

## Summaries

*Justitiële verkenningen* (Judicial explorations) is published nine times a year by the Research and Documentation Centre of the Dutch Ministry of Justice in cooperation with Boom Juridische uitgevers. Each issue focuses on a central theme related to judicial policy. The section *Summaries* contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (nr. 3, 2007) is *Victimology, victims and society*.

### **Victimology; its history and state of the art**

*J.J.M. van Dijk, M.S. Groenhuijsen and F.W. Winkel*

The article goes into the history of victimology and analyses the developments of this academic field up until now. It becomes clear how much the ideas of the founding fathers of victimology like Hans von Hentig and Benjamin Mendelsohn have been influenced by their experiences in the Second World War. In the beginning much emphasis was put on the question on how much victims were to blame themselves for the crime they had become a victim of. Later, attention shifted to giving more help to victims and trying to get a better understanding of them and their needs, for example through victim surveys. The authors also address how victimology as a multi disciplinary science is related to mono disciplines like psychology and sociology. The authors also briefly refer to the discussions on the exact boundaries of the science of victimology and to the question if a limitation to victims of criminality only is desirable.

### **The spiral of shame and violence**

*M. Groen*

This article focuses on the spiral of shame and violence in relationships between couples. Unacknowledged alienation and shame lead to violence. Following the psychoanalyst Lewis (1971), in our society anger is mostly repressed because of feelings of shame. Pride and shame are closely related with the structure and processes of social bonds. When a social bond is threatened, violent emotions and behaviour will arise. Breaking patterns of violence will only be possible if attention is given to – mostly hidden – emotions of shame of both perpetrator and victim. The author also goes into the differences between guilt and shame and discusses the available knowledge on

this subject derived from the field of forensic psychiatry, and focuses on the typology of the perpetrator designed by Dutton. Finally, the author discusses the perspectives of this approach for family therapy and judicial punishment.

### **What does the victim want?**

*A. ten Boom and K.F. Kuijpers*

Empirical research into the needs of victims of crime has been conducted world-wide since the seventies. In this article, the authors argue why it is important to get to know these victim needs and to take them into account. A brief overview of needs frequently expressed by victims is provided, ranging from nothing or almost nothing to various needs regarding the procedure and outcome of the case. Subsequently, the authors discuss if meeting the needs of victims of crime increases their satisfaction and – perhaps more importantly – if they benefit from it in terms of recovery. Empirical research into the first area shows mixed results. Furthermore, little research has been conducted with respect to the essential elements leading to recovery. The authors conclude by pointing out some interesting future research questions.

### **Maintaining law by victim-offender-mediation**

*J. Blad*

In this article it is argued that recent policy-developments with regard to mediation in penal matters are not in conformity with par. 10 of the Frame-decision of the European Union of 2001 with regard to the status of the victim in criminal procedures. Official policy decisions are discussed in comparison to a statement of Principles for mediation in penal matters, drafted by an informal platform on the basis of international documents regarding mediation in criminal law. It is argued that both the legality and the legitimacy of penal mediation are served by clear, legislative decisions about the categories of offences in which an agreement, reached through mediation, can take influence on the way criminal justice deals with the offence and the offender. Victims, offenders and society must be able to understand and accept the new practices of penal mediation as a method of upholding the norms of the criminal law.

### **The standing of victims in criminal proceedings; the implementation of the European Framework Decision**

*M.S. Groenhuijsen and A. Pemberton*

In the past twenty years international bodies like the United Nations and the Council of Europe have developed various soft-law instruments to improve the position of victims of crime. The European Union Framework decision on the standing of victims in criminal proceedings of 15 March 2001 was a milestone in the sense that this was the first international hard law instrument. In this article the authors review the implementation of the Framework decision. Attention is paid to its development and results, with particular emphasis on the way that the European Commission gauges compliance with the requirements of the Framework decision. The authors conclude that the Framework decision has had a (positive) impact on the position of victims throughout the European Union, but that the results are not different in a qualitative sense from those of earlier soft law instruments.

### **From victimism to security populism**

*H. Verrijn Stuart*

In this article the author connects two different developments in society, thereby using the insights of contemporary philosophers like Badiou, Garland and Žižek. The extensive attention given to victims and human rights in society and (international) penal law since the end of the eighties of the last century, has functioned as a legitimization of a preventive safety policy in which governments – making use of the threat of terrorism – introduce more repressive laws all the time. The thinking on victims has also – both internally as well as worldwide – led to large groups of civilians embracing some kind of victimhood, demanding that their safety be guaranteed. Also under the influence of secularisation in western societies, the notion of the inevitability of human suffering has made room for a bitter search for ‘those responsible’ and ‘culprits’, which has undermined solidarity in society and which considers poor parts of the population as risk factors in the first place.