

Revolutionary Changes in Criminal Justice Administration of India Especially Regarding Severe Punishments in Criminal Cases

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Abstract – Penal System of any nation shows the success and strength of controlling crimes and even showcases the consideration of humanity towards criminal. Both past and the future hold equal importance in the field of victimology. What is happening in the field of victimology in the future is as important as the knowledge about the history of this science and from whose shoulder we stem from. Great scholar Beccaria (1764) initiated a revolution in the criminal justice system and used the available means of scientific methods at the time to address the topic of abuse of power. He wrote a book and tried to tame the power of the state; they harassed the offenders by inventing the concept of human rights. The offender came to be seen as a victim who had specific rights and this served as an armour against the mighty. The origins of victimology can be traced to the 20th century, the founder of the discipline, Hans von Hentig, came from the Italian school of scupla positive. He gave birth to the idea of compensation and the state was responsible for the same. The word “compensation”---the state or the offender. During the time of Victorian law, the reform commission in 1922 mentions that “if the human rights of the offenders are sacred, then the human rights of the victims were no less sacred.” In 1949, Frederik Wertham used the word “victimology” and gained popularity due to his fight against “comics.” He laid emphasis on the ideas of mass victimization, financial profits by producers of poisonous gases, colonialism and racial discrimination.

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Victimology---the social science of victims, victimizations and the reactions towards both---tires to integrate knowledge from many sources. It incorporates insights from sociology, psychology, medicine, political science, environmental studies and law---just to name a few contributing fields to an emerging substantial victimology (for a discussion of the contributive model versus the substantial model, see Kirchhoff, 200).

This Article reveals that the Victimology and scientific thinking has consequences: Science is a certain way of constructing reality (see Kuhn, 1962, 1970). Different paradigms indeed open the view of different realities. Researchers abolish old realities. Insofar a different paradigm implies different consequences. In a new paradigm, new realities become visible.

We see these realities when we try to construct an intellectual history of our field (see Walklate, 1998, p. 2). Sure, we cannot say exactly from what year on “victimology” begins. There is a moment in history when victims and victimizations move in the centre of

the debate. We know very well how such a discussion grown into---in this case worldwide---discourse. First tentative formulations in special “publics” (circles of concerned, interested people who move the topic that they believe to be important; by this they sharpen definitions and boundaries of the problem; see Mauss, 1975) can be observed. This discussion transgresses the narrow local boundaries. The auditorium gets bigger.

This development is described theoretically by Mauss (1975). His model suits very well for the explanation why the considerations of victims have grown so strongly. The model fits nicely to victimology. This paper turns to the discussion 200 years before Mauss, to the contributions of Cesare Beccaria.

Not victimology but the intellectual discourse of a topic that later clearly belongs to victimology---the topic of victims of criminal justice, of abuse of power---is brought up locally in the “Academia del Pugni,” a private closed debating club of friends, of

intellectuals in Milan (Italy) under the sponsorship of the Verri brothers. This academy is a “public” as Maus (1975) describes it. As Italian intellectuals of the middle of the eighteenth century, these friends, especially the intellectual leaders of the “club,” had connections by letters and mutual visits to the elite of the French enlightened philosophers and journalists, to Voltaire, to Diderot, to d’Alembert. In 1763, the Verri brothers asked Cesare Beccaria to look into the consequence of the recently emerging Enlightenment philosophy for the justification of the existing criminal procedure and criminal law. Beccaria, a shy young nobleman, working in the city administration of Milan and involved in local criminal justice, and especially in the administration of prisons, hospitals and orphanages in Milan, gave his presentation. His auditorium is enthused and convinced: This paper calls for wider distribution. This presentation became the nucleus of Beccaria’s small but extremely influential book. The publication of this book is the moment in which the “public” in the meaning of Maus (1975) widens—the message gets to Paris and is received there enthusiastically: From 1764, the book was translated into the languages of all (civilized) European countries. The new knowledge was discussed in Europe, even in the – far away—America it influenced the founding fathers. Its topic was the abuse of power and its victims. The small volume argued convincingly against torture. At that time, torture was routinely used to extract confessions (and to check the veracity of witness statements). Beccaria raises his voice against arbitrary and cruel punishments, including the capital punishment. At that time, the ruling criminal justice system has a deleterious effect: It reduces the sensitivity to human suffering. It is an institutionalized infringement on the human rights of the victims.

