

# BOOK REVIEW

## Victimology in South Africa

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*Title: Victimology in South Africa*

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The book 'Victimology in South Africa' by Robert Peacock (ed) is a revised and updated version of the text by the same name, first published in 2005. The book provides a useful overview of important and relevant topics in the fast developing field of victimology and victim assistance. It is clear that, where necessary, much effort has gone into rewriting content to keep the material relevant. In addition, all the chapters have been updated in line with a significant global and national focus on protecting the rights of victims through the development of policy and legislation.

Prof Ferdinand Kirchhof,<sup>1</sup> highly respected among world scholars and commentators on victimology and victims' issues, begins by explaining the relevance of the question, 'What is victimology?', even though a post-modern analysis might indicate that an 'all encompassing answer to this question is not possible' (page vii). He goes on to locate the historical development of victimology in the social sciences, and further emphasises the relevance and importance of historical insights, for instance in South Africa, where 'dark sides of the

past' would refer to the history of colonisation and apartheid. He concludes by focusing on the need for 'a victimology that looks at local conditions and produces a victimology for the people – a 'victim's victimology'. While this sentiment is laudable, given the fact that a victim's socio-political and economic context is closely intertwined with the South African context, the text is silent in most parts about the preference for the term victim as opposed to survivor; and the reasons for this preference.

While in the past the subject of victimology and victims' issues appeared as an after-thought; often only appearing in a concluding chapter of a criminology text, in recent years an 'avalanche' of publications in this field has become evident.<sup>2</sup> An astute reader will also notice that in this new and updated version, the word 'criminology' has been dropped from the list of key terms on the first page of chapter 1 – perhaps a sign that victimology has finally come of age and is no longer a step child of criminology.

The text is presented at several levels, with some chapters catering for undergraduate students and practitioners, and others requiring deeper critique and debate. The inclusion of authors' names on the contents page makes for easy reference. Each

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chapter highlights the core issues, key terms, definitions, and critical thinking questions in shaded text boxes, making it quite student and practitioner friendly. Furthermore, lecturers can utilise these case studies, questions, practical examples, reports and more to set assessment tasks and/or engage with students through tutorials, small group discussions and debates. As such the text is tailored to a teaching environment rather than intended for a specialist in the field of victimology.

The book is organised around four sections, an expansion on the previous version, which comprised three sections. Section 1: 'Victimology in Context' begins with the chapter *Overview of concepts in victimology* by Robert Peacock, which provides a comprehensive overview of victimology as a discipline. With the graphics of an African mask, poignantly depicting the shame that is associated with all forms of victimisation, on the cover, to the book's concluding paragraphs, the call for an African victimology is the golden thread that runs through the book.

Most relevant to the African continent is a critique of 'colonial tyranny', and the need to move away from an over-simplified and 'false victim-offender' dichotomy. The book draws attention to the homogeneity and fluidity of victim and offender populations and the importance of taking into account the 'socio-economic and political dimensions of crime and victimisation' (page 7). With its history of colonialism, abuse of power and conflict, and institutionalised racism, Peacock emphasises the need to 'shift the boundaries of defining victimological concepts outside the realm of existing definitions and frameworks of crime and criminal justice' (page 7).<sup>3</sup>

Armando Saponaro also laments the dearth of literature on victimisation that originates in Africa in the concluding paragraphs of chapter 2, and cautions that theories of victimisation that are formulated in other regions, especially North America and Europe, are 'not always applicable to the local context' (page 30). A major challenge in South Africa is measuring and adequately

responding to victimisation. Official police statistics of crime are not supplemented with data from other sources, such as victim surveys,<sup>4</sup> even though victim surveys have been conducted by Statistics SA.<sup>5</sup> Both government and non-governmental organisations depend on accurate data to ensure that responses to victimisation are adequate in terms of resource allocation.

The following six chapters are all updated versions of chapters from the previous edition. There is a good spread of topics that provide the reader with excellent foundational knowledge for what is to follow in the next three sections – Chapter 2: *Theoretical approaches and perspectives in victimology* (Armando Saponaro); Chapter 3: *Assessing the nature and extent of victimisation in South Africa* (Jean Steyn); Chapter 4: *South African laws and policies supporting victims* (Lilian Artz and Dee Smythe); Chapter 5: *Victim empowerment in South Africa* (Juan Nel and Hanlie van Wyk); Chapter 6: *Challenges of the criminal justice system in addressing the needs of victims and witnesses* (David Bruce); Chapter 7: *Restorative justice in South Africa* (Mike Batley).

