CHAPTER – II

ROLE AND TYPOLOGY OF VICTIMS

“The murdered is not unaccountable for his own murder,
And the robbed is not blameless in being robbed,
The righteous is not innocent of the deeds of the wicked,
And the white-handed is not clean in the doing of the felon,
Yet, the guilty is oftentimes the victim of the injured,
And still more often the condemned is the burden bearer
For the guiltless and unblamed,
You cannot separate the just from the unjust and the
good from the wicked;
For they stand together before the face of the sun
even as the black thread not the white are woven together.
And when the black thread breaks, the weaver shall look
Into the whole cloth, and he shall examine the loom also.”

-Kahlil Gibran

INTRODUCTION

The end of the Second World War i.e. the late 40s saw the advent of the study of victimology. Benjamin Mendelsohn, a Romanian attorney or Hans Von Hentig who fled to America from Germany during 1940, are said to be the founding fathers of the study of victimology. Both these writers were lawyers and criminologists and as such were very much concerned with the understanding of the victim-victimizer dyad. The need to understand the situation and dynamics that lead one to become offended and other an offender encouraged them to form victim typologies. None of the writers suggested that there could be born victims, but never

1 The Prophet.
the less they looked out and searched for ways to differentiate the potential victim from the non victim the differentiation was so very novel field from the earlier concerns of criminology.

The two writers explored the familial and natural orgins of victimhood, victims, characteristics, their relationship with the perpetrators, and offer a victim typology. Hans Von Hentig’s typology is based in 'victim-proneness' and Mendelsohn categorized capability The psychology of victims and the dynamics and victim hood that have been earlier ignored due to this new approach lead to the tendency to blame the victim.

Victim Blame school has huge impart on all major writers, criminologists, scholars, lawyers and psychiatrists, though in proper etymological term ‘victimogy’ means study of victims but the general trend has been to blame victim in the past few years. Exploring the psyche of victims has become synonymous with the blaming of the victim and role of the victim in violent systems.

Hans Von Henting has said “Possession of money has certainly to do with robbery and prettiness of youth are contributing factors in criminal assaults..... if there are born criminals it is evident that there are born victims. Self harming and self destroying through the medium of pliable outsider.”

Von Henting also developed victim typologies. One set was for “Four perfect murder victims” : The depressive , the greedy for gain, the wanton and tormentor. The depressive was described as a perfect murder victim because his depressed state made him someone who “Lacks ordinary prudence and discretion.” Later these original four victim categories were expanded to thirteen. Among these new “Perfect victims” were the young, the old, females, immigrants, normal people who are dull, the acquisitive, fighters and the lonely and the heartbeaten in the classic book on victimology, The Criminal and His victim, the influential concept of the ‘duet frame of crime” the criminal and his victim was introduced. Given the encompassing the therefore vague nature of “perfect victim” almost any person could be part of this duet.

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2 Hans Von Henting : “Remarks on the interaction of perpetrator and victim”. (1941)
Thinking about ways of differentiating victims from non-victims in this way reflects an underpinning world view that there is normal person, when measured against whom the victim somehow falls short. The concept of victim precipitation is particularly revealing in understanding victimology and its development.

*Volenti non fit injuria*—no one can complain of injury to which he has submitted willingly. In many other instances consent changes the legal aspect while the factual situation remains unaltered. By his or her decision the victim can, in spite of loss and pain endured, turn factual crime into a situation devoid of legal significance. Non complaint after the event practically stands on a par with consent. The doer sufferer relation is put by our codes in mechanical terms. A purse is snatched bodily harm is done. The sexual self determination of a woman is violated. Mental factors are, of course taken into account. So is felonious intent or malice aforethought. The “consent” of an adult woman changes the otherwise criminal act of rape into a lawful occurrence or at least happening in which the law is not very much interested. When the victims consents or decides not to complain, to bear the loss and pain he looses him legal rights though the facts remain the same. The decision whether due to coercion or not affects the legal situation as such making him a contributory in the crime.

In a sense the victim shapes and mould the criminal although the final outcome may appear to do one sides, the victim and criminal profoundly work upon each other, right up until the last moment in the drama. Ultimately the victim can assume the role of determinant in the event.

These investigation attempted to describe the complex relationship between the diverse and complimentary roles of perpetrators and victims in general and men and women in particular in the dynamics of violence, assuming the victims have complementary needs to be in relationship with victimizers. Over the years, this relationship has been mentioned as ‘Penal couple’, ‘duet frame of crime’ and ‘victim precipitation criminal homicide.’ Thus the beginning of ‘victimology’ was with narrower goals: the contribution of the victim to criminal act and was given a broader and more meaningful perspective in late 1970’s when this victim blame climate gave way to the debate of nature vs. nurture and destiny vs. choice.
2.1 ROLE OF VICTIMS IN CRIME

“Evil requires the sanction of victim.”

-Ayn Rand

2.1.1 INTRODUCTION

Victim-offender relationship is one of the most important notions in victimology. Mendelsohn calls the victim and his offender the ‘Penal couple’. According to Von Henting⁴ the relationship between the victimizer and the victim are very intricate. The victim one who suffers and the victimizer, one who harms appear in victimization in a close interpersonal relationship and the victim plays a determinant role with the victimizer. Just as certain persons are thought to have a high probability of indulging in criminal behaviour, so also some others may have a greater likelihood or being victimized. The part played by the victim in the origin of crime is the central problem in victimology. This, in essence is the question of responsibility; who is responsible for what and to what extent?

The victim offender relationship may contain origin of victimization. The marital status of the offender and that of the victim or the fact that one person is the spouse or a friend or an acquaintance or just a stranger (third person) may contain the seeds of crime. Are the victim born? The questions is tied to nature vs. nurture and destiny vs. Choice co-alcholics are coupled with alchoholics, abusers with abused, masochists with sadists and offenders with victims.

The inhibitions and offender may have seemed to change according to the type of qualities the victim possesses. The attitude and behaviour of the victim influences the offender and which makes possible the criminal act.

The crime committed against a provoking victim allows the criminals to shift his blame on the victim. So the part played by the provoking victim consciously or unconsciously invites victimization. Through provoking or precipitating behaviour

⁴ Supra. F. n. 3
the victim becomes a deserving victim. The criminal act is possible through the
words, gestures or deeds of the victims.

The willingness of the victim to commit an offence upon him or her makes
the offender legally stronger. The consent of the victims whom the law intended to
protect encourages the offender. Victim solicitation even more than victim’s
consent, confers on the act a kind of legitimacy that is likely to break down the
strongest moral barriers and to eliminate the deepest moral obligations the person
may have regarding the criminal act.

Volenti non fit injuria i.e. to a willing person no injury is done, is a common
law doctrine which means that someone who knowingly or willingly puts
themselves in danger will be unable to see for his or her resulting injuries. Similar is
the case in negligence Then are the issues of ‘Dannum Absque Injuria’ harm or
damage without – legally recognized injury. But it is to be taken in consideration are
there no victims in the allow mentioned situation. Victims in the above mentioned
situation. Yes, there are victims but not legally.

Certain times, while remaining a victim, the victim cooperates with the
criminal. The victim even instigates, sustains and defends the victimization while at
the same time suffering from it and disliking it.

to real, specific and personalized, victim are likely to evoke stronger moral
resistance than acts in which the victim totally absent, impersonal, anonymous or
unidentifiable, or where the victim is only an abstraction.6

In the victim is physically absent or unknown, the awareness of the victim is
absent in crime. But when a crime is committed against a tangible and personal
victim the seriousness of the action and victimization increases and it creates more
feelings in the mind of the victimizer. Stealing from the government or cheating a
large firm evokes fewer moral scruples than cheating a person or stealing from a
family. Personalisation of the victim evokes pity and compassion in the potential
victimizer towards the victim.

6 Fattah, Ezzat A : The case of the victim as an Agent of self-Legitimisation : Towards a Dynamics
There are victimless crime where there is no identifiable evidence of an individual that has suffered damage infraction. Typical example include violation of laws covering public decency or public order but since there is no identifiable victim the level of guilt is lesser. Physical absence or being unknown means the lack of awareness of the victims. As stated above, all the situations have victims but if is either a non tangible and non personal victims or the action lack the legal stand thus resulting in reduction of seriousness of crime.

