses the issue and knows some details of sexual molestation in the workplace, it is better possible to create a climate where sexual molestations no longer are awarded but condemned. This condemnation might change the incidence rate. It might encourage social change. Such an encouragement is clearly the aim of the study of *Holzbecher et al.* (1990).

3. The Mönchengladbach Phone-In on Sexual Molestation - Methodological and technical Preliminaries -

Assistance in creating a social auditorium for the victims was the outspoken aim of a research project at School of Social Work in Mönchengladbach, Germany. This project resulted in the 1989 diploma thesis of *Christiane Rönnebeck* and *Sabine Kersebaum* which is the basis of the following description.

- a. Since interpretations are so essential for victimologists, we wanted to get informations on the problem by victims of sexual molestation themselves. Therefore we used personal interviews guided by a standardized questionnaire.
- b. This interview guide had many open questions. Open questions were necessary, for we wanted to get informations in a field where empirical research was absent in Germany. (The research report of *Holzbecher et al.* 1990 does not list any previous empirical material on the problem complex, except a small study of *Plogstedt & Bode* (1984, see p. 20). For us a questionnaire with closed questions was ruled out.
- c. We were convinced that granting the anonymity of the victim would enhance the victims' cooperation.

All this let us to adjust the method which *Kurt Weis* (1982) developed. Weis looked into the victim's reality of rape, like we wanted to look into victims' reality of sexual molestation in the workplace. The specifics of the phone-in method employed by *Weis* are:

- a. The researcher has installed telephones where the interviewers can be reached during a certain time.
- b. The public is informed by the mass media of the project and of the telephone numbers. The public is asked to call these numbers and to report their personal experiences as victims.
- c. Victims who call are cooperative and open for the research questions.
- d. There is no necessity for screening - only victims call, and the researcher does not waste time and material to contact victims and non-victims.

This method has several advantages, among them:

- Interviewer and victim remain anonymous. They cannot see each other - this is an important protection for the caller.
- The victims can determine themselves when to contact the project, and they can discuss the problems freely without unwelcome interruptions or listeners.
- The victim can determine when she or he wants to finish the telephone call by simply cutting the connection if the interview is no longer of interest or too troublesome.

These advantages have their price:

It is absolutely impossible to grant representativeness of the sample for nobody knows for what the calling victims stand, except for the victims voluntarily taking part in the research. There is absolutely no possibility to check validity of the information. Therefore it is prohibited to generalize the results. A researcher interested in the "objective" truth in a positivist sense sees no merits in using this method. If it is to be used, the researcher has to accept the reality of victims in an ethno-methodological sense. Whether this reality is true in some objective sense does not really matter for, as *W.J. Thomas* (1928) pointed out, whatever people believe to be real will be real in its consequences. From here we refer to *Friday's* phrase that victimization is interpretation (*Friday* 1989). Interested in the victims' interpretation of what happened, we were able to use this method.

We got installed four telephones with recording possibilities which we staffed with interviewers from 9 a.m. to 9 p.m. We assumed that only women would call and that they would prefer to talk to female interviewers - therefore we trained eight female students as interviewers.

Key elements of training were

- stimulation to continue the interview by reassuring questions, confirming questions, voicing understanding and empathy,
- returning to a certain issue without undermining the willingness of the caller to talk; interrupting a talk which goes astray and returning by skilled questions to the original problem;
- guiding back to the topic without being impolite or repressive;
- ending the talk; to point out politely and firmly that we have enough information for our research, that we are grateful for the call but that we no longer want to block the telephone line for other callers;
- the handling of nonsense calls: firm, distant but clear and energetic blocking of callers who are provocative or teasing. Important was that the interviewer learns not to show her emotions for anger, reinforces the motives of the caller and encourages to continue;.
- the key moments of the interview, the start of the talk, getting the agreement of the caller to audiotape the call and the ice-breaking was trained especially. This was done in form of role playing. Every interviewer called from a distant telephone and was interviewed by a colleague. By this both roles were experienced, the role of the caller and the role of the interviewer. A valuable side effect was that the interviewers learned how to talk about own experiences and traumata and how to listen to the real victimizations the colleague revealed. This was followed by discussions, reflections and suggestions for change.

One month before the calling period started, the local mass media were informed. Obviously it is crucial that the press, radio and TV cooperate to bring the message to the victims. We informed via letter. With the four local newspapers we held separate press conferences to explain individually what we wanted. The cooperation of the newspaper journalists was optimal. The information about our project was widespread especially since two weekend newspapers which are distributed to all households of our city brought the project on a prominent place with pictures of the main researchers. The German Press Agency informed all newspapers nationwide. The statewide radioprogram broadcasted an interview, so did a station covering northern Germany, and the statewide TV program invited *Christiane Rönnebeck* and

broadcasted a life interview on the project. The cooperation and the willingness of the media to assist in informing the public and inviting the public to participate was very valuable.

4. The Mönchengladbach Phone-In on Sexual Molestation in the Workplace - Results -

During the week we received 42 calls which dealt seriously with sexual molestation. 5 men called to instruct us that women themselves provoked the event. A woman instructed us that during the 2nd World War female members of the German military were instructed what kind of sexual molestation they could expect and how to cope with it. Another called for help - her husband would abuse the four daughters. A caller offered self-defence courses, and a women's group from a nearby city wanted to discuss the results of our research. Other calls were not received. Our expectation that nonsense calls would be numerous was not met.

In the following description of the results we will use percentages even if the actual number of callers is small. This corresponds to the custom of the reader who usually does not expect proportions, the statistic which is more appropriate to such small sample. The reader accustomed to proportions is reminded to move the decimal point of percentages two positions to the left. We will return to the size of the sample after we described the results.

4.1 Age

As expected, molestation does not present itself as a random event. Clearly the group of women below thirty years old are the biggest group (60%), followed by the group aged 31 to 40 (27%). While 45% of the callers were either married or lived together with a companion, 55% were single, divorced or widowed. 70% were without children. Single women were victimized four times more often than married women. The marriage license is a kind of protection in the workplace while the status "single" acts as a kind of license to be molested. This might be a reflection of the power to complain - molesting a married women means that one has to deal with two persons, the immediate victim and a possibly outraged husband.

4.2 Kind of Molestation

Molestations were ranked from verbal and other non-physical molestations (remarks, whistling, undressing glances, pictures of pin-up girls) to clear offers of sexual intercourse to unwelcome touchings till sexual compulsion (women were forced to have intercourse, apprentices of a physician were forced to tolerate a physical examination, women were forced to touch the genitals of the molester).

Asking for the most severe molestation, 12% reported of verbal molestation, 6% complained about clear offers, about unwelcome touchings, 53% and 15% about compulsion. But these events are not one time events - these were only 19% - 46% of the infractions happened "often" and 35% almost always. Taking into account all answers, we received reports of 70 instances, among them 35% unwelcome touchings, 33% verbal molestations and 20% clear offers. 9% were compulsions. This shows that sexual molestations are repeated victimizations - they characterise the working environment of the victims. It shows that women are confronted usually with those forms which are considered more or less harmless, while serious outraging cases are the minority. We get the feeling that a certain lifestyle, a certain working atmosphere is characteristic for the workplaces.

4.3 The Workplace

74% of the incidents happened directly in the workplace, 7% during pauses or meals. 19 % occurred during works outings or staff parties. The companies usually were small (41% of the women worked in companies with less than 10 employees) - in 53% female employees were the clear minority.

4.4 Victim-Offender Relationship

The molesters are older - 52% of them were between 41 and 50 years, 96% of them are married and 89% were reported to have children. The middle-aged married fathers are leading in this group.

70% of the molesters were either the chief or colleagues in higher ranking positions, 21% were colleagues of equal position and 9% customers or patients. These details show that the working atmosphere is loaded with the possibility of sexual molestation - the more, the smaller the companies are. In small companies there is usually nobody to complain to, except the boss or the higher ranking colleagues. But these are the group from which the molesters recruit themselves. They use the power differential in hierarchic

structures. The data suggest that they mostly are frustrated middle-aged family fathers who use sexual molestation as a means to reinforce their self-concept of male superiority which might be challenged at home.

4.5 Victims' Emotional Reaction

The emotional reactions reported by the victims are fear or aversion or disgust, embarrassment, helplessness and insecurity. Most prominent however are intense feelings of powerlessness (33%) and raging anger (63%). Raging anger is a feeling which shows that victims evaluate the behavior neither as normal nor as ok.

The immediate reaction of the victim was verbal defense (75%) while 25% defended themselves by using pushes or slaps in the face. The molesters usually know very well that their behavior is unwelcome - in spite of this knowledge they continue their behavior.

Victims report psychosomatic problems, of trembling, of sexual problems, of headaches. About 60% of those complaining these symptoms state that they are "nervous wracks". These are consequences of the additional stress suffered and of the invasions in the self of the victims.

4.6 Consequences in the Workplace

About a third of the victims complained at superiors or the workers representatives. As a result, one molester was fired, two were transferred to other parts of the company and five were warned. Independent of this, more than a third of the offenders did not change their behavior, a slightly smaller group reacted with aggression while the remaining 24% changed their behavior and apologized.

44% of the victims reported lasting professional consequences. 22% were fired, 28% left the company on themselves. 17% received threats while 44% were sanctioned informally by what they interpreted as chicaneries.

4.7 Avoidance Strategies

Female employers face a double stress in the workplace. They have the usual work stress and the stress of permanently being in guard against possible sexual molestations. In addition to working properly, they report that they are extremely conscientious about the clothes they wear (30%), that they control their behavior (23%) or their language very much - and this is done to avoid sexual molestations. This additional burden is not due

to work conditions but solely due to the fact of the danger of sexual molestation which per se has nothing to do with the job. It is perceivable that male employers have to pay attention to their clothing, their behavior and their language - but these demands on them are demands of proper work performance and is independent from sexuality. These avoidance strategies are to be interpreted in the light of the fact that the molestations tend to be permanent.

4.8 Male Victims

About a quarter of incoming phones were from male victims. We had the impression that for them it was even more difficult to talk about the incidences than for women. The interpretation of the male victims is different - while the females report of aversive reactions, male victims mention a mixture of pleasure, surprise, embarrassment and aversion if the sexual interactions are started by the females superior or colleague. They usually have the possibility of interpreting the event as overall rewarding but not right or they have the possibility to retreat, to evade the situation - a possibility which is not reported by the female victims. Three young victims reported homosexual approaches of their boss which they tolerated because of the inherent power differential - only in these victimizations there was a report on being treated unfairly, exploited, oppressed.

Several times we heard that older males feel sexually attracted by the way younger female workers dress - a situation where "escape" is easy. One of these older males asked his female colleague to put on t-shirt and jeans, one of the white clothes as they were usually worn in this company - she would make him nervous. This remark she interpreted as sexual molestation - a fine example for the remark of *Friday* quoted above.

5. Discussion

As a result we can state that sexual molestation in the workplace for many victims means that they have to work in an atmosphere which is almost a total atmosphere. The usual barrier between work and private area for them is partly and unvoluntarily removed when work relations and sexual relations forcefully are brought together. People usually have difficulties to stand such a removal of barriers between life spheres especially if they cannot avoid this. This causes stress which is enhanced by the power differential between victim and offender. It is even more enhanced by the fact that victims personality do not count: despite her wish to be left only

in one role in molesting work conditions their sexuality becomes the master status. While she defines the situation as a working situation, she is constantly forcefully reminded that this situation is more than that. This devaluates the individual victim and renders her helpless. Since she makes it clear to the molester that she does not want these kinds of interactions with him, the molester must know that she does not find these interactions sexually and socially attractive. Then the interpretation is obvious that she is not meant as an individual but as a representative of women in general. The social climate in these workplaces is largely determined by the self-evident belief of men that they have their accustomed superior position while women have a lower one. This climate is the breeding ground on which the necessary decisions of the molester are made. It is the belief of the victimizer that he can gain status from such a treatment of women. It is often a kind of collective behavior, aimed at the applause of the social auditorium at the costs of the victim. The obvious abuse of power differentials adds to the devaluation of the individual victim. The element of oppression is obvious.

We might be astonished about the relatively small turnout of incoming phone calls. Usually, studies seem to have a much bigger turnout. This is partly due to the fact that many researchers give percentages of the incoming questionnaires but do not stress that the incoming questionnaires come from highly motivated people who are themselves victims - hence a high victimization rate occurs. If we assume that all readers of a magazine take notice of a questionnaire printed, and if we assume that all molested readers send in their answers, then the response rates are rather small. This is so even with the impressive figures which are reported in responding to TV or radio programs. By these remarkable figures and the technique of result reporting the impression is generated that the problem is scandalously great. But to calculate the figures of *Holzbecher et al.* (1990) differently, some 22,000 sent-out questionnaires yielded a participation of 15% - this rate is even more minute if one looks at surveys in *Brigitte* or *Redbook*. We believe that rape is emotionally higher charged by the victims than sexual molestation in the workplace. This in part explains the higher incidence of phone calls *Weis* (1982) received.

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Division of Labour in the Homes of Battered Wives in Israel

Noga Avni

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1. Introduction

The study of the violent home contributes to better understanding of the connections between aggressors and their victims. This paper examines one aspect of the relations between battered wives and their husbands: the exchange of bredwinning and household-maintenance.

The two studies presented here were carried out in Israel, where the number of battered women is estimated to be 100,000 (total adult population four million). Currently, there are four shelters for battered women in the country.

2. Method

2.1 Study 1

In one of the four shelters for battered women, 35 unconstructed interviews with women were carried out. The purpose of the research was explained to the subjects and they were assured of anonymity. All the interviews were carried out with the full agreement of the participants.

The interviews consisted of personal accounts (*Schwartz & Jacobs 1979*) and probing questions. A transcript was made and subsequently analysed, according to the women's references to patterns of exchange between themselves and their husbands. Of the total range of exchange between the spouses, the present study examines only the economic category. The names of the subjects cited hereafter are fictitious.

2.1.1 Subjects

All thirtyfive subjects were married women, who were beaten by their husbands and took refuge in a shelter. Their ages ranged from 19 to 57 years; 75% were between 20 and 38 years of age; 14% were above forty years old. Two women had graduated highschool; the remaining 33 had completed four to eight years of elementary school. Most (88.5%) of the women were of oriental origin, the others western; the same applied to their husbands. All 35 subjects were mothers, the number of their children ranged from one to ten; 31.5% had two children; 15% had five.

For 87% of the women the first incident of battering occurred during the first month of marriage. Four women were battered during courtship. In all cases the physical abuse was severe, according to the categories of the Conflict Tactics Scale (CTS; *Straus et. al.* 1980), and was accompanied by various forms of psychological abuse.

The economic position of the family was a function of the husband's ability to assume a steady job, and of his willingness to permit his wife to work. In 50% of the families neither of the spouses worked, and the family barely existed on welfare money. In another 25% the wife was the sole provider. Since she also had to carry out her domestic chores, her work outside the home was very limited and her income very low. These families, too, existed on the edge of the povertyline. In the remaining 25% of the homes the husbands provided for their families, irrespective of whether the wives worked or not. In these cases the standard of living was average or above.

2.2 Study 2

2.2.1 Method

Questionnaires were presented in three different prisons in Israel to 120 prisoners all of whom had signed a declaration renouncing their right to confidentiality. Some of the questions referred directly to wife beating, and it was found that 68 of the 120 subjects were wife batterers. For the purpose of the present paper only the responses of those 68 men were analysed.

2.2.2 Subjects

All 68 subjects were married men, who were tried and imprisoned for a criminal act of violence, and before their arrest battered their wives. Their ages ranged from 21 to 58 years old; 61% were between 31 and 40 years of age. Two men had graduated highschool; the remaining 66 had completed two to eleven years of formal education. Most (68%) of the men were of oriental origin, 12% were second generation Israelies.

Eight (12%) men hit their wives to be during courtship. For 20% of the men the first battering incident occurred during the first month of marriage, and for 30.5% during the first year. 28.5% of the men stated that they did not hit their wives until at least three years after they married.

Seventeen (25%) of the men never or seldom worked; 51.5% worked most of the years of marriage; the remaining 23.5% provided for their families regularly.

3. Findings and Discussion

Traditionally, the role of breadwinner is ascribed to the male (*Blood & Wolfe* 1960; *Rodman* 1972; *Nye* 1976; *Slocum & Nye* 1976; *Scanzoni & Scanzoni* 1976; *Whitehurst* 1974). In western society these norms are changing, but mainly in theory and not in practice.

According to religious Jewish law the most important obligation of a husband to his wife is to provide for her ("Mezonot"). In exchange, it is the duty of the woman to do the housekeeping chores. If a husband fails in his obligation, his wife may demand this by means of legal procedures. Should he still refuse to carry out his obligations, she is entitled to divorce him (*Shawa* 1983; *Sharshevski* 1984). Although the religious law is still valid, nowadays some 45% of the Jewish women in Israel work outside the home. The majority (58%) are between the ages of 25 and 44 years old. As compared to men, they tend to work parttime and therefore occupy lower positions and earn less money (*Moore* 1988).

Within both the investigated populations, the variable of breadwinning, i.e. the work of either spouse outside the home, was found in eleven different combinations. For the purpose of simplification these patterns have been grouped here, and the following picture emerges:

Study 1

Husband's work during the marriage	Wife's	No. of families	
		N	%
No	Yes	8	25
No	No	14	43.75
Yes	Yes	5	15.62
Yes	No	5	15.62
		32	100

Study 2

	Husbands		Wives	
	N	%	N	%
Never worked	17	25	35	51.47
Worked during most of the marriage	35	51.47	4	5.88
Worked throughout the marriage	16	23.5	29	42.65
	68	100	68	100

The following discussion is based chiefly on the findings of the first study.

Of the 32 husbands in the first study, 8 had never worked and 14 seldom worked; 10 worked all or most of the years of marriage. Of the 32 wives, 14 worked regularly and 18 never or only seldom worked. Of the 68 couples in the second study, 25% of the men had never worked and 42.6% of the women worked during all the years of marriage. The situation, then, is clearcut, albeit unexpected. More wives financially support their husbands than are being supported by them.

Examination of the patterns of money-earning reveals a picture that is shared by every household: the family's finances are in the hands of the husband; he always consumes more than he invests; and the woman is doubly victimized: physically and also the deprivation of her basic right to be respectably provided for, either by her own earnings or by her husband's. Moreover, much of the physical victimization occurs on the grounds of financial problems.

4. When Husbands do not work

Included in this group are families where the man has never or very seldom worked. In study 1, these constitute 69% of the families. Several researchers of the violent home explain husbands' battering according to the frustration-aggression theory. They maintain that the husband is frustrated by not fulfilling his role as breadwinner and therefore he behaves aggressively (*Gecas* 1979; *Gelles* 1974; *Gelles & Cornell* 1985; *Goode* 1971; *O'Brien* 1971; *Straus et. al.* 1980; *Whitehurst* 1974). This formula is not valid in the families of the present study. The accounts of the women as to

how their husbands used to hang around with their friends, go to the seashore or just stay in bed, gave absolutely no indication of a feeling of frustration on the part of the husbands. Some women were desperate enough to try to motivate their husbands by verbally provoking them ("I say to him: 'Ok. you stay at home, I'll go to work. I'll be the man and you'll be the woman'"(Lily)). According to them these provocations were accepted with remarkable indifference. Moreover, men who do not expend energy on work also do not make any effort to get money through alternative channels (welfare, loans etc.); this task is left to their wives. The normative code, then, prevails only half way: the wife is required to carry out her domestic role, but the husband does not provide for his family.

When only one spouse fulfils his or her instrumental duties, the equation between investment and consumption of resources is impaired. In the families studied, not only does the man provide for his family, but he also spends most of the family's income. Out of a total of 25 husbands on whom data was collected - 21 exploited their families' incomes, and 15 of those did not earn the money they spent. Two men out of the 21 spent the money on alcohol; one spent it on drugs; four on cardgames; and the others just kept the lot for using at their discretion. If necessary, these men resorted to selling family property. Thus one man sold the refrigerator in order to pay his huge debts at cardgames. The damage caused by this to the other members of the family is more than financial. The destruction of the physical basis of the home arouses distressing feelings of insecurity.

When violent husbands do not work the situation of their wives worsens. The spouses spend more time together, allowing more grounds for disputes, that generally result in battering. The husband's lack of employment, then, creates a multi-dimensional victimization of his wife. Inevitably she faces financial difficulty, which is accompanied by a psychological difficulty: her husband wastes money which she supplies for him, while at the same time she is required to provide him with domestic services. On top of that she is exposed to more physical abuse stemming from the mere presence of her husband in the house.

5. When Husbands work

Husbands who do work and earn a steady income are not willing to share their money with their wives. It thus turns out that the wives of men who do not work have no money because their spouses have no money, and the wives of men who do work have no money because their spouses do not give them any. Moreover, while the former suffer due to lack of money, the

latter suffer due to the presence of money. Our subjects' husbands who fulfilled their instrumental roles, did not see this as a normal situation, a balance of the investment/consumption of resources equation. Rather, they regarded their wives as parasites. For example, Lily's husband worked and earned a much higher than average salary so that she represents the case of "wealthy" wives, or to be more accurate - wives of wealthy men:

"It's all his... I can't use this money for my needs... He gives me for the grocery every day and I have to give him back the change".

Lily's next story demonstrates how the husbands discussed here actually make their wives pay for their maintenance in the form of obedient behaviour:

"He prides himself on taking me abroad. But... if I don't obey, the trip is turned into a nightmare. He walks around with his money in his pocket, and I can't buy anything, not even food. Nothing. Even the public toilet, you need money to get in there, so there were days in which I couldn't go to the toilet!".

6. Wives' Work

All the women subjects were willing to participate in the role of provider by working outside the home, in addition to their duties in the home. The main reason for this is financial, but an additional gain is the opportunity to get out of the house. An important characteristic in the lives of battered women is their confinement to the house; their house becomes for them a prison (*Avni*, in press), and it is vital for them to be able to leave it for "legitimate" reasons.

It was mentioned above that out of the 32 women in study 1, fourteen worked outside the house. Of the remaining eighteen - 14 never worked, and 4 worked only for short periods of time. It is important to note that 11 out of the 14 who never worked were categorically forbidden by their husbands to do so, because it involved leaving the house. Equally meaningful is the fact that each of the women who did go out to work did so only after having received their husbands' explicit, and usually reluctant, permission. Even the poorest wives had to fight in order to get a permission. Even when it was granted to them, the women remained under a heavy shadow of suspicion and actual surveillance so intense that some of them had to leave work.