THE OLD AND THE NEW PARADIGM: GOD’S WILL AGAINST REASON

The will of God was the justification of the state—acts against God’s will call for punishment. God had created and instituted the state. Kings were kings “by the Grace of God” –people must obey the authorities who were the interpreters of God’s will on Earth—if not, authorities must force them to obey the will of God—that in principle was the official justification for the criminal justice system. This system grew into a horrifying machinery of cruel persecution—the wrath of the ruling classes was written into flesh and machinery of cruel persecution—the wrath of the ruling classes was written into flesh and blood of the suspects, witnesses and offenders. Crime as an act against God’s will? Such magic beliefs were not acceptable for “modern” enlightened people who needed a “rational” explanation. They would intellectually honor nothing but a rational foundation of the state and the authority to punish by law.

“Laws are the conditions by which free and independent human beings united themselves into society since they could not enjoy their liberty for

everyone was at war with everybody. They sacrificed a part of their rights to enjoy the rest of their rights in peace and security. The sum of the sacrificed parts of their Human Rights is the material out of which the government is made.” (Beccaria, 1788, p. 10)⁴²

For them, the state was created by contracts of people with the aim of serving the greatest happiness of all. Excessive power (not limited by consent) constitutes an abuse of power. It creates victims. To prevent further abuses of power, the collective of “victims” had the right to overthrow the abusing authority. This idea was dynamite for the position of the ruling feudal class, including the pope, cardinals and priests.

Beccaria demands: Power must be exercised “usefully,” that is, to promote the greatest benefit of all citizens.

“Reasonable laws enhance the good of all. They serve the interests of all. Unreasonable laws are biased, and they favor: they give all the possible power to a small part of the population while leaving all the misery and the suffering to the other persons.” (Beccaria, 1788, pp. 1 and 2)

“Argh, these laws are nothing but a covering blanket for power, nothing but sophisticated performances of an adventurous justice. They are nothing but a conspiracy of the powerful to slaughter us with increased certainty as victimized animals on the altar of an insatiable goddess named lust for power.” (Beccaria, 1788, p.83 end of page)

In another part of the world, in the “New World,” the fathers of the American constitution picked up the word. That was a direct consequence of the writings of Beccaria—and, as we have to add—supported by a very clever public relations campaign of “enlightened” friends of the Milan intellectuals, including Voltaire, d’Alembert and Diderot. Beccaria followed a personal invitation to the leaders of the French movement to Paris—however, he did not impress his Paris auditorium as a brilliant orator—he was a “hombre de letter,” a “man of the pen.”

The philosopher, journalist and writer Voltaire commented on Beccaria’s thoughts and stated:

“In all courts of Europe, homicides were committed in the name of the law. If one adds to those victims the much higher number of victimized heretics, then this part of the world must be regarded as a giant blood stage, crowded with hangmen and

⁴² Beccaria C. German edition (1788), p. 10. Translation by the author.

victims, surrounded by judges, their servants, and spectators.”⁴³

The consequences of Beccaria's writing were effective and sustainable. As far as the discussion turns to the victims of the criminal justice system and the political function of this system, the consequences are great (I have dealt with the details of the reception and proliferation of Beccaria's ideas in another place; Kirchhoff, 2006). Of course, Beccaria is not a victimologist—he is a precursor (Manzanera, 2002) of the victimological ideas (see Kirchhoff, 2006) and as such more and more recognized by victimologists. We interpret his success in the general success of the Enlightenment, of the convincing project of rationality and of the generation of democratic ideas. His work obviously hit the feeling of the time. The consequences of this way of thinking can be seen in two different directions. Reform attempts provoke backlashes but finally the new ideas become successful and it doesn't matter more or less.