2.1.2 VICTIM - OFFENDER DYAD

Historically, it was assumed that the actions of victims were irrelevant is understanding the how’s & why’s of crime occurance. The focus was entirely on offender while ignoring, dismissing or understanding the role of victim. But in the due time more so after the have or second world war the society and the world at large saw the other half of criminal dyad : Victim and his version of the crime.

The relationship between victim and the criminal was seen in a new light as to discover the reason behind the why / how of criminals choice of victim. The relationship between the victim and offender is much more intricate than the rough distinctions of criminal law. The central thrust of the study of victim- criminal relationship is that to some variable extent of the officially labeled victims of criminal act may directly share in responsibility for the victimization.

There are different stages of victim offender relationship :

a. The victim has no prior knowledge of the crime. He dislikes very much being made a victim. He inquires the policy about the victimization.

b. The victim has no prior knowledge of the crimes and he disapproves being made a victim, but refrains from calling the police.

c. The victim has some prior awareness of the possible crime.

The first of these might be called victim non acceptance. The second and third might be termed as victim acquiescence, unwilling with of without previous
knowledge. According to Mack ⁷ These three develop out of number of social situation of which the major ones are:
(a) The victim himself is a criminal.
(b) The victim is a near criminal.
(c) The victim has no open criminal associations.
(d) The victim belongs to an ethnic minority group.

There is much to be learned about victimization patterns and the factors that influence them. Associated with the questions (of considerable importance) of victims precipitation, since crime is an interactional process (Personage 1979, p. 10).

Therefore, the performance of the victimizer should be seen as a shared responsibility. From the point of view, who may take on the role of victim or victimizer in particular situations may have more to do with sheer chance than with anything else. Victimization is a problem of relationship and responsibility. Who is responsible for what and to what extent? The victimizer and the victim act on each other directly by sharing a common place, or indirectly by symbolic, relationship. Hence the victim can be viewed as a dependant variable by examining the conditions which predispose certain kinds of persons to victimization.

The distinction between criminal and victim which used to be considered as clear cut as the black and white, can become vague and blurred in individual cases. The longer and more deeply the actions of the person involved are scrutinized the more difficult it occasionally will be to decide who is to blame for tragic outcome (Mannhem, 1965, p. 672).

When a crime takes place it has two partners, one the offender and second the victim who is providing the opportunity to the criminal in committing the crime. The first few pioneers of victimology coined the expressions like 'duet frame of reference' (Hans Von Henting, 1941) and the 'penal couple' (Mendelsohn, 1956), the 'doer suffers relationship' (Ellenberger, 1955). Thus, came the concept of 'Shared responsibility’ Reconstructing the situation proceeding the incident can provide a more balanced and complete picture of what happened. Who did what to whom and

why, and thereby represent an improvement over earlier one sided, static perpetrator centered accounts (Fattah, 1979).

Scholars have begun to see the victim not just as a passive object, as the innocent point of impact of crime on society, but as sometimes playing an active role and possibly contributing to some degree to his own victimization. During the last thirty years, there has been considerable debate, speculation and research into the victim's role the criminal - victim relationship, the concept of responsibility and behaviour that could be considered provocative. Thus, the study of crime has taken a more realistic and more complete outlook.

2.1.3 VICTIM PRECIPITATION - CONCEPT AND THEORIES

One nightfall a man traveling on horseback towards the sea reached an inn by the roadside. He dismounted and confident in man and night like all riders towards the sea, he tied his horse to a tree beside the door and entered into the inn. At midnight when all were asleep, a thief came and stole the traveler's horse. In the morning the man awoke, and discovered that his horse was stolen. And he grieved for his horse, and that a man had found it in his heart to steal. Then his fellow lodgers came and stood around him and began to talk. And the first man said, “How foolish of you to tie your horse outside the stable. And the second said, “still more foolish, without even hobbling the horse!” The third man said, “It is stupid at best to travel to the sea on horseback. And the fourth said, “Only the indolent and slow on foot own horses.” Then the traveler was much astonished. At last he cried, “My friends because my horse was stolen you have hastened on
and all to tell me my faults. And my short comings
But strange, not one word of reproach have you
uttered about the man who stole my horse.”

-Khalil Gibran

The brunt of crime other than ‘White collar’ or business crime is borne by
individual persons. Yet the victims of crime largely ignored in most of the standard
criminological texts. Only in post prandial and political speeches is the plight of the
victim mentioned, he has been grossly neglected.

Such researches has been done in the past in this area indicate that the role of
the victim is frequency crucial to the criminal act, not only in regard to the past he
could have played in preventing it, but also because of the past he frequently plays
in the act itself. Expressions like 'victim proneness,' 'victim precipitation' and 'victim
instigation', have been used to refer to the fact that the victim is often a contribution
to the act in varying degrees ranging from simple carelessness or negligence through
to deliberate provocation.

Though this is accepted that there is no gene victimhood but various studies
show that victim has had something to do with his own. Victimization giving the
controversial concept of victim precipitation. Marvin E. Wolfgang, “Victim was the
first to slap, punch or stab, has rightly stated this Victim precipitation is the degree
to which victim is responsible for his own victimization."

The concept of ‘Victim’ precipitation deals with the case in which the victim
has had something to do with his own victimization. Hence, the victim precipitated
cases are those in which the victim was the first to show and use a deadly weapon, to
strike a blow in an altercation. In short the first to commence the interplay or resort
to physical violence.\(^8\)

According to Reckless, \(^9\) “There are three basic points in the study or the role
of the victim in criminal delinquent behaviour:

\(^8\) Wolfgang, Marvin, E. : “Victim precipitated Criminal Homicide” Victimology (1974) Drapkin and
Viano (Eds) Lexington Books, Massachusetts.

1. Doer victim relationship do not apply to all criminal deeds rather they apply only to a suspected minority, since reaching out behaviour focuses more on objects than on persons;

2. Criminology at present is not able to account for a closure of doer victim, although it is concerned that disability of persons makes them vulnerable as victims on the principle that doer’s bahaviour seeks paths for weak resistance;

3. In a minority of victim – related criminal deeds, the victim. Because of certain postures and states triggers a non reaching out person initiates the deeds and is the final recipient of the consequences.

“The guilty is often times the victim of the injured.”

- Khalil Gibran

Careless people set temptation opportunity situations when they carry their money or leave their valuables in a manner which virtually invites theft. According to Fooner, “If a person has not acted with reasonable self-protective behaviour in handling has money, jewellery, or other valuable and has become the victim of robbery, he cannot be considered an innocent victim. He has… created a ‘temptation opportunity’ situation giving the criminal incentive and help. Victims are essential for crime, so directly or indirectly all victims are somewhat responsible for victimization. Contrary to this, Silverman feels that it is not logical to think that “We are all some what responsible for our own victimization simply because we exist.

Hence, the concept, “Victim-precipitated victimization” is applicable to those victimization in which the victim is a direct, positive precipitator of his/her own victimization. The role of the victims may be varying in nature, in different ways a victim can contribute to the victimization. Horowitz and Amir found that

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11 Supra, f.n. 9.
12 Horowitz Manachem: The probation Officer, the offenders and the victim of the criminal offence.” Victimology : A New focus, Vol. III Drapkin and Viano (Eds) Lexington Book, Massachusetts.
the victim precipitated one out of five rape cases. Separovic\textsuperscript{14} (1974) concluded the victim precipitated one out of four homicide cases. The provocation of victim has a definite part in the etiology of victimization either by inciting the criminal to commit it by creating or fostering a situation likely to lead to victimization. This type of victim can provoke the crime by his own action.

N. Christie\textsuperscript{15} “Lists 5 attributes which characterizes the typical victim:

1. The victim is weak.
2. The victim is performing a respectable project.
3. The victim is somewhere they could not be blamed for being.
4. The offender is stronger physically and of questionable ethics.
5. The offender is known or unknown and is in no personal relationship with victim.

Marvin E. Wolfgang\textsuperscript{16} conducted the first systematic study of victim precipitation and focused on criminal homicides committed in the city of Philadelphia and recorded by the Philadelphia Homicide squad from January 1948 to December 1952. He studied the victim and the offender at separate and distinct entities and as mutual participants in the homicide.\textsuperscript{17} Wolfgang in his study found that the 26 percent of criminal homicide were more or less victim precipitated to per police records and victim was a determinantal factor of crime. Thus, giving way theory of victims facilitation which is less controversial vis-a-vis to victim blaming theories given by Mendelsohn (Victim culpability) and Hans Von Hentig (victim Proneness). Schneider explains victim facilitation as a model that ultimately describes only the misinterpretation of victim behaviour by the offender. It is based upon theory of symbolic interaction and does not alleviate the offender of his/her exclusive responsibility. He further emphasized the prevalence of victim

\textsuperscript{13} Amir: A study of Rape (1971)
\textsuperscript{15} The ideal victim in E. Fattah (Ed.) From Crime policy to victim policy Macmillan.
\textsuperscript{17} Wolfgang, M.E.: Analytical Categories for research in victimization. P. 17 (1967)
precipitation in murder and assault so contrary to the popular image of victims as totally innocent.