Martha: "He used to call me at work every less-than-an-hour, phone, phone, phone. It's oppressing, it's disturbing... Or that he used to come a lot to the office, at that time he didn't work, he sat at home. And it went on like this every day for seven months... I had no choice, I left my job."

The remainder of the women who never worked as well as those who worked for short periods of time were tied to the house because of continual pregnancies.

A unique pattern emerged with regard to three of the women who worked with their husbands (e.g. in a shop). These wives' participation in the work became forced hard labour. They were compelled to be on the job from sunrise until late in the evening, by which time they had to begin their day's work in the home. They were given hard physical assignments, and during the busy season were forced to work at weekends and holidays. It seems that when battering men can keep their wives under their control and at the same time make them contribute to the family's income, they make sure that their wives make a maximum effort to earn their keep.

7. The Family as an Exchange System

Sociologists who have referred to the family as an exchange system, have defined the connections between marital power, social norms concerning power, and relativ resources (*Blood & Wolfe* 1960; *Rodman* 1972). According to them, the spouse whose input of resources is greater - is the more powerful one. The families in the present study are characterized in that the power is solely in the hands of the husband, no matter what resources he and his wife actually invest in the relationship. As we have seen the patterns of investing and using up resources are various, yet common to all of them is that wives always invest and never have any money in their possession. At one extreme of the dimension the wife is the sole provider and her investment serves to support all the family members. At the other extreme, the man is the sole provider and he keeps all the money in his possession. Again the woman is prevented from having any money at her disposal. This is also the situation of women in the middle range families: when both spouses work, the husbands use first their wives' money (for domestic expenses) and only then do they start dipping into theirs.

In a study of American and Danish non-violent families it was found that wives' employment outside the house increased their marital power (*Kendel & Lesser* 1972). In contrast, our subjects did not gain power from employ-

ment because they did not acquire any financial resources; those were taken away from them by their husbands. Nor did they acquire any meaningful inter-personal skills, because of their husbands' strict control over their social connections.

Nye found (1982) that in blue-collar non-violent American families where wives work, there is less satisfaction and more conflict than in families in which wives do not work, as a result of the ideology which is opposed to women working outside the house. The ideology that *Nye* refers to definitely prevails within the Israeli samples. Therefore it is reasonable to assume that in violent homes a double-step victimization occurs: Husbands' dissatisfaction with their wives' wish to work outside the house leads to arguments and eventually to battering; then, if permission is granted, mostly because of financial straits, the husbands are dissatisfied with the new situation, conflict increases, and more battering occurs. This again exemplifies the multiple facets of wives' victimization: lack of autonomy (the decision whether to work or not); deprivation of proper means of livelihood when she is forbidden to work; exploitation of her resources when she is allowed to work; and in all situations and at all times - physical battering.

The norms of gender-roles are known to the population under investigation, men and women alike. Yet the double-standard prevails also in this aspect of marital life; as in the case of sexual behaviour, the conventional norms apply to and virtually oblige only the women. They are expected to adhere to the sexual-behaviour code while carrying out their roles in the home. Men, on the other hand, permit themselves to indulge in behaviors for which they would have punished their wives, and they feel no obligation to provide for their families. If they do work, they make their wives pay for this in the form of a display of gratitude and obedience. In any case, the women's work at home is taken for granted; it is a duty for which she deserves nothing in exchange. Thus one facet of victimization is the coercion itself, and another is the discriminatory rules. Added to these are the other forms of victimization which have been discussed above - either lack of a dignified means of livelihood due to the husband's refusal to work, or the intentional humiliation he causes his wife when he does work, as well as the constant physical abuse that accompanies each situation.

It is often argued that battered wives remain with their husbands for financial reasons. According to the findings of our studies, this is true, but not for the assumed reasoning, for in most cases it is the wife, and not the husband, who is the sole breadwinner of the family. Her chief consideration is that, should she leave, fear of violent retaliation on the part of her husband would prevent her from working regularly and providing for herself and her

children. Also, many families live in subsidized accommodation, and therefore to leave would mean paying rent at the current rate, which would be beyond the limits of her income.

8. Abstract

This paper presents an analysis of the economic exchange between battered wives and their husbands, based on two separate studies, in one of which 35 battered wives were interviewed, and in the other 68 battering men completed questionnaires.

It was found that all the subjects, men and women alike, were conscious of the normative sexroles that are ascribed to them. Yet, in practice, battering husbands do not subscribe to these norms, for it is more often their wives who bear the burden of providing for the family, in addition to their housekeeping duties.

Battered wives whose husbands work regularly and financially support them are differently, yet no less severely, victimized. Their husbands have absolute control over the money and exact, in exchange, absolute obedience and submissiveness.

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Perceptions and Reactions of Sexually Assaulted Women

Alberto Godenzi

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2. Method
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1. Introduction

The analysis by social scientists of sexually assaulted women, the largest group in terms of numbers of so-called sexual victims, began in the United States in the seventies (inter alia *Burgess & Holmstrom* 1974; *Hilberman* 1976). Several years later, the first research results on this subject were also made known in German speaking areas (*Weis* 1982; *Baurmann* 1983). The examinations make clear that without the statements of abused women, insight into the much too long neglected world of violence remains blocked. They give an idea of the extent of the rage seething with hate, the numbing helplessness and the paralyzing fear which the violence exercised nearly exclusively by men leaves behind.

The various studies work with clinical sampling (foremost volunteer groups) as well as with representative surveys. Both approaches are necessary because both possess weaknesses and strengths. Surveys may make meaningful statements concerning how prevalent sexual violence is and the results ascertained are fairly binding for the total population (not absolutely for special groups, cp. *Straus* 1990). Examinations with small samples allow deeper insight into the world of experiences of the person involved and are, moreover, fairer because they are more tailored to the situations and needs of the interviewees and because they are more open in design.

It must be assumed that in the United States, approximately 20-30% of girls who are now 12 years old must reckon with a violent sexual assault during their lives (*Johnson* 1980). It may be assumed that such figures also approximately hold true for Central European circumstances. Many women have never spoken about the sexual violence suffered, want and must keep to themselves such experiences for years. What experience do they gain with themselves and others when they remain silent or turn to persons or institutions out of necessity? What kind of physical and emotional effects does the violence have on the woman and how does she cope with the violent occurrence and its consequences? Does the violent act have an impact on her freedom of movement?

The research project described here presents the experiences of women. They describe under which conditions and with which consequences sexual assault is exercised outside of and within relationships. Situations are thereby addressed in which men induce women without their consent to tolerate or engage in sexual acts. Also sexual humiliation or harassment will

be considered. Theoretically one proceeds on the following assumptions: a) Sexual violence by men can happen to every woman in every social situation, independent of criteria such as age, education or status. Sexual violence against women is among current living conditions a condition of existence for women and correspondingly a mass phenomenon (*Griffin* 1971). b) The men's motives for the act must be seen above all as a desire for power and control. A sexual impulse seldom stands in the foreground. c) Women cope with sexual assault in various ways. The different modalities depend essentially upon the act itself, who the perpetrator is, the personal and social resources of the woman and the reactions of the environment.

The concept of the victim utilized here interprets the behavior of the woman not as passive, defenseless or helpless but instead evaluates her reactions to the attack of the man as survival strategies in accordance with *Barry* (1983, pp.60). Corresponding to this approach, "passivity" is, for example, then understood as an active attempt by the woman, in keeping still, not to give the perpetrator any reason for further or increased use of violence. Due to these reasons, *Barry* characterizes women who are sexually abused (she speaks of female sexual slavery) less as victims than as survivors. Both terms will be subsequently synonymously used.

When women do not see any immediate way out of the sexual violence threatening them, they pass through victimization phases. These sequences set forth by *Symonds* (1980) for hostages ("Stockholm Syndrome") and by *Graham, Rawlings* and *Rimini* (1988) for battered women are marked by shock and denial, feelings of domination, guilt, submissiveness. Such women would choose mainly the strategy of keeping still or affected-verbal techniques (requests, supplication etc.). Other reactions typical for sexual violence victims are cognitive-verbal means (arguing, appealing to reason) or active-aggressive strategies such as screaming, hitting back or running away. By means of the later, women have the greatest chances to avert sexually violent acts (*Bart & O'Brien* 1985). According to an estimate by *McDermott* (1979), women are successful in resisting two out of three non-marital rapes. In marriage, the success rate appears smaller. "Only" 27 percent of a representative random sampling of wives raped in Boston were successful in stopping at least one time the sexual assaults of their husbands (*Finkelhor & Yllö* 1985). At any rate it must be assumed that many wives do not assess subtle defense techniques against the assaults of their partners as "resistance".

The present article is a portion of a larger research project concerning sexual violence in Switzerland (*Godenzi* 1989). Women as survivors and men as perpetrators were questioned. It was thereby also possible to be able

to speak to a large number of men who had thus far not been caught by the law (undetected rapists). These findings were compared with those of arrested offenders. The complete study was funded by the Swiss National Fund for Advancement of Scientific Research (Schweizerischer Nationalfonds zur Förderung der wissenschaftlichen Forschung).

2. Method

Sexually assaulted women have for the most part little interest in going public with their experiences. Their fear of renewed abuse of their person is too great. Only when they are guaranteed of anonymity and of scientific methodics and at the same time, objectives are openly presented, is there a chance of reaching this target group (*Weis* 1982).

An extensively aimed media campaign (press, radio, television) was used to disseminate information concerning the research project. Women who as adults had been the victim of sexual violence by men were thereby invited to get in touch by telephone with the project group. The period of time since the occurrence of violence was not a criteria. For one thing, no women should have been excluded only because their experience dated back longer than e.g. a year; moreover, an open time period furnishes indications of the long term effects for those concerned. For a period of two weeks, a telephone extension for women (as well as for men) existed at the University of Zurich. Twelve times 24 hours, four trained female staff members were ready to receive calls in shifts from the women. The conversations were recorded with the agreement of the callers and qualitatively transcribed.

From the beginning it was not the objective to draw a random sampling from the entire population of potential and actual survivors because then actually all women of adult age would have to come into consideration. Above all due to economic reasons, such a project did not come into consideration. We chose this qualitative assessment because the study was organized as explorative and heuristic and because such a design promised to render rather the view of the women and not those of the research group.

The women who called are not representative of the entire population. Too many factors prohibit a generalization. For example, it cannot be estimated who could not be reached by the media action, who was out of town until the time of the telephone campaign, who from the target persons were prepared to call or who was discouraged by the busy telephone lines. There were women who had to dial the number a dozen times before the lines were finally free.

Interview experiences with survivors of sexual violence showed that partially structured questionnaires are suitable means for our research objectives. Questionnaires which are too strict would have nipped the conversations in the bud, exactly as completely open interviews could have lead nowhere and resulted in incomparability of the occurrences. Therefore, we determined in the preparation phase the subject areas and statistical variables about which we wanted to speak with the women. We intended also to remain open to topics which were introduced by the callers and which we integrated after internal agreement in the question list. The quantity and type of data suggested content analysis procedures and descriptive statistics for use in assessments. Text analysis, cross charts and indexing condensed the statements of the women.

A comment to the reliability and credibility of the reports of the women received in the described manner. It cannot be said with absolute certainty that the information produced is true, nevertheless there are plausible grounds for its validity. To begin with, the anonymous conversation situation is certainly a starting point which speaks against untrustworthiness. Because those who called did not have to identify themselves, because they knew that their information would be destroyed, there was little reason to incorrectly depict things. The female staff members who received the calls gave neither praise nor blame, they simply listened and asked questions occasionally. Moreover, a conversation concerning a sexually violent act is not loose entertainment but instead a fairly serious matter. Several callers did not want us, for example, to let the tape run in order to be sure that their statements would not get into the wrong hands. The authenticity of those calling was demonstrated above all in how they reported about their experiences. Many found it extraordinarily difficult actually to speak about their injuries. In order to be sure that the statements were reliable also in detail, we inquired at certain points when we believed we discerned something contradictory.

3. Results

In the twelve days and nights in which the telephone line for women was organized, the telephone rang 232 times. The lines were immediately interrupted by hang ups in 20 cases. Five times the answering researchers were insulted and 16 callers wanted to make their opinion known regarding sexual violence in this way. 191 women reported sexual abuse experienced to their own bodies. The report of one caller appeared to the research team unreliable so it was not considered in the assessment. Even though the appeal to

cooperate disseminated in the media directed itself to women who had been sexually assaulted as adults by men, 34 women wanted to give exclusively information regarding sexual violence suffered during childhood. This data was taken down in only a few cases due to conceptual and economy of time reasons. Those women concerned expressed the need to organize a comparable research project in the near future in order to finally be also heard.

There remained 156 women whose information could be used for this part of the study. From these callers, in the case of 27 women, multiple records were taken because they had been sexually abused by different men at various times. For the present report only one case respectively per woman was included because otherwise there would be distortions in the entire results. The individual conversations lasted on an average about one hour. Correspondingly, during the day, the telephone lines were almost always busy, during the night on the average about six hours.

What do we know about the callers? 147 out of 156 are Swiss. The sampling showed that in comparison to the female population as a whole there were few differences in regard to: city-country distribution, class affiliation, educational status, marital status, number of children. Differences exist in regard to occupational activities. Two thirds of those questioned are gainfully employed (in the national average only a third). On the basis of age distribution, the group from 40-50 dominated (entire range of callers from 19 to 85 years old).

A little less than half of the women were younger than 30 years old at the time of the act, the oldest victim was 67. Half of the violent acts occurred in the last five years. There is a present-day threat to 18 women because they are married to the perpetrator. 15 women reported about experiences which date back not more than a year.

The sexual abuse occurred in three out of four cases in private premises, above all in apartments of the man and/or woman. The violent act happened in 109 cases during the night. Exactly half of the 156 offenders are men who the women know, out of which 49 times it is the own husband. Only every fifth perpetrator was completely unknown to the women. Many women made the experience that it happened precisely with the man in whom she had placed her confidence. They point out the danger later as "much, much closer" and believe that men in partnerships have great difficulties in accepting a No of the woman.

"Already the first husband raped me, also in front of the children. The second marriage was still more horrible, he forced me also

in the daytime during lunchtime. With the second husband, I interrupted him when he wanted to abuse my child." (61 yrs., divorced)

Merely five women are of the opinion that the man did not plan the attack in advance. The other 151 women recognize in hindsight the deliberate strategies of the man. Until the time of the act, they were mostly not in a position to find out the intention of the offender.

"I met a man, went with him for coffee. Afterwards we went together to his house, I wanted a relationship and closeness. I went along with caresses but also said exactly when I didn't want anymore. His reaction: Now I have given to you, so far you went along, now I also want something. He then forced me to have sex." (30 yrs., single)

Sexual violence reported by the women was performed in nine out of ten cases by individual persons. 95 of the sexual attacks were rapes, 31 rape attempts and 30 other sexual assaults. Three quarters of the men used physical violence and a good every tenth one utilized a weapon. Aside from the physical violence, women were heavily threatened by the men and put under pressure.

"My husband told me that if I didn't keep still, he would wake the child and masturbate in front of him. In the event that I spoke with someone over this, he would shoot me and the child:" (71 yrs., divorced)

Half of the women tried to talk the perpetrator out of his action with rational arguments. They tried to persuade him, wanted to engage him in conversation or appealed to his common sense. Nearly so many defended themselves with physical force. The most frequent feeling of women during the sexual act was terror and panic. Half of those asked had such emotions. Every third felt humiliated. Respectively a quarter felt helplessness, disgust or rage. Three quarters of the women identified the act during its occurrence as sexual violence. 62 rate them today as crimes. For barely a fifth a destructive act is concerned.

When the women are asked about the probable motive of the man, more than half are in agreement that the man wanted to act out power over the woman due to inferiority or masculine identity. 31 women believe that the man acted due to rage or frustration. Only 15 of the callers are of the opinion that a sexual desire drove the man to the act. With increasing education of the women, more power motive and less sexual motive were assigned to the man.

"My husband could not stand it when I resisted. He thinks I am different than at the beginning of our relationship. Therefore he wanted to achieve with violence that I would be as I was earlier."
(42 yrs., divorced)

More than half of the women suffered physical injuries for short or longer periods due to the act. The list of injuries extends from blood effusions, acute back troubles to year long abdominal pains. More than every fifth woman had to therefore go for medical treatment. Emotionally, the women were in more extensive numbers affected. Nearly two thirds must live since then with fear and mistrust. In several cases the women said that the rearing of their children gave them again some sense to live. More than half of the 156 callers feel however often knocked down and lonely. The shaken self-confidence leads to a feeling of loss of control, helplessness and powerlessness. With a quarter of the women the rage, the powerlessness directs itself against themselves, they tend towards self-hatred and self-endangerment. With 30 of the 156 women, the anger turns outwards, towards the person of the offender or in general against men and the state.

The psychological effects require professional help. 62 women sought out immediately after the act or also years later psychological or psychiatric therapy in which they wanted to tackle the violent act and its consequences. Nearly half the women though had to repress the violent occurrence, strike it from consciousness already during the act or immediately after for short or longer time periods, many over decades in order to survive to some extent. With 86 women the experience of sexual violence led to a negative stance against men. The attitude towards relationships and sexuality between man and woman deteriorated thereby in the case of a third of the women. Also the state was negatively criticized since that time by every fifth woman. Experiences with the authorities, with police, legal and social institutions changed attitudes. This change happened above all to women who had lodged a complaint or turned to a public, social-medical starting point.

With whom were these violent occurrences discussed and how were these conversations viewed? A quarter of the women reported for the first time in their lives about the sexual violence suffered during this telephone action. Above all feelings of shame, fear or dependency on the perpetrator prevented an earlier conversation with another person. 119 women spoke with one or more persons about the violent act immediately after the act or also years later. The most frequent conversational partners were female friends and colleagues, followed by life partners and professional institutions (marital counseling, doctors, hotline, womens shelter inter alia). Female friends and colleagues were the most sympathetic contact persons from the point of view of the interviewees but also with female specialists, the conversations

developed mostly positive. Foremost with family members and life partners, the share of negative experiences increase. When the persons to whom the woman turned in her emergency met her with misunderstanding and mistrust, the violent episode weighed doubly difficult. The women who came upon such reactions of her environment, loose trust in other people completely. They are deeply disappointed and feel excluded. The environment does not want to admit the violence and rationalizes the occurrence.

Of great importance for the processing of the sexual violence is the social network of the woman concerned. The more the woman feels bound in social groups, the less she suffers from emotional consequences. Because she has more trust in her friends, she speaks more often about the violent act and at the same time experiences the reactions of her environment in a more positive sense in contrast to women who characterize their social network as mediocre or bad. Thanks to the support of her surroundings, she must also less often call on therapeutic help.

Professionally, the violent act had direct consequences for nearly every third employed woman. 20 women left their jobs, four from them were fired. 12 women became sick and descended professionally. In 15 cases, the sexually violent act by another man lead to a crisis and separation in the partnership. 29 women moved out of their apartment because of the act, 13 of these are abused women in marriage. Nearly half the women felt restricted in their freedom of movement due to the act and refrained from their usual activities: They do not, for example, go out anymore in the evenings, do not anymore use public transportation to go home or do not invite friends anymore home. Many withdraw completely from social life.

"I have become more careful, do not know anymore how I should behave, still more icy, become still more unfriendly because actually I have a cheerful and funny nature." (49 yrs., divorced)

The withdrawal of the injured women is also indicated with friends. 31 women gave them up. Only a minority of 8 wives fought for a feeling of greater autonomy by means of divorce.

How many women reported to the police? 126 women did not do so because above all they did not expect any support, were ashamed, felt guilty, did not want to live through it all still again or were afraid of the perpetrator. 30 women lodged a complaint. In the greater majority of cases the experiences for the women were as a result negative. Instead of understanding or at the least neutral reception of the information, remonstrances were made

to the women. They shouldn't have acted provocatively ("walking through a park in the evening") or they should have sympathy with the offender, after all he has a family.

"After the complaint the mother of the perpetrator called me in the evening at home, made a fuss, she has a golden child, his career is jeopardized. The madness of it was that the police had given my telephone number to the mother." (41 yrs., married)

The 30 complaints led to nine proceedings. The nine proceedings led to six trials. The six trials led to four convictions. Around every seventh complaint resulted in a conviction of the offender. The numbers correspond quite well with the estimated Swiss average (cp. *Godenzi* 1989)

Rape attempts (mostly successful resistance of the women) were more often reported as rapes or other sexual assaults. The better known and trusted the violent man is, the less often is the woman willing to report. In terms of age, the 20 to 50 year old survivors mainly reported. When the woman was under 20 years old or over 50 at the time of the act, she was only prepared to make a report in a few cases.

More than a quarter of the women preferred instead of making a complaint, to be advised by a socially active institution (legal, medical, psychological, psychiatric help inter alia). Here also the negative experiences predominate, in 24 of the 40 cases.

"I spoke about the rape by a relative in a psychiatric clinic. More than one psychiatrist told me, I had this impulse also, but suppressed it." (50 yrs., married)

Except for the female staff of the womens shelters and hotlines, the representatives of the other professional fields often seem overtaxed to adequately support women in such situations. Especially grave forms of neglect of female injuries then occur when the violence happens in the marriage.

3.1 Intervening Variables

Four factors have a special influence on the course of the event and on the processing of the violent experiences: Who the perpetrator is, the time of the act, the reaction of the woman, the effectiveness of the resistance.

(1) Who the perpetrator is. With regard to the consequences of the sexual violence for the woman, it is essential to what degree the woman knew

the violent man; unknown, acquainted with or intimate. If the man was entirely unknown to the woman, she hardly ever had the feeling during the violent act that she was responsible for the attack. The proportion of guilt feelings then became greater when the man was known to the woman. A third of the women who knew the offender reproached themselves for not having seen early enough the intentions of the man and for having defended against him at too late a time.

"I also felt guilty myself. I shouldn't have gone along. But he was so nice, an uncomplicated type. But then he suddenly became so aggressive when he wanted it all. I still don't know today when I should go along. Women should really not do things alone." (29 yrs., married)

Self-incrimination diminishes again when the woman was in a trusting relationship with the man. In this case, the abused women proceed on the assumption that the man must know exactly if the woman wanted to or not.