In Denmark, the physician Johan Friederich Struensee (1737-1772), a man deeply influenced by Beccaria's thoughts, became the representative of the Danish king who was mentally ill. In this position of power, he introduced reforms in the Danish king's Court, much to the dismay to the Danish nobility, which did not at all adhere to such practice of “enlightened principles.”⁴⁴ He became intolerable for the real power holders in Denmark of his time. They killed him after brutal tortures.⁴⁵ The reason was not primarily that he had a love affair with the Danish queen. No, as representative of the king, he abolished the privileges of the nobility in Denmark—which was intolerable to this group. The next Danish king, who ascended to the throne in 1808, reinstated many of Struensee's reforms and even abolished slavery and serfdom in Denmark and its colonies.

In another article (Kirchhoff, 2006), this author has extensively reported on the consequences of the

idea of Beccaria, which were hailed through a clever public relations campaign. Following Beccaria's ideas, the Emperor Joseph II of Austria abolished torture and capital punishment in his realm. Another one was an invitation by the Russian Czarina Katharina of Russia to become her Minister of Justice with the special task of revamping the Russian Criminal Code, obviously an initiative of Denis Diderot who had best relationships to the Czarina and who was a fan of Beccaria. One lasting consequence of the work of Beccaria is the fight against the capital punishment (a project not yet finished). Jeremy Bentham (1748-1832), another influential classical criminologist, wrote:

“Oh my Master, first evangelist of Reason. You have made so many useful excursions into the path of utility – what is there left for us to do? – Never to turn aside from this past!” (Jeremy Bentham, quoted in Heiner, 2015; for history of victimology, see Kirchhoff, 2010).

The Emergence of the Criminal Focused Criminal Justice System in the Nineteenth Century

Harsh punishment, the death penalty and torture mean abuse of power and victimization. How can a system limit the destructive powers of the state? How can we protect the victim of such criminal justice perversions? The emerging classes of the rich bourgeoisie felt clear that such a system—if prevailed—would endanger them. The offender must get protection against a super-strong prosecuting state. Of course, the state did not easily give up its power that it demonstrated through criminal justice. However, the answer of the classical school of criminology is: “Respect the Human Rights of the Suspects and Criminals.” Tame the power of the prosecuting state! How? By abolishing the legal use of torture, and of capital punishment—demand permanently and persistently that the state acknowledges the human rights of offenders and takes these rights seriously.

The discussion centers on the offender and his rights about the punishing state. Criminology becomes an offender-oriented science. Here are the roots of this orientation. Underlying is a victim-related thought: If the system does not protect the offender, then he is too easily victimized and submerges in a system of offender oppression. Therefore, the discussion centers on the rights of the state to suppress offenders, and on the rights of the offender to defend himself against such oppression. The classical school developed the idea of free will, of the offender who decides to commit the crime. The ideological base is the ideology of free will. The result is the absolute school of criminal law: Punishment is justified alone by the guilt of the offender—retribution of guilt is the sole and absolute purpose of meting out punishment. All other purposes are not valid. To

⁴³ Voltaire (1694-1784), Commentary IX, pp. 231-233, FN 31 German translation 1788 (207-273), footnote 31; translation into English by the author.

⁴⁴ Struensee's reforms were 1. Abolition of torture, 2. Abolition of unfree labour, 3. Abolition of the censorship of the press, 4. Abolition of the practice of preferring nobles for state offices, 5. Abolition of noble privileges, 6. Abolitions of “undeserved” revenues for nobles, 7. Introduction of a tax on gambling and luxury horses to fund nursing of foundlings, 8. Ban of slave trade in the Danish colonies, 9. Rewarding only actual achievements with feudal titles and decorations, 10. Criminalization and punishment of bribery, 11. Re-organization of the judicial institutions to minimize corruption, abolition of torture, abolition of unfree labour. Other reforms included the abolition of death penalty for theft. Struensee was cruelly executed: His right hand was cut off. Next, after two failed attempts, his head was severed, stuck on a pole and presented to about 30,000 bystanders. After disembowelment, his remains were quartered. http://en.wikipedia.org/wiki/Johann_Friedrich_Struensee

⁴⁵ When 2015 Professor Susumu Nagai from Takiwa University and I were invited to the Dignity, the famous Danish Institute Against Torture, we found in the Institute a lecture Hall named after Struensee.

pursue another purpose than retribution of guilt means to abuse the offender for outlandish non-justified purposes. The “absolute theory” of the guilt-principle rules the European continental criminal law discussion in the nineteenth century.