Fattah further defines the term victim precipitations as applied to those criminal homicide in which the victim is a direct, positive precipitator in the crime. The role of the victim is characterized by his having been the first in the homicide drama to use physical force directed against his subsequent slayer. The victim precipitated cases are those in which the victim was the first to show and use a deadly weapon, to strike a blow in altercation- in short, the first to commence the interplay of resort to physical violence.\(^{18}\)

Also, another victimologist Amir set a milestone by studying the case of rape in Philadelphia from 1958-1960. He could identify only 19 percent of incident that were known to the police so being victim precipitated though still forcible. He concluded that factors - The alcohol, seductive actions by victims, wearing revealing clothing using risqué language, bad reputation contributed to the act.

Apart from the empirical difficulties of this study, relying on officially recorded reports of rape, feminists have been particularly concerned to point out the way in which the notion of victim precipitation builds on the commonly held view that the victim of rape must have asked for it. The rape victim becomes the guilty party and the blame game begins furthering the victimization.

He furthered that the victims actually or so it was interpreted by the offender - agreed to sexual relations but retracted… or did not resist strongly enough when the suggestions was made by the offender. The term also applied to cases in which the victims enters vulnerable situations charged sexually.\(^{19}\) Thus, also implying that the offender is interpretation of action is important not what victim actually does.

Other attempted to apply the concept of other crimes involving inter persons violence. Hindelang, Gottfredson and Garofalo\(^{20}\) (1978) suggest from their survey results that the rate of injury was much greater for victims who used force as a 'self-protective’ measure than for those who did not and that the younger people and males were most likely to do this. They do not go on to give the notion of victim

\(^{19}\) Amir: Study on Rape (1971) quoted by Morris, 1987, p. 173
\(^{20}\) Hindelang, Gottfredson, and Garofalo: 1978
precipitation any great prominence in their theorizing; however Normandeau\textsuperscript{21} changed the concept somewhat so that it could be applied to the crime behaviour, temptation opportunity situations\textsuperscript{22} which precipitated the crime.

Whilst appealing for greater clarity of definition in the use of the concept Fattah (1979) is also aware that some of the problems associated with the use of this concept derive from the way in which terms such as ‘guilt’ and culpability’ have been used in victimological writing. Fatah states:

The use of explanatory concepts such as victim precipitated, victim-facilitated victim : initiated and victim invited criminality to describe the victim role in the causative process should in no way be interpreted as an attempt in the part of social scientist to blame the victim or to hold him responsible for the crime.\textsuperscript{23}

Fattah,\textsuperscript{24} argues that that fact that the concept may have been poorly formulated and loosely operationalized does not offer grounds for dismissing its validity. He goes on to suggest that the concept itself meets a need to understand, dynamically, why a particular crime occurred in a particular context against a particular context against a particular victim.

There are considerable dangers inherent in giving academic legitimacy to such a view which, it has been well established, carries considerable weight from the police handling of rape, through to the cases which reach the courts there translated as ‘contributory negligence’. This culminates in the impact such a view has on women who have been raped. They blame themselves which is hardly surprising since everyone else has blamed them too. These dangers stem from translating a fairly precisely formulated concept focused on criminal homicide to a much more broadly and loosely defined notion applied to rape.

Victim – precipitation is often misinterpreted as victim co-responsibility assignment and blaming the victim. The dynamic, interactionist perspective of victim precipitation and there is no room for normative or value judgement such as guilt or responsibility.

\textsuperscript{21} Normandeau, 1968
\textsuperscript{22} Ibid : p. 110
\textsuperscript{23} Supra,. f.n. 6
\textsuperscript{24} Supra f.n. 6
In some senses this defence of victim precipitation is couched in very traditional social scientific terms of value freedom. Social scientists are not to be held responsible for the way in which others might read the work they produce. In its own terms such a defence is perfectly logical, Fortunately an increasing number of social scientists, many of them feminists, have found it impossible to engage in the issues pertinent to social scientific enterprise displays a particular male dominated way of viewing the world. They have thus striven to develop conceptual frameworks more in keeping with a social science which embraces value commitment rather than value freedom. That is a commitment to recognize the hidden assumptions underpinning the construction of theory and practice which do not relate to women’s experience but only to men’s. In this way concepts such as victims precipitations are severely criticized for the way in which they lead to blaming the victim whether that was the intention or not. That most of those who would reject such a concept in the context of rape, in particular are also feminists, is of course, no accident.

There is, however a further problem with the concept of victim precipitation, particularly associated with defence of it. If its value lies in its ability to explain why this particular victim was victimized in these particular circumstances then, in these terms, it does not take this explanatory potential of victimology very far. Victimology remain confined to offering explanations of individual events by reference to their individual, precipitating characteristics It cannot by relying on this concept, offer explanations of recurring patterns of victimization. Amir’s study of rape provoked a strong reaction for a number of reasons. Not only are there empirical difficulties with his findings. The associated connotations of attributing blame to the victim are very difficult to deny however carefully formulated to concept might be. As an idea it clearly encourages us to consider the contribution of a victim behaviour towards crime. Its focus on the behavior of the victim has contributed to what Karmen has called the move from ‘crime prevention towards victimization prevention.’ With respect to burglary, it might be felt to be unfair, though perhaps not unreasonable, to expect people to lock their

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25 Karmen : 1990
doors in order to help prevent a burglary taking place. This concept cannot therefore, be applied to situations that are a product of power relations.

It is particularly controversial where the crime of rape is concerned. It is occasionally misinterpreted as victim corresponsibility, responsibility assignment and blaming the victim (Krahe, 1989) The dynamic interactionist perspective of victim precipitation does not, however, appraise victim behaviour. In this kind of interpretation there is no room for normative or value judgement such as guilt or responsibility (Fattah, p. 96) It ultimately describes only the misinterpretation of victim behaviour by the offender. The illusionary misinterpretation of the situation by the offender which is evoked by the victims behaviour (Michaelis Arntzen, 1994) is merely a substances of rape supporting stereotypes in the rape situation. The concept of victim precipitation, which is based on the theory of symbolic interaction and which does not in any way dispense the offender of his exclusive responsibility, thus only marks the application of social structure theory of and cognitive social learning theory in the rape situation. The denial of an offender victim relationship in the rape situation and of a potential victim precipitation reinforces the questionable propositive that rape is an uncontrollable event and that the victim cannot take any preventive action (Heath & Davidson, 1988) This promotes the learned helplessness of the potential rape victim who refrains from developing self protection measures, because of their assumed futility, and succumbs to his or her fearful, self-defined, victim attitude. But then, its focus on the behaviour of the victim has contributed to what a karmen has called the move from ‘Crime prevention” towards ‘Victimization prevention.”

One does not become a crime victim because one is born a victim. Rather Victim precipitations is culture, time and place bound. The victimizer is the person who consciously or unconsciously interprets events that are precipitation. Victim precipitation occurs when the offender’s action in committing or beginning to commit a crime is initiated after the directly related to, an action (be it physical or verbal, conscious or unconscious) on the part of the victim. The offender perceives the victim’s behaviour as a facilitating action to be commission of the crime. The action of the victim might be said to have triggered the offender’s behaviour.
In a sense the victim shapes and moulds the criminals. It would not be correct or complete to speak of a carnivorous animal, its habits and characteristics, without looking at the prey on which it lives. In a certain sense the animals which devour and those that are devoured complement each other. Although it looks one sided as far as the final outcome goes, is not a totally unilateral form of relationships. They work upon each other profoundly and continually even before the moment of disaster.

There is an inter-relationship between the environment of the victimizer and of the victim. Hence, Victim precipitation also depends on these environmental factors. Knowledge of the social relationship of the victim is not merely added to the knowledge of the social relationship of the victimizer. The understanding of the one area helps unfold the other. By this method the victimiser’s and the victim’s personality could be made known.