Feelings of fear and panic during the violent incident occur respectively less often the more familiar the man was to the woman. In contrast, the women experience disgust and horror to a greater extent when the man is known to and intimate with them and above all, the women feel even that much more humiliated the more intimate the perpetrator was to them. With such men, they tried to some extent with requests and entreaties to dissuade the man from engaging in the violent act. This strategy was used only a few times with known offenders and practically no woman used it on unknown men.

The better known and trusted a man was, the more often the women said that they only later after the occurrence could identify the incident as a violent act. The stereotype of a rapist being always a stranger prevented an early registration of the violent situation.

When the man was unknown, the women nearly always spoke with one or more persons about the act. Women were clearly more uncommunicative when the man was known to or intimate with them. When the perpetrator was unknown, the women questioned appear to have a sense of the reactions of the environment because decisively more often, they experienced support from their surroundings. With violent men who were known and trusted, the support turned quickly into disapproval.

The more well acquainted and trusted an offender was, the stronger the violence affected the attitudes of the woman. In such a case, more

women lose the stability of their convictions and see questions concerning the sexes and general social themes in a more negative light than before the act.

The more well acquainted and trusted the man who carried out the violence was, the less often the woman thought that he acted due to sexual motives. Much more often the women are of the view that such men pursue the desire for power and control to the point of violence.

The more income and prestige the violent man has, so much the more the woman suffers later from feelings of fear. For one, the man of higher status has more possibilities to still hurt the woman also after the act. Moreover, their conviction is shaken that sexual perpetrators come only out of the lower social classes. The woman feels suddenly from then on threatened by all men. The social surrounding increases the fear in that the willingness to support the woman sinks with the increasing status of the offender.

- (2) The time of the act. The age of the woman at the time of the violent act played a role in the choice of means of resistance. The younger the women were, the earlier they defended themselves physically and more often cried for help. The group of women who were 30 - 40 years old at the time of the act trusted the power of words on a larger scale. They tried to talk the perpetrator out of his actions with reasoning or requests. The strategy of keeping still, "toleration" (so that the danger or degradation would be over as soon as and with as little risk as possible) was used substantially less by young victims under 20 years of age than by those over 50.

The younger the survivors were, so much the more awful were the psychical consequences. This result was also confirmed by the women who were sexually assaulted as children as well as when they were adults. For them, the childhood experience was as a rule more aggravating. The abuse of the trust of a child and the destruction of a life only then beginning to unfold left behind deep marks.

Immediately after the act, the emotional consequences for the woman in most cases did not manifest themselves clearly. The shock is too deep, the injury too great, it must be repressed. The woman does not want to admit that something horrible has happened directly to her, she wants to continue her normal life style. Frequently only after one to two years is she capable of no longer repressing the experience. At present the fear, depression and guilt spring to importance. After four to five years they level off to a somewhat lower but as a whole always still high level to which they stick in most cases for the rest of life.

- (3) The reaction of the woman. When the women questioned believed that the man abused them because he was taking revenge due to some reason or because he wanted to act out a frustration aggressively against them, they reacted exceedingly angry. The rage of the perpetrator provoked frequently a counter-rage of the victim. This anger changed into specific reactions. The women in this category who were questioned ran away, screamed and defended themselves also physically more often against the man. They sought their chances less often with arguments or requests and barely none chose the strategy of keeping still. Conversations with women who experienced this rage during the act show that they must suffer later less from emotional consequences than woman who react without rage. Women who screamed or defended themselves physically during the sexual attack of the man, felt less often humiliated. Their aggressive defense affected positively their self-worth. They opposed the violence of the man with their own strength. In contrast, when they showed their weaknesses to the man by begging for his mercy, they more frequently felt more humiliated than other women. They lost their respect for themselves faster.

Women who think they perceive that for the man what is concerned is above all to show his power over her, feel to an exceptional extent exposed to humiliation; much sooner than those who consider the man as a offender acting out of impulse or passion. Rape is the most powerful attack on the psyche of a woman. More frequently than with rape attempts or other sexual assaults, women list symptoms of emotional consequences on the record. Should the woman have been raped simultaneously by more than one man, the psychical pressure multiples. The more a woman must suffer from effects such as fear, depression and isolation, the more she deals with the violent act in a self-destructive manner. She reproaches herself, the occurrence eats her up inside and she behaves externally inconspicuous, adjusted and submissive. In addition, she withdraws increasingly from the public into her private sphere. The heavy emotional load rattles the woman's opinions and attitudes. She calls more frequently upon therapeutic help, at any rate in most cases only after years.

- (4) The effectiveness of the resistance. First of all it is striking that out of the 25 women who could prevent the rape, there are proportionally more single women than in the total of all callers. Parallel thereto, it is rather the younger women at the time of the act. In most cases these women also do not have children. Older women with children, with a partner of many years were afraid to or dare less often to use offensive means against the perpetrator. They dread an escalation of the violence and took

into account the risks for their families. Being bound in firm family structures made them less free in their actions, they are used to always thinking about the welfare of others. Therefore they did not possess the concentrated energy which is needed in order to have a chance against an attacker.

When women resisted the aims of the men by means of escape, loud shouting and physical opposition, the probability of successful resistance rose without them being compulsorily exposed therewith to greater physical injury. The 25 women who successfully resisted, reported less physical consequences than the other women. When the women chose the tactic of talk, the proportion of successful resistance sank.

It is not fear which counts concerning whether a woman could avert the total injury or not. All had fear more or less. On the contrary, the 25 women felt less helpless and less humiliated during the act. Feelings of powerlessness and humiliation can block opposition. Foremost though, the women were more angry. The anger set energy free.

Perhaps of greater importance than the personal resources of the woman or the choice of the means of resistance are the circumstances surrounding the case. If, for example, the offender used a weapon (19 cases), none of the women threatened in this way saw the possibility to successfully prevent the rape. In contrast, the chances for the woman increase when the scene of the crime is public, the act occurs during the day, the man is unknown and the woman is alone threatened. At night, in private premises, with a known or intimate perpetrator, the woman is much more at his mercy.

When the woman could prevent the rape, it would be assumed that she suffered less often from emotional consequences and felt less strongly limited in her freedom of movement. Both assumptions prove to be incorrect in the present case. The women restricted just as often their social sphere and indicated to the same extent feelings such as mistrust, despondency or guilt as those women who could not defend themselves successfully against the attack of the man. At any rate, the 25 women who provided resistance called clearly less often on therapeutic help. Their processing is more direct: They speak more frequently with people about the violence experienced and more often report the incident to the police.

3.2 Sexual Abuse of Wives

"Rape in the marriage kills the soul, until the pilot light is extinguished, then it is time to go. I went." (50 yrs., separated)

Marital sexual violence barely appears in official statistics. Only the discussion concerning revisions in the criminal law in various European countries turned the public interest in this country to this phenomena. Representative questionnaires in the USA, Germany and Switzerland show that between ten to twenty percent of the population are aware of cases of marital rape (*Russell 1982; EMNID 1986; Godenzi & Helminger 1987*).

Rape in marriage was still expressly excluded from punishment by the law in several European countries at the end of the eighties (cp. *Godenzi 1988*) as well as also in Switzerland. Therefore it is not surprising that the 49 women who experienced sexual violence in marriage less often reported it to the police. Of the total 30 reports from the callers, three were from wives against their husbands, none of the three led to a trial, two of the three women described their experiences with the police as bad.

With five of the 49 wives sexual assault was involved, with one, a rape attempt and 43 wives were raped by their husbands, the majority during years. Violent husbands remind their wives gladly about their duties and their own rights. Many simple want their wives to keep still and they often yield to their fate.

18 of the 49 women were still married to the perpetrator at the time of the conversation. In one case the husband gave up his attacks due to understanding, another due to impotence. The other 29 women sought a divorce, were widowed and in two cases had married again. In cases of marital rape, the women more often distinctly assume that their husbands were sexually violent due to reasons of control and desire for power. As soon as the women no longer wanted to dutifully play along with the sexual ritual, as soon as the husband perceived that his wife did not obey him, he wanted to restore the old circumstances again with violence. To begin with the pressure manifested itself in verbal threats, moral appeals, psychic terror. When these means were not successful, husbands resorted to brute force in order to break the will of the woman. Barely one of the wives concerned believes that her husband acted due to sexual need.

The powerful violence and the diagnosis of the man's motive resulted to an increased extent in feelings of humiliation in the wives. Fear, guilt or helplessness were not the dominant emotions, instead the humiliation was. This feeling paralyzed the power of resistance of the wives. Hardly one tried to flee or to call for help during the violent act. Who would even believe

them or assist them? They thought of a defense strategy which is rarely effective: They begged the husbands for mercy, respect, reasonableness. However, exactly this submissiveness increases the feeling of power of the man, as can be learned from interviews with men who exercise violence (Godenzi 1989). Most of the wives endured the violence of their husbands and hoped it would quickly be over.

"He also used the children, made noise until they woke up so that I eventually kept still so that the children did not get too much."
(43 yrs., divorced)

For wives the violent acts are systematic destructive acts. 20 of the 49 from them characterize the suffered sexual violence as a crime. The wives recognized often only after years the actual nature of the sexuality of their husbands. The admittance of the violence means the same thing as the failure of the relationship; it is identical with the end of the partnership dream. Many women shrink back from this realization because they cannot break away from the financial and social security of marriage and family. They do not want to run the risk of a crisis, a separation; they do not want to assume the status of the divorced woman. As long as they can manage to repress the marital everyday life, they do not want to exchange it for the fate of the single woman with children seeking work. Considering such alternatives, they persist in the marriage and endure the sexual violence.

Marital rape victims suffer more physical injuries than non-marital; it is not astonishing because they are often chronically abused during years (cp. *Lentzner & DeBerry* 1980). Accordingly they also had to call more on medical help. The constantly recurrent humiliation resulted also more often in depressions and the women who were exploited in marriage went therefore increasingly into psychiatric or psychological treatment. Due to the experiences with their life partners, the women loose trust in relationships to men altogether. Sexual violence involving partnership relationships leave behind scars for life which threaten time and again to break open as soon as the woman concerned enters into a relationship with a man. They will never feel the same trust in the same manner which they once had in their husbands and which was recklessly abused by them.

"The worst is that I have lost trust in others (after many years of sexual violence in marriage). Since the divorce (31 years ago), I drag around this fear with me that the same thing will happen to me again. This feeling makes it impossible for me to have another relationship with a man. When I meet someone, I have this bitter fear that he wants to go to bed with me and demands the same thing. One is allowed after all when one is married not to refuse a man." (64 yrs., divorced)

Due to the situation that there are no laws, they also see the government in a more negative light. It does not protect them from the discretion of the husband but instead is the guarantor of a space free from the law. The wives concerned sought advice and support from public and private socially active services. They had however also there predominantly negative experiences. Only one wife was able to achieve positive changes within the marriage, for example with intervention of couple therapy. All other attempts failed to change the behavior of the husband. More than half of the 49 women chose as the last resort separation and divorce from the husband. Only afterwards did the women feel again liberated from everyday violence.

4. Discussion

One of the most striking results of this study is how the relationship between offender and victim influences the course of the act and the processing of the violent experience. While the criminal law assessed in general as more harmless the sexually violent acts the more involved men and women knew each other, the statements of those questioned make clear how fatal and with no way out rapes in intimate relationships, most of all in marriages, can affect the victim. When there is abuse by the person who has promised them love and security, protection and respect, the woman feel particularly humiliated and neglected. It is also aggravating that the social surrounding shows the least understanding towards such women, it instead reprimands them and encourages them to adapt more to their husbands. The women are closely attached emotionally, socially and economically to the perpetrator, for the most part in the inferior position. In addition to this dependency, the social insulation, the poorer earning possibilities (choice and salary) and the general societal power differentials between the sexes put women from the start at a disadvantage in marital exchanges. Bearing in mind such predispositions, it is less astonishing that women feel powerless, have fear for themselves and their children and want to have the sexual assault quickly over with by doing nothing. Many women want to preserve the facade of a good marriage, they want domestic peace because so long as they do not leave the offender, they must live and organize everyday life with him.

It is also striking that married women hardly spoke of their own guilt feelings and thereby rejected responsibility for the violent acts. This finding contradicts a thesis by *Finkelhor* (1983) according to which women in couple relationships assume the position of the abused partner and believe that without their doing, without their nature the actions would not have

occurred. The difference is explained perhaps because the much quoted identification with the aggressor is only fictitious and towards the outside, inside however the woman knows exactly who caused the violence. Survivors of sexual violence can designate exactly the violent motives of the man because they perceive their aftermath skin deep and everyday. They experience how little sexuality is concerned and how much domination, dissatisfaction and control are concerned. She is particularly acutely hit by the knowledge of the misogyny of their men.

A second essential result concerns the knowledge that every simplistic topology of reactions of sexually assaulted women must fail in view of the diverse attitudes of those attacked (cp. *Meyer & Taylor* 1986). The reactions have in common that they are almost without exception strategies of the survivors. As soon as the bounds of personality of the women are injured by means of the sexually violent act, they test different techniques to process the often traumatic experience and to prevent further abuses. The integration of the violent experience in the self-image and extraneous image demands generally months or years. In this point the statements of those questioned do not coincide with the "rape trauma syndrome" described by *Burgess and Holmstrom* (1974). According to this theory, the women must first pass through an acute phase of disorganization of everyday life with increased psychical and somatic ailments. Several weeks later the reorganization phase should begin which sometimes continues for the rest of life. The statements of the 156 women point in another direction. Immediately after the act, many women tried to continue to live as before, they didn't want to give up their normal daily routine, they didn't want to come to terms with the event because they sensed what consequences it could have for them. Often only after one or two years the experience pushed to the surface and the woman was confronted with difficult problems.

Which coping-strategies are successful or maladaptive (*Burgess & Holmstrom* 1979) cannot be determined with certainty. Their usefulness depends essentially on the type of the violent act, the relationship to the perpetrator, the personal resources of those involved and the reaction of the surroundings. It appears unequivocal that withdrawal and insulation in regard to processing are counterproductive, however among other strategies, it is once minimalization, meaning redefining of the violent act, which promises success and another time expressing feelings and words can supply the woman with freedom and healing. Only longitudinal studies may contribute promisingly in answering this question. The situation is clearer in regard to techniques of resistance. In accordance with *Bart and O'Brien* (1985), combinations of active-aggressive strategies were foremost successful (aside from this such women felt less humiliated afterwards). Cognitive-

verbal techniques were seldom useful. Emotionally-verbal strategies operated fatally. Such behavior increased the feelings of power of the offender. It is remarkable that women who could successfully resist the sexual violence were less often physically injured than other women. Physical resistance led more often to abandonment of the rape attempt than to blows.

Sexual violence is for the most part an exceptionally painful experience for the women concerned. For many there is a life before and after the assault. The consequences touch physical, psychological and social spheres. Particularly awful are the long term effects for women who have been raped many times over the years by their partners (cp. *Russell* 1982). They lose trust in relationships in general, give up relationships and experience, when they were gainfully employed, also negative reactions in their working life. Active help and understanding is given to them at the earliest by female friends, female colleagues and female specialists.

Sexual violence can strike women of every age and in all social strata. This fact which is illustrated also in this study is the presupposition of the patriarchal main objective of sexually violent actions: to put each woman under this everyday threat. Thereby women are intimidated, they are more available, exploitable and submit to masculine control. A society which wants to free itself from a patriarchy must have a public interest to listen to sexually assaulted women and to come to terms with their injuries and demands. Therewith the current harmonic picture concerning man and woman living together will inevitably be shaken. The social sciences as societal service businesses have the instrumentality and duty to represent the life worlds of the sexes and based on the statements of the participants to seek reasons and if need be solutions for violence against women. Methodological criteria play therefore an important role. The establishment of a data source, sampling procedure, data collecting and data analysis methods have a big impact on the results. The qualitative and quantitative assessments which are often played against each other should be used as reciprocally fruitful methods (*Yllö* 1983). The qualitative assessment used in this study is appropriate for a humane analysis with a sensitive topic such as sexual violence. The callers appreciated to be able to speak exclusively with experienced female specialists who listened without time pressure to their stories and did not try to force them into purported stereotypes. Earlier victimology research limited itself to a description of the negative consequences of sexually violent actions (shame, isolation, fear etc.). The women concerned are however also, as this study showed, courageous, resourceful, flexible and combative. It would be helpful and necessary for

understanding the dynamics of violence to increasingly investigate such survival strategies of women in the future. Corresponding findings could be of great use for victims of sexual violence.

5. Summary

The Swiss study describes and analyses the reports of 156 sexually assaulted women who answered by telephone a media appeal. The conversations were anonymous, lasted on average one hour and were recorded on tape. A manual and partially-structured questionnaire was the basis for a conversation about the course of the event, surmised motive of the perpetrator, reactions of the women and short and long term effects. Data was analyzed via qualitative content analysis procedures. A central finding of the study relates to the importance of the degree of acquaintance between offender and survivor (unknown, acquainted with, intimate) as concerns the immediate reactions and coping-strategies of the women. Future studies should increasingly try to clarify which influence variables determine the different survival techniques of the women.

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13. Victims of Violent Crime

Notes on the Victimization Experience

Interviews with Victims of Violence*

Kauko Aromaa

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1. Introduction

Despite two decades of massive victim surveys and an international victimological boom since the late 1960s, existing information about crime victims is still rather meagre. The picture derived from the standard central sources is biased in favour of (a) the statistical and short-term characteristics of the victimization event and (b) the characteristics of the victim, the event and its consequences such as they appear within the limits of the criminal justice system. In this present small study, some attempt is made to overcome these shortcomings and a technique for doing this is tentatively developed.

2. Research Problem and Method

2.1 Definitions

This study attempts to analyze subjective aspects of the victimization experience in a rather long time perspective. The idea is to find out what the experience turns out to be like after the initial shock has passed and some sort of equilibrium in the informant's life has been restored. (Sometimes, it need not in fact be "restored" since the everyday "equilibrium" was not significantly disturbed). Often, both the psychological and physical equilibrium are in fact temporarily disturbed - sometimes even permanently - and this is typically so in the cases studied in this report. The victim's subjective long-term interpretations are highly significant if we wish to assess the consequences of (violent) crime to the social atmosphere, i.e. the "lasting" consequences of the multitude of isolated single events called crimes.

For this purpose, enough time must have passed since the initial event to allow a more comprehensive summing-up of the experience. Knowledge of how people cope with other life crisis experiences suggests that a minimum period of one year might be sufficient. In this study, we chose a five-year reference period.

The long term consequences may be described using a prospective or a retrospective design. A follow-up study (cf. e.g. *Shapland et al.* 1985) is,

however, much more time-consuming and expensive than the retrospective solution applied in the present study. Ideally, both approaches should be used since they supplement rather than compete with each other.

2.2 Sample

2.2.1 Sample Construction

A sufficient sample size was judged to be about ten victims. This number was thought to be necessary to provide a minimum variety of victims and events to be studied. The need for variety was based on the postulate that violence is a phenomenon of many kinds and degrees, involving a great variety of social and inter- and intrapersonal dynamics as well as a great variety of consequences.

To provide for a large variance on such dimensions and also of different experiences with the criminal justice system and problems of damage compensation, a pool of victims was chosen that seemed to fulfil the relevant criteria. The base material consists of 59 court judgments on civil and criminal cases from the City Court of Helsinki, with 60 plaintiffs. Included in these judgments is an award for damage, based on criminal liability for a crime of violence (assault, robbery, violence against a public servant). The court hearings date from 1981. Thus, four to five years have passed since the hearings and roughly five years since the initial victimization events at the time of the follow-up interviews in the fall of 1985. The 59 cases were all heard and decided on by a single section of the Helsinki City Court.

Short three-line descriptions of the incidents had earlier been made by *Mäkipää* (1985). These descriptions provided the basis for selecting our sample of interview respondents. The descriptions were used to classify the incidents into nine event types, thought to represent basically differing event dynamics. Such brief, superficial descriptions of course did not allow an in-depth analysis of the underlying conflicts or other event dynamics (cf. *Kühlhorn et al.* 1984). The resulting nine event types were:

1. drinking group violence;
2. street violence;
3. restaurant violence;
4. violence during police custody for drunkenness;
5. violence in a couple relationship;
6. sexual harassment;

7. private control (enforcer as victim);
8. official or occupationally determined violence (enforcer as victim);
9. other, miscellaneous.

These categories were formed on an ad hoc basis with the 59 available event descriptions as their sole source. The result is obviously not unidimensional, and thus some types overlap in one way or another. However, without in-depth knowledge of the events a perfect classification on any dimension is impossible. Since this event typology is only used to help in the sampling process it has at least the merit that it greatly improves the chances of increasing the variation within the small group of persons finally chosen as informants.

In addition to the event typology above, the sixty victims (from among whom the sample of ten was finally chosen) were classified according to the age and gender of both victim and perpetrator. The result was two three-dimensional tables, and the search for informants proceeded with the aim of securing for interview purposes victims from as many cells of the tables as possible. As some event types contained only very few victims, success was only partial. This was due in part to the long time which had elapsed since the court hearings - the attempts to trace the victims were made in August and September 1985. A serious drawback of the retrospective design used is, of course, just this effect. If long-term consequences are to be studied retrospectively the inevitable lapse of time makes a proportion of the victims unavailable. Some had moved away from the Helsinki area, others had died or developed a degree of senility which made an interview impossible. Some victims had disappeared, probably because they had left the country or because they had no permanent address, or were in prison or some other institution for the time being. And some refused to participate.

As these different reasons do not affect the victims in a random fashion they present a serious problem of representativity. The present sample of ten respondents does not include victims of event types (4), (6) and (9). Furthermore, very aged victims could not be obtained in the sample. Among elderly men, the five year perspective proved to mean that death or senility typically prevented an interview. But among elderly women, we met with systematic refusals.

As age and gender are not unrelated to event type, this means that elderly victims of wife-beating and older men (who typically appeared as victims of restaurant or neighbour/colleague violence) are not present among the ten persons interviewed.

