



# Crime, Victimization and Justice

Presentation by

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# VICTIMS: TRAUMA, TESTIMONY, JUSTICE (2015) MCGARRY AND WALKLATE

- Agamben (1999: 13) has observed that policy has proceeded as if:
- ‘testis’ (the testimony of a person as a third party in a trial or a law suit) can be conflated with ‘superstes’ (a person who has lived through something and can thereby bear witness to it).
- How did we reach this point and what questions does that pose for justice?



# VICTIMS AND JUSTICE: THE STORY SO FAR

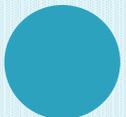
Underlying policy drivers?

- The ‘politics of pain’ (Aradau, 2004)
- The ‘politics of pity’ (Barker, 2007)
- Neo-liberalism and the ‘cunning of history’ (Fraser, 2009; Ginsberg, 2014)
- Global justice (Krever, 2014)

‘Thus it is possible to observe a shift from victim support organisations to be concerned with just that – ensuring appropriate support for people through difficult times and pressurising for appropriate policy implementation to complement such support – to having been transformed, behind our backs (qua Beck 2015), into an important conduit for seeing the world through the prism of pain (Fassin 2012).’  
(Walklate, 2016: 5)



# TRAUMA AS A MASTER NARRATIVE?



# TRAUMA CREEP? HOW AND WHY?

- the kind of pain incurred,
- who the victim is,
- the capacity to relate the victim's trauma to a wider audience,
- the attribution of responsibility for that pain.

(Alexander 2012)

So:

- increasing evidence of the pain of criminal victimization from the proliferation of the criminal victimisation survey,
- the evidence generated by those surveys of a relatively powerless victim (gendered, aged, classed and racialized),
- the proliferation of victim centred organizations making claims on behalf of victims' voices
- the attribution of responsibility to criminal justice practitioners in particular and the system of justice more generally, for the further pain endured.

Thus primary, secondary and indirect victimisation, slip neatly into and become conflated with, trauma reflecting perhaps what Lasch (1979) might refer to as a culture of narcissism.



# THE CONSEQUENCES OF TRAUMA CREEP

- Victim narrative fails in part because it is generated by data that aggregates individuals into groups. The latter does not necessarily reveal anything about the former
- Trauma narrative fails because of the same problem in reverse. It is generated by in depth data/experiences of individuals used to make claims on behalf of groups.
- Why does this matter? What about justice?



# VICTIMS AND THE QUESTION OF JUSTICE

- Who is the victim?
- Do victims have needs or rights?
- In either case what do these look like and how might they be differently shaped by culture and context?
- What might victim recognition look like?

The problems of 'good', 'bad' and or 'delinquent' victims, victim hierarchies (Nicolic-Ristanovic, 2006).