Nikpa’s studies in Nigeria, show that the geographical aspect of crime offer major guidelines for potential victimisation. The size of the area, the place of the actual commission of crime, the strength of the population, the ethnic character, all these factors serve on important role and points out the chance of victim risk.

The claim is made that different lifestyles, particularly now when much time is allocated to leisure activities, affect the probability of being in places where crime is likely, at times crime is likely, and with people who are likely to commit those crimes.

Henri Ellenberger, a prominent psychoanalyst, focused his research on the psychological relationship between the criminal and the victim. In his book, ‘Relations’ he states that it is important for criminologists to focus special attention on what he refers to as “Victimogenesis” rather than on “Criminogenesis.” He urged criminologists to study the potential dangers to which victims are subjects because of their occupation, social class, or physical condition.

One of the first and more important theories explaining the differential tasks of victimization is the Lifestyle model developed by Hindelang, Gottfredson and

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27 Henri Ellenberger: Psychological relationships between the criminal and his victim (1954)
Garofalo (1978). To develop this explanatory model the authors used empirical data gathered from an eight-city survey conducted by the United States Bureau of Census in the cities of Atlanta, Baltimore, Cleveland, Dallas, Denver, Newark, Portland, (Oregon) and St. Louis in 1972. Hindelang et al. (1978) synthesized the findings and put forth some propositions to account for variations in risk and consequences of personal victimization. Their model posits that the likelihood an individual will suffer a personal victimization depends heavily on the concept of lifestyle.

Using lifestyle to explain variations in risk in neither a novel nor a unique approach. It has been known for a long time that the probability of accidental death or injury is, in many respects, related to people’s lifestyle and the kind of activities in which they are involved.

An American research indicates that there is a host of individual, situational, and community level factors that increase risk of criminal victimization. Let’s look at the individual factors. Individuals can be described in terms of their sociodemographic characteristics. These characteristics are encapsulated in the acronyms S.A.U.C.E.R.

- **Sex** - male or female
- **Age** - young, middle aged or elderly.
- **Urban** - Urban or rural
- **Class** - Socioeconomics class
- **Ethnicity** - Racial Characteristics
- **Religion** - Religious preferences
- **Sex**
  - With the exception of sexual assault and domestic violence, men have higher risk of assault than women, Lifetime risk of homicide is three to four times higher for men than women.
- **Age**
  - Adolescents have substantially higher rates of assault than young adults or older Americans. Data from the National Crime Victimization Survey indicate that 12 to 19 olds are two to three times as likely as those over 20 to become victims of
personal crime each year. Data from the National Women’s Study indicate that 62% of all forcible rape cases occurred when the victim was under 18 years of age (Kilpatrick et al. 1992)

- **Urban**
  
  Crime and victimization is mostly an urban problem. Urban areas have a dangerous amount of transience (Strangers moving in and out of town), heterogeneity (mix of different people and places) and disorganization (dilapidation of housing and buildings)

- **Class**
  
  Disproportionately affects those from lower socioeconomics classes. Family income is ……. Of violence and victimization, with lower income families at a higher risk than those from higher income brackets.
  
  - For example, in 1988 the risk of victimizations was 2.5 times greater for families with the lowest incomes (under 57,000) compared to those with the highest ($50,000) and over.
  
  - Women with household incomes less than 10,000 have odds, 1.8 times greater than those with incomes of 10,000 or more of becoming a rape of aggravated assults victims. Poverty increasing the risk of assault even after controlling for the effects of prior victimization and sensation seeking.

- **Ethnicity**
  
  Racial and ethnic minorities have higher rates of assault than other Americans. African Americans are six times more likely than white Americans to be homicide Victims. Rates of violent assault are approximately twice as high for African and Hispanic Americans compared to White Americans. African American and Hispanic Americans are significantly more likely than White Americans to have ever been violent victims of crime.

- **Religion**
  
  Certain religious groups tend to be regularly persecuted, and over represented in hate crime statistics.

  There are many conflicting findings about demographic characteristics as risk factors due to different research methodologies being used. Many demographic
variables are confounded. That is, they are so interrelated as to cause some difficulty in separating out their relative contributions.

Demographic variables of age, gender, and racial status all tend to be confounded with income: Young people tend to be poorer than older people; women tend to have less income than men; and African – Americans tend to have less income than white Americans.

The proponents of the lifestyle approach are keen to point out that they are presenting a model of person victimisation in which the concept of lifestyle refers to routine daily activities, both vocational activities (work, school, keeping, house etc.) and leisure activities. The model proposes that any individual is constrained by role expectations and structural characteristics, the nature of which will be connected demographic variables age, sex, race etc. Individuals adapt to these constraints and their adaptations are reflected in their daily routines lifestyle. There is a direct link, the proponents argue, between and individuals’ routine daily activities and exposures to high risk victimization situations. Personal victimization follows from such high risk exposure.

For personal victimization to occur, it is argued that several factors must come together. First, the prime actors – the offender and the victim must have occasion to interest in time and space. Second, some source of dispute or claim must arise between the actors in which the victim is perceived by the offender as an appropriate object of the victimization. Third, the offender must be willing and able to threaten or use force in order to achieve the desired end. Fourth, the circumstances must be such that the offenders view it as advantageous to use or threaten force to achieve the desired end. The probability of these conditions being met is related to the life circumstances of members of society.

The proponents of this concept lay down eight propositions:

i) The probability of suffering a personal victimization is directly related to the amount of time and that a person spends in public places (eg. Streets parks, etc.) and particularly at night.

ii) The probability of being in public places particularly at night varies as a function of lifestyle.
iii) Social contacts and interactions occur disproportionately among individuals who share similar lifestyle.

iv) An individual’s chances of personal victimization and dependant upon the extent to which the individual share demographic characteristics with offenders.

v) The proportion of time an individual spends among non family members varies as a function of lifestyle.

vi) The probability of personal victimization, particularly personal theft, increases as functions of the proportion of time that and individual spends among non family members.

vii) Variations in lifestyle’s are associated with variations in the ability of the individuals to isolate themselves from persons with offenders characteristics.

viii) Variations in lifestyle are associated with variations in the convenience, the desirability and visibility of the person as and target for personal victimization.

The lifestyle exposure model of victimization is fairly sophisticated in its theoretical formulation and the hypothesis it generates in terms in crime prevention.

However, the above propositions also suffered criticism. The major weaknesses of the model were addressed by Garofalo (1986). He suggested three main weaknesses in the original lifestyle model. First, the lifestyle concept suggests hypothesis which are true by definition. And therefore trivial. The second criticism suggests that the lifestyle concept is so vague as to be unfalsifiable. The third criticism he addresses suggests that the lifestyle approach is inadequate for the policy initiatives. The main modifications in the light of these criticism of the lifestyle model include heightening the way in which structural constraints are related to the associated people make which may not be necessarily mediated by lifestyle.

Another Theory given by R.F. sparks gives six determinants or victimizations:

- **Vulnerability**

  Under this category, sparks cover the victim types discussed by Von Hentig (1948) These are the special risk, not because of something they do, but just as a
result of their personal attributes such as being weak (mentally, physically or both) old or young. Other areas of vulnerability beyond the control of the individual may raise from variations of status, economic position or environment.

- **Opportunity**
  
  Opportunity has two levels. First, it refers to availability. It is not possible to steal something which is securely locked away or which the victim does not posses. At his level, the concept is trite. Sparks uses it rather to consider the occasions on which the victim has made victimization more likely, perhaps by a particular behaviour pattern. This is lifestyle by another name. More general lifestyle changes, such as increases leisure may also increased the opportunity for criminality.  

- **Attractiveness**
  
  Attractiveness refers to how tempting something may be a particular criminal. It is a relative idea, where the criminal is supposed to weight up the ease of attaining the item against the possible gain form its possession. Where risk is low and the possible gain high then the object is attractive especially if it is spatially accessible. This is also called Rational Choice Theory.

- **Facilities**
  
  Facilities refers to whether a position of special risk has been deliberately negligently or unconsciously created by the victim. An example might be failure to fit locks or alarms in an area with high rates of burglary. It is the dangerous extension of moving blame away from the criminal and onto the victim.

- **Precipitation**
  
  It was seen as particularly relevant to cases of interpersonal violence and rape and most of these ideas were discussed above for Example, a wife kills her husband in his sleep because he has repeatedly beaten her.