2.2.2 *The Case Descriptions*

Nevertheless, as a start, the resulting victim gallery is quite variable, as can be seen from the following descriptions of the ten incidents:

1. Woman, 59: Young man snatched the purses of two elderly ladies in the street. Both fell down, one suffered a fractured hipbone, the other a bump on the head.
2. Woman, 40: A male acquaintance had several times hit the victim in the street with blows of the fist to the head and the body. They had been together in a restaurant and there had been an argument. The victim's teeth were damaged and she was bruised over many parts of her body.
3. Man, 53: Three men had beaten the victim with blows of the fist to the head and stolen his wallet whilst also threatening him with an axe. All four were drinking together in the derelict house where the victim was living.
4. Man, 21: Two young men stopped a taxi and attacked the driver. They beat him with fists in the face and kicked his head and body. Head bruises caused.
5. Man, 30: Policeman stopped the perpetrator suspecting drunken driving. In the subsequent wrestling struggle the policeman's wrist was sprained. Two wounds on the back of the hand caused and four days' sick-leave taken.
6. Man, 42: Perpetrator hit the victim in the foyer of a restaurant with a fist in the face after a verbal dispute. His lip was split and a tooth broken.
7. Man, 23: The perpetrator stabbed the victim with a knife in the chest as they were drinking together. The cut severed the victim's shoulder nerve, disabling his right arm permanently.
8. Woman, 21: A man tortured his cohabitee, cutting her with a knife, kicking and beating her head and body and hitting her with a hammer on the back of the skull. He also hit her with a beer bottle, forced her to stare at a reading light at close range, and urinated on her. Bruises, bumps and wounds were caused together with sleeping difficulties and anxiety attacks.

9. Man, 38: The perpetrator and the victim were drinking together in the street. In the resulting fight, the victim was hit several times on the jaw and fell down. Concussion and a fracture of jawbone were caused necessitating four days in hospital.
10. Woman, 23: In a restaurant, a young woman attacked the waitress, tearing at her hair and throwing her to the floor. Her wrist was sprained and headaches occurred.

2.3 The Interviews

For a pilot exploration of the content of the victimization experience, an unstructured interview with hand-picked informants is a suitable way of collecting data. The skeleton list of interview topics covered what were thought to belong to the central characteristics of the victimization experience.

The interviews were tape-recorded except for the two first ones on which manual notes were made. A second round of interviews was made some three to four months after the first round of interviews. The average length of the interviews was about one hour.

As the interviews proceeded, the original perspective, dealing with the initial victimization event, was expanded in two ways. In the first place, it was not unusual for the respondent also to describe other incidents of victimization. Secondly, in two instances, the perceptions of a family member of the victim also became available.

2.4 Thematization of the Subject Matter

In the approach applied here, problems of thematization are integral to the design and are only solved afterwards (cf. *Grønmo* 1982). Some of the reported perceptions are unexpected and require modifications of the original framework or skeleton of topics representing the "interim" structure of the phenomenon to be studied. A great many of the topics discussed fall into place in the expected manner, i.e. the informants accepted the researcher's provisional skeleton in a casual way and were ready to structure the victimization experience largely in the pre-set framework. But some adjustments also had to be made. Thus, a new framework emerges which is somewhat different from the original. Initially, the interviews were planned to deal with

- the formal description and details of the initial event;
- the police report;
- the outcome of the court hearing and questions of compensation;
- a long-term assessment of the experience.

Two topics that were not foreseen or clearly expected when designing the initial framework were convincingly pointed out by the informants:

- the victim's marginal role (the personal experience);
- positive aspects of the victimization experience.

Of course, these unforeseen topics could be included under the "long-term assessment" umbrella in a broad sense. Nevertheless, these two particular aspects were unexpected.

3. Results

3.1 The Incident

Despite the five-year lag, recall problems were not very great. The respondents had a fair picture of what happened: the victim's case description was largely similar to the one derived from police and court records. Some details were distorted - for example, one victim remembered the event as occurring in the evening whereas the police recorded the call to the incident as received in the middle of the day. During the interview, details gradually came back as the informant's memory was activated by the lengthy conversation. One recalled detail also led to new ones.

Another problem is that not everything was told truthfully. One respondent, for instance, coloured his story systematically with the suspected purpose of presenting himself in a good light. He was a person who had acquired abundant experience as a client of the welfare and formal control agencies and he played the role of "the experienced client" even for the interviewer. Another respondent would not give an account of the motive for an assault that took place in a drinking-and-underworld context, presumably because the motive was related to his own underworld activities. And a female victim of family violence quite clearly lied about her own

important role in the course of events. Several other respondents were also felt to be rather reticent in evaluating their own role in the victimization incident.

Sometimes, the informant had difficulty in separating the relevant victimization event from other more or less similar experiences. Some of them had, before and/or after the event we were investigating, been victims in other events about which they wanted to talk or which they confused with the investigated event. In a longer conversation such confusions could be corrected to a degree at least, if the interviewer is aware of the problem. This brings us to an important assertion: the picture people develop of their experiences is constructed by themselves of their own materials - however "irrelevant" or "confused" these may be. The resulting subjective impression of being, for instance, a crime victim is a concrete social fact, regardless of whether the event is "correctly" recalled or "falsely combined" of experiences and hearsay. It is this subjective impression that has social consequences, not the "correct" event description.

Now, since the details of the event investigated by the police have been written and retold several times during the formal process, it is possible that other details of the event, or other events not investigated by the police, are not remembered equally well. It is also possible that the format into which the event is forced by the police investigation paradigm is taken over by the victim and the story therefore afterwards resembles the documented version in its details as well as in its overall structure.

All respondents were told that we knew of the event to be discussed. Thus, they could not conceal the whole event - something which often takes place in a victimization survey (illustrated, for example, in a reverse record check study by *Niemi 1985*).

3.2 Police

The informants often commented the activities of the police in a positive manner although the police did not always handle the case very well. Of course, in our material all cases were solved. But, on the other hand, the police representatives are the ones who are in direct contact with the victim when the case is fresh and therefore have the chance to produce at least some sense of satisfaction in the client by their approach.

The interviews revealed an interesting detail concerning the way the event came to the attention of the police, not found in the documented event descriptions. Quite often, the victim himself was not the active party who caused the police to be notified and the event to be recorded as a criminal

case. Sometimes, however, this was because the victim was helpless because of the assault. Bystanders therefore called an ambulance and the police in the case concerning the two old ladies whose handbags were snatched. But in the several cases described briefly below, the police were informed although the victim seemed not to be wholly in favour of a report:

- the neighbours had heard the racket and called the police in the case where the victim's right arm was left permanently disabled. The victim himself said that he would probably have left the matter unreported;
- in a case of violence in a couple relationship the police report came about because the assault took place in a taxicab in which the couple were riding home after an evening out in a restaurant. The driver took them directly to the nearest police station where the incident was automatically registered since it was defined as an assault in a public place. This is an offence subject to public prosecution, i.e. the police must register the offence and the victim cannot prevent prosecution. The victim stated that she would most likely not have made a report on her own initiative although on the other hand, she said it served him right;
- the taxi driver who stopped to "speak his mind" to two drunks who jumped in his way and threw a snowball at his cab, said he would not have made a police report if it were not for other taxi drivers who came to his assistance after he was assaulted and called for help by his radio. This victim eventually "just didn't bother" to participate in the trial of this event and appeared at the next session of the court "only because I had to", the court having threatened to fine him if he defied the court order to attend;
- the policeman who reported the incident of "violence against a public servant" (that occurred as he arrested a drunken driver) recounted another similar event where he did not bother to file claims for damage compensation "since it wouldn't have done any good anyway". In the case presently studied, he made the report because this was required as an explanation for his few days of sick leave;
- the restaurant waitress who was attacked by a drunken client to whom she refused to serve more liquor was supported and urged by her colleagues to make the police report; she said she very likely would not have done anything otherwise. However, she also thought "it is good to have such things stopped". Such ambivalence seems to be rather common.

By contrast, some victims were very active in this respect. For instance, the man who was hit when trying to enter a restaurant at lunchtime insisted on the police being called although the restaurant representatives tried to avoid this. He said he thought it was especially necessary to make sure he would be compensated for his broken tooth. And the experienced welfare client made the report because he knew that it was necessary for later compensation claims.

The police involvement thus seems to come about in very varying ways and it is not unusual that it happens against the victim's will. This raises the question as to whether perhaps the victim should have a greater say in the formal processing of "his or her case", a point strongly made by *Christie* (1977).

3.3 The Trial and the Punishment

Not all respondents remembered the outcome of the trial accurately. However, the inaccuracies were not substantial. The sentence as well as the award for damages were for the most part recalled correctly.

Some victims were more satisfied with the punishment imposed than others. The victim of the handbag-snatching, for example, said that she had no opinion as to whether the sentence was "correct" or "fair", but she was glad that the perpetrator was incapacitated at least for some time and "unable to victimize others" (he received an 18 month prison sentence): "At least for that time, the next victim can walk in peace".

In contrast, the taxi driver and the man entering the restaurant both felt that the punishment was clearly too lenient (in both cases, the assaulters were fined). The policeman was dissatisfied with the juridical labelling of the assault in his case. It was defined as "violence against a public servant". The victim said that "if he had tried to run over a private citizen with his car, it would have been attempted manslaughter or homicide, but in the case of a police officer, it seems they take such things as being what we're paid for."

A victim of violence within a couple relationship said "what really surprises me is that he only got a suspended sentence, but here in this country, obviously, you may even kill somebody and just get a year or two, that's really very little". She wanted revenge, and did not think a two-year suspended prison sentence was sufficient. Incidentally, it was this same victim who entirely concealed her own provocative actions from the interviewer.

Another victim of a case of violence in a couple relationship - the one who was not very keen on the police report - did not remember what the punishment was. For her, this was not important, either; her main concern was to show the perpetrator that she would not any longer tolerate his aggression. She did not want revenge; as a matter of fact they remained friends in a reserved sort of way.

The experienced welfare client also said that he had no opinion on the penalty and had no idea what it was, either. In both of these latter cases, the perpetrators were sentenced for a number of other offences in the same trial. It is conceivable that this fact contributed to the result that the victim had no clear picture of the penalty for the offence in question.

The young man whose arm was disabled thought that the sentence was too hard: "If it had happened to me, I'd say it was a lot". He pointed out that the incident was very confused, and the outcome might well have been different, with the victim and perpetrator changing places.

3.4 The Awards for Damages

When the award for damages was discussed, the victims had an even better memory. This part of the outcome of the trial apparently is also more relevant to the victim than the punishment.

At this point, the interview data answer a question not covered by the documentary material: did the victim get the award for damages or not?

So far as awards for damages are concerned, Finnish court practice favours material costs - they are customarily accepted in their entire amount. Compensation awards for non-material damage - pain and suffering - are treated in a conservative manner. The awarded amounts, therefore, are typically rather low. But in reality the victims often received only part or even nothing of the awarded amounts. Furthermore, state compensation was, until 1991, limited to material damages. Hence, if the offender was unable to pay, no compensation for pain and suffering could be obtained.

Some of the victims did, however, manage to receive compensation from the perpetrator. This happened with the help of the Enforcement Office. In one case where the distraint attempt was at first unsuccessful, the perpetrator voluntarily paid the whole amount later. In this last case, it was obviously of decisive importance that he was a friend of the victim.

In other cases, however, the compensation was received only in part or not at all. Reasons for the failure were varied. The police officer, for instance, did not bother to try to make the offender pay since he said he

knew that the perpetrator was unable to pay - this was a matter of compensation for pain and suffering. In a later similar case, this police officer did not even bother to raise claims for the same reason.

The man involved in the street fight with his underworld friend did not bother to make compensation claims "since I knew it would have been in vain". He knowing that the offender would be unable (and presumably also unwilling) to pay. The restaurant waitress never even tried to get the money. For her, it was the symbolic victory that counted. Then too, both in her case as well as that of the police officer, the employer compensated the direct loss of working time and the medical costs anyway.

Very different was the case of the man hit while entering a restaurant. He insisted on making a police report mainly "to make sure that he was compensated for the broken tooth". In the trial, he was awarded full compensation for the dentist's bill and for lost working time and tried to get the money paid with the aid of the Enforcement Office. Since the offender was unable to pay, he should then have gone to the State Accident Compensation Office with the court documents and the distraint documents. However, he did not: he was convinced that this would have been useless because more than a year had already passed since the event, the trial having been delayed as the offender had many other offences dealt with in the same trial and their investigation took a long time. The law on State compensation for crime damages does indeed contain a one-year deadline, but it would not have been applicable in this case. This is, however, irrelevant since the victim was convinced that he had lost his chance of State compensation. He was still bitter about this; he thought "they did not take the case seriously enough as they let this happen".

The main finding here would seem to be related to the perceived arbitrariness of the outcome from the victim's viewpoint. Some respondents expressed a feeling of general marginality in the trial, and described it as "a mere formality". They also complained that they had no idea of what to do next to ensure their compensation, and nobody gave them advice about this. The victim and his costs do indeed play a marginal role in the formal procedure, and matters of compensation are defined as civil claims where the initiative is left to the victim. From the viewpoint of the plaintiff this means, however, that feelings of helplessness and lack of influence in the compensation matter are rather characteristic of the victimization experience.

3.5 Some Unexpected Results

In this kind of research, unexpected details and possible new openings often emerge as a by-product. Here, I pick out only two such unexpected points:

- the question of the victim's relative inability to influence the formal procedure in "his own case";
- and the realization that, especially in a long term perspective, the victimization experience is not unidimensionally negative but may include various positive aspects.

3.5.1 *The Victim as an Outsider*

Some informants felt that the formal procedure followed its own dynamics regardless of what the victim might have wanted. This is in fact the case with all offences which are not complainant offences in the Finnish system; similar principles apply in other countries.

That this is so has inspired some scholars to suggest that "the system" in this respect acts against the genuine interests of the common people (c.f. Christie's point about "conflicts as property"). This conclusion need not be rejected even if we assert that the matter is more complex than this straightforward conclusion suggests. Others, who represent a rather different point of view - for instance, spokesmen for what is sometimes called a "rational criminal policy" - have urged that the scope of complainant offences should be expanded for other reasons. They assert that since definitions of crime can be seen as one of the most powerful devices for influencing crime rates, the introduction of new complainant offences would in effect cause the rates of registered offences to fall.

The present small study suggests that both lines of thought share a common weakness. Both seem to imply a victim who is able to take care of his own problems, who knows how to handle victimization situations and their consequences and who knows or is able to find out about all relevant consequences of his decisions concerning this matter. Our ten victims did not fulfil such requirements for the most part. Typically - with the major exception of the police officer who is a professional in the area - they expressed feelings of marginality in the formal procedure and had great difficulty in following their case through this procedure. In addition, they often had a hazy or entirely mistaken idea of the consequences of their own decisions and actions in the procedure.

Before contemplating dramatic reforms of the present crime definitions referred to above - however unsatisfactory they may be - it would seem to be advisable to modify the system so as to improve the chances of the victims and complainants being able to live up to the unrealistic demands with which they are faced. An absurd illustration of this is the case of the woman whose male friend had seriously assaulted her four times in the past six or seven years. The third time this happened was - in terms of the physical harm caused - the least serious of the four, but the police were notified and the assailant was punished. On the fourth occasion she again made a report to the police. But this time, the incident had occurred in her home, i.e. in a private place. Although she suffered several broken ribs, together with wounds and bruises, the act was labelled as a common assault. This offence is a complainant offence in Finnish law provided it happens in a private place. This time, she said, she really wanted to have the assailant punished in order to make him understand she would not tolerate such behaviour. However, the police officer who took down her complaint seems to have misunderstood her to the extent that she signed a hearing report which stated that she only wanted compensation for the damages but had no demands regarding the punishment. The public prosecutor waived prosecution on these grounds to the victim's great frustration. She did not try to pursue the matter any further but was still, nine months after the event, furious with the authorities - not the assailant whom she described "when sober, an unusually good person".

Of course, mistakes do happen in the best of systems, and if this were an example of an exceptional coincidence that brought about such an absurd result, the conclusion as to the victim's marginality in his or her own legal process might be rather weak. But my general impression, based on the present material, is rather the opposite. So, reforms to improve the victim's situation would seem to be called for. In addition, attention needs to be paid to such questions when any reforms of penal legislation and the legislation on criminal procedure having consequences for the victim's or complainant's life are being considered.

3.5.2 Positive Aspects of the Victimization Experience

We have been reminded, especially by functionalist scholars, that a number of positive "functions" can be ascribed to crime as a societal phenomenon. But not before studying the victimization experience of the ten violence victims serving as informants in the present study did it become obvious that even at the individual level, being a victim (of violent crime, in this case) is not only a negative experience with only negative consequences.

Thus, for example, the police officer thought that, besides the fact that he was not substantially shaken or scared by the event, it added to his experience and thereby improved his professional skills. Similarly, the taxi driver was rather proud of his experience. Perhaps the machismo of many young men makes them consider this kind of experience welcome, providing them with some kind of glory. Most obviously, providing the physical harm is not very great, it tends to improve the victim's self-confidence (even if this victim lost the initial fight). This kind of consequence was very obvious in the case of the restaurant waitress who had an experience of triumph and power. She assessed the outcome of the event as very good in two ways. First, her self-confidence improved in a general sense. But secondly, she said that this experience could be used as a direct means of controlling troublemakers in the restaurant as she could, if needed, refer to her earlier experience and threaten the clients with similar action. (Of course, we might ask if such a consequence is "positive" from the viewpoint of her clients. But presently, we are trying to assess the experience from the victim's viewpoint).

The most dramatic example of how ambiguous and difficult it may be to try to assess a balance of positive and negative consequences of victimization is provided by the informant whose right arm was permanently disabled in a knifing episode - a tragic fate. It does, however, illustrate a new and neglected point: a full assessment of the consequences of victimization may depend decisively on the total life situation of the victim. He described his life, at the time of the knifing, as "going down the drain". He had developed a serious alcohol problem and thought that "it sure did calm me down... if it hadn't happened, I wouldn't have this family... I wouldn't have been able to get a hold on my life... I can say I'm satisfied with the present state of affairs". After his invalidization, he took again up school which he was finishing at the time of the interview, quit drinking as far as possible - he was continuing school with the aid of an Antabus capsule operated under his skin - and he had a permanent home and a family. The compensation sum which he received for his disabled arm (equivalent to 5000 US dollars in 1985) enabled him to acquire a "real human place to live in for the first time in my life".

A further example is provided by the woman with the occasionally violent male friend. For her, the series of victimizations represented a process where she slowly matured in this relationship, and learned how to handle it. For example, she declared that, after the fourth frustrating victimization where she felt deceived by the prosecutor, "the relationship is as it was", and said

she was still seeing the man occasionally, but from now on she was going to see to it that there are other people around, and was not going to let him into her home again.

The woman tortured by the man she lived with provided a mixed assessment of the experience. For her, the positive part had to do with how she acted in the formal procedure - she was proud of how she managed to receive a free (state-paid) criminal trial. She was not formally entitled to a free trial, but on advice of a lawyer friend she was granted one (including the fee of the lawyer friend) by misleading the court. She was also proud of the way she and her lawyer had managed in court to misrepresent her provocative actions which culminated in the torturing episode.

Of course, we must not forget that others described their victimization experience only in negative terms. For example, the two elderly ladies victimized in the bag-snatching episode experienced it as a total disaster, their "whole lives being destroyed for ever". But it is important to realize that a large part of violent crime registered by the police or - even more so - in victimization surveys is not of this kind. Perhaps the positive aspects of the experience mostly go with the less serious events. This finding should, at any rate serve to add nuances to our attempts to assess the social meaning of violent crime or victimization rates.

The finding has also other implications. It may raise doubts as to whether our sample is representative. Is it not odd that so many persons with clearly positive assessments of their experience are found spontaneously, without prompting, in a sample of ten? Also, while the system received serious criticism, many of the positive experiences mentioned were based on system action. People were satisfied by the ways they managed to make the system work for them or - as in the case of compensation for the disability - the money received on behalf of the system contributed essentially to a positive development and the victim's social rehabilitation. At least, this can be taken as supporting the recommendation that the system should be improved: good results are occasionally produced even now. This conclusion should hold even if in one case, the positive part of the experience resulted from cheating the system.

Second, if taken at face value, some positive consequences of the victimization experience may sometimes be brought about by the structure (i.e. the overall dullness or emptiness) of everyday Western life where safety, lack of drama, lack of meaning, and lack of personal importance are the rule for the ordinary citizen. The victim gets to see and experience things otherwise unknown to him. And at least this once, these people are important (however neglected they may feel at times during the formal procedure). It also

remains a possibility that afterwards, perhaps as with other life crisis events, the person suffering them also is provided with a chance for personal growth.

To some extent, the positive aspects found in the victimization experience may be part of a normal and general adaptation to necessities; it is less frustrating to live with difficulties if the individual manages to present his or her actions, at least for the self, in a positive light. (This might be called the "every cloud has a silver lining syndrome"). On the other hand, the positive interpretation of the experience may come into a more accurate perspective if we remember that nobody said the experience was pleasant. One informant put it this way: "Yes, sure, there is also this positive quality to it, but if I had the choice, I'd rather have been without any of it anyway."

A psychologically focussed study of the informants might throw more light on the personal adaptation processes probably in operation when the long-term assessment of the victimization experience is produced. Thus, from a psychological point of view, being a victim of violence may sometimes be seen fruitfully as an instance of a personal crisis, comparable, for example, to a serious illness or the death of a loved one.

Research into personal crisis management suggests that people tend to handle life crises by going through a three-stage process. A chaotic initial phase is followed by an intermediate phase of questioning, reaction and rebellion which then leads to a final phase of a new equilibrium in which a mature relationship to the crisis is reached. This process is often rather lengthy. Now, relating this to the present study, it is conceivable that some of the positive interpretations found may have come about as follows. The same person who, initially, had a bad experience comes, with time also to interpret that experience neutrally or positively. But these later interpretations do not replace the earlier ones but rather supplement them. In a retrospective interview then, both kinds of interpretations were present and were revealed. Most incidents of being a victim of violence would not, however, be serious enough to warrant comparison with a life crisis or interpretation in terms of such a crisis. However, it is possible - and remains yet an open question - that the psychological adjustment process follows this kind of path also in less serious victimizations.