Lawyers till now justified the criminal justice system in the interest of the powerful. The offender orientation—developed with the aim to limit the power of the state—is, in reality, a sign that the powerful still dominate the system. However, the absolute school of criminal law—its dogmatic fixation on the ideology of free will and the retribution of guilt—becomes the favourite whipping boy of a new way of thinking soon. The old way of thinking was reinforced by the lawyers who defended the existing social on the side of the powerful who gave them their positions and influence. The absolute school of criminal justice was at the same time both: A logical unmovable principled system of exercising social control via criminal law—and an effective exclusion of all emerging ideas which demanded entrance into this system. This exclusion became discredited with the emergence of new powers.

The old paradigm saw that victims played a role in the system. However, the systems completely co-opted the victims: The systems simply assumed the victims could not punish themselves, the state had taken over—from this standpoint, it is self-understood that state and victims have the same interest: punishing the offender. Criminal justice systems are vertical systems of social control via oppression of the offender. That victim as witnesses might not want to serve the punishing state did not appear as a problem. The ruling paradigm “absolute theory” could not see different interests of the victim.

New states emerge—in Europe it is Prussia (and later Germany), in Asia it is Japan. The European powers with their technological superiority (their better weapons) determine the age of imperialism and colonialism. The power relies on big national armies. An effective economic system is needed to finance these armies. Such a system demands an efficient educational system. The public health system is to produce healthy soldiers, healthy workers and healthy students. The health of the masses is a new problem to be solved. The lawyers—the class that justified the existing power structure as servants of the nobility—did not devote their attention to these new problems. It is no surprise that proponents of the natural sciences, especially the medical sciences, more and more influence the discussion of what is necessary for the state: The physicians provided future-oriented stable structures on which the new states could organize their power. The workforce needed a health system that was effective—and the armies needed the same. The schools fed both systems and needed the monitoring of the medical specialists. The growing masses of working people, necessary for the flourishing economy and the power of the state, depended more and more on natural science. The

influence of the lawyers for a while decreased. Natural sciences experience a boom not seen before. No wonder that the old ideologies lost influence: The new ideology is positivism (Kirchhoff, 2015).

Positivism⁴⁶ becomes the most influential paradigm in the nineteenth century. It elevated the natural sciences to the model of serious science. Positivism declares natural (empirical) sciences to be the sole source of true knowledge. It rejects the cognitive value of the philosophical study. It rejects speculation as a means of obtaining knowledge. It declared false and meaningless all those problems that could not be verified by experience. Positivism claimed to be a fundamentally new non-metaphysical and therefore “positive” philosophy, modeled on empirical sciences and providing them with a methodology that got more and more sound.

In the light of new ideas, the revolutionary thoughts of yesterday, the classical school, looked conservative. Together with their ideology, the leading authorities in law, administration, state and philosophy lost the power to convince—let alone the priests and ministers and their organizations, the churches. They saw in positivism their natural enemy. Later on, the different ideologies like communism, nationalism, fascism and so on had their clear disagreements with positivism. It is fascinating to follow these developments from “modernity” (the world after God was “banned”) to post-modernity (the world does not have a unifying particular ideology) and to follow the development of positivism as a school of thoughts into communication theory. However, this is not the topic of this chapter. We have to see how the victim fared in the “Western” world in light of these new developments.