- **Impunity**
  
  It is the final category defined by Sparks and related to situations where the victim is unlikely to complain or to be believed if they do complain. The crime can thus be perpetuated without fear of being detected. This is often the case when

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sexual offences are committed against women and children where the victim is both unlikely to complain and unlikely to be believed. It also applies to cases against criminal, especially prisoners, down and outs, racial minorities, illegal immigrants, prostitute (male and female) etc.

Another explanatory model is the Routine Activity Approach developed by Cohen and Felson (1979) The focus in Cohen and Felson’s approach is on Direct contact predatory violations. Which are those, “Involving direct physical contact between at least one offender and at least one person or object which that offender attempts to take or damage”. (Cohen and Felson 1979, p. 589)

Cohen and Felson (1979) argue that the occurrence of these types of victimization is the outcome of the conference in space and time of the minimal elements: motivated offenders, suitable targets, and absence of capable guardians.

Similarly, Benett and Wright in 1984 found that burglars use a variety of cues in selecting target. Surveillability refers to the extent to which a house is overseen in neighbours or passerby. Lack of surveillance, no sign of occupancy and accessibility were the most cause of burglary.

These are by no means the only models There is the hot spots theory, opportunity theory & Dutch model. Hot spots theory given by Sherman (1989) focused on Criminology of place and used Minneapolis police call data. Most crime reports came from only three percent of all locations of the city. Those places plus the absence of guardian attracted the offenders.

The opportunity model incorporates elements from both the lifestyle and routine activity perspectives and posits that the risk of criminal victimization depends largely on people lifestyle and routine activities that bring them and/or their property into direct contact with potential offenders in the absence of capable guardians. The Dutch model was developed by Van Dijk and Steinmetz who identified three main factors- Proximity, attractiveness and exposure, as important determinants of differential victimization risks.

Then there is the strangest of all theories the theory of common sense (2000) given by Akers. He says sit at home and watch television. Thus decreasing your chance of being victimized.
Fattah has attempted to integrate the various models into a comprehensive scheme and has used ten different components as follows:

- **Opportunities**
  Which are closely linked to the characteristics of potential targets (Persons, households, businesses) and to the activities and behavior of those targets.

- **Risk Factors**
  Particularly those related to socio demographic characteristics such as age and gender, area of residence, absence of guardianship.

- **Motivated Offenders**
  This is because offenders even non professions one, do not choose their victim/targets at random but select their victims/targets according to specific criteria.

- **Exposure**
  This is because exposure to potential offenders and to high-risk situations and environments enhances the risk of criminal victimization.

- **Associations**
  The homogeneity of the victim and offender populations suggests that differential association is as important to criminal victimization as it is to crime and delinquency. Thus individuals who are in close personal, social or professional contact with potential delinquents and criminals run a greater chance of being victimized than those who are not.

- **Dangerous times and dangerous places**
  The risks of criminal victimization are not evenly distributed in time or space there are dangerous times and such as evenings. Early night hours and on weekends. There are also dangerous places as such as places of public entertainments where the risks of becoming a victim are higher than at work or at home.

- **Dangerous Behaviour**
  This is because certain behaviors, such as provocation, increase the risk or violent victimization while other behaviour such as negligence and carelessness enhance the changes of property victimization. There are other dangerous behavior that place those engaging in them in dangerous situations where their ability to defend and protect themselves against attacks is greatly reduced.
- **High-risk activities**
  
  Also increase the potential for victimization. Among such activities is the mutual pursuit of fun, as well as deviant and illegal activities. It is also well known that certain occupations such as prostitution carry with them a higher than average potential for criminal victimization.

- **Defensive/avoidance behaviour**
  
  As many risks of criminal victimization could be easily avoided, people’s attitudes to those risks can influence their chance of being victimized. It goes without saying that risk-takers are bound to be victimized more often than risk avoiders. It also means that fear of crime is an important factor in reducing victimization, since those who are fearful take more precaution against crime, even curtailing their day and night time activities, thus reducing their exposure and vulnerability to victimization.

- **Structural/Cultural Proneness**
  
  There is a positive correlation between powerlessness deprivation and the frequency of criminal victimization, Cultural stigmatization and marginalization also enhances the risk of criminal victimization by designating certain groups as ‘fair game’ or as culturally legitimative victims.

  Most of the theories, carry with them the notion that the victim carries some responsibility for crime. Also, potential victims should be encouraged to avoid dangerous, situations for themselves or their property by staying indoors or keeping their property out of sight. If these cannot be avoided, they should protect themselves by only going out in groups or in well lit streets or by securing their property. The suggestion that individual alter their lifestyle so as to reduce criminality was also shared by the Conservative Government of England in 1990. On its contrary, these suggestions not only push the responsibility for crime towards its victims, but would also be very restriction on the liberty of the potential victim. The fact can not be ignored that the certain reasonable measures should be encouraged to reduce the crime, but at the same time, it does warn against using ideas ostensibly to protect the individual whiles actually vastly decreasing their personal freedom.
These theories not only create awareness among masses but lead to more research in victim-offender relationship thus empowering victim in long run.

“Possession of money has certainly to do with robbery and similarly pretences of youth are contributing factors in criminal assault if there are born criminals it is evident that there are born victims self harming and self destroying through the medium of a pliable outsider.”

-Hans von Hentig

### 2.2 TYPOLOGY OF VICTIMS

#### 2.2.1 INTRODUCTION

By the mid-20th century, in an effort to better understand the phenomenon of victimization, criminologists began to develop methods for categorizing different types of victims, or victim typologies. The typologies were based on a variety of factors, including biological, sociological, psychological, demographic, and psychiatric. In addition, scholarly interest specific to the relationship between offender and victim began to emerge with the groundbreaking studies by Mendelsohn, Hans V. Hentig and Ellenberger, followed by Wolfgang decade later.

Von Hentig and Mendelsohn were the two pioneer victimologists to develop victim typologies. The work of Von Hentig on Victimology is considered a beginning on the study of victims of crime. The empirical findings of the criminal victimization by Von Hentig have been published in his book “The Criminal and his Victim (1948)” which was in fact intended as a textbook in criminology.

The early victimological work of Von Hentig and Mendelsohn was concerned to construct victim typologies in his book, Von Hentig considers some of the ways in which the victim plays a role in the perpetration of a crime. He states:
The relationship between perpetrator and victim are much more intricate than the rough distinctions of criminal law. As soon as they draw near to one another, male or female, young or old, rich or poor, ugly or attractive - a wide range of interaction, repulsions as well as attractions, is set in motion. What the law does is to watch the one who acts and the one who is acted upon. By this external criterion, subject and object, a perpetrator and a victim are distinguished.  

The above quote, adequately encapsulates his concern and focus on the role of victim in the perpetration of a criminal event. In so doing he was primarily interested in how the victim may contribute to the creation of a crime. In pursuing this interest he created thirteen classes of victim: The young, the female, the old, the mentally defective, immigrants, those belonging to ‘minorities’, dull normal the depressed, the acquisitive, the wanton the lonesome and heart broken, the tormentor and the ‘fighting’ victim. These classes refer to psychological as well as sociological variables which can be related to situations or persons. There is no necessary inference that some people are born victims. There are perhaps clearer tendencies within his work towards a notion of victim proneness. That some people and some situations are more likely to constitute the circumstances in which victimizations occurs. It must be noted that this typology and the one which follows, were both speculative. They were not constructed on the basis of empirical evidence, unlike some of the work to be discussed, but probably intended as a spur to further research. In his classic book 'The criminal and his victim' he explores the relationship between the “doer” (criminal) and “sufferer” (victim) He postulates that in a large percentage of criminal cases, the victim shares the responsibility for his or her victimization. Although such notions are repudiated by modern victimological research, he concludes that the personality characteristics of some crime victims

29 Von Hentig : The criminal and his Victim . (1948)
may contribute to their victimization while others may become victims because of the community in which they live.

Benjamin Mendelsohn (1940) coined the term “victimology” proposing that this be in an entirely new field of study- not merely a branch of criminology but a separate and distinct discipline that would be the ‘reverse of criminology’

He furthered that a broader typology would be based on the factors which cause a person to become a victim. Mendelsohn has suggested that these factors stem from six types of environments: 1. “The bio-physical endogenous environment of the victim himself; 2. “The natural surroundings milieu, which consists of free or controlled forces;” 3. ”The milieu of changed surroundings;” 4. “The social milieu;” 5. “The antisocial milieu;” 6. “The driving milieu.” These environments are obviously overlapping. The factors within such environments cannot be artificially separated.