3.6 The Second Round of Interviews

The findings of the second round of interviews are not reported extensively here. Eight of the ten original respondents were approached early in the following year for a second interview. Inspired by insights from the first

interviews, the second interviews were designed to encompass the respondents' life history and their life situation at the time of the victimization event as well as at the time of interviews. With such a broad goal, the results were very varied and not easy to grasp. In some cases, however, we managed to arrive at a further illustration of the embryonic idea which inspired the present focus.

With some respondents, the picture based on the first interview was altered considerably in the second interview. A striking example was provided by the lady tortured and beaten by her cohabitee. When her personal history was charted in the second interview, it turned out that she acted in her relationships with men in a manner familiar from her childhood home (here, it is difficult to avoid the temptation of over-interpretation). Her behaviour follows the pattern she recounts about her mother who had even had her father put in prison for domestic assaults. And she had herself earlier lived through other similar relationships with men, at least two of which were broken on similar grounds. At the time of the second interview, she was living in a fairly new marriage. In this marriage, she said she had made it clear from the very beginning that she won't take a single blow. "Once is once too many"; that would be the end of the marriage. Up to now, she said, no real problems had come about. It is not very far-fetched to interpret this man-and-violence attitude as developing to the verge of provocation.

Other examples, giving a vague idea of the potential importance of the life history and the life situation in this context, are provided by the policeman, the waitress, the old ladies victimized by the purse-snatching with tragic consequences, and the young man whose arm was disabled.

The policeman's victimization was, of course, work-related as was his assessment of the experience. The role of the life-situation is obvious in this case. The same could be said of the waitress. Without their jobs, this kind of victimization would not have come about. And it was mainly in a job-related frame of reference that they assessed the experience.

In the case of the elderly ladies the situation is different. For someone else the event would have had very different consequences - and to yet someone else, a less vulnerable person, it might not have happened at all. Perhaps the most suitable victim was just a helpless woman.

Finally, the case of the young man involved in the knifing episode provides still another illustration in support of the life situation postulate. Somebody else - indeed, almost anybody else - would be likely to give a very different interpretation of the unlucky events which - for him - meant the beginning of a new life.

4. Summary and Conclusions

The picture of what here was called the "victimization experience" is complex. The documented description of the events is arbitrary and limited to those aspects that are relevant to the criminal justice system. This system is mostly concerned with establishing guilt and deciding on punishment. It is not much concerned with the victim and is unable to assess the long-term significance of the bits of reality being processed through the system. Victim interviews supplement this picture in a meaningful way.

Reporting to the police often has nothing to do with the wishes of the victim. During the trial, the victim-plaintiff often experiences feelings of being personally irrelevant, that is, feelings of marginality. Then, too, the outcome of the court process so far as damages are concerned is often up to the victim who is usually on his own in this matter. In consequence, the outcome is often assessed as being arbitrary.

The victimization experience often seems to include positive aspects. This makes it difficult to assess the social significance of crime or victimization rates and criminal victimization as a social problem.

Proposals to extend the scope of complainant offences, currently being made in several contexts, may well be sensible. But so far as violent crime is concerned, such proposals would seem to presuppose more qualified and more competent victims than are available at present. Responsible reforms in this matter must take the victims as the point of departure and focus on ways of looking after their interests.

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**Victims of Violence:
A Descriptive Analysis of Street Crime and Burglary
in Belgium¹**

Johan Goethals, Tony Peters

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1. The Aim and the Design of the Research

The most important objective of the research is to draw up an inventory of the consequences of some types of violent criminal victimization. This includes material, social, physical and psychological effects together with the opinions, the attitudes and the reactions of the victim towards the offender and the way the victim has been treated by relatives, friends, neighbours and relevant social, judicial and other institutions (e.g. insurance companies and the press).

Do victims know how to deal with such problems and do they make use of the general or special assistance available in case of victimization? Restitution through state compensation may meet financial losses, whereas different types of medical and psycho-social assistance are provided to support victims of crime.

At the same time the research takes into account the way the victim reacted at the moment and immediately after the crime. How did people react whose help the victim asked? Witnesses, family members, neighbours, friends, colleagues at work, all may act as relevant co-definers of the problem and will have an influence on the decision of whether or not to contact the police, a medical service, or a centre for general or special assistance.

Moreover the research is interested in the way persons and institutions deal with the victim's problems and in the way the victims evaluate and experience the character and the quality of the support and assistance provided. Finally we asked victims what they see as the appropriate penal sanction for the offender who committed the crime.

1.1. The Definition of the Sample

A first option is to limit the sample to private victims of crime excluding those who had been victimized in commercial or professional activity. Furthermore, we have selected victims of a few specific types of property crime with violence or threat, excluding offences such as sexual violence, maltreatment and child abuse. The study of the problems of victims of the latter types of crimes requires a separate approach and analysis (*Maquire & Corbett* 1987). A further criterion for the selection of the sample was the seriousness of the crime and its violence. The interviews with the

victims referred to the many different implications of the victimisation. We may expect more information about the delivered assistance and support when the victim has sustained quite a lot of physical, psychological and material harm. This is why we also interviewed victims of intentional physical violence.

Nevertheless, victims of burglary, even when there was no direct confrontation with the burglar, were interviewed, given the presumed strong impact of this crime on the victim at the moment when he/she discovers his/ her house or appartement has been entered (*Maguire & Corbett* 1987). Only the victims themselves, not their relatives were selected for interviews. In cases of burglary the responsible person or their partner was interviewed. Victims under the age of 18 year were excluded from interviewing. It was important to limit the analysis to victims able to bear legal responsibility. The sample of victims for the interview is composed of victims who reported to the police in one of the following jurisdictional areas : Antwerp, Brussels and Tongeren. Our intention was to select through police recruitment some 260 victims of burglary, intentional violence or threat, and theft with violence and/or threat, but because of unavoidable difficulties only 99 victims were interviewed.

1.2. Interviewing the Victims

In order to describe the immediate and lasting effects of the victimisation, and to analyse the passage through the criminal justice system, two interviews were planned.

A first interviewing shortly after the crime was intended to describe immediate social, material, judicial and psychological effects, the attitude of the victims towards the offender, and the treatment the victims experienced during the hours and the days after the victimisation.

A second interviewing some six months later could shed more light upon the lasting effects, changes in attitudes to and relationships with other relevant individuals and institutions, and on the steps taken by the victim in order to adapt to the consequences of the victimisation. Several practical problems (e.g. difficulties in drawing a sample of victims, low cooperation by the victims, refusal by the prosecutor-general to directly contact the victims whose names and situation we knew from a former research project) delayed the fieldwork.

As noted 99 victims were interviewed, and only once. The reporting in this article will also be limited to the immediate effects, attitudes and evaluation of the social and judicial assistance shortly after victimisation.

Three interviews did not meet the criteria mentioned above, and were discarded. The sample then consisted of 63 burglaries, 24 robberies and 9 assaults.

Nevertheless we believe the results of the research teach us a lot about the problems which victims experience at the moment and shortly after victimisation. A systematic presentation and discussion of the research outcome is what follows. The research results should be read as a report about the way victims talk about their experiences and the way they present their difficulties to others. We were not able to confront the opinions and attitudes with firm objective information put down in judicial files.

At this moment we continue the research by focusing the many problems victims of severe violent street crime and burglary experience in the long run following the crime event. Here a much more qualitative in depth approach on a small group (50) of such victims permits us to analyse the complex risks victims have to cope with (*Aertsen & Vanderzande* 1991).

2. Financial and Material Consequences

2.1. Direct Financial and Material Consequences

Crimes normally provoke direct, as well as indirect, financial and material harm. In addition to the direct results, there is the risk that additional losses and costs will appear later. The financial burden may involve services as different as medical and legal aid.

Research in different countries shows that private victims of (violent) property crime mostly suffer limited losses. In the USA victims of theft and theft with violence reported a modal loss and cost of 50 US \$ (*Jamieson & Flanagan* 1989) whereas in England and Wales comparable events provoked a loss estimated to be less than 45 US \$ in 72% of all cases (*Hough & Mayhew* 1985). In Holland a study of purse snatching reported average losses between 45 and 125 US \$ (*Rooduijn* - CBS 1987).

From our former research on theft with violence in Belgium, based on police reports, it appeared that in 34% of all cases the loss did not even reach 30 US \$ and in 73% of all cases the total loss remained under the level of 150 US \$.

The harm provoked by the commission of the criminal act mostly exceeded the worth of what had been stolen (*Christiaensen et al.* 1987).

The literature finds that it is rather an exception that private persons assaulted on the street lose a large sum of money. In Belgium only 17 such cases were reported in 1986.

Researchers, mentioned earlier, gave further information about modal financial loss in cases of burglary. Here it appears that losses and damages are much more important than in cases of theft with violence, or street robbery. For the USA as well as for England and Wales, figures for burglary outnumber at least ten times those for theft and robbery. Dutch figures for damage and loss from burglary at least double those for losses from theft with violence.

In our own research we found that losses from burglary are especially high in a limited number of cases in which the crime had been well prepared, including a direct confrontation with the victim. Victims were chosen because of their weak power of resistance and because offenders supposed they kept a lot of money and/or expensive belongings in their house. In Belgium for 1986 we knew 21 such cases each with a total loss of more than 100.000 BF (3.300 US \$), among them 6 cases with a total loss of more than 500.000 BF (16.500 US \$) (*Christiaensen et al.* 1987).

It is quite a different story when commercial enterprises become the victim of a crime like hold-up. Financial losses are in such cases not the problem of the personnel of the enterprise, but of course they are the victims and may suffer a lot as far as physical and psycho-social consequences are concerned.

Nevertheless it is interesting to consider some figures about the financial loss from hold-ups. In Germany (FRG) the police reported in 1988 for hold-ups on banks and post offices a total loss of 13 million US \$. This is an average of 13.000 US \$ per hold-up. For hold-ups on other commercial targets (e.g. shopping centres) the average loss was about 3.630 US \$ (*Bundeskriminalamt* 1989).

In 1986 Belgium financial loss provoked by hold-ups of financial institutions was below 15.000 US \$ in 63% of successful cases. There were exceptions (hold-ups with a loss of more than 5 million BF). For shops and big stores in 68% of all cases the financial loss remained within the limit of 1.500 US \$ (*Christiaensen et al.* 1987).

In 52% of the successful cases of armed robbery in small shops of the Montreal conurbation the average loss was less than 180 US \$ (*Gabor et al.* 1987).

Professional people who carry money and/or other values from one place to another are especially vulnerable. They may be shopkeepers bringing

their cash money (the income of the day) to the bank late at night or they are postmen carrying out pension money for retired people on certain days of the month. In 57% of such robbery cases the loss represented a sum of money of more than 3.300 US \$ (*Christiaensen et al.* 1987).

Whereas hold-ups of banks and of financial institutions or large commercial stores do not provoke a personal financial loss for the personnel it is quite a different story for owners of small enterprises. Although the amount of money at stake is much more limited, the crime hurts the victim directly not only because of the losses, but also because he has personally to bear additional costs for legal aid and for absconding from work when reporting to the police or when heard as a witness.

2.1.1 Results from the Interviews

A first table gives an overview of the type of losses in relation with the type of crime.

Table 1: Material and Financial Consequences

Type of loss	Type of crime							
	Burglary		robbery		assault		Total	
	N	%	N	%	N	%	N	%
material loss (objects)	52	82	24	100	0	0	76	79
money or values	36	57	16	67	0	0	52	58
harm	50	79	12	50	9	100	78	74
N	62	100	24	100	9	100	96	100

Table 2: What has been stolen in the Cases of Burglary?

Item	N	%	median value in BF
money	36	64	5-10.000
cheques/credit cards	7	12	
jewelry	33)	59	
video and electronics	14) 52	25)93	30-40.000
fotocameras	8)	14)	
other objects	15)	27	
NT	56		

Next to the 56 successful burglaries there were 7 more cases of attempted burglary with only marginal harm or no losses at all.

The total median cost of burglaries varied between 1.000 and 1.500 US \$. The maximum loss in one case was as high as 37.000 US \$. However, there remains some doubt on the accuracy of the estimation by the victims. Probably victims do overestimate the losses they suffered. Further, a quantitative estimation of these losses does not take into account the symbolic value of the stolen goods. Victims very often feel much more the emotional or sentimental effect of a theft or a robbery rather than the financial loss. A jewel or a picture can express the bounds with a beloved other, which is hard to measure in terms of money especially since the objects cannot be replaced.

2.1.2 *Recuperation of Stolen Goods and Values*

Because interviews followed shortly after the crime had been reported to the police (62% within a period of three weeks) the recovering of stolen goods and values was an exception. At the moment of the interview only 5 of the victims had gotten some of their stolen goods (jewelry, Hi-fi and video, mopeds).

2.1.3 *Damage in Relation with Burglary*

A large number of victims suffered from damages caused by burglars. Very often victims have problems in coping with the chaos in their house or appartement and with the material consequences of pure acts of vandalism described as "trashing" (West 1974). 78% of the victims having reported such damages, estimations only reached in a few cases 3.000 US \$.

Table 3: Nature and Amount of the Damage

Nature	N	%
walls, locks, doors, windows	42	67
household utensils	7	11
safe	1	2
furniture	7	22
no damage	13	22
NT	63	

Table 4: Estimated Amount of the Damage

The estimated amount (US \$)	N	%	% unknown
none	13	21	26
< 1000	6	10	12
1000-5000	11	17	22
5001-10000	7	11	14
10001-25000	5	8	10
25001-100000	6	10	12
> 100000	1	2	2
unknown	14	22	-

Whereas foreign research (*Waller & Okhiro 1978*) reported damage of furniture and utensils in 50% of the burglaries, we found that damages in most cases remained limited to acts of destruction in relation with the forced access to the dwelling (place of residence). Very often (2/3 of all cases) the damage was only partly (1/3), or not at all (1/3) repaired which made it very difficult to give an exact estimation of the financial value of the damage.

2.1.4 Theft with Violence and/or Threat

Twenty-four of the interviewees became the victim of a violent assault and robbery. For 17 of them this happened in the street and they lost their wallet or purse. Six victims (shop keepers) have been robbed in their shop. One person became the victim of an unsuccessful robbery at home. In 5 of these 24 cases the robbery was unsuccessful.

The typical case here is purse snatching, the victim losing her purse or his wallet, the offender running away.

Table 5: Nature of the Robbery and Estimated Value Stolen

Stolen goods	in the street		in the shop	
	N	medium amount (US \$)	N	medium amount (US \$)
money	15	3050	1	4.000
cheques/credit cards	5	-	-	-
jewelry/watch	3	-	-	-
purse/wallet	12	150/200	-	-
clothes/glasses/umbrella	2	-	-	-
goods (shop)	-	-	3	65
unsuccessful	2	-	2	-
	17		6	

Table 6: Overview of the Total Direct Losses

Amount BF	Total		Burglary		Robbery		Assault	
	N	%	N	%	N	%	N	%
< 150	27	28	11	17	10	42	6	66
150-1500	39	41	23	36	13	34	3	33
15001-3000	10	10	10	16	-	-	-	-
> 3000	20	21	19	30	1	4	-	-

Although the amount referred to is a rather rough estimation of the direct financial losses, it is important to notice that in only 28% of all cases losses remained very limited (under 150 US \$). Especially in cases of burglary the damage was very often considerable. When comparing first victims with victims of prior victimization there is a significant difference in the estimated worth of the stolen value. Victims with prior victimization seemed to have learned their lesson, and reported less losses. 85% first victims and 62% victims with prior victim experience reported losses of over 150 US \$. (Chi=5,33, df 1, p<.03). All but one unsuccessful robberies and burglaries concerned victims with prior victimisation.

2.2 Indirect and Further Economic Consequences

Many times other costs which come in addition to the direct financial and material consequences of the crime, are more important.

Whereas medical and health care are met by the system of social security, there are a lot of other consequences which can provoke serious financial losses, which are much more difficult for the victim to recuperate. The loss of salary can make the situation very problematic.

Smale (1977) reported 50% of the victims of violence having lost their salary during a certain time. *Shapland et al.* (1985) referred to 39% of the interviewed victims (of physical and sexual violence) having suffered from the lost income, because of not being able to work or because of the impossibility of continuing the same job, or having to replace it (for a certain time) by a less rewarding one. The investments in techno-preventive tools and measures (extra locks, alarms or a watch dog) may represent another important cost. Almost 25% of all victims spent money in trying to improve the security of their dwelling (*Smale* 1977). Existing insurance contracts may be enlarged. *Manseau* (1982) and also *Normandeau* (1981) mentioned that shopkeepers, often victimised by a robbery no longer inform the

insurance company in order to avoid an increase of the insurance premium. Very often the victim has to spend money for legal aid, not only to get restitution from the offender through legal action, but sometimes even to get restitution from the insurance company (*Smale 1977*).

Given the fact that it is not simple to make a clear cut estimation of all such costs, and because such costs are only revealed after a certain length of time, it is rather difficult to express the indirect and further financial consequences of a crime by an exact figure. The results from our own research are displayed in table 7.

Table 7: Indirect Financial Losses

Indirect financial loss	N	%
salary	3	4
investments prevention	47	49
medical care	37	39
insurance costs	5	6
legal aid	5	3

2.3. Compensation, Restitution and Recuperation of Costs

Whereas (partial) deprivation of the salary and costs for medical care are mostly met through the system of social security other costs are more difficult to compensate or to recover.

The last national victim survey in Holland finds that the majority of all victims (71%) did not receive any restitution or compensation. Many (59%) did not even try to get it. Of those who took the initiative to get compensation, 29% were successful (*Mulder 1988*).

2.3.1 Restoration

Victims seldom receive back what was stolen. In our research 22% of the victims who lost goods and/or money received "something" back. But mostly such a partial recovering remained limited to an empty purse or wallet thrown away by the offender after having selected out what he was interested in. The recovering of stolen goods from a burglary is even more an exception. The British crime survey B.C.S. (1984) demonstrated that 87% of the victims of burglary and 94% of the victims of car burglary did not

recover any whatever of the stolen goods. On the other hand 70% of car owners get their stolen cars back (*Hough & Mayhew* 1985) and shopkeepers especially those in charge of department stores partly recover the stolen goods by employing private detectives to control clients (*Junger & van Hecke* 1988). The number of private victims who recover stolen goods through police intervention remains very limited (5% full and 4% partial recuperation) (*Blumberg & Ranton* 1978). Restitution by the offender is even more an exception (3% partial and 1% full) (*Mulder* 1988).

2.3.2 *Restitution through Justice and State Compensation*

Continental criminal justice provides with the "partie civile" a possibility for the victim to get restitution by the decision of the judge. Also a civil procedure is open to the victim to pursue his rights.

The system of "transaction" (payment to lift the prosecution) includes restitution to the victim by the offender. And since 1985 Belgium has joined the group of countries having introduced a state compensation programme for victims of intentional violent crimes.

Following the judicial procedures, the vast majority of victims do not receive any further information about the crime, after having reported it to the police. Because the detection and the identification of the offender occurs in a very limited number of cases (clear-up rates of 20%) the prosecutor will dismiss the case. State compensation remains a marginal system of compensation for the victim.

Out of the 96 interviewed victims, 66 had suffered losses and/or damages. Among them 16 (24%) took action with the purpose of restitution, and 23 (25%) victims did not want to take further action because (a) 9 (10%) supposed that the offender would not be able to pay (b) 6 (5%) feared producing costs which they would never recover.

What factors determine the wish for restitution through judicial action? The degree of the damage suffered determines the wish to receive restitution ($\text{Chi}^2 = .80$, $\text{df } 1$, $p < .03$). The same is true for the type of crime committed, because there is a relation between the type of crime and damages provoked. In particular the victims of burglary suffered more material and financial losses ($\text{Chi}^2 = 8.83$, $\text{df } 1$, $p < .03$).

2.3.3 *Restitution through Insurance*

Restitution paid by insurance-companies relates to a few types of crimes, e.g. burglary and car theft. Victims of theft with violence or threat, victims of sexual crimes but also victims of vandalism, bicycle or moped theft very

seldom recovered (*Mulder 1988; Hough & Mayhew 1985*). A further difference in restitution within the group of victims of burglary and car theft relates to the level of income and the level of age, because these factors determine whether or not one subscribes an insurance. Older and wealthier people are more likely to cover such risks with an insurance.

The Belgian situation contrasts with the surrounding countries because of the lower degree of covering crime risks with insurance (*van Dijk, Killias & Mayhew 1990*). Only 20% of the interviewees in our research group subscribed to insurance for theft and burglary. But even insured victims have difficulties in receiving restitution. The 1984 B.C.S. demonstrated that 44% of the insured victims of burglary applied for restitution. Only 41% of them received it, or knew that their application was still under consideration (*Hough & Mayhew 1985*). *Smale (1977)* discovered that 70% of the victims of serious theft and of serious damage from burglary had insurance. 77% of them introduced a claim and 91% of them received restitution covering on an average 81% of the crime related damage. The reason for not introducing a claim for restitution relates to the fact that some damages are not covered by the insurance, to the fact that stolen goods have been recovered through e.g. police intervention, to the fact that losses and or damages are less important, or to the fact that the victim supposes that he is not eligible for restitution (*Smale 1977*).

In our sample 75% of the insured victims did contact the insurance company, 11% thought of doing so, whereas 14% decided not to introduce a claim for restitution because of the lack of importance of the damages caused by the crime.

We were not able to determine whether introduced claims received a positive response from the side of the insurance companies. *Mulder (1988)* noticed that claims of higher income groups did more often lead to restitution than claims of lower income groups. This may perhaps follow from the fact that higher income groups subscribe the more specific insurance and that they can easily get the necessary documents to prove the existence and worth of the stolen goods.

Smale et al. (1984) and *Waller (1984)* found that victims eligible for restitution very often complain about the long period of time they have to wait for their money and about the implementation of high levels of franchise by insurance companies.

Victims experience much better service as far as the social security system is concerned. Medical care, and for a majority income losses are immediately covered to a high degree by the system.

3. Psychological Effects of Victimisation

Several investigations have amply documented the devastating and often lifelong effects of rape (e.g. *Atkeson, Calhoun, Resick & Ellis* 1982; *Katz & Mazur* 1979), and although less frequently, the negative effects of property crimes (e.g. *Lurigio* 1987; *Lurigio & Davis* 1989; *Kilpatrick, Saunders, Veronen, Best & Von* 1987; *Cohn* 1974; *Hough* 1985). In general these studies report higher levels of vulnerability, upset, and disturbing symptoms (anxiety, sleeping disturbances, unpleasant thoughts and stomach complaints) in groups of victims of burglary and robbery, than in comparable samples of non-victims.