THE VICTIM AND THE POSITIVE SCHOOL

In the history of the “victim,” the Italian School “Escuela Positiva” became very famous. This school united all those who adhered to a new construction of the criminal and of criminal justice. Three Italian scientists are the brilliant beacons of this school: Cesare Lombroso (1835-1909), the socialist psychiatrist who introduced the positive method into criminology, and the somewhat younger legal scholars Enrico Ferri (1856-1929) and Raffaele Garofalo (1851-1939).

In 1884, Enrico Ferri, Italian lawyer and a member of the Socialist fraction in the Italian parliament, a disciple of Cesare Lombroso, published his “Sociologia Criminale.” He criticized the classical school and its absolute complete reliance on a belief in principles that are not positively proven: The reliance on free will and retribution of guilt.

⁴⁶ This school was founded by the French philosopher and social reformer August Comte (1798-1857), who coined the term “sociology” as well.

Repressive punishment looks into the past. Punishment has to be replaced by positive future-oriented actions. Ferri declared: One important new goal must be the indemnification of the victim. The new perspective on victims determines different consequences: Ferri distinguishes two routes: One is the indemnification by the offender—this is what we victimologists nowadays call “restitution” The other is the indemnification by the state. We call this nowadays “compensation.”

Deplorably, the English langue confuses both concepts—science has a more precise language than everyday life. Victimologists who—often unconsciously—entangle themselves in the game of confusion should remember that science lives from the clear definition, not from confusion. Sooner or later, confusion ends in a deadlock. Ferri understands the reason for civil law reparation of damage. He understands why conservative lawyers maintained that criminal punishment must be an additional burden for the offender. Punishment must be “addition” to the civil law obligation to repair the damage. However, in view of empirical reality, the classical way of thinking is a joke and is not even taken seriously by the judges themselves. It is a lip service without consequences. In an article of 1895, Ferri argued:

“The fundamental principle of the positive system of social defense against crime is that of indemnification for damage, on which the positive school always dwelt, in combination with radical, theoretical and practical reforms. Reparation of damages suffered by the victims of crime must be regarded from three different points of view:

1. As an obligation of the criminal to the injured party
2. As an alternative for imprisonment for slight offences committed by occasional criminals and
3. As a social function of the state on behalf of the injured person, but also in the indirect and not less important interest of social defense.”

Moreover, later:

“The Positivists believe: If the individual ought to be always responsible for the crime which he commits, he ought also to be always indemnified for the crimes of which he is the victim. The State must indemnify individuals for the damage caused by crimes which it has not been able to prevent” (Ferri & Untermann, 1913).

Italy at Ferri's time had already a public fund financed by fines. This fund was used to compensate wrongfully sentenced offenders who had become victims of the criminal justice system. Ferri proposes

to widen the scope of this fund. We find in Enrico Ferri an early proponent of victim restitution and victim compensation. Compensation for victims is a social function of the state; it is part of social law. Compensation means a recompense for the violation of the social contract.

Ferri is not alone. The International Criminalistic Association is funded. The international conferences of this association are famous. In 1890, its General Assembly discussed in Christiania, Denmark, victim-related topics. They recommend: “In cases of simple assault, the accused should not be sentenced if he restituted already the victim. First restitution to the victim—then the collection of fines. First the victim—then the fiscal interests of the state.” This idea is exactly in line with that of Ferri.

The International Prison Conference in Paris 1885 demanded: Since it is the task of the state to protect the victim of crime effectively, the state has to compensate the victim. Compensation, a public function of the state, should be realized by establishing a fund financed by all fines.⁴⁷

In 1924, Ewin Sutherland the Nestor of American criminology, quoted the works of Garofalo and Ferri in his chapter “The Victims of Crime,” a chapter that deals especially with the losses caused by crime—but Sutherland does not mention restitution or compensation. He points out to the “backward” methods of Lombroso.⁴⁸

For the Spanish-speaking world, a book edited by Figueroa, Tejera and Pla (1930) became important in bringing the victim-related considerations to Latin America where they were picked up by Luis Rodriguez Manzanera. In the English-speaking world, Margery Fry (1951) influenced victim compensation legislation in New Zealand and Great Britain. That is much later—and much more successful—than Ferri's teachings.