This lead to some categories of victims that might appear within any country or culture as a result of the contribution of determinants from any or all of these environments. These categories of victims would offer researchers in victimizations more specificity for particular types of research and offer the theoretical basis for developing more precision in communication between scholars in victimology. The first category of victim would emanate from the biophysical endogenous environment of the victim himself. This category would be the biophysical victim. It would include those kinds of victims who suffer injustices because of their physical characteristics. Such physical characteristics might include racial characteristics, physical handicaps or mental handicaps that may be the result of the biophysical environment such as mental retardation, schizophrenia, or hormomal senility. The second category of victim would be that of the victim who suffers injustices due to the impact of his/her natural surroundings. This category would include victims of disasters such as floods, earth quakes, tornadoes, land sliders or volcanoes. This category would also include the type of victim that falls prey to ‘acts of God’. An example would be the individual who is struck by lightning or the person who is injured or killed because of a branch falling on his/her head. The third category of victim includes those who suffer the injustices caused by the interface environment.
This category of victim includes the victim of adversities, resulting from the impact of man on the surroundings environment. Air pollution, water pollution, noise pollution, and soil pollution all would be examples of the type of adverse results of man’s interface with nature that can create victims. However, situations of pollution are not the only type of adverse results from the interface environment that cause victims. This environment would also include situations where man has produced a chemical or combined chemicals or other ingredients in such as way that the result “injuries” an individual or group.

The growing case law in the area of nuclear accidents would be an examples of the designation of victims of the interface environment. Other examples, would include the victims of black lung disease, lead poisoning, asbestos poisoning, drug allergies, etc. The fourth category of victim would result from the social milieu. This sphere of social victimization may be stratified to separate the political victim, the economics victim, and the cultural victim. Each one of those types of victims suffers certain adverse consequences as the result of social categorizations within social subsystems. One individuals suffers several types of social victimizations simultaneously. The final category of victim would be the technological victim. This victim results from a technological environment. The technological environment is broad enough to include all types of mechanical operations as well as cybernetic operations. Examples of victims who would fall into this category would be victims of car accidents, victims of industrial accidents, as well as the victim of the computer billing error, or the victim of wiretap and eavesdropping equipment. It is obvious that there is the victim categories separate characteristics by type of environmental factors. One individual could be a victim of any or all categories simultaneously. The attributes of a specific victimization would vary according to the number and types of environment of which it was a product.

Mendelsohn had six categories, ranging from the completely innocent (such as young children) to the ‘most guilty victim’ (such as the aggressor who subsequently gets killed). This notion is culpability, or the assignment of guilt and innocence, is a powerful concept in explanations of, particular violent criminal
incidents, it takes on a particularly powerful an emotive from the concept of ‘victim precipitation’.

‘Victim are classified into six types based on the culpability of the criminal vis-à-vis victim.\textsuperscript{30} His typology distributes responsibility of culpability along a continuum marked by the degree of the victim’s contribution to the crime. :

(i) Completely innocent victim.
(ii) Victim with minor guilt and victim due to her own ignorance.
(iii) Victim as guilty as the offender (e.g. Voluntary victim)
(iv) Victim more guilty than the offender (e.g. the provoker or imprudent victim who encourage someone to commit a crime).
(v) Most guilty victim and victim who is guilty alone (e.g. the violent perpetrator who is killed by another person in self defense.
(vi) Simulating and imaginary victim (e.g., the paranoid, hysterical persons or senile individuals).

Mendelsohn’s\textsuperscript{31} based on the classification of environments typology classifies victims with respect to the culpability for a crime. By this, he appears to the referring to the extent which the victim made a guilty contribution to the crime.\textsuperscript{32} The notion culpability adds some weight to the extent to which the victim contribution to the perpetration of crime. It is a notion which moves away from simple describing the variables which contribute the situation, by implication assigning responsibility for the occurrence of an event. This notion of making victims responsible, what ever extent, for their own victimization blaming the victim has been a considerably problematic one for victimology. It seems that the legal background from which Mendelsohn came, led him to using this term without, perhaps, appreciating the consequences it might have outside the legal setting.

Von Hentig’s typology includes 13 categories of victims and is based on psychological, social and biological factors. Schafer\textsuperscript{33} lists those categories as follows :

\textsuperscript{30} Mendelsohn B. : The Victimology (1956) pp. 25-26
\textsuperscript{31} Quoted by Schefer in his books The Victim and his Criminal (1976) P. 154
\textsuperscript{32} Ibid
\textsuperscript{33} Schafer : The victim and his Criminal New York : Random House (1968) pp. 43-44
(i) the young
(ii) the female
(iii) the old
(iv) the mentally defective and other mentally deranged.
(v) immigrants
(vi) minorities
(vii) dull normals
(viii) the depressed
(ix) the acquisitive
(x) the wanton
(xi) the lonesome and the heart broken
(xii) tormentors
(xiii) the blocked, exempted and fighting

The victim and the offender are separate and distinct entities and ‘mutual participants in the homicide.’

During the study period of 1948 to 1952, there were a reported 588 homicide victims. Since in some cases several people were involved in committing a homicide, a total of 621 persons were arrested and taken into custody.

Wolfgang is credited with coining the term “Victim precipitated homicide” to refer to those cases in which it has been found that “the victim is a direct, positive precipitator in the crime the first to use physical force in the homicide drama.” The Philadelphia study found that just over one fourth (150-26%) of the homicides were victim precipitated.

When comparing the victim precipitated group with the non victim precipitated cases, “Significantly” higher proportions of the following characteristics among victim precipitated homicide were found.

(i) Black victims
(ii) Black offenders
(iii) Male victims

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34 Wolfgang ; M.E. : Analytical categories for research in victimization P. 17 (1967)
(iv) Female offenders
(v) Stabbings
(vi) Victim offender relationship involving male victims of female offenders
(vii) Mate slayings
(viii) Husbands who are victims in mate slayings
(ix) Alcohol in the homicide situation
(x) Alcohol in the victim
(xi) Victims with a previous arrest record for assault.

Silverman\textsuperscript{37} and other criminologists have noted how and cultural differences can result in different perceptions and indicators of victim precipitation. Silverman points out that it is almost impossible to replicate studies of victim precipitation because of the latitude of interpreting and assigning motives to the victim.

\section*{2.2.2 GENERAL CLASSIFICATIONS}

Based on the work done by the pioneers mentioned above and some others, some interest and concerned for the actual and potential victims of crime in many countries around the world including India, were created. Certain categories of vulnerable persons and victims need special attention in order that the quantum of crime and suffering is minimized. The detail regarding such general categories of victims are mentioned below.

(A) **THE YOUNG AND CHILDREN**

The weak specimen, in animal kingdom and in mankind, is the most likely to be victim of an attack. Some such as the young, children and old and feeble in body; some belongs to weaker sex, other are feeble in mind. Youth is the most dangerous period of life.\textsuperscript{38} Young creatures under nature conditions are the ideal prey, weak and easy to catch the savory. Many survive because an older protective group, the


\textsuperscript{38} Hans Von Hentig : \textit{Criminal Psychology} XIX 713
parents, lend their physical strength and experience until they attain adulthood and capable of protecting themselves.

The protective instincts of parents may be lacking or reverted. Hence, human society has set up rules in support of them. By violation such duties, parents commit an offence. In modern industrial civilization the adolescent often becomes an active and decisive partner in the family unit. His departure may break the economic equilibrium. There is a offence of ‘cruelty to children’ but no ‘cruelty to parents’ the widower mother for instance. Many of our legal notions still reflect the closely know agricultural family group, but father has largely lost the economic power boss, foreman and the teacher rolled into one their elimination may switch an inheritance in a given direction. Children often are insured heir death may bring money. 39 The child may be in the murderer’s way for the other reasons. In Hamburg case, a woman whose husband had not been heard of for ten years wanted her lover to return to her, he had left because she had a 12 year old boy who was troublesome. The mother drowned the boy t win him back.40

Our statures have raised the 10 year age of consent to 14, 16 and 18 and 21 years in the various states. The woman is always victim since even the consenting female is presumed to be incapable for consenting. It is obvious that in many instances the legal notion conflicts with the factual situations. All our statistics on rape are unreliable; recent trial in which noted movie stars and producers have been involved show that blackmail is rampant.41

It is astonishing to note that many younger girls and even children are victims more in law than in fact F. Leppmann, one of the most experienced medico legal experts has pointed out the facts that some very small girls do not make any resistance, do not try to escape and show ‘semi compliance’ a mixture of curiosity and fear, bodily intactness and mental challenge. Without this prerequisite many cases of statutory rape would not materialize.42 In nearly half incestuous cases, the

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39 As in the English Billik case.
40 Elsman Case. Wosnik
41 Charlie chaplin trial in March and April, 1944.
42 F. Leppmann : A medico- legal expert gives examples of how the cracking of ambiguous jokes, certain dancing techniques, even certain immoral mores of crowds which girls have joined, contributed to the criminal outcome.
relationship had a duration of a year or more. The best evidence that the alleged factor or compulsion must have been absent in many instances.\textsuperscript{43}

\textbf{(B) THE FEMALE}

Female sex is another form of weakness recognize by law. Numerous rules of our criminal code embody the legal fiction of a ordinary weaker and stronger sex. The groups of crimes against chastite and against family and children are meant to be a protective device against the superior physical force or the neglect of the male. As we look more closely into the situation it is apparent that there are many victims to greater male strength. But women do not easily become victims of the inequality except as special circumstances supervene. The study suggest that high rate of female victims come from the vocational group of persons services. What happens is the first corruption and when pregnancy the resulted, elimiation of eventual claimant. The maid or servant comes from the poorer strata of population.

