

VICTIMOLOGY BETWEEN THE LOCAL AND THE GLOBAL

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ABSTRACT

This special issue is about victimization as a very personal experience that is profoundly susceptible to communal forgetting. It includes an important quantitative contribution in the conventional routine activities theory tradition. At the same time, it challenges conventional victimological examinations, while raising critical race, class and gendered issues. The essays herein help us to see more abstract architectures of routine activity that channel whole societies and the entire global community to see victimization or to be wilfully blind to it; to classify victimization into legal categories that neuter it or that acknowledge it; that silence victims or listen to them; that promote collective amnesia or collective memory and to propose new critical lenses to the study of victimology. To connect local experience of victimization to global transformation at least several loops of learning are needed. Perhaps the art of liberating victims is figuring out how to link local loops of learning from personal stories to more encompassing loops through events like national enquiries, up to institutions like the International Criminal Court. When national loops of learning wilfully obstruct international learning from the experience of victims, victim advocates must figure out how to by-pass obstructive intermediate communication loops. They must use modalities like the internet and NGO networks to connect to different loops of communication that will take their experience more seriously. Victimology between the local and the global aims at challenging globalized and localized workings of power, by offering localized voices of victims that allow theorizing bottom up. Yet, and at the same time, it hopes to challenge localized architectures and geographies of power that construct and re-produce victimization, while offering larger theoretical critical directions.

THE SEBBA LEGACY

This symposium was assembled from a workshop at The Hebrew University, Institute of Criminology, Faculty of Law, to honour the scholarly contributions of Professor Leslie Sebba, Lawrence D Biele Professor of Law and Criminology at the university, on the occasion of his retirement. Leslie was a founding editor of the *International Review of Victimology*, and one of the leading figures in victimology in Israel. Every contribution to this special issue reflects that leadership interest in establishing victimology as a central feature of the criminological landscape (Sebba, 1996, 2000). But victimology was not the

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only area where Leslie Sebba was a foundation leader of movements to transform criminology and criminal law. Another was making human rights a more foundational theme in criminal justice research and institutions, especially children's rights, in which he and his students have been genuine pioneers (Sebba and Douglas, 1998; Sebba, 2005). That theme also resonates throughout this special issue.

Leslie was also a founding member of the community of scholars interested in promoting restorative justice (Sebba, 2006), something that followed naturally from his more longstanding interest in offender rehabilitation and reintegration, as manifest, for example, in his former position as Chair of the Legal Committee of the Prisoner Rehabilitation Council and the influential work of his colleagues and he on the effectiveness of community service orders for reducing reoffending.

Leslie Sebba also made important doctrinal contributions as a legal scholar and a legal practitioner in various areas, particularly the law of sentencing (2000, 2006). He was unusual as a lawyer of his generation to also have published cutting edge quantitative work, such as his University of Pennsylvania collaborations with Marvin Wolfgang on measuring the seriousness of crime. The disparate traditions of scholarship in this special issue reflect this diversity in Leslie's career. Also reflected is the fact that Leslie thought globally and acted locally. Hence the overall theme 'Between the Local and the Global'. Leslie was a worthy winner of the Distinguished International Scholar award of the International Division of the American Society of Criminology given the assiduousness of his global community building as a criminologist and the global significance of his research.

A final legacy is the character of the man. He is gentle, supportive, and a contextually sensitive individual and scholar. Leslie was one of the few of his calibre who was willing to grapple with contested and at times very close-to-home victimological topics. His belief in promoting the right of those that were denied the right to right (as Arendt explains) in Israel, turned him to address fellow colleagues and students to examine, but also be active in promoting the rights of marginalized and otherized groups. His encouragement and openness to the other is also reflected in the fact that the principal organizer of the symposium and senior author of this introduction is a Palestinian woman who is a critic of the violent security policies of the Israeli state. It is reflected in the invitation to the author of the first essay who is a German scholar of genocide. All the authors in this special issue have enjoyed the embrace of Leslie Sebba's commitment to dialogue across all the divides.

VICTIMS AND THE JOURNEY FROM COLLECTIVE AMNESIA TO COLLECTIVE MEMORY

Susanne Karstedt's research traces collective memories of crimes against humanity by German publics since 1945. The Nuremberg trials on the one hand

created a documentary record of genocide; on the other hand they contributed to a collective forgetting of the German people for the ensuing decade. By punishing the few, the Nuremberg Tribunal helped exempt the many on Karstedt's analysis. Its effect was to help Europe to move on with a better future, closing the books on an unspeakable past that those who want to return to a normal life in Germany think it best to forget. Many outside who sought trade and military alliances with Germany also thought it best to forget, if not to forgive. Moreover, the Chief Prosecutor hoped the trials would 'stay the hand of vengeance'. We would say this was too late for the hundreds of thousands of German women and girls raped, often sadistically, by the armies of liberation, especially the Soviet army (Lilly, 2007).