Further, evidence is mounting that substantial numbers of non-sexual assault, burglary and robbery victims develop a psychiatric disorder, known as post-traumatic stress syndrome. A post-traumatic stress syndrome is defined by a persistent re-experiencing of a traumatic event through intrusive memories and dreams and by a variety of anxiety-related symptoms after at least a one month period (*A.P.A.* 1987).

A clinical phenomenological interviewing of 50 men and women, victims of serious cases of burglary, robbery and non-sexual assault in Belgium showed a 36% prevalence rate of P.T.S.S. (*Aertsen & Vanderzande* 1991). Research also indicated that reactions to crime and other deleterious experiences are often quite varied, and that this variability in victim recovery can be a function of victim characteristics and predispositions, the nature of the incident, victim's perceptions and interpretations of the occurrence, and events that transpire in the aftermath of the crime (e.g. *Janoff-Bullman & Frieze* 1983; *Kilpatrick, Veronen et al.* 1985; *Lurigio & Resick* 1990).

3.1 The First Reactions after Discovering or Experiencing the Crime

In the majority of cases the victims reported feelings of shock (26%, and another 12% in combination with anger) and anger (9% and another 15% in combination with shock and anxiety). Only one out of five felt calm during the incident or after the discovering of the burglary. After a few hours, the global emotional picture changed : the modal reaction turned to anxiety (31% and another 6% in combination with anger), followed by shock (17% and another 4% in combination with anger) and anger (10%

and another 10% in combination with other emotions). Again one out of five victims felt calm.

Table 8: First Reaction to the (Discovering of the) Crime

reactions	moment			
	discovery/experiencing		some hours later	
	N	%	N	%
passivity shock	25	26	16	17
anger, resistance	9	9	10	10
anxiety, fear	18	19	30	31
anger and shock	11	12	6	6
anger and anxiety	3	3	4	4
calm	4	4	9	10
other	20	21	18	19
unknown	6	6	3	3
N	96		96	

As noted victims react very differently to the victimisation, and also the transition from the discovery to the situation a few hours later can vary significantly. Of the 35% of the victims reporting anxiety and fear after a few hours, only 70% reported fear during the victimisation or after the discovery; the others felt anger, resistance and shock; the 23% of victims who mentioned shock after the victimisation reported shock, feelings of resistance, anxiety, passive anger and a feeling of violated privacy as the first emotions; more than half of the victims who felt calm after the victimisation seemed also to be calm during the crime or during the discovery; others reported anxiety and anger.

In table 9 differentiation within the immediate emotional reactions related to gender, victimisation, educational level, age, type of crime and social status is shown. Although because of the small figures, testing of significance of the calculated percentages is impossible, the percentages suggest the reactions are correlated with most of the above mentioned variables. With respect to the immediate reactions males differ from females : although both groups reported shock and passivity as the modal reaction, more males felt calm (29% vs. 13%) and less feelings of shock (27% vs. 37%). Victims living alone reported fewer feelings of anger (15% vs. 29%), calmness (12% vs. 25%) and more anxiety (33% vs. 17%). More victims victimised a second time reported anxiety (32% vs. 16%), and less felt calm (10% vs.

29%), and also less younger victims reported anxiety (13% vs. 27%), more of them felt calm (29% vs. 17%). Finally more victims of burglary reported anger (27% vs. 18%) and less victims anxiety (21% vs. 30%).

By and large the differences in reaction between males and females increased a few hours later. More females than males felt shocked (28% vs 17%) and anxious (48% vs. 29%), less calm (9% vs. 29%) and angry (11% vs. 27%). Where the difference in rate of anger between victims who lived alone or with others seemed to disappear, more single living victims felt anxious (60% vs. 31%). Where the difference between earlier victimised and non victimised victims decreased, differences were found related to the educational level (anger and shock). The differences between both crime groups remained, with only an inversion in the percentage of victims feeling angry: the number of victims of burglary who felt angry decreased, the number of victims of violence who felt angry increased.

By and large only 21% of the victims remained calm and showed no strong reaction during and at the discovery of the crime (19% of the victims of burglary; 24% of the victims of burglary and assault, compared to 17% of the victims of burglary in the *Maguire* and *Bennet* study (1982). Although for the tables mentioned we can not estimate the severity of the reactions, the author's subjective assessment was that comparable to *Maguire's* estimation in his burglary research 6% of the burglary victims, and 10% of the violence subgroup, had suffered acute distress after experiencing or discovering the crime; 10% felt "candidate" for P.T.S.S. However, testing of this latter hypothesis was not possible because of the cancelling of the reinterviewing after a six months period.

Table 9: Differentiation within the Initial Reactions

% of victims	calm	anger	anxiety	shock
Gender	(1)/(2)			
male	29/29	23/27	21/29	27/17
female	13/9	24/11	24/48	37/28
Social Status				
single living	12/12	15/18	33/60	30/18
family living	25/22	29/21	17/31	29/24

<i>Table 9 (continued)</i>				
% of victims	calm	anger	anxiety	shock
Victimisation				
no	29/18	20/22	16/35	29/25
yes	10/20	29/17	32/42	34/17
Education				
= or <3 years of secondary school	17/14	23/26	29/40	31/29
>3 years of secondary school	23/21	24/16	20/38	31/18
Age				
= or <35 years	29/19	26/16	13/32	36/26
>35 years	17/18	23/21	27/42	29/20
Type of Crime				
burglary	19/18	27/17	21/36	27/19
violence	24/21	18/27	30/39	24/12

- (1) first reaction during the crime/or the discovery.
- (2) reactions a few hours later.

3.2 Lasting Psychological Effects

Four out of five victims reported very unpleasant feelings after discovering that they had been burglarized or after having been robbed or assaulted. Two to four months later 74% of the victims interviewed said that the event was still having some effect upon their lives. Most of the reported problems included sleep-disturbances, anxiety related problems and self-blame. Table 10 displays the findings for the total group, and also a breakdown for the burglary and violence group.

Table 10: Lasting Psychological Effects

	total group		burglary		assault & robbery	
	N	%	N	%	N	%
Sleep Disturbances	22	23	17	37	5	15
related to anxiety	18	19	15	23	3	10
related to loss of appetite	7	8	5	8	2	6
Loss of appetite	4	4	-	-	4	12
Physical complaints	8	8	-	-	8	24
Anxiety	28	29	21	33	7	21
Anxiety and Distrust	19	20	8	13	11	33
Distrust	4	4	-	-	4	12
Passivity	5	5	-	-	5	15
Self-Blame	44	46	36	57	16	48
No harm	25	26	20	32	5	15

Significant differences were found between both crime groups, as 49% of the burglary group reported sleep-disturbances compared to only 24% of the victims of assault and robbery, and whereas only 3% of the former groups reported other psychosomatic complaints (e.g. eating difficulties) and physical complaints (often as a result of the event) as compared to 27% of the latter group ($\chi^2 = 12.91$, $df\ 2$, $p < .002$). Women seemed to be more distressed than men, as 54% of the female victims mentioned sleeping and eating difficulties compared to 33% of the male victims, and 15% other psychosomatic complaints compared to 8% of the males ($\chi^2 = 7.42$, $df\ 2$, $p < .03$).

Significant differences were also related to education and social relationships : more educated victims (at least high school and more) reported less psychosomatic complaints than less educated ($\chi^2 = 6.44$, $df\ 2$, $p < .02$).

Psychological complaints related to anxiety, feelings of vulnerability and distrust developed in half the victim population. Although more victims of violence reported to be upset some hours after the event ($p < .02$) the type of emotional problem was not statistically related to the type of the crime. Feelings of distrust and passivity were found only in the physical violence group. As table 11 shows no further relationships were found in a breakdown crosstabulation where the proportion "calm" and "psychologically disturbed" was related to a series of independent variables.

Table 11: Breakdown of Psychological Reactions by Sociographical Characteristics

	% of victims that felt				
	calm	upset	chi ²	df	p
Gender					
male	29	71			
female	46	54	2.06	1	.15
Age					
<35 years	52	48			
36-49 years	33	67			
<50 years	30	70	3.63	2	.16
Social Status					
single living	28	72			
family living	43	57	1.31	1	.25
Prior Victimization					
yes	33	67			
no	45	55	0.91	1	.33
Type of Delict					
burglary	47	53			
violence	19	81	5.50	1	<.02
Education					
= or <3 years of secondary school	29	71			
>3 years of secondary school	42	58	1.04	1	.30
Amount of Money Stolen or Damage					
<50000 BF	38	62			
>50000 BF	37	63	0.00	1	1.00

3.2.1 *Violation of Privacy*

One of the most disturbing effects experienced by victims of burglary was the feeling of being "violated" because strangers invaded the private space of homes and furniture. Eight percent of the victims of burglary made an explicit analogy with a sexual violation, expressing revulsion at the idea of a stranger touching their private possessions, and feeling urged to clean the house from top to bottom. Two victims decided to move because they felt unable to overcome this feeling of "violation". Others felt the need to repeatedly wash their hands or to take showers. The male of a young couple, whose jewelry and money were stolen : "I feel very anxious; I feel myself as a stranger in my own house. It does not seem to be my own house anymore; my privacy is broken. People came into my house against my will. We started cleaning up everything. Everything you touch is dirty, and it takes a long time to overcome it."

3.2.2 *Feelings of Distrust and Suspicion*

Victims tended to develop an intense feeling of distrust and suspicion towards other people. As only the victims of the physical assault had a visual image of the perpetrator, and the victims of the burglary only could imagine who committed the crime, many victims started building up a logical explanation of things happening. Some of them started to re-interpret events in the past (conflicts with neighbours, strangers in the area...); others developed a sense of suspicion of acquaintances, or felt they became completely paranoid, as with the spouse of the owner of a motorcycle shop who locked-up a client suspected of being a potential burglar. Other victims who were robbed by a non-belgian stranger (turkish, moroccon...), or who supposed the burglar to be a stranger reported the development of intense hatred against all foreigners. A last form of distrust was a general sense of desillusionment with humanity.

3.2.3 *Feelings of Self-blame*

More than one out of three victims made personal attributions about the causes of their victimisation. According to the typology of 1972 *Janoff-Bullman* (1982) the concrete self reproaches listed in table 12 refer to behavioral self-blame, i.e. imputing the causes of victimisation to alterable behavior, which fosters a belief that future events can be readily controlled or avoided. In contrast characterological self-blame, i.e. imputing the causes of victimisation to enduring or stable personality traits and inadequacies, leaving the victim with little confidence that future victimisation is avoidable, seemed to be absent.

Table 12: Self-Blame

	global		burglary		robbery and physical assault	
	N	%	N	%	N	%
inadequate physical care	30	31	17	27	13	40
insufficient techno-prevention	4	4	4	6	-	-
social careless	6	7	5	8	1	2
no weapons, dogs	1	1	1	2	-	-
no self-blame	52	54	36	57	16	48

Inadequate physical precautions included in case of burglary no closing windows, not keeping the stolen goods/ money in the house, not closing the doors, not hiding the stolen goods, and not keeping the money on the bank.

Victims of robbery and assault mentioned not taking another road, too much money in the brief-case, keeping the brief-case under the arm, walking in a foreign neighbourhood, not closing windows, to have reacted too slowly and not well keeping their goods. Five more victims blamed themselves for not staying home to deter the burglar, and two felt responsible because they believed they precipitated the assault. Younger and older victims did differ in their self-blame: although the three age groups expressed roughly the same amount of self-blaming ($\text{Chi}^2=.26$, df 2, n.s.), the intermediate group (40 to 50 years) explained the crime rates by inadequate physical and technopreventive protection, both other groups by social carelessness or inadequate armed protection (guns, dogs,...) ($\text{Chi}^2=14,35$, df 2, $p=.0008$). Nor did gender, social living system, prior victimisation, type of crime nor education show any significant relationship with the type of self-blame.

3.2.4 Changing "Security Behavior"

Related to the self-blaming 79% of the victims modified their behavior, or took some precautions in order to avoid further victimisation. Only 25% reported neither changes in their behavior, nor precautions taken. A minority of both groups (38% and 30%) reported additional plans to heighten their own security level. Only 15% of the victims increased their security or intended to do so.

The preventive measures taken and planned are displayed in table 13. Techno-preventive measures include all material modifications of the houses or neighbourhood in order to deter or to keep away burglars or assaulters (fitting new locks and windows, alarm systems, safes,...); physical security

measures include the better use of existing security measures as locking doors, hiding goods and money, keeping the lights on, taking goods and money away when leaving the house. Social measures included by modifying social relation, e.g. staying home, reducing relations with friends or neighbours, only leaving the house when accompanied by other persons,...or by taxi, and even moving to another house.

Table 13: Preventive Measures taken or planned

	burglary taken/planned				robbery taken/planned				assault taken/planned			
physical measures	18	29%	-	-	5	21%	-	-	1	11%	-	-
technoprevention	7	11%	21	34%	2	8%	-	-	1	11%	-	-
social measures	4	6%	6	10%	3	12%	-	-	4	44%	-	-
better controlling	2	3%	1	2%	-	-	-	-	-	-	-	-
weapons	-	-	2	3%	1	4%	2	8%	1	11%	-	-
more types	19	30%	2	3%	8	33%	-	-	-	-	-	-
no measures	13	21%	31	50%	5	21%	22	92%	2	22%	9	100%

Fourty-eight percent of the victims of burglary reported better physical or technopreventive security achieved (29% physical measures, 11% technoprevention, 8% both) and 34% intended to do so. A smaller group (6% exclusively, and another 17% in combination with other measures) mentioned social isolation, often combined with better technoprevention or physical security measures. The same pattern was found for victims of robbery. One out of three reported better physical and technopreventive security (N=7), another eight in combination with social measures. Also an important minority mentioned social measures (N=4). This holds true also for the victims of assault. As the possession of weapons in Belgium is very restricted, nobody intended to secure weapons. Two victims secured a dog, and two others intended to do so.

3.3 The Attitudes of the Victim to the Criminal

Two further aspects of the attitude of the victim to his criminal were tapped. Do the victims believe restitution to be possible and what kind of punishment do they prefer?

As table 14 shows, half of the victims did not believe that restitution by the criminal was possible, mostly because the stolen goods or damage or

harm could not be restored. Half (55%) of the victims of burglary believed the criminal could make restitution, compared to only 30% of the other victims ($\text{Chi}^2 = 3.37$, $\text{df } 1$, $p < .07$).

Table 14: Do the Victims Believe Restitution be possible?

Mode of restitution	Global		Burglary		Assault & Robbery	
	N	%	N	%	N	%
restitution of material loss	33	36	26	43	7	23
moral restitution	7	8	5	8	2	7
victim does not know how	2	2	2	3	-	-
restitution impossible	48	53	27	45	21	70
no answer	6	-	3	-	3	-

A majority judged restitution to be impossible. A vast majority of them were victims of assault and robbery. Victims of assault felt the criminal to be a mentally disturbed person who was unable to control himself and supposed such people to be too poor to repay damages or losses. Another explanation used for not believing in restitution claim that violence is that threatening and traumatising that money never can restore the psychic trauma. Victims of robbery also refer to the symbolic value of the stolen goods, and the difficulty of solving the crime. Victims of burglary stressed the emotional pain created by the loss of objects with a symbolic value, the impact on the health of the victim, the material situation of the criminal, and the distortion of basic trust.

3.3.1 *Punishment or Compensation by the Criminal?*

The measures to take against the criminal differ strongly as table 15 shows. Seventeen percent of the victims preferred compensation by the criminal as the only measure, 53% a combination of punishment and compensation by the criminal, and 30% only punishment. Of the latter group 43% preferred a community service order, 13% a measure of education or treatment, and only 10% a prison-sentence. Within the combined groups of compensation and punishment, 24% pleaded in favor of community service with compensation, 26% for a prison sentence, and 10% for re-education. The second part of table 15 summarises the types of measures, including the different combinations, and makes clear that the victim's first worries are the material and financial restitution of the losses or damages. Both

groups of burglary and assault/robbery victims are identical in this respect. Near one victim out of three (rather victims of burglary more than victims of violence) preferred community service, 44% as the only measure, 56% in combination with restitution. Psychiatric treatment and reeducation were chosen by 6% of the victims, again mostly in combination with restitution. It is worth mentioning that only one out of six victims claimed an effective prison sentence as punishment, again often combined with restitution, and only rarely as only punishment.

Table 15: Measures to be taken against the Perpetrator

	tot. group		burglary		violence	
	N	%	N	%	N	%
Only Restitution	15	17	9	15	6	19
Restitution in Combination with						
community service	12		9		3	
prison sentence	10		5		5	
reeducation	5		3		2	
blame	1		1			
probation	4		2		2	
conditional prison sentence	2		2			
psychiatric treatment	3	50	2	34	1	16
cond. prison + comm. service	2	(53)	2	(55)		(50)
cond. + eff. prison sentence	1		1			
corporal punishment	2		1		1	
prison sentence + expulsion	2		1		1	
expulsion	1					
related to the personality of the criminal	3		3		0	
unknown	2		2			
Probation	2		1		1	
Condit. prison sentence	1				1	
Community Service	11		7		4	

Tabelle 15 (continued)

	tot. group		burglary		violence	
	N	%	N	%	N	%
Prison Sentence	2		1		1	
Psychiatric Treatment	1		1			
Psychiatric Treatment and Blame	2	28	1	18		10
Deterring Sentence	1	(30)		(29)	1	(31)
Community Sentence + Fine	1		1			
Probation + Comm. Service	1		1			
Prison Sentence + Reeducation	1		1			
Related to the personality of the criminal	5		4		1	
unknown	3		2		1	
N	96		63		33	
Including Restitution	96	70	43	70	22	69
Including Comm. Service	27	29	20	32	7	22
Including Eff. Prison Sentence	16	17	9	15	7	22
Including Psych. Treatm.	6	6	4	6	2	6
Including Reeducation	6	6	4	6	2	6

4. The Victim and his Social Environment: From Family to Professional Assistance

Members of the family and neighbours very often are the first to assist the victim of a crime. They can play a role of importance offering emotional and psychological support at the moment when the victim is badly in need of their confidence and help.

Burgess and Holmstrom (1979) describe how victims of rape, missing an adequate emotional support from their surroundings risk going through a very long period of psycho-social trauma.

Research demonstrates that social support can provide a strong protective factor against illness and stress especially in threatening situations (e.g. *Schwarzer 1981*).

Because of the importance of the existence of social relations (relations of confidence) for victims of crimes we focussed on:

- the way victims did talk about the crime with their partner and or with other family members and relatives;
- the availability of neighbours, acquaintances, passengers and or colleagues at the work place to listen;
- the call for professional help from the side of the victim.

It is of course of interest to measure at the same time the degree of satisfaction resulting from such contacts for the victim.

Table 16: Contacts with the Social Environment and Reactions

Contacts with	N	%	neg.	pos.	neg. pos.	+ not indicated
partner and/or a member of the nuclear family	51	100*	4	96	-	-
family	73	76	3	61	22	14
neighbours, friends, acquaintances	88	92	3	57	12	24
colleagues	52	54	5	53	14	12
official service(s)	12	12	-	45	27	27
several	95	99				

* taken into account the victims having a partner.

4.1 Contacts with the Close Social Surrounding (Milieu)

The literature finds that victims of crime call upon partner, family, friends, neighbours, and acquaintances rather than on professionals for assistance (*van der Ploeg et al. 1985; Friedman et al. 1982; Pullyblank 1986*).

Our own research confirms such findings, although the call to help from professionals may increase later on after a period of "incubation" (which we

were not able to look at through a second second interview). Nevertheless the figures of the table above are fully comparable with the findings of *Maguire and Corbett*, (1987).

Often the victims preferred not to go into the facts of the crime because they wanted to avoid increasing feelings of fear among their relatives. In other cases they did not wish to put at risk the reputation of their enterprise (shopkeepers) by talking about the facts to clients, whereas others avoided speaking about the facts to colleagues afraid to be labeled in a negative way.

However, the vast majority of the victims rated contacts with their environment, following victimization, as very satisfactory. Members of the nuclear family get the highest scores, whereas colleagues' and friends' reactions are experienced as less rewarding.

These findings contrast with those of *Maguire and Corbett* (1987) who found that victims had the most positive feelings about contacts with relatives outside the nuclear family and with neighbours.

Like *van der Ploeg* and his collaborators (1985) we did find that victims expect understanding and some interest in their story about the facts. In our own research, victims gave positive comments on the reaction of their social environment using expressions such as : "they were surprised", "they did listen", "they showed sympathy and understanding", "they offered support and assistance". Disappointment was expressed when there was perceived a lack of empathy.

4.2 Non-medical Assistance

A rather small group of victims had, when interviewed, already called an insurance company (N=5), a solicitor (N=3), the social service of the police (N=1), the local centre for social welfare (N=1), the army (where he was serving) (N=1), political and social representatives even including the press (N=1).

Centres for professional psycho-social assistance were rarely contacted. A big gap exists between victims and victim assistance. The reason why victims of serious crimes of violence do not call upon centres for psycho-social assistance have been analysed in the research of *van der Ploeg* (1986).

He found that such centres had been contacted by 21% of the interviewed victims. The reasons why 79% did not follow their example can be summarised as follows:

- (a) psycho-social assistance from a centre was not desired because the victim was able to cope with the consequences of the crime on his own or with the help of his social environment;
- (b) the victim is not informed about the possibilities of assistance;
- (c) the victim fears the reactions of the offender as well as those of other persons;
- (d) the victim has rather negative feelings and opinions about the possible role of the centres for assistance.

In our own research as in the study of *van der Ploeg* reasons (a) and (b) were most commonly referred to.

4.3 Medical Assistance

We found that 37 of the 96 interviewed victims did contact a doctor. 26 among them contacted the doctor directly because of the consequences of the crime. 11 did contact a doctor and made use of the opportunity to talk about the facts. All but two victims were positive in their appreciation of the doctor's reaction, which they mostly qualified with indicators of "empathy".

Table 17: The Evaluation of the Medical Intervention

The Intervention	N	%
Qualification		
purely medical	5	20
medical + emphatic	20	80
no answer	1	-
Evaluation		
positive	11	61
normal	5	28
disappointment	2	11
no answer	8	-

4.4 Reactions in the Media

Public information about the crime and about the experience does not always please the victim. *Hallot* (1987) stresses that the way the press covers hold-ups provokes problems for the victim coping with the consequences of the crime.