In Western societies, the crime against women mainly include so offences, but in Indian setting, women are subjected to numerator suffering, viz. gang rapes, prostitution, domestic violence, dowry death particularly dowry deaths are increasing at a rapid pace. There has also been increase in molestation and sexual advances towards women and give at work places and college campuses. Most of the crime against women in India is directly traceable to their inferior and subservient status sanctified by social values and ideas based on the religion, real or imagined, We still hold the same attitude towards the women leaving small sections of the elite and truly educated persons, no genuine, change in perception has been noticeable. Though, practice of Sati has been banned by law and uncommon in out contemporary society, but few instances of such practice is still apparent in some states of India. The face of women victimization is the plight of Hindu Widows, who are still in the jaws of the Traditional bondage and suffering. The murder of older under the disguise that the would be rich, possessor of cash and valuable gives another examples of female victims.

\textsuperscript{43} Hans Von Hentig and Viernstein : On their study on rape.
(C) **THE OLD**

The ageing human being is handicapped in many ways. Of the life preserving instincts, self preservation, coinciding largely with the acquisitive impulse, is stimulated. The weaker an individual grows physically the more he will tend to strengthen other supporting strong points around him, the more or less artificial security granted by property, the safety giving institutions of society, paid guards and so forth. It is a mildly or openly fearful attitude and whoever can overcome the distrust or relieve the chlorine apprehension of the senile can approach him for better and for worse.  

A highly profitable career may be opened to the criminal, with perfect victim because of perhaps very great economics power of the aged man and because of his blind infatuation for some object of his predilections. That old men are at once the most lucrative and most moderate clients is a professional tenet among prostitutes.

The elder generates holds most positions of accumulated wealth and wealth giving power. At the same time it is physically weak and mentally feeble. Its rate is high in accidents and suicides and although statistics do not openly say so, in victims of homicide. In the combination of wealth and weakness lies the danger.

Old people are ideal victims of predatory attacks. Since the age section of the populations is ever increasing, crime will be directed against with new vigor and in new forms. It is probable that like youth the and female sex, old age will be in need of few protective devices protection from its own infirmities.

In Western countries elderly persons tend to be in power income groups and have, therefore, to live in dubious and criminal neighbourhoods. Again, many of them, live alone and repeated victimization is possible in their case. These factors may not be much relevant in the traditional countries like India, where elderly people by and large, live with their children and they do not generally have to face and peculiar problems or physical insecurity.

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44 As directed in the Swope case in Kensa City and Rice Case in New York (lawes, Meet and murderer)
45 The quote is underpinned in the case of an 84 years old millionaire who was murdered. His secretary took advantage of his weakness and by taking signature on the will in his favour and subsequently murdering him. Later the secretary confession his crime.
(D)  MENTALLY DEFECTIVE AND DERANGED

The feeble minded, the insane, the drug addict and the alcoholic form another large class of potential and actual victims. Intoxicated individuals are easy prey in many forms of property crime from giving of short change and burglary.

Of all males killed, 66.6% turned out to be alcoholics. The victim of murder was rarely an alcoholic; victims of manslaughter in contrast contributed to the act to large extent of 70% by being under the influence of liquor. Often the crime is the result of two alcoholic individuals meeting at a certain under certain circumstances, suffering from certain grievances which have been suppressed until that moment.

The odd crime of bigamy is mostly committed by men. They are regarded as great sinners. To commit a crime in which the evidence is documentary and deposited in public records seems weak minded from the beginnings.

(E)  IMMIGRANTS, MINORITIES, DULL NORMALS

Three groups of typical victims, immigrants, Minorities and dull normals are worth mentioning. An artificial disadvantage is imposed on the immigrants, the minority race and the large class of what the psychological testers calls the ‘dull normals’ These handicaps extend from the social sphere to everyday conflicts. All are easily and frequently victimized.

There is a tendency all over the world do make the foreigner bear the blame for others. Their different appearance, their poverty, the life slums, the disturbed, balanced of sexes, their competitive efficiency, and render them suspect. In America, for a long time the idea previated the these aliens must be highly criminal, till careful statistical studies gave evidence of their low delinquency. In European Countries foreigners commit from the West the United States and dominions are supposed to contrast to be rich people; they are regarded as wealthy- non criminal be good victims. Immigrants from the East again are poor, highly competitive and thus received with distrust.
The inexperienced, poor, sometimes dull immigrants is an easy to all kinds of swndlers. There is no doubt that delinquency areas and urban sections of physical deterioration, changing population, economics dependency and high proportions of foreign and Negro population.

Racial minorities do not receive the same protection of the law as given to the dominating class. This attitude makes it easier to victims them. Minority groups with justification fear exploitation and abuse.

The large group of ‘dull normals’ seems born to be victimized many ways. The success of countless swindlers can only be explained the folly of their victims not by their won universal brilliance. Insane and feeble minded girls are protected against seduction, simple minded females are not.

(F) VICTIMS OF SEX OFFENCES

Offences against women, in particular, serious offence like rape, have been increasing everywhere including in traditional societies like India and greater attention is now being given to be problems of the victims of such offences. The criminal justice system also leaves no leaf unturned to traumatize the victim of sex offences by their rough treatment. The feeling is almost universal among the victims that instead of being treated as victims, they are treated by the law enforces as if they are the culprits. Despite the stringent provisions in the criminal law, the rape cases are not lessened.

In America, one significant development has been the creation of “Rape Crisis Centre” These centers have all female participants including some rape victim, whose common concern is the problem of sex crime and they aim at providing counseling and other therapeutic measures to the victims.

46 A Polish immigrants, woman did not know the difference between the bills, she was middle-grade imbecile. She very often passed $5 for $1 Young pilgrims of Russians town. P. 156.
2.2.3 VICTIMS OF WHITE COLLAR OR CORPORATE CRIMES

Sutherland (1949) first coined the term ‘white collar crime’ He was primarily concerned with the criminal of the ‘suites’ that is; those who misrepresented the nature of corporate assets in the interests of business and those who used their business power to become involved in political manipulation. Sutherland was also concerned that such activities were in subjected to the same regulatory system as other forms of criminal active They were more usually handled by administrative bodies that impose relativey minor fines as a way of trying to control such activities. Since Sutherland first drew attention to this feature of criminal behavior as focus of concern for criminology, the conceptual framework has become little more sophisticated “There is a growing tendency among :white collar crime” academic to differentiate between crimes by business among crimes against business; former are labeled Corporate crime” and latter “White collar crime. There are distinction to be made between crime for corporation and criminal corporation. In this latter case Levi suggests that victims tend to be other large companies, though finds the distinction rather simplistic. In the wide sense, all members of the general public may be victims of corporation crime whether it involves price fixing or doctoring consumer goods. Consumer of various goods and services as quite often the victims of unscrupulous practices of manufacturers, traders contractors and members of other professional and occupational groups.

A major problem in controlling corporate crime is raising victim and public consciousness to a level where the community desire and supports policy of more active and effective state control and regulation. Employees, consumers, and other corporation victims had their awareness sharpened and supported by trade unionism, consumerism and environmentalism, and if the state and legal institution could be shamed into closing the gap between lofty principles and tawdry practices, then such victimizations could be curbed.