The profound contribution to victimology of Karstedt's work is the conclusion that the absence of any testimony from victims is one of the reasons the Nuremberg trials promoted a collective amnesia on the back of an interpretation that all this was the dirty work of just Hitler and his inner circle. Karstedt shows that it was not until a series of trials that started in the 1960s with the Eichmann trial in Israel that the German public were confronted with the voices of victims. In South Africa, as in Germany, a younger more educated generation of white Afrikaners was also more open to listening to those victims' voices than their parents' generation.

Karstedt's body of work on this question is important because it opens up the significance of what she has called the 'longue durée' of recovering truth and constructing a moral narrative of atrocity that can be finally acknowledged in the nation of the perpetrators (Karstedt, 2005: p. 4). She ponders intriguingly whether the collective amnesia (and the archive of truth) generated by the International Military Tribunal at Nuremberg 'generated the stability that was necessary for recovering collective memory and restarting a drawn-out process of acknowledgement and particularly reparations for victims that is ongoing until today.' (p. 9). She then illustrates another *longue durée* of truth and memory through victim narrative with the work of the Women's International Tribunal on Japanese Sexual Slavery. And some hope is found in the institutionalisation of victim voice in the architecture of the new international criminal law from the late 1990s on. This new transitional justice provides at least some semblance of a 'roadmap out of silence and passivity'.

SILENCED VICTIMS IN SOUTH AFRICA AND PALESTINE

Daphna Golan-Agnon explores the contours of the terrain that has blocked a roadmap out of silence for, among others, the victims of the Nakba — the expulsion of hundreds of thousands of Palestinians from their homes in 1948 — still a conversational taboo in Israeli society. Golan-Agnon sees this taboo in discussion of the Nakba as a central obstacle to reconciliation. As in her opening quote from Edward Said, there is no semblance even of factual agreement between the parties on who took what from whom and who did what

to whom. Denial is a deeper problem on both sides than it is with Germany or with South Africa. Golan-Agnon finds an architecture of segregation, of which 'the wall' is the most visible manifestation, as ensuring that encounters with Palestinians are most unusual for most Jewish Israelis. The daily humiliations of Palestinians are simply not visible to ordinary Israelis. While the last essay in this collection is about how routine activities in hospitals can put stressed, angry perpetrators in close proximity to victims of violence, a contrived architecture of segregation can also channel routine activities that insulate a populace from a comprehension of the suffering of excluded victims.

This indeed is a wider dilemma of routine activities in criminological theory. If our reliance for security is on no more than segregation or guardianship of the vulnerable, if there is not a deep normative commitment that predation is shameful, when segregation does break down, predation will be likely. Worse, terrorists and other predators will become innovative at finding paths around the architecture of separation. so we think Golan-Agnon is saying something important when she concludes 'if there's any lesson we might learn from the South African example, it's that forcibly imposed segregation does not bring security' (p. 7).

'Making Gaza like a prison' where almost no merchandise or people move in and out invokes for criminologists the paradoxes of the prison. Such spatial ghettoization creates a context whereby might and not right controls even the smallest space that is the domestic one or even the body/personal private one. The creation of a prison, and boundary markers to mark the difference between 'protecting' Israelis and otherizing Palestinians, call victimologists to study the politics of denial, and the politics of victimization, as new tools to victimize others. Golan-Agnon's insights require victimologists to look closely and further explore the historical and political legacy, and the interlocking systems of oppression that lie behind victimization. For Golan-Agnon, the pinpricks of hope are human rights groups in Israel and beyond who collect and globally project local victim testimonials.

SILENCING LEGAL WINNERS; HEGEMONY THAT LEAVES SPACE FOR SUBVERSION

Raef Zreik's contribution moves to the terrain of formal law and its paradoxes. He makes deft use of the eviction of Palestinians from El-Ghabsiya to construe law as a mechanism that conceals traces of violence. On the surface, law is a foreground of explicit legal categories and actions; but there are also background rules that are hidden. These dictate the result. the background rules connect to a substantive politics of class, race and gender, a *realpolitics* of power. But this hegemonic substantive rationality is not always allowed to trump the formal rationality of foreground rules in its individualization of legal cases. If substantive *realpolitic* always did so, formal law would be useless in legitimating oppression. An oppressive legal order will appear more just if

individual poor people occasionally triumph over a powerful state. The trained narrowness of legal reasoning allows the weak to be put in a category where even if they win in formal terms, they achieve no substantively meaningful justice from victory. For Rael Zreik, legal reasoning 'superimposes a smile on the unsightly face' of ethnic cleansing by the state. In that sense, it is Gramscian hegemony — law helps ruling classes obtain consent for their rule. Exclusion of people from their homes at the point of a gun is remade as something that quickly comes to be seen as a natural state of affairs. Still, the fact remains that law cannot serve power effectively unless it does some subversive work at times. This means it can still at times be a useful weapon of the weak. Raef Zreik's article has managed to shed light not only on legal reasoning and victimology, but also on a victimological issue that is seldom studied, and that reflects on how all the systems of domination operate at the local level. His ability, as also found in Karstedt's and Golan-Agnon's articles, to identify legal and human rights practices that produce racial hierarchies took our victimological analyses to a more critical and epistemological level. Understanding how raced legal codes and human rights activism are constructed in times and spaces, and how time and space racialize bodies and lives is a pioneering victimological interrogation.