Reporting about the facts but especially about the person of the victim may result in negative feelings about the person of the victim. *Kuyvers* (1988) did a large content-analysis of the press coverage from the point of view of the victim and came to the conclusion that publicity results in a further victimisation because of the negative image of and the lack of respect for the privacy of the victim.

In our research 10 victims (11%) had knowledge about the press coverage of the crime they suffered from. Crimes of violence in particular were reported (36% of all the robberies and only 6% of all burglaries). Seven of the victims felt disappointed about the press coverage, six did not have complaints whereas three did not express their opinion.

5. The Victim and the Police

In the actual view on the tasks of the police force the more traditional duties of crime control and the guarantee of public order and security are supplemented by expectations concerning some practical social services to be delivered to the public at large. What has to be seen as a minimum programme for the police dealing with the victims of crime is explicitly formulated in the UNO-declaration of Basic Principles for Justice for Victims of Crime and Abuse of Power (*Milano* 1985) and in the Council of Europe Recommendation, R(85) on the position of the victim in the framework of criminal law and procedure.

Victims reporting a crime to the police are more than useful sources of information to start the investigation. In several publications it is pointed out that providing the first practical service, the necessary information and sometimes the referral to a specialised service for further assistance, belongs to the essential duties of the police (e.g. *Christiaensen & Meyvis* 1990; *Voskuil* 1989). In our own research we have payed attention to the way the police operate with victims and the way victims respond. However, it is important to keep in mind that we could only notice the first reactions from

the side of the police. It is of course possible that the attitude and evaluation of the victim changes after a given period of time depending on their further expectations about the duties of the police force.

5.1 Reporting the Facts to the Police

Selective reporting and registration of crime is a generally known and described phenomenon. The recently published International Victim Survey (*van Dijk et al.* 1990) shows that in Belgium 72% of the burglaries and 33% of the robberies of private persons had been reported. In our research only victims who reported to the police have been interviewed. When interviewing we noticed that 4% had real doubts about whether or not to contact the police and that 19% were encouraged by others to report the crime.

Victims do not contact police for several reasons (*Greenberg, Ruback & Westcott* 1983). Loss of time, unpleasant procedures, repeated questioning and recalling former negative experiences with the police are examples of negative considerations which may turn the balance towards not reporting the crime.

Table 18: Who did Report the Police

Person	total group		burglary		robbery		violence	
	N	%	N	%	N	%	N	%
the victim	63	66	44	70	14	58	5	56
a member of the nuclear family	9	9	7	11	2	8	-	-
another relative	3	3	2	3	1	4	-	-
a neighbour	5	5	3	5	1	4	1	11
a friend	4	4	2	3	1	4	1	11
a witness	4	4	-	-	3	12	1	11
a house owner or a care-taker	4	4	4	6	-	-	-	-
a co-victim	1	1	-	-	1	4	-	-
others	3	3	1	2	1	4	1	11

The vast majority of the victims (84%) reported the crime immediately following the facts, whereas (16%) waited one or more days before contacting the police. The majority informed the police by telephone (63%) whereas 29% went to a police station (almost all, 95% visited with the local municipal police). Only a few victims profited from the fact that the police were patrolling nearby when the crime was committed.

Analysing the reasons why the victims did report to the police, one has to make a distinction between practical and more psychological motives. The first ones refer to financial and material concerns, whereas the latter are related to feelings of well being and to the victim's concern about rules and law-abiding behavior.

Table 19: Why do the Victims Report the Police?

motives	tot. group		burglary		robbery		violence	
	N	%	N	%	N	%	N	%
practical reasons	19	24	11	21	7	35	1	20
normative reasons	21	27	19	36	2	10	-	-
psychological reasons	6	8	4	8	-	-	2	40
security of society	9	12	8	15	1	5	-	-
to help the investigation	3	4	1	2	2	10	-	-
automatic reaction	10	13	7	13	2	10	1	20
combination of motives	9	12	3	6	5	25	1	20
no reponse	18	-	10	-	4	-	4	-
	55	100	63	100	24	100	9	100

27% Of the victims (especially victims of burglary) report to the police because of normative considerations : "this is a civic duty", "the police must know such facts" or "these facts are very serious". 24% Of the victims had the hope to recuperate what had been stolen or to receive restitution. Therefore they need a declaration from the police.

The 13% who automatically reported to the police are close to the group reporting because of normative motives. The last group sees the police as the first authority to call upon in such cases.

5.2 The Police Dealing with Victims

What victims expect in the first place from the police is to be treated correctly with feelings of understanding and to be accepted as someone with something serious to report.

How do the police question victims? How do the police ask for their collaboration during the investigation? How do the police inform victims

about further actions to be taken? Such considerations will determine the victim's evaluation of the police force (*Shapland* 1984; 1985; *Hogenhuis & De Koning-de Jong* 1988).

5.2.1 How Fast do the Police React?

Satisfaction of the victim with the police action is related to the duration of time between the first call and the arrival of the police on the spot (*van Kirk* 1978; *Shapland et al.* 1985; *Howley* 1982).

In general, but especially in cases of violence the police react very rapidly when the victim contacts them for intervention. Victims of burglary have, in a limited number of cases to wait more than one hour, which may cause extra stress and fear.

Table 20: Time of Response by the Police When Called in

time of response	tot. group		burglary		violence	
	N	%	N	%	N	%
within 15'	24	51	15	40	9	90
more than 15' but < 1h	17	36	16	43	1	10
more than 1h	6	13	6	7	-	-
no response	49	-	26	-	23	-
N	96		63		33	

In our research the time the police needed to respond to the call of the victim was a factor in the determination of satisfaction ($\text{Chi}^2=6.26$, df 2, $p.<05$). However not all victims having to wait more than 1 hour were dissatisfied and not all victims where the police showed up in less than 15' were satisfied. The fear of crime and of insecurity co-determine the way the victim assesses the rapidity of the police intervention.

5.3 The Evaluation of the Reception of the Victim by the Police

Major complaints of victims about the way they were treated received by the police concern the duration of the time they had to wait, the lack of privacy when reporting and being questioned, and the presence of curious others (*Maguire & Corbett* 1987; *Maguire* 1984; *Smale* 1980; *van Dijk et al.* 1990). The police's perceived lack of interest were disturbing and

irritating as was their attitude believed to be dominated by routine. Very often the victim feels degraded and being reduced just to a number of a new file.

These feelings are caused by expressions such as : "what you experienced is very common" or "we have more important problems to take care of".

Sometimes the techniques of investigation and of questioning victims (in cases of hold-up) result in strong frustrations. They are not only questioned by regular police officers but later on also by security experts of the bank or financial institution.

Victims experience such questionings as painful when they are approached as if they were the offenders.

Table 21: The Evaluation by the Victim of their Reception by the Police

	tot. group		pol. stat.		at home		elsewhere	
	N	%	N	%	N	%	N	%
lack of time to explain what happened	7	8	2	6	4	7	1	14
no possibility to talk freely unfriendly and not interested	14	18	5	16	9	16	-	-
disturbing circumstances and noise	8	9	-	-	-	-	-	-
the police do not believe you, you are seen as a suspect	3	3	3	11	-	-	-	-
	2	2	-	-	-	-	-	-

In general victims showed satisfaction with the attention and the approach of the police. As table 21 shows only a small group of victims was really dissatisfied with the way they had been treated (by mostly just one of) the intervening police men.

5.4 The Police Report

The way the police report has been written is important for the victim. The report contains a basic description of what happened and of the consequences immediately following the offence. This information fulfills a role in the further investigation of the case and is at the same moment offers background to assess the damages the victim has been suffering.

In cases of material damage, theft of money, values or goods a detailed enumeration with the determination or estimation of the value is essential. The police have to take into account that the loss of goods representing an emotional value (a picture, a souvenir) plays an important role in the determination of the total subjective damage which the victim experiences.

Another risk is that when drawing up the report the police are too concerned with the formal rules governing the production of such reports. Contact with the reality of the crime and experience of the victim may be lost.

Another point of frustration for the victim may be the presentation of the report for reading and the request to sign it.

How formally do police officers react? Do they themselves read the report in front of the victim, or do they allow victims to read it themselves? Are police officers open for remarks which victims make about the report? Are they willing to change or to add something to the report? Do police officers explain to victims why some questions have to be asked and why sometimes very delicate information has to be integrated in the report?

Table 22: How did Victims Experience the Preparation up of the Police Report?

			total number concerned
	N	%	N
The report has not been showed nor read the victim did not fully understand the report	5	5	93
the police did not ask for consent about the report	1	1	91
the report contained incorrect information	16	18	88
the victim did not sign the report	5	6	86
the police did not add remarks of the victims	2	2	94
	4	5	89

Remarks about the police report made by the victims mainly concerned details. Reports seemed to reflect the victim's experience in the vast majority of the cases.

Table 23: The Nature of the Intervention by the Police

	tot. group		robbery		violence	
	N	%	N	%	N	%
assistance	15	16	11	17	4	12
investigation	26	27	14	23	12	36
assistance + investigation	3	3	3	5	-	-
none	51	54	34	55	17	52
	95		62		33	

Assistance given by the police (16%) contained mostly information about medical assistance, insurance or social welfare. Another aspect of the assistance relates to explanations given to the victim about the way the criminal justice system will deal with the case (procedures) and the invitation to keep in contact with the police. The investigative actions relate of course to the detection and identification of the offenders.

But in the majority of the cases, the police did limit their intervention to the registration of the complaint. Although in 52% of all cases, the police are perceived to have shown concern about the consequences of the offence for the victims.

5.5 Recontacting the Victim and after Care

Several Dutch researchers have shown special interest in the police recontacting the victim a short time (30 days) after they reported the offence (*van Andel, Steinmetz, Koppelaar & Winkel 1987; Zwanenburg, Winkel & Schelling 1987; Winkel 1987; Winkel & Koppelaar 1988; Winkel 1989*). Some victim oriented recommendations for better police-public relations and for the improvement of the efficiency of the criminal investigation, have been formulated.

Concerns about reducing the feelings of fear and how to stimulate victims to take techno-preventive measures, are a subsequent aim.

The above mentioned research finds that recontacted victims are more prepared to invest in prevention, are more satisfied with the police action and feel more secure.

The international literature shows that the victim's satisfaction with the police action diminishes after a given period of time. The reason why is the lack of information about the case (*Waller & Okihiro 1978; Poister & McDavid 1978; Smale 1980; Maguire 1984; Shapland 1984, 1985*).

Walther (1989) demonstrated that victims who were promised further information felt very satisfied, but were especially disappointed when the police did not respect the promise.

We did find that the police rather seldomly recontact the victim and when they do so, it is mostly in the interest of the investigation. A victim-oriented recontact is even more an exception.

But because of the lack of a second interview our information only comes a short period following the crime.

Table 24: Recontact of the Victim by the Police

Nature of contact	N	%
in search of further information	16	17
giving assistance and/or	9	10
in search of information and giving assistance	3	3
to return stolen goods	1	1
unclear motive	1	1
no recontact	63	67
no answer	1	1
N	96	

Victims however often (30%) expressed the wish to be informed at a later moment about the progress made by the police investigation. Some of them would like to talk to the police about the damage they are suffering.

A group of 33% of the victims recontacted the police on their own initiative because they were in need of documents (8%), because they wanted to get more information about the investigation (8%), because they wanted to complete their first declaration (12%), because they wanted to convince the police to search further into the case (3%) or because they wanted to inform the police that they could find some of the stolen goods (2%).

5.6 Trust and Satisfaction with the Police

Some weeks after the victimisation the majority of the victims expressed their trust in the police and their satisfaction with their work.

Four out of ten victims (38%) mentioned a strong belief in the willingness of the police to clear up the case. Victims of assault and robbery (52%) showed more trust than victims of burglary (32%). The reasons mentioned were mostly based on prior (good) experiences with the police and on the impression the police left when reporting the crime and starting their investigations. Another 40% expressed some doubt on the willingness or the capability of the police to clear up the case. Most of them showed a realistic estimation of the (limited) possibilities of the police : their lack of staff, the amount of work they have to do, and the lack of proof or indications. 7% judged their cases not serious enough to make the police start an investigation; another 7% showed dissatisfaction because of a lack of police follow-up and information, and 6% because the police refused to thoroughly investigate the case. One victim was believed to be the perpetrator himself.

The global evaluation of the police is displayed in table 25. As research in other countries has shown, a majority of the victims express satisfaction with the work of the police. The percentage of satisfied victims varies between 60% and 75% (e.g. *Shapland et al.* 1985; *van Dijk et al.* 1990). An international victim survey in 1989 however reported a level of satisfaction in Belgium of only 51%. The numbers in table 25 are different, because they are based on the estimations of the researcher rather than on the estimations of the victims themselves, and because they reflect feelings and emotions shortly after the victimisation and not a longer term experience. In our sample 44% of the victims tended to be very satisfied with the police, some of them even "enthusiastic", 20% satisfied and another 20% predominantly satisfied. This latter group expressed positive remarks, but also reported some negative experiences, mostly related to the behavior of one police officer. Only 16% showed a very negative, often aggressive attitude to the police.

Differences in levels of satisfaction were found between those living alone and with others, and were related to type of crime. Victims living alone showed more satisfaction ($X=3.36$ and $X=2.84$) ($t=1.99$, $p<.05$). Also victims of burglary ($X=3.09$) and victims of robbery ($X=3.25$) were more satisfied than victims of assault ($X=1.88$) ($t=2.75$, $p=.008$ and $t=3.46$, $p=.002$).

Table 25: Global Evaluation of the Police

	tot. group		burglary		robbery		assault	
	N	%	N	%	N	%	N	%
1. negative	15	16	10	16	2	8	3	33
2. rather positive	19	20	11	18	4	17	4	44
3. positive	19	20	12	19	5	21	2	22
4. very positive	35	36	23	36	12	50	-	-
5. extremely positive	8	8	7	11	1	4	-	-
N	96		63		24		9	

6. Final Remarks

Interviews with 96 victims of burglary and street crime did allow us to draw up a first inventory and to describe and to comment on the most important problems victims experience the first weeks following the criminal act.

Very often the results of our analysis were compared and consistent with by the outcome of similar research carried out in several other countries.

We were seriously handicapped in carrying out the original research design. We had to skip a follow up interview which would have allowed us to assess the development of the victim's experiences during a longer period of time. As a result we have planned and almost finished a complementary project in which we focus on long lasting psycho-social consequences and on strategies of victims in coping with such problems. A limited number (50) of in-depth interviews (average duration of three hours) have been carried out with victims selected on the basis of two criteria. The first condition for the selection of a case was the explicit seriousness of the crime and a second condition was minimum length of period following the crime, in order to allow for prolonged observation. Most of the interviews cover periods from 6 months to two years. A few cases involved shorter or even longer periods of time.

The main interests of the second research is on the one hand to assess the size, nature and severity of the psycho-trauma, and on the other hand to describe and to evaluate the success of some strategies of coping, and of the way victims make or fail to make use of different programs of assistance.

Special attention has been paid to the questions whether centres for mental health do and/or are willing to play a key role in assisting this group of victims.

Further attention is given to the problem of the early detection of the risk of such long lasting psycho-social problems and to the capacity of the police and of the family doctor to recognize danger signs and to refer the case to specialized centres where appropriate.

The practical scope of the project is to test the response capacity of centres for mental health in dealing with victim's problems and to discover the potential of their collaboration with the police and the family doctor.

The research projects are complementary, and they will allow us to formulate conclusions and recommendations with respect to the special needs of victims of violent crimes and the kind of support and assistance that should be strengthened and/or developed.

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Coping and Mediation. Implications of a Research Study on Victims of Assault and Burglary

Otmar Hagemann *

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1. Introduction

Between 1988 and 1990 some people in Hamburg were interviewed who were victims of burglary or assault. The main interest focused on the question as to how these people coped with their victimizations. Furthermore, their statements concerning the offenders are of interest, particularly for mediation/ restitution-programs. In this respect, the investigation fits into a research tradition of crime surveys and at the same time deepens the knowledge in this field.

The aim was to explore the complex structure of victimization on a micro level. It is to be hoped that through this effort, links with the practical work of counselling by victim support schemes can be established and that it will contribute to a further development of theory in victimology.

Even though stories concerning victims are presented broadly and frequently within the mass-media of western societies (see *Killias* 1983; *Lamnek* 1990), except in Switzerland (*Balvig* 1990, pp. 106), a lot of open questions in this field still remain unanswered. So far, research has concentrated on estimating the unknown frequency of this type of human behavior, on revealing the relationship of fear and threat against the background of directly experienced versus indirect victimizations (see *Skogan & Maxfield* 1981) or on motives as to whether to inform the police or not. In general, there is only very little information on the actual aftermath beyond that.

The following article deals with the last point. In particular, it will investigate the potential of various coping forms for the victims' readiness to turn to alternative conflict management, like restitution or reconciliation.

First it will introduce the research method used and the research design. Then the investigated cases will be presented briefly to show the impact of the crimes on the victims. This will be followed by a description of the different coping forms used by the interviewees. Finally, the victim's image of the offender will be taken into account.

2. Research Method and Design

All victims were interviewed three times within a year. They had been victimized in the immediate past, in general about two months prior to the

initial interview. In order to get in contact with them, the help of victim-assistance employees and other intermediaries was used. See *Hagemann & Sessar* (1988) for more detailed methodological descriptions.

The first interview was conducted, when possible, in the victim's home. It mainly took the form of a free conversation and it was recorded on tape. These conversations included how the victims experienced the attack, what the consequences were, what support they got, what needs they still had in this respect and their attitudes toward victim-assistance, police and the offender.

The second interview took place two months after the first interview and focused on the development and changes in coping.

The third and final interview, which (like the second one) was conducted by telephone, was carried out one year after the victimization-incident. *Young* (1987, p. 7) calls this "anniversary" of the event a trigger event in long-term crisis reactions. However, no clear evidence was found in this respect. Whilst some people mentioned the exact date at once and claimed that they would never forget it, others did not remember it even a short time after the incident.

The final sample covers a maximum structural variety of assault and burglary victims (*Kleining* 1982, pp. 234) as indicated mainly by their occupations (architect, scientist, owner of a small business, speech-therapist, printer, social worker, secretary, stone-mason, nurse, master-craftsman, engineer, workers, retired prison guard, housewives and students), ages (7 under 30; 12 between 30 and 55 and 5 over 55) and the variability of offense-characteristics. Whilst the typical victim is described as male and young with a life-style prone to dangerous behavior (*Hindelang et al.* 1978, p. 4; *Sparks et al.* 1977, p. 11; *Skogan & Maxfield* 1981, pp. 33-43), this sample would imply that victimization may affect anyone.

3. Description of the Cases

This report refers to 21 first interviews and 41 follow-up-interviews with 24 victims (in three cases burgled couples were interviewed). All of the victims, 9 men and 15 women, live and/or work in Hamburg; 19 of the 21 victimizations took place there. Only in three cases was there any previous victim-offender-relationship.

In 18 cases, victimization was the central problem for the victim at least for some days. Victimization marked a changing point in life, which

involved in four cases (all of them were women) moving to another residence; in other cases new locks were installed, but mostly the change was only in terms of attitudes (more suspicious, more cautious, fearful, more sensitive) or in preventive behavior including arming in four cases.

The assaults occurred in public (3 on a public transport system, 7 on a street and 1 in a store) and once in an apartment house. In another case there was no actual victimization but the threat of a pimp-prisoner that he would order free members of his gang to beat up two social workers who had been instrumental in his being denied privileges. In this context alone, victimization was related to a dangerous profession, in another case it was related to a dangerous environment, meaning that an unaccompanied woman walked in the dark to her hotel outside of town in India.

Assault was usually beating with fists; two were cases of strangling. In five other cases weapons were used to threaten the victim (4 cases involved a knife and 1 a knuckle-duster). One victim avoided a stab only at the last moment.

Two attacks without arms led to very serious, though not life-threatening bodily injuries. In fact, the elderly women in question suffered as much one year after the incident as at the time and can now be considered handicapped, because both have only very limited use of their hands. Two injured men had overcome their injuries some months after the incident.

In burglary-cases there was only once a direct victim-offender-confrontation leading to an additional assault; in all other cases the offender(s) were not identified (with one exception where a witness saw the fleeing burglar). Three of the 9 burgled victims live alone (2 in a single house, 6 in a flat and 1 in a dormitory). In one case the burglary was only attempted, resulting in minor damage (less than 1000 DM). Relatively minor damage also applied to the stolen property in two other cases; medium loss or damage (between 1000 and 5000 DM) was true for three cases and high loss (more than 5000 DM estimated loss) also for three cases. These monetary values, nevertheless, do not tell us the real impact, e.g. A and E (each case is marked by a letter) were in a position to recover the monetary value from insurances, while K ended up with serious financial problems because he was already living at minimum existence level and not insured.

The police were informed in 19 cases. Only one case was taken to court, and the offender was sentenced, which was seen as positive. Some of the proceedings were discontinued because of lack of public interest (e.g. the stabbing-case), which the victims could not understand at all.

4. Findings

4.1 Impact on the Victims

In each case victimization constituted a kind of crisis, characterized by the following elements: Unpredictability, violation of social norms, imbalance of power, harm to the victims and stress.

The imbalance of power emerged from the presence of weapons, the numerical superiority of offenders or a power-relation between a male/young offender and a female/old victim. The victims were not vulnerable per se but only in the specific contexts. Furthermore, only four incidents involved any previous interaction. The others took the victims totally by surprise, giving them neither time to prepare for the victimization nor a chance to escape from the attack or to prevent it. Unpredictability did not only refer to the surprise-element but also to the fact that victims could not appraise the interaction correctly as an attack, even immediately before it occurred. (Q: "Do they really want to beat me?")

The worst aspects of assault were the experience of helplessness (M: "I could do nothing; they could do what they wanted") and humiliation. Phobias, fear and distrust were also reported as further psychological harm (see *Resick* 1987 for a more detailed investigation of psychological effects). The loss of property was not considered so important except when connected with sentimental value.