47 Bequai : 1978, p. 2
48 Levi : 1987 xix
49 Levi : 1981 p. 128
2.2.4 **PSYCHOLOGICAL CLASSIFICATION**

**(A) THE DEPRESSED**

The psychological analysis of the injured and the guilty is not so easy. For instance:

1. The injury may be desired, in some cases even lustfully longed for.
2. The injury may be the price of greater gain.
3. The detrimental result may be brought about party by the concurrent effort of the victim.
4. The detrimental result would not have followed without the actual instigation or provocation of the victim.

The law assumes that the perpetrator is always the directing agent at the back of the any move. It takes for granted that the ‘doer’ is always and during the whole process which ends in the criminal outcome, active, the ‘sufferer’ always inactive. The reciprocation operation of affinities between doer and suffer can be measured in degrees of strength. It ranges from complete indifference to conscious impulsion. The following attitude of victim may be the scale to measure the maladies.

1. apathetic, lethargic
2. submitting, conniving, passively submitting
3. cooperative, contributory
4. provocative, instigative, soliciting.

However these attributes appears more practical to form a tentative classification following broad psychological symptoms. The most important of these categories is the apathetic type. Among all maladies there is no graver and more dangerous disease than a disturbance of the instinct of self preservation. The ailment may consist of analgesia, the absence of sensibility to pain or of indifference to harm or injury prospect. It teaches its culminating point in wearings of life and the tendency to self destruction. The depression may be chronic\(^{50}\) or temporary and

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\(^{50}\) A paper published in the *American Journal of Criminal Law and Criminology, (1940)* p. 304 : I hava drawn attention to the most peculiar Peltzer murder case and the depressed victim, who indifferently walked into the trap the murderer had set for him.
physiological. Strangely enough the manic individual too suffers from a dislocated instinct of self preservation. The extremely exhausted human being has a much weakened sense of self preservation. The manic who was “Quite jubilant at being in prison” and the paralytic who was “so contents in prison that he hold his wife, she better come and life with him here show the absence of a sense of danger or misfortune.

(B) THE ACQUISITIVE

The acquisitive specimen of humanity is another excellent victim. The greedy can be hooked by all sorts of devices which hold out a lure their acquisitiveness. The excessive desire of gain eclipses intelligence business experience, and inner impediments, The banker says, a swindler is very good prospects. They engage in all lot of speculative business and anyone who speculates is a good prospects. The ‘sucker’ as a rule, writes a competes police officer, ‘believes in his own superior intelligence and knows that certain things are possible. He has heard to others who have made large sums through similar operations. He will therefore listen very readily to the smooth proposals of the bunko.

The acquisitive victim may be lured away from the moral supports of his home and his usual surroundings from a cautious wife, perhaps – to be murdered, as happened in the famous Troppmann case.

Desire for recognition is one of the most powerful driving forces in animals and men, and it is recognition when we succeed in converting people. As Healy defines, “The desire …. For feeling accepted by some standing as a personality, for feeling adequate some how or somewhere.”

51 Sutherland : professional thief p. 70 “We try to find some one who is living beyond his means, who has social ambitions or whose wife has social ambitions which are beyond their income. The banker who is speculating is probably short in his accounts already, and a chance at big profit will generally appeal to him as a way out his difficulties.
52 Mc Donald : Idem pp. 1-2
53 Troppmann case : Douthwaite p. 131
54 Wood Shade of the Prison House, p. 116 “To the man or woman reduced to the necessity of the living by his wits, a client with a hobby or a pet religion is as good as a small investment in consoles.”
55 Healy and Bronner : New light on Delinquency and its Treatment p.p. 6-7
(C) **THE WANTON**

Our laws presuppose the leading part of the male in the unlawful seeing relations. Legally speaking rape can only be committed by the male and “any man, who, by means of temptation, deceptions, arts, flattery or promise of marriage, seduces any unmarrried female” is guilty of seductions A male person cannot be abducted and there is no female pimp in American or European law. However in India female pimp has been found to be existent who runs the “Kotha” and settling the deal for the visiting male to have sexual access with the prostitutes under her.

Psychologists disagree with this unconditional view. “While in the majority of cases the man is at fault, there is a certain class of women whose seduction is a literal impossibility. There may be a first offence, but a seduction never. There is a numerous class in which the woman is more than complaint, or even enacts the active role in the so-called seduction.56

We thus arrive at the category of the wanton victims. It is a type that were known in fact57 but obscured and dimmed by the rough generalizations of our laws and social conventions. Often a sensual or wanton disposition requires other concurrent factors to become activated. Weather condition, loneliness, alcohol and certain critical phases are ‘process-accelerators’ this sort.

(D) **THE LONESOME AND THE HEARTBROKEN**

Another group of victim is lonesome and heartbroken, Loneliness has three main effects. First the desire for companionship is one of the fundamental urges of animals and men. It fades away only in old age and in some forms of insanity. To seek isolation is even regards as a pathological symptom and viewed with suspicion. Confinement is isolation and felt so deeply that death is also risked to break out and escape and intolerable sting of this segregation. Any thing is better than the solitude

56 Hollander : p. 129
57 Idem p. 131 : A woman patient of very good family, for whom at least half a dozen men committed suicide. She was a prepossessing woman, so fascinating and enchanting and with such expensive taste, that men, to keep in her favour committed frauds and defalcations, and when discovered were so overcome with shame and remorse that the made an end to their existence.
of a lonesome life. Secondly, lonesome human being, just because of his bereavements, is an easy prey to the “blockade-runner”.

Third factor is of a merely practical nature. The groups to which we belong are protective. We cannot disappear without being missed and investigated. Mass murderers are criminals who by the inadvertence of doctors and crime investigating agencies, and because of the social and familial position of their victims, remain undetected for an unusually long time and are thus enabled to continue their activities.

The defenselessness of the heartbroken victims rests not in his external situations but in a peculiarly disarming state of mind. The death of a beloved person or a person with whom one has been living for a long time comes like a deafening and stunning shock. Criminologists of some practical experience say that prostitutes are rather often victims of murder. Large cities produce a certain number of cases each year.

(E) **THE TORMENTOR**

In the list of victims, tormentor type should also added. The alcoholic or psychotic father tortures wife and children for years; Finally the son grown up, may be under grave provocation by the old man, kills him. In Babbitt, Sinclair Lewis has depicted the figures of a tormenting wife who in a moment of excitement and self humiliation admits her wickedness and threatens to kill herself.\(^{58}\) She represents the type of person who seems to want to destroy herself, whether directly, by suicide or indirectly, by forcing the hand of some other desperate person. Life was a plot against her and she exposed it furiously. Anyone may by chance become the victim of a sufferer from paranoia or dementia paranoids.

Not a few tormentors are wives. There are instances of prisons consumed by many others. It would not be hard to distinguish other categories: the gambling type, the seducible and the competitive category of victims. When the violence is used victims often fight back with the result that not murder, rape or robbery is

\(^{58}\) Babbitt, Chap X p. 136 : “I have been a bad woman ! I am terribly sorry! I will kill myself! I will do anything…….
committed but only the attempts The uninjured victim especially in rape cases is not inclined to report the crime. Wounded victims, helped by a robust constitution, may recuperate from serious injuries and bestow on the under serving an aggressor the qualification of a lesser offence.

The collusion between perpetrator and victim is a fundamental fact of criminology. Of course there is no understanding or conscious participation. But there is interaction and an interchange of causative elements. The reverse, of course, happens every day. When situations and human beings by chance repel each other, criminal results do not come about.

Criminology cannot detach itself from the roughly have categories of law. The law considers certain results and the final moves which lead them. Here it makes a clear cut distinction between the one who does any the one who suffers. Looking into the genesis of the situation, In considerable number of cases we meet a victim who consents tacitly cooperates, conspires, provokes.\(^{59}\) The victim is one of the causative elements, and we would do well to pay more attention to him in judging the criminal and his action and in suggesting perfected methods of punishment reform and prevention.

In suggesting that increased attention should be paid to the crime provocative function of the victim, whether individual or community the practical consequences have to be kept in mind. In most crime the perpetrator is hidden, the victim dead or alive available with a thorough knowledge of the interrelations between doer and sufferer new approaches to the detection of crime will be opened. The potentialities of crime prevention will experience vast expansion. Crime will become a problem of dynamics, and we will build our systems of treatment and prevention around the most sizable and workable of the causative forces.

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\(^{59}\) There are even such species as the reluctant or beneficent evildoer, the gainful victim and the lustful loser.