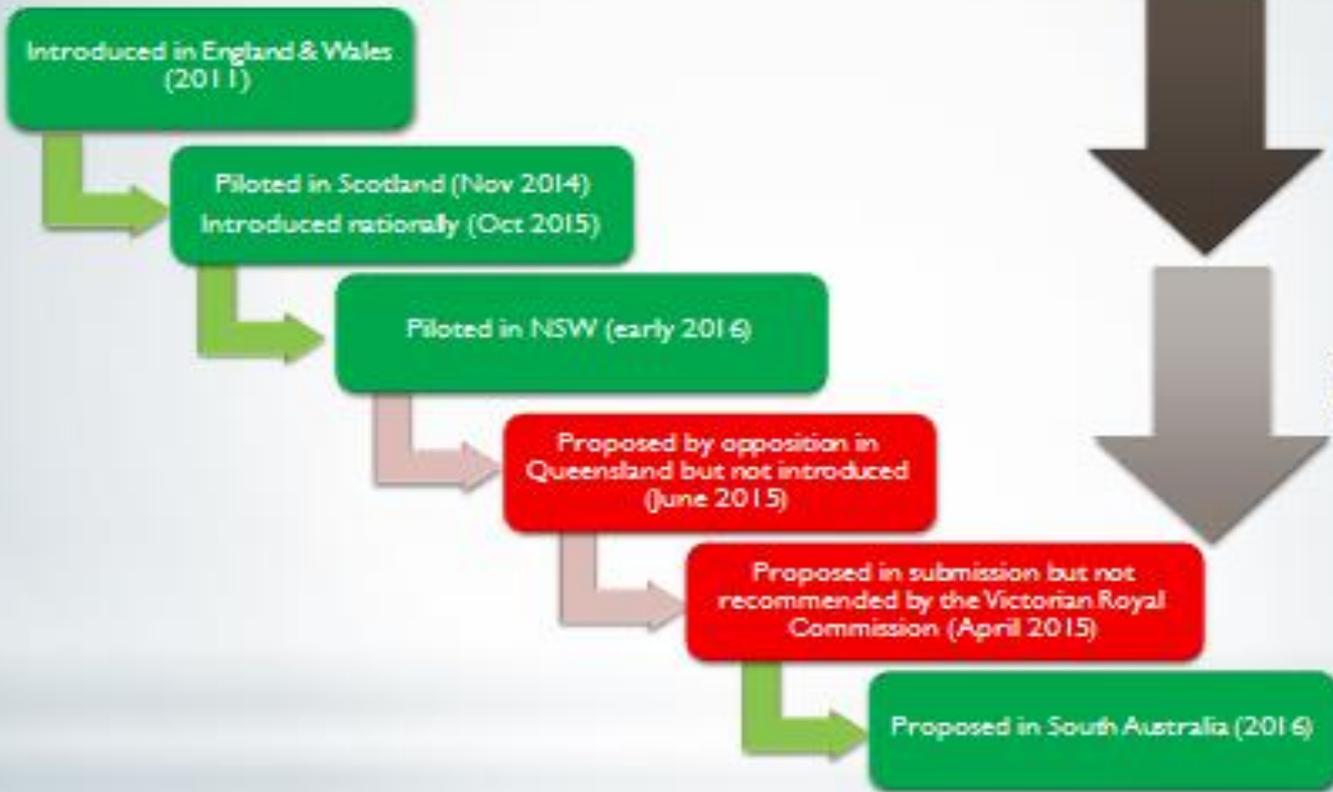
Is the victim category uniform and unifying?



# VICTIMS VOICES AND CRIMINAL JUSTICE POLICY: CLARE'S LAW

- In February 2009 Clare Wood was killed by her ex-partner, George Appleton. A review of the case by the Independent Police Complaints Commissioner (IPCC 2010) found 'systemic failings' on the part of the police prior to the death of Clare Wood. That review also noted that at the time of Clare's death, Appleton had previous convictions for harassment of former partners and common assault (IPCC 2010). In the aftermath of Clare's death her father was part of a public and vociferous campaign to introduce legislation which would make it possible for rights to ask and/or rights to know about a partner's previous history of violence. The campaign ultimately succeeded with the introduction of a Domestic Violence Disclosure Scheme (piloted in 2011 and rolled out across England and Wales in March 2014), commonly referred to as 'Clare's Law'. (See Fitz-Gibbon and Walklate, 2016)

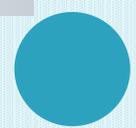




North

South

# \* Clare's Law



# CONCLUDING THOUGHTS

- Does **victim responsiveness** chart a way through these issues?

‘...‘victims’ can and do achieve their own resolution to what has happened whether that be an act of harm on them as an individual or an act of harm directed towards them as a collective as in the case of genocide. At this level, a responsive position would be one that would afford the space for such individual and collective resolutions to occur in their own time and to accord such processes the appropriate respect, that is, without interference from ‘entrepreneurs’ of any persuasion’. (Walklate, 2017: 78)

- Is justice that which is delivered in the collective interest rather than the interest of any partisan group? (Waldron, 1993)
- how might it be possible to hold on to this?



# A QUESTION TO PONDER?

- What are the consequences of this representation of the world through pain?  
(Fassin, 2012: 29)



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