Likewise Nadera Shalhoub-Kevorkian and Tamar Berenblum show that even though the internet in Palestine reproduces hierarchies of gendered power, it also enables Palestinian women to engage in new forms of contestation. The internet is a manifestation of global power that magnifies opportunities and risks of sexual, social, economic and political exploitation of women. Such exploitation carries additional risks to women living in conflict zones and experiencing military occupation. Shalhoub-Kevorkian and Berenblum's article is the first of its kind that looks at cyber space as a space that increases victims' proneness to violence and victimhood in conflict ridden areas. Its contribution resides in its ability to theorize bottom up, and share with readers the voices and reflections from women living the everydayness of the conflict. The victimization power of the internet is exacerbated by military occupation, internal and local conflicts and the Israeli state's abuse of power. Yet at key moments of contestation, the internet can be a devastating threat to state power, as we have seen in 2009 with resistance from below to Iranian state power through cyberspace. It is difficult for state power to slide out from under the global power of the internet; and it is difficult for local resistance to slide out from under state control of all modes of communication, including the internet. But what local resistance can do is subvert the national because of the subservience of the national to the global architecture of the internet.

ROUTINE ACTIVITIES, STRESS AND VICTIMIZATION

Simha Landau and Yehudit Bendalak complete the special issue with a formidable piece of quantitative victimology on a large sample with a high response rate from staff in hospital Emergency Wards. Emergency Ward staff

suffer disturbingly high rates of criminal victimization (compared to people in other jobs and in other parts of hospitals). There are strong patterns in the results as to where victimization is most likely to fall. Landau and Bendalak persuasively interpret these in terms of a combination of routine activities theory and the differential stress that people experience in hospital emergency situations.

There are of course limits to what can be done to eliminate stress from situations where staff are exhausted and people are distraught at the suffering and danger of their loved ones. And there are limits to what can be done to channel routine activities when the nature of emergencies requires extraordinary as opposed to routine responses. While emergency buttons cannot always be on hand, the gift of showing kindness in adversity can always be available to people who have that gift, whilst the gift of apology can always be on hand for those who have the strength of character to give it. These local gifts can be crushed out of people by practices of domination in large bureaucracies like hospitals; they can be crushed by cultures of domination between different classes, races, sexes. They can be crushed by histories of vicious conflict.

For all that, it is an inspiring time in the hospital systems of the world. Hospitals have finally learnt the lesson that apology reduces rather than increases their legal risks. Around the world, they are learning the virtues of refusing to cover up their mistakes and conducting root cause analyses of medical errors, where victims are encouraged to contribute alongside the health professionals to diagnose what went wrong in their case. More than that, hospitals are increasingly institutionalising wider loops of learning from mistakes that take learning up from the local level (Braithwaite *et al.*, 2005: p. 32). Christine Parker's (2002) triple loop learning in this context means that an incident of victimization in a ward triggers a ward-level root cause analysis; when an important lesson is learned about how to prevent such errors in future, a second loop of learning takes the lesson across all wards in the hospital. A third loop of learning can then be picked up by the monitoring of critical incidents of victimization by hospital regulators, who loop the learning across all hospitals in a national system, even all hospitals around the world.

We suspect there is real hope of a globalization of civility, professional humility, apology for mistakes in the hospitals of the world led by the great professional traditions, and evidence-based traditions, of the professions of nursing and medicine. It is harder to see that hope in the security sectors of the globe — in its police, militaries, courts — as evidenced in other contributions to this special issue. Yet there are professional leaders of criminal justice like Leslie Sebba who manifest the civility, professional humility and respect for people of all races, creeds and status that are a local starting point for a globalization of justice and dignity for all kinds of victims. And there are leaders like Leslie Sebba who also have nurtured the evidence-based approach in victimology that delivers the important lessons in this final contribution of Landau and Bendalak on the preventive value of routine activities.

THE SOFT POWER OF THE VICTIM

In different ways these papers show the diffused nature of power. They show the tyranny and resilience of top-down power that victimizes. But they also show the possibilities for bottom-up power for otherized groups and societies, for the poor, for the disenfranchised, for women, if they can be nimble in how they play off one of the levels of power above them against another. The soft power of the victim is that power that can challenge the global and local physics of power which intensifies their victimization, and create new spaces for survivors to resist violent victimization. The Nuremberg trials showed some of the consequences of perpetrator-centred trials in which victims are silenced. The Eichmann trial in Israel showed the more transformative capabilities of justice processes where victims have greater voice. We can judge the power of a speaker by how many people can see them and do listen to their narrative. When victims' voices are not silenced and are heard across the globe through cyber space, the legal system or international human rights discourse, which reverberate victim stories around the globe, power relationships can be changed. They can be transformed through the soft power of the victim's voice. The question remains, how can victims' voices and victimologists, in their studies, activism and roles as leaders and intellectuals turn such soft power into a smart power that destabilizes global and local physics of power and decreases victimization and proneness to violence (Wilson, 2008; Nye, 2004).

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