CHAPTER ONE
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EVOLUTION OF VICTIMOLOGY

Victimology is the scientific study of victims. It seeks to study the relationship between victims and offenders, the persons especially vulnerable to crimes and victim’s placement in the criminal justice system. Victims are unfortunately the forgotten people in the criminal justice system. The entire focus of the Criminal justice system is on the offender, to punish him or to seek his reformation and rehabilitation with all the resources and good will available through the courts and other governmental and non-governmental agencies among many the reforms canvassed for improving the criminal justice is one that advocates victim-orientation to criminal justice administration “Victim-orientation” includes greater respect and consideration towards victims and their rights, provision for greater choices to victims in trial and a scheme of compensation for victims of crime.

I. Victim Orientation: In 1948, a German criminologist, Hans Von Hentig, made the first over all exploration of the role of victim in crime. The real interest in Victimology however began a decade after Hentig’s discovery of victim. In 1958 Henry Ellenberger advanced the idea of victimogenesis contending that as there is crimogenesis – a factor which lead to criminal behaviour so there is victimogenesis – a factor which propel individuals toward being and becoming victims, B. Mendelsohn’s concept of “penal-couple” (1956) made the first criminological identification of “victim –doer” relationship Wolfgang (1957) and Amir (1971) invented the concept of ‘victim precipitation’ and elaborated further Mendelsohn’s concept of penal-couple and Ellenbergers concept of victimogenesis. These developments made Victimology a scientific study of criminal-victim relationship and every thing that is connected with victims. After second world war the concept of Victimology was developed by B.Mendelsohn. The victim was in oblivion till

1 The Criminal and his victims-3 by Von Hentig
the close of Second World War when some progressive thinkers and activists in various advanced countries like the U.K. Canada, U.S.A. Australia and Newzealand took on them the task of understanding the importance of studying the criminal victim relationship. The first international conference on Victimology, under the auspices of United Nation was held at Jerusalem in the year 1978 followed by another conference at Boston in 1976. There were many seminars and studies on Victimology at regional, national and international level from 1976 to 1985 highlighting the problems of victims, legal position of victims in criminal proceedings, compensation for the victims etc.

II. United Nations Declaration of Basic principles of Justice for victims of Crime:

Realizing the gravity of the problem the United Nations General Assembly in 1985 adopted a "Declaration of the Basic Principles of Justice for victims of crime and abuse of power". The declaration envisages the basic norms to be adhered to for the recognition of victims’ right to information, treatment restitution and compensation. The Declaration also suggested certain measures to help victims and repose confidence in them. The united Nations General Assembly approved some rights such as:

(A) Right to protection from criminal activities through police and the law.
(B) Right to information from agencies of criminal justice system at every stage.
(C) Right to assistance at every stage, such assistance include medical, financial and legal aid;
(D) Right to courteous and human treatment.
(E) Right to restitution from offenders.

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2 Report on the first International Symposium of Victims(1973)
4 Principle 4
5 Principle 5
6 Principle 8
(F) Right to compensation from state.

(G) Right to intervene at any stage through counsel including the right to seek review or appeal.

III. World Society of Victimology: The Origins of the World Society are rooted in the works of early victimologists and in the pioneering First International Symposium on Victimology; Organised by the Israel Drapkin in Israel 1973. This symposium provided the first international forum for scholars, practitioners, and students to focus on Victimology. Successive International Symposia on Victimology were organized 1976 in Boston (Stephen Schafer) and in Munster (by Hans Joachim Schneider) 1979 where the World Society of Victimology was formed and Hans Joachim Schneider became the first President. World Society of Victimology (WSV) is a society of members from science, victim assistance, policy making and all other strata of victim oriented activities. The members elect via mail ballots the Executive Committees which serves as the leading body of the society. The list of Honorary Members of WSV shows Willem Hendrik Nagel, Israel Drapkin, Henry Ellenberger and Benjamin Mendelsohn, the famous nestor of Victimology. The highest honour the members of the society present at the symposia was the Hans Von Hentig Award. The purpose of the WSV are -(A) to promote research on victims and victim assistance,(B) advocacy of their interests throughout the world,(C) to encourage inter disciplinary and comparative research in Victimology. (D) to advance the cooperation of international, regional and local agencies, groups and individuals concerned with problems of victims.

IV. Victim/Offender Reconciliation Programme:
The victim/offender Reconciliation Programme in kitchener, Ontario, started in 1974, is commonly acknowledged as the fore-runner of initiatives for assistance and

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7 Principles 12 & 13
8 Basic Statute of Incorporation of World Society of Victimology
compensation to victims (Peachery, 1989). By the mid 1980, the Vorp model had been applied across a wide variety of areas in both Canada and the U.S. (Chupp, 1989; Umreit, 1989; Wright, 1991). In U.K. Chinkin and Griffiths (1980) gave a momentum towards developing a Compensatory justice. In 1984, FIRM, the Forum for initiative in Reparation and Meditation was founded and given government support. The 1972, Criminal Justice Act introduced compensation orders as orders of the court in addition to sentence, leaving courts with discretion. Then the Criminal Justice Act, 1982 made it a requirement that any loss suffered by the victim should be brought to the attention of the court, and required courts to justify not giving compensation. One major problem endemic to the whole notion of compensation from offender, is of course that it is restricted to cases where offender is known and the ability of offenders to pay compensation to their victims. But when offender is not identified what would be the fate of victims of crime. With the end in view system of ‘State Compensation’ has been evolved whereby compensation is paid to the victim by the State. “State Compensation” was indeed the subject of a select committee of council of Europe, resulting in a convention, “The European Convention on the Compensation of victims of violent crime and guidelines in 1983. The convention deals with compensation for the victims and guidelines deal with the treatment of victims by State agents such as the police and courts, and the assistance which victims need State compensation is also covered in the UN declaration, paragraphs 12-13: when compensation is not fully available from the offender or other sources, state should endeavour to provide financial compensation to:

(A) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crime.

(B) The family, particularly dependents of persons who have died or become physically or mentally incapacitates as a result of such victimization.

10 Chupp-M (1989) Reconciliation procedures and rationale
The establishments strengthening and expansion of national funds for compensation to victims of crime should be encouraged. The Fund will be administered by a Board, which shall be of non-political composition, comprising members of Judiciary, Social organizations, lawyers etc.

How long and on what justification, legal, moral, pecuniary, can we afford to neglect the victims of crime and their participation and reparation in the administration and thereby undermine their right to assistance and to seek compensation from offenders and State President Gurald R. Ford sent the following message to the American Congress in 1975.

“For too long, the law has centered its attention more on the rights of the criminal than on victims of crime. It is high time we reversed this trend and put the highest priority on the victims”.