This chapter ends with a sentence printed in the Records of the Law Reform Committee 1922 of Italy: “If the human rights of offenders are sacred, then the human rights of victims are no less sacred” (Kirchhoff, 2006).

Victimological ideas in the second half of the twentieth century are “in the air”—yet a concept of “victimology” is not yet created. Scientific contributions concentrate on “general victims of

⁴⁷ This idea is picked up by the VAWA legislation in the United States in the twentieth century.

⁴⁸ Sutherland refers to Ferri's “Criminal Sociology” generally and specifically to Garofalo's “Criminology” 79, footnotes 5 and 9 of the first chapter). Sutherland mentions the “Italian or Positive School” on page 75 and lambasted its methodological flaws. Since then, it became a tradition in sociology to use Lombroso as a favourite whipping boy. It is not that Sutherland had no chance of studying thoroughly the work of the “positive school.” Their works were translated in the United States like all the leading European contributions (Sutherland, 1924).

every cause,” “victims of crime” and “victims of human rights violations including crime.”

We find the word “victimology” printed for the first time in Frederik Wertham’s book *The Show of Violence* (Wertham, 1949). Wertham draws attention to mass victimizations, financial profits by producers of poison gas, to victims of colonialism and racial discrimination. In his time, a psychiatrist with exceptional writing skills became famous for his fight against “comics.” He mentions “victimology” in passing without any theoretical depth. Mendelsohn, in his seminal Bucharest presentation, designs a complete socio-biological science. The presentation is printed about 10 years after the event in Rumania (Hoffmann, 1944).

Hans von Hentig (1887-1874) for a long time was regarded as the first criminologist who looked at the victim in a more comprehensive way.⁴⁹ In his influential book *The Criminal and His Victim* (1948), in one chapter he characterized crime as an interaction between the offender and the victim, as a compound social process. Criminal law separates the two people in this social action. It needs an offender who can be punished. It, therefore, distinguishes this person from the victim. That was a new approach, and it is astonishing that this nowadays self-understood interactional model was overlooked for such a long time. This new definition of the victim became the cradle of a whole new direction.

Today, victimologists usually separate “General Victimology” from “Special Victimology.” This distinction is a simplification of the ideas of von Hentig and Mendelsohn. Hans von Hentig (1948) looked at the victim of crime. Therefore, he is regarded as the pioneer of “Special Victimology.” In contrast to him, Benjamin Mendelsohn (1890-1998) promoted victimology as a social science of all victims “General Victimology,” regardless of the cause.⁵⁰ He demanded the development of a science of all victims while most of the scientists interested in victims developed the field as a subfield of criminology. Mendelsohn designed an independent science of victimology and saw an “International Society of Victimology” to promote worldwide the new focus on victims. He foresaw journals of victimology, regular conferences to facilitate the international exchange of knowledge and publications, and he envisioned a victimological clinic, adding to the scientific analysis the field of victim assistance. Mendelsohn was an excellent,

passionate communicator who promoted his idea of victimology in exchanging countless letters.

Mendelsohn’s seminal work was speculative—he as a lawyer did not do any empirical research. In the middle of the twentieth century, it became apparent that social sciences would not progress without sound empirical research. In this context, we have to look at The Philadelphia School of Thorsten Sellin (1896-1994) and Marvin Wolfgang (1924—1998). This school emphasizes both sound theoretical reasoning and empirical research. In their book *The Measurement of Delinquency*, they develop a typology of victims (Sellin, & Wolfgang, 1964). Marvin Wolfgang analyzed data on criminal homicide (Wolfgang, 1958). In this study, he developed the concept of “victim precipitation.” Like von Hentig, he saw in homicide an interaction. “Precipitated” cases were those in which the (later) victim resorted as the first to physical violence, to end up being killed at the end of the interaction. This idea turned out to be quite fascinating for the criminologists of that time: They understood that the victim caused the crime. Even if the victim used violence first, this is not a cause—it is maximally a trigger for the lethal violence. The “victim-offender relationship” or the “role of the victim in the genesis of crime” became a central point of discussion in the field. The contributing role of the victim allowed a fascinating and useful perspective: Fascinating for it shifted the blame from the offender to victim, and in the same stance useful for it could be of benefit for defence lawyers, prosecutors and judges.⁵¹ Later, the “position of the victim in criminal proceedings” became another focus. Victimological knowledge was used to shift the attention to the role of the victim in the genesis of sexual crimes like rape. Empirical research like M. Amir’s “Patterns in Forcible Rape” (1972) helped in this development.