Victimization shakes the identity of a victim and endangers it (see *Frey & Hauffer* 1987, pp. 3-26 for a discussion of identity-concepts). Following *Petzold & Mathias* (1982) identity is based on five different sources of support: corporeality, the social context, work and achievements, material security and a value-system. Based on the interview statements concerning the identities of the interviewees, there was strong evidence in favour of this concept, but two other aspects must be added. As emerges from the statement of A, for example, that she no longer felt at home in her flat after being burgled, "the private sphere" also seems to support identity to an important extent. (R felt strange and restricted after having discovered that unknown persons could look inside his home.) Similarly, "support from personal belongings" seems to be important. F stressed that he was afraid that the burglars could have stolen or destroyed his collection of rare lamps, which he had put together over many years and which he could never replace. (The same holds for E's carefully chosen valuable old furniture. In the case of X, a watch inherited from his grandfather was associated with memories and sentimental value.)

The victims' identities were damaged to a certain extent, as can be seen from the reported impact. There is a common basic pattern within the incidents: Before the victimization people were living in a kind of personal equilibrium, which balanced erratically within certain personal limits. After it, a change for the worse appeared on physical, psychological and/or material levels. The following coping forms tell us what the victims did to overcome the consequences of their victimizations.

4.2 Coping Forms

All the statements were classified into 13 "categories" which are described below. (This particular number of different categories depends on the level of condensation and may differ from other studies (see *Lazarus & Folkman* 1984, pp. 156), but it is assumed that the following list contains all possible ways of coping with victimization.)

1) Inhibition of action

means that the victim took no initiative whatsoever, even at the cognitive level. For some time in the course of the event there was no activity at all. Victims reported that they could do nothing and that they were not able to think or plan or feel anything but that they were just waiting until an impulse from the outside world allowed them to react. (e.g. M and Q "could only stick the incident out.")

This coping attempt involves two central points: a concept of external control and the role of time (because such a state of apathy cannot be maintained for a longer time-span). It was reported only by assault-victims and related to the direct confrontation with the offender.

2) "Taking a break"

is only temporary and allows one to rechannel one's energies. Contrary to the inhibition of action, this form contains a conscious and instrumental concept of non-action, even though it may not differ in its outward manifestation. The victims knew that they were not in a position to translate their needs into any kind of action (because of their unstable emotional state or objective situational circumstances). After delaying for some time, resources could be placed more effectively with a clear mind. To gain the necessary distance from their victimizations, people used techniques like praying, meditating or autogenous training. For the same purpose they took sedatives (including chemical and non-chemical), drank alcohol or they sorted out and composed their thoughts (including balancing the harm/losses and actions to take) in a systematic

way by drawing up lists and plans or putting it on record. With the help of distancing and structuring, people re-appraised the consequences or simply got time to breath and prepare for other coping activities. Letting go, for example, means no longer suffering from the loss of things which are not really essential. Unwinding, even if as a result of chemical substances, or distraction were used to overcome sleeplessness and anxiety or bodily pain and thus were seen as positive, even though drugs could also have unintended side-effects. By structuring and distancing it was also possible to differentiate between important aspects which had to be dealt with first and relatively small problems which could be solved later (under better conditions). People realized that the victimization had not caused them crucial damage, others became aware of their own strength and their ability to act against the offender.

3) Retreat

By retreating people tried to avoid an anticipated threat before it really endangered the subject or they left a threatening situation having been victimized, that is before further victimization could occur. In this respect, the speed of the retreat or the point in time may sometimes play a crucial role, thereby differentiating this basic form into avoidance, quick flight or more slow withdrawal. The common pattern, however, implies that the problem cannot be changed in any way and that the victim acknowledges the offender as the winner. Whilst the place of refuge may give a sense of shelter and security, there are, nevertheless, some problems which can follow or which would be same in a different place. Some victims stressed that the impression of defeat was accompanied by negative emotions, e.g. hatred, anger, aggression, and restrictions regarding their self-confidence. Beyond the possibility of finding shelter and relaxing either to gather new strength by temporarily suspending the coping process or of retreating permanently, some unintended consequences may arise (e.g. new environment, organisational difficulties or problems with drugs).

4) Rationalizing

People tried to find a pure cognitive solution by thinking, while emotions were ignored. This coping form is, thus, extremely one-sided. They reduced the impact to the visible and measurable dimension by taking only the facts into account. If there were no facts of this kind, e.g. in the case of strangling, impact was denied or minimized (Q: "There was no real harm. I was handicapped a little bit, but nothing really happened." R: "I understood the offender very well, he needed money.") Feelings

were seen as dramatizing the impact. If the facts could not explain emotional losses, further minimization tried to de-emphasize the value of these things.

5) Ignoring and repressing

Ignoring means passing on to something else before the victimization can invade the consciousness. In the case of repression, people do not work on or modify the problem, but try to put it off again. Both forms do not change the situation at all, but may remove the burden from the person. This effort is comparable with rationalizing but it goes further: the entire impact, not only the visible part, is denied. In these cases, people did not talk about their experiences and did not like to be reminded of them by others. Sometimes they tried to "undo" the incident by deleting the visible side or, for example, by replacing the objects lost. Self-deception is another means and a digression from the victimization. If no solution to a problem can be found or if people do not look for one, they try to ignore it completely and act as if it does not exist. Unless problems disappear, it is necessary to repress them in mind, not allowing them to influence one's every-day-life. If none of these options can be used, people can still attribute it to "bad luck", thereby avoiding more intensive confrontation.

6) Getting (more) internal strength

Contrary to the reduction of one's own vulnerability by external means, this form works exclusively at an emotional level. Furthermore, these activities are only directed at coping with concluded problems. Of course, they can be used several times, but they are without preventive value. The victimization is not ignored, but the victim focuses on the bright side. One possibility is to compare the incident with other situations which were worse, with the suffering of others, with a potentially worse outcome or with one's own fear of even more problems. Looking for the silver lining or at the positive side of a negative experience in general also belong to this category. The most extreme form is an interpretation of the victimization as a personal challenge.

7) Mystical thinking

The victim interprets the incident as controlled and directed by some higher force, like God or magic. There is a deeper meaning to what has happened. The christian pattern that positive and negative life-aspects must be balanced or that a sin must be punished can be the reason: "God

punishes but at the same time cares for the victims", as G said. And K stated that "it helps to explain the unexplainable". This coping form sets the victim's mind at rest in this way.

8) Expressing one's feelings

Crying, writing down everything concerning fear, anger, frustration and rage or communicating these aspects to others enabled the victims to restore their emotional balance by showing their inner state to the outside world. This outlet led to relief and usually resulted in further action from others (e.g. expression of solidarity, assistance), though, this was not originally intended. Viewed as a starting-point of coping and combined with other activities emerging from the reaction of others, people may reach a position from which they can solve their problems. Otherwise the expression of emotions will only make them feel better for a short period.

9) Looking for suffering

At first glance it was not easy to understand why some people were looking for additional problems and refused the help offered by others, e.g. G would not shout for "help" because that would indicate weakness and would not fit in with a masculine gender role. Others were taught to solve any problem on their own and refused help. Some victims claimed that suffering and helplessness belong to the role of a victim. So the aim of this coping form is somewhat hidden - it does not represent a kind of masochism but intends that the person is acknowledged and treated as a victim by adopting the allegedly appropriate role more than perfectly. Besides the above mentioned forms, victims would not repress anything at any time. They also tend to extend the impact in retrospect by maximizing the harm, which cannot be compensated by any means. Another pattern was to appraise one's own abilities to cope with it as very limited.

10) Looking for support

Basically this form is the same as "looking for suffering". It is also primarily related to the relationship between the victim and others but extensive suffering is not essential. By telling others (authorities included) about the offense, a kind of moral offensive is practised. At the same time, if the offender is labelled as bad, dangerous and brutal, the victim adopts the role of the "good". From this point of view, the victim has a right to be supported or to get every compensation or protection requested. Thus, vulnerability is also reduced. The individual's status as a victim free of any guilt is acknowledged and others treat him/her with

sympathy and understanding. In return, the assistance offered is accepted. Offers of help and assistance were taken. In cases when no support was offered, the victim felt entitled to reproach others for this lack of help. The close relationship between this form and fighting is manifested by the fact that the community may first react unconcernedly to the fate of the victim, thus forcing him to make good his claims, e.g. as is the case with insurances. This usually only works if the "bad" is labelled at the same time.

11) Fighting

Fighting includes all directly offensive forms, even though the victim may have his/her back against the wall. The sustained or threatened defeat of being victimized is not accepted. This form is, therefore, contrary to that of ignoring/repressing, which is dominated by a feeling of fatalism. The victims took the initiative against the offenders either by taking legal action (L) or direct action, e.g. I and Z offered resistance during the offense, M sought retaliation.

There are four different forms of fighting: fighting against the offender, fighting against third persons or authorities (C considered the police reaction to be as bad as the offense and reflected on abuse of power in this context), fighting with one-self (A and Z brought themselves to go out again or go into the house respectively) and facing the problem, that is not giving in (under pressure) to the aggressor.

12) Getting (more) external strength

This form of coping is primarily aimed at strengthening actual physical power to prevent a repetition of the victimization. It can take on an offensive manifestation by arming or exercising fighting techniques or a more defensive one by taking better protective measures, e.g. new locks, installation of alarms, taking escorts or avoidance behavior.

As in the case of fighting, these activities resist the crime:

The consequences of the problem (e.g. anxiety) have to be fought; the possibility of repetition must be excluded.

This instrumental thinking allows for more effective protection and avoidance of further problems. It also re-establishes a feeling of safety and allows for comparably high self-confidence because it is the acting self which controls the situation.

13) Adaptation

New information or access to resources allows for a new, more efficient way of dealing with the problem (change of behavior included). The awareness of specific, dangerous situations will lead to avoidance of them because they are appraised according to their real nature. Former assumptions which have not proven their validity are revised. If a victimization can not be excluded by preventive means, the damage may be limited by carrying less valuables or by being basically prepared for attacks (N). First of all, the unrealistic concept of one's own invulnerability, i.e. that only other people are victims, is replaced. (see *Janoff-Bulman* 1985) Analysis of problems and dangers may also include learning about offenders (J) and seeking information in order to prevent future incidents.

By using these various coping techniques, victims tried to overcome the impact of their victimizations. This means that they were looking for a renewed emotional balance, e.g. fighting fears, re-establishing their self-confidence, and regaining confidence in social relationships etc., and for compensation for their losses, recovery of health or replacement of stolen belongings, respectively. Although each of the coping forms differs from the others, it has already been pointed out that some similarities exist which will make further condensation possible. By looking for homologies within their functions, the structure and common patterns of the various coping forms will be revealed (see *Mach* 1905; *Glaser & Strauss* 1967; *Kleinig* 1982, pp. 237). Three basic types can be distinguished according to the purpose attributed to them by the victims.

One basic form consists of "Inhibition of action" and "Taking a break", which cannot stand alone because they can be applied only temporarily and generally at the very first moment of the process. Their effect of calming the victim down facilitates both access to problem-solving resources as well as the recovery of emotional equilibrium.

"Ignoring/repressing", "retreat", "mystical thinking", "getting internal strength", "expressing emotions" and "rationalizing" involve the common pattern of focusing on the emotional aspects alone. People practising these forms do not refer primarily to the outside world but to their inner state. The "expression of feelings" and "retreat" forms above all reflected the victim's needs and did not intend a change of the conditions which caused the victimization, even though other people sometimes reacted supportively on this occasion. All of these forms are characterized by an element of defense, i.e. the initiative to act is seen to lie outside the person, and thus they refer to a conviction of external control.

People had no confidence in their own abilities to solve problems and, consequently tried to keep the impact to a minimum. Nevertheless, the victims reported that these one-sided, emotion-focused coping forms were helpful because they enabled the victims to continue with their everyday lives.

"Fighting", "getting external strength", "looking for support" or "suffering", and "adaptation" all refer to the social dimension, although, on the face of it the victims' actions, not only their concepts and attitudes were quite different. These forms were all instrumental in changing the relationship between the individual and his environment in the direction of strengthening the individual. At the same time this involves a reduction of the victim's future vulnerability because he/she has acquired additional resources or become convinced that his/her resources are sufficient to fight these kinds of problems. These activities are simultaneously problem-focused and emotion-focused (*Lazarus & Folkman 1984*, pp. 148-157). The social aspect is the point of contact with the offender who is part of the outside world and who has caused the disturbed relationship.

4.3 Victim's Image of the Offender(s)

Coping behavior is also directed at clearing up the relationship between victim and offender, though firstly on behalf of the victim. In the course of a possible reform of the sentencing-system there are attempts to involve victim-support schemes in mediation/restitution models (*Killias 1990*, pp. 251). It would, however, be useful to look into the willingness on the part of the victim to try this new conflict management first. If the victim's coping behavior is more directed at individual regulation of the emotional aspects, acceptance for restitution/mediation-models in his or her personal case cannot be presumed, as this procedure would be in conflict with the coping strategy.

How did victims view their offenders?

Two kinds of offenders emerge from the statements of the victims. The offender was described either as a person coming close to the stereotype of a criminal or as an aggressor greedy of power. In general, the first type was regarded as an outsider of low socio-economic-status, male, young, drug or alcohol addicted, poorly educated, of minor intelligence and a non-professional but habitual criminal. In short, the offenders did not seem to be normal human beings. The other type, who only appeared in some reports of female victims, was described as fairly wealthy, well dressed, inconspicuous but contemptuous towards women ("probably a pimp") or powerless

members of a socially distant group, e.g. foreigners. The two types of offenders reflect a social superiority or inferiority, respectively, compared with the social status of the victim. The victims were always searching for a rational reason for the incident. Since the stereotype of the criminal involves the lack of competence in handling conflicts, the search for a motivation in this case is not difficult. If they thought that the offenders wanted to use the stolen goods for their own purposes (always true for burglary) or that the victim himself had violated an unwritten law of the specific subculture or if the offense could be interpreted as an obviously compulsive act (e.g. drug addiction, psychological disorders), this need for an explanation of the "why" (see *Bard & Sangrey* 1986, pp. 53) is fulfilled. Furthermore, the offender's power over the victim is limited to the incident itself and does not endanger the victim's social status. In the case of the offender's social superiority, the offense would be more likely to be a manifestation of the will to humiliate, to demonstrate the victim's powerlessness (see *Benard & Schlaffer* 1990), because on the rational level there would be no motivation for it. Victims who expressed uncertainty in this respect showed more interest in meeting the offender in order to find out the truth about the reason for their victimization (e.g. H stated that a mediation procedure might be fruitful to reveal the offender's motivation. This would strengthen the victim because he/she could prevent recurrence more efficiently and could disclose the vulnerability and weakness of the offender, too.).

In contrast, if there was enough evidence for a fixed and specific concept of the underlying cause, the readiness to meet the offender disappeared.

Coping with a victimization which was only supposed to be a demonstration of a power-relationship, and thus brought no obvious gratification for the offender (whether material or emotional, just an incomprehensible pleasure in humiliating others), seemed to be more difficult.

The search for an adequate explanation was overshadowed by strong feelings of aversion and fear. If these could be overcome, the victims would be interested in communicating the consequences of his action to the offender and in teaching him about human behavior. This seems to be what is practised by the "Hamelner Modell" (see *Tügel & Heilemann* 1987, pp. 77-95), where rape victims participate in the therapy of sexual offenders. This is not a concept of mediation in which both sides explain their position - the change (and cause) can only be on the side of the offender.

Going beyond the supposed offender-motivation the interview-statements revealed a concept of the offender as a bad and dangerous person. More than half of the victims believed that their offenders were either capable of

killing them directly or did not care about their actions, including an accidental killing. On the other hand, only the strangled woman believed that her offenders were "not really dangerous". This implies a disparity between actual and potential behavior because the actual consequences were not life-threatening. It is also striking that the male and female burglary victims assumed that their offenders would resort to violence, although they did not refer to the extremest category. It should be stressed at this point that it made no difference whether the offender-related statements were based on real encounters or just on projections. (This holds also for the aspects of explaining the offense and of sanctioning.) Thus, experiencing a relatively low level of violence or no actual violence at all did not lead automatically to a more positive (peaceful) image of the offender. Furthermore, the victims were only exceptionally confronted by a single offender, more common was an encounter with two offenders or with only one supported by a group waiting in the background.

The last aspect of this short investigation of the victim's view of the offender and his relationship to him focuses on the question of sanctioning.

Victims saw four different types of sanctioning. The traditional official sentences were preferred by assault victims, who also expressed more traditional attitudes in general. They thought of them as more effective and stressed the personal distance (to give the conflict away relieves the pressure on the victim). The same applies to 7 other victims who referred to the victimization as a past experience which was already ended; they neither expressed a real interest in the person of the offender nor in clearing up the conflict.

The other two categories will not work without renewed contact. Four assault victims would prefer to punish the offender themselves because that would facilitate paying the offender back in his own coin or because formal sentencing would be too abstract or would take too much time. This reaction reflects the lack of confidence in the criminal justice system more than it is centered around real interest in the person of the offender. This interest was found in the last category which involved more flexible and individualized (see *Wolfgang* 1982) punishment preferred by a cluster of three victims who were all quite well educated, engaged in social issues and not too seriously victimized.

Sentencing proposals can be better understood if the meaning and purpose of punishment is analyzed, too. In general, the victims tended to discuss imprisonment. There was no clear pattern concerning the severity of the sentences. Some victims thought of present prisons as sanctuaries, others pleaded for less harsh sanctions. This does not mean much; it primarily

reflects the lack of knowledge of the standard of punishment (for convictions for burglary or assault in the Federal Republic of Germany see *Statistisches Bundesamt* 1990, p. 42) and of the reality of the prison system. Most of the victims focused on the security function of sanctioning (incapacitation), i.e. that society has to be protected and offenders have to be prevented from committing further offenses, according to their image of the offender as a dangerous person. Rehabilitation (including assistance for offenders in managing their life) and/ or reconciliation was mentioned only by those victims who rejected formal sentences.

It is evident that a great distance between victim and offender is the underlying crucial common pattern in all of these statements. Victims did not focus on the social links with their offenders but stressed the differences between themselves and the criminals. This also implies a fairly low readiness for discussion. Social conflict and any social involvement are denied. This attitude may reflect alienation in modern urban society. (In a comparison between urban and rural life, C pointed out that people in less anonymous sectors of society would be more aware of their social bonds.) Against such a background, it is not easy to get anything more than purely instrumental acceptance of mediation/reconciliation-models from the victims.

5. Summary and Discussion

This study has focused on the aftermath of victimizations through two types of frequently committed crimes. By analyzing the variety of coping forms, it was found that only "fighting", "getting external strength", "looking for support", "looking for suffering" and "adaptation" tackled the problem as a conflict with a social dimension. The other ways of coping - in so far as they are more than just a suspension of the coping process - deal with the problem as an external effect, which cannot be influenced but must be averted and repressed. Thus, some structural links between coping and mediation or reconciliation, respectively, emerge. Seen from the victim's point of view, it is unwise to assume too much interest in mediation (*Voß* 1989, p. 48). The victims' main interest was in re-establishing personal integrity. This involved overcoming the psychological and physical consequences of the event and compensating the damage. In general, especially a short time after the incident, the victims were very preoccupied with themselves and did not become aware of the social implications of some coping activities (e.g. arming, informing the police about the offender) until some time later.

The victims' assumptions concerning the offender suggest that they saw him as a very threatening source of potential danger, which forced defensive reactions rather than a confrontation with the position of the counterpart in the conflict.

Social isolation, strangeness, alienation and ego-centrism are reflected in the differences emphasized and in the social distance between the parties involved in most of the victimizations. The victims did not strive for further contact with an aim to a possible reconciliation or compensation of the damage. This is only a pseudo-inconsistency with the great acceptance for restitution found by others (e.g. *Galaway* 1984; *Boers & Sessar* 1990, pp. 130). Their cases suggested a known and solvent offender whose payment would be under the surveillance of a court. The victims referred to here did not count on such abilities on the part of the offenders but turned either to insurances or put up with a definite loss.

A criminal justice system which "steals the conflicts" (*Christie* 1977) conforms to this reality. Furthermore, handing the conflict over relieves the pressure on the victim. Seen from this perspective, consent to conventional regulations of the conflict by criminal justice experts and largely without the participation of the victim fits very well with coping forms of defense and repression. In this respect, ideas of retaliation and self-justice, which presuppose a conviction of internal control and offensive coping, offer a better starting-point for mediation.

Besides the accentuation of social distance, the search for the offender's motivation for committing the offense was another striking feature.

As soon as the victims had developed a satisfactory concept of the cause of their victimizations, there was not much interest in the person of the offender. So, for this kind of affirmation of a mediation/restitution-procedure, the point of time would be essential. However, the way of coping determined whether the concept of the "why" would be open or fixed. It is probably easier to defend or repress if the victim does not shake an existing, stable concept of the offender and his offense. Conversely, if the offender compensates the damage or apologizes for his offense, the victim's explanation, which is based mainly on the social deviance of the offender, is called into question.

To summarize: defensive coping on the part of the victim and attempts at neutralisation (see *Sykes & Matza* 1957; *Killias* 1990, p. 257) on the part of the offender would involve the lowest potential for conflict solving and thus for mediation/reconciliation, because they emphasize the distance. By modifying a statement of *Thomas Mathiesen* (1989) regarding punishment, it can be concluded that "the greater the distance, the more superficial we

become, the less we understand of the pain" of both victimization and punishment. He concludes that the distance must be reduced, "so that people might see the situation at close quarters and be able to empathize" (pp. 144).

However, revealing only that there are more aspects against mediation than in favour of it and thus leaving everything as it is, would be unsatisfactory, too, the more so since that would not change the structural social conditions leading to such conflicts. Even if there is no obvious interest in either the victim or the offender, both parties must surely be interested in conflict solving. If not, the chances are that the number of offenses and the severity of sanctions will increase at the same time, while the financing of victim assistance will be reduced, as *Finstad* (1990) has shown in the case of rape.

All of these reflections originate from the level of the individual actors. Seeing the mediation-problem from a macro-level, the criminal justice system may be interested in improving its functions or relieving itself of the high numbers of cases (see *Stangl* 1988 for financial aspects). However, as *Sessar* (1990) has pointed out, whilst these measures are designed to motivate the victim by improving his participation in the criminal proceedings, they result in a "tertiary victimization" of the victim because such efforts only strengthen the system and leave the social conflict unsolved.

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