In the light of the extremely high rates of officially reported cases of violent crime, as well as public perceptions and experiences of crime, it is understandable that the general public (and media) response is retributive.<sup>6</sup> The discussion on the rights of victims when offenders become eligible to be considered for parole is a welcome addition to this version of chapter 6 (page 106); as is the inclusion of emerging jurisprudence on restorative justice (page 117). While it is evident that there have been policy and legislative reforms to include victims in parole hearings,<sup>7</sup> procedural challenges remain. However, the author has failed to delve more deeply into the number of practical challenges that victims currently face if they wish to participate in parole processes.<sup>8</sup>

Chapter 8, *Restorative justice around the world and in cases of mass victimisation*' (Elmar Weitekamp) is new, and a welcome addition to this version of the book, in the light of the recent spate of gross human rights violations and mass victimisation in some parts of the Middle East and Africa. The

author's critique of restorative justice programmes and the 'paradox' that one encounters when evaluating the development of restorative justice and victim-offender mediation in the world (page 133), shifts the lens to a much neglected area of concern, namely the gap between victim support and restorative justice. On the one hand, restorative justice and victim-offender mediation programmes seem to develop in a haphazard way in countries that have a strong victim support system. On the other hand, countries with a poor, or no, victim support system (such as South Africa) become fertile ground for the growth and development of restorative justice. Perhaps most relevant for South Africa and other post-conflict societies is how 'to come to grips with questions of gross human rights violations and mass victimisation caused by political crimes or for political gain'. However, in answering this question one would have expected the author to engage more closely with the transitional justice discourse more generally, and its relevance to the South African context. While there is cursory reference to this aspect in chapter 1, it is a missed opportunity in chapter 8.

The concluding pages of the chapter are devoted to appropriate models to deal with the past in post-conflict societies. Parmentier's 2003 TARR (Truth, Accountability, Reparation and Reconciliation) model for post-conflict justice is discussed in detail, and seen as a forerunner from which other models developed, notably the peace circle model which was applied in Zwelethemba, one of South Africa's early and much cited experiments with restorative justice. The model bears similarities to truth commission processes that are aimed at ruling out formal justice through the courts in favour of restorative justice with an emphasis on accountability, perpetrators taking responsibility for their actions and being reintegrated into their communities, and restoring the humanity and dignity of victims. The author concludes by recommending further empirical testing of the model to establish it in victimological theory.

The title of the second section has changed from 'Specific *categories* of victims' to 'Specific *patterns*

of victimisation'. The next four chapters, Chapter 9: *The troublesome gender: (re)considering gender-based violence* (Lilian Artz); Chapter 10: *Victimisation of the elderly* (Rina Delpont); Chapter 11: *Victims of commercial crimes* (Stefan Grobler); and Chapter 12: *Victims of motor vehicle hijacking* (Rudolph Zinn) are all updated versions of chapters from the previous edition, with the exception of chapter 9, which is a new chapter. In Chapter 9, Artz examines the use and construction of gender in criminological and victimological theory, and posits that 'gender is a social construct defined by social cultures and historical points in time'. The author skillfully unpacks the term 'gender based violence' and observes that the use of gender versus women to describe a range of violating behaviour is problematic as it 'obscures the gendered nature of specific offences such as domestic violence and rape' (page 153). The chapter is thought-provoking and challenges the student/reader to dig deeper into how women experience crime differently from men, and the dearth of literature on why women engage in criminality. The author concludes that in relation to gender issues victimology has fallen short, and that as it is currently constructed 'it lacks the power to challenge prevailing notions of social life (including crime and victimisation)', (page 157).

Chapter 11, *Victims of commercial crimes*, moves the reader's attention away from traditional crimes to those that cause collective harm. The chapter clarifies the various types of commercial crime and their impact on victims. In the light of recent public and media attention on the corrupt activities of politicians, the inclusion of a discussion on 'Commercial crime committed by political figures' is relevant, albeit brief, especially against the backdrop of the recently passed, controversial, and much debated Protection of State Information Bill (6 of 2010) (page 175). The author could have delved more deeply into the controversies surrounding the Bill in the context of South Africa's constitutional dispensation and the public's right to information.

The third section, which focuses on *Marginalisation and multiple victimisation*, opens

with a new chapter on *Victimisation vulnerability of street (community) children* (Robert Peacock with Fernanda Rosenblatt). The primary issue highlighted in this chapter is that children are vulnerable to state, structural, institutional and interpersonal violence. By challenging narrow juridical understandings of conflict and victimisation, the chapter immediately picks up the threads from the opening chapter of the book. The authors criticise labels such as 'street children', which tend to encourage a view that 'street children are a homogenous dispossessed group which has fallen through support cracks of the support system'. The notion of 'community children' is proposed, as it 'acknowledges the variation in identity but also similarities and differences in the experiences of community children to whom the street has become home'. While the authors explain the reason for their preference for this term they fail to unpack the varied meanings associated with the term 'community' and that the notion of 'community' is contested. The debate as to what constitutes community is an ongoing, and perhaps never-ending one. For example, is community a 'defined spatial area ... a general locality, neighbourhood or community'? While ecological perspectives define community as 'the structure of relationships through which a localised population meets its daily requirements', systems theory defines it as 'the combination of social units and systems that perform major social functions'.<sup>9</sup> Do street children then leave their 'community' to form a distinct community on the streets?

The chapter makes for exciting reading as it has a distinctly global flavour, not so evident in most of the book. A broader lens also allows the authors to view the phenomenon of street children as 'a product of unequal power relations in and between societies' (page 203) and to recommend a framework for research that adopts a culturally sensitive understanding