It is very consequential how we define the victim. At the beginning of the discussion, the lawyers determine the perspective. Victimology—the social science of victims, victimization and the reaction to both—originally is defined as a sub-discipline of criminology. Such a discipline would not contribute to answering new questions about victims, victimizations and the social reactions to both. The concept of “General Victimology” is logically quite convincing. It follows the broadest concept of the victim. Therefore, it is not so well suited to deliver practical results. Therefore, in narrowing the broad Mendelsohnian concept and widening the narrow notion of the Special Victimologists, a third definition of the victim was discussed by Zvonimir Paul Separovic, Elias Neuman and Robert Elias, leading to a social science of “Victims of Human Rights Violations including Crime.” They look at the victims of human rights violations including crime.⁵²

⁴⁹ Sutherland refers to Ferri’s “Criminal Sociology” generally and specifically to Garofalo’s “Criminology” 79, footnotes 5 and 9 of the first chapter). Sutherland mentions the “Italian or Positive School” on page 75 and lambasted its methodological flaws. Since then, it became a tradition in sociology to use Lombroso as a favourite whipping boy. It is not that Sutherland had no chance of studying thoroughly the work of the “positive school.” Their works were translated in the United States like all the leading European contributions (Sutherland, 1924).

⁵⁰ All references to the work of Benjamin Mendelsohn are in Hanoch Hoffmann’s study.

⁵¹ Mendelsohn, in his time as defence lawyer in Rumania, in the thirties of the last century published this field.

⁵² References in almost all victimological texts, see Kirchhoff (1994).

The UN General Assembly passed a "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" in 1985. This declaration became the motor of many legislations worldwide. One reason was that it only touched on the victims of human rights violations and devoted its main part to the victim of crime. That concentration was the key to the later success of the declaration—every member of the UN had a criminal justice system and, therefore, had to pay attention to the victims of crime. The UN later changed the policy: Its Vienna branch, the UNODC, promoted no longer general victim declarations but took care that in every following relevant international "instrument," victims of crime and abuse of power would be dealt with specifically. Indeed, that policy led to more concrete, tangible results.

The first International Symposium on Victimology 1973 was convoked by Israel Drapkin in Jerusalem. This symposium put victimology firmly on the international scientific scene even if it was dominated clearly by criminal lawyers. The victim "bloomed" in social sciences, especially in the field of sociology, psychology and social work. Victim assistance became the growth industry in the field. It seemed as if the lawyers internationally tried to monopolise the field in their discipline. A sustainable success of this was series of five volumes containing the papers of the symposium.

The sequel of this symposium, the second International Symposium on Victimology, was organized by Stephen Schafer (Dussich, 2015) in Boston 1976. His sudden death (before the symposium could begin) convinced the intellectual leaders of the field to follow Mendelsohn's idea and to put the further development not only on a scientific substantial but an organizational base.

The Third International Symposium 1979 in Muenster, Germany, led to the foundation of the World Society of Victimology (WSV) under the presidency of Hans Joachim Schneider.

The 1982 symposium was held in Japan (Koichi Miyazawa) to honour developments in Japan.

The 1985 symposium took place in Zagreb, Yugoslavia (today Croatia). Yugoslavia at that time was a socialist country, and the president of the WSV and this symposium, Z.P. Separovic, in a courageous way, made it possible that victimological ideas could be freely discussed despite ideological differences. In Zagreb, the field of victim assistance was recognized in bestowing the highest victimological honour to the leader of the US victim assistance movement, Marlene Young. The symposium certainly was instrumental in making the 1985 UN Declaration possible.

In 1988, Sarah en David organized the symposium in Jerusalem, concentrating on psychology, victim

treatment and victim assistance, including a discussion of victimization of Palestinians.

In 1991 in Rio de Janeiro (President Ester Kosovski), the symposium was characterized by the voices of victims of the military dictatorships in South America.

The 1994 symposium recognized the implementation of the 1985 UN Declaration by South Australia, which turned out to be seminal for further implementation worldwide.

The 1997 symposium in Amsterdam, the Netherlands, celebrated the development of the International Victim Surveys by Jan van Disk at al.. van Dijk was the President of the symposium.

In 2000, the symposium looked at the worldwide implementation (and the lack thereof) of the 1985 UN Victim Declaration (President Irvin Waller).

In 2003, the symposium in Stellenbosch, South Africa (President G.F. Kirchhoff) recognized the role of restorative justice, especially the Truth and Reconciliation Committees that originated in South Africa, and it looked at the influential role of Victim Support UK.

In 2006, the symposium in Orlando, USA, recognized the leading role of the National Organization for Victim Assistance and seminal federal and state legislations for th development of victim assistance.

In 2009 (President Morosawa), the attention was on the efficient building of victim related reforms in the laws of Japan.

In 2012 (president Groenhuijsen), the symposium in Den Haag—the World City of Justice—recognized the innovations bought upon by Victim Support Europe and the International Criminal Court.

In 2015 (President Groenhuijsen), the WSV recognized further developments of victim services and improvements of the position of the victim in criminal justice in Australia. It discussed victims of colonialism (Harry Blagg, Professor of Criminology and Associate Dean (Research) at the Law School University of Western Australia).

In 2018, tentatively, the symposium considers a plan to go to China, from where a concrete application does next exist.

CONCLUSION

"If victimology does not enter the classrooms, our knowledge will die with us". Victimology entered the classrooms. The postgraduate courses in victimology, victim assistance and criminal justice

in IUC Dobrovnik,⁵³ produced a canon of teaching during its 34 years of existence (since 1984). Asian postgraduate courses were held under the auspices of the Tokiwa Graduate School of Victimology (now dormant), in Mito (Japan), Jakarta (Indonesia), and Delhi (India). Victimology became the subject of special postgraduate studies (in Tilburg, the Netherlands) while Jindal Global University (India) features a Ph.D. programme in victimology. Special research institutes are active in Tilburg (the Netherlands) and Delhi (Jindal global University, India). Countless universities offer lecture and seminars in victimology. Postgraduate courses are held in the Inter-University Center Dubrovnik since 1984 annually.⁵⁴ Asian postgraduate courses have been organized by the Tokiwa International Victimology Institute, the last in tandem with the Perth WSV symposium 2015. These courses have contributed to the international exchange of knowledge. They give an opportunity to learn what victimologists in other countries do. They facilitate an opportunity to present postgraduate research to international forum. In the long run, the graduates influence the politics of their countries of their countries. Changes to improve the situation of victims do not come overnight. It takes a lot of patience and persistence to enable reforms.

There is a rich scene of relevant journals. These journals do not identify themselves as victimological journals. However, they deal with special problems like torture, family violence and victimization of women. Victimologists often recognize that other fields deal with problems that are of relevance to their own field. However, the colleagues in fields outside victimology do not identify themselves as victimologists and often are astonished to hear is such a science as "victimology." This means the field has to be open for contributions and knowledge from many areas of social science. These contributions have to be incorporated into the field, a process that calls for scientific receptivity and integration.

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⁵³ Inter-University Center Dubrovnik, Frane Bulica 5, 2000 Dubrovnik, Croatia, annually in May in Dubrovnik, 14 day. This course alone produced about 1000 graduates and is highly esteemed internationally. The asian Postgraduate Courses will be continued by Jindal Global University and its Ph.D. programme.

⁵⁴ This course has been offered annually and has reached about 1,000- students in its 34 years of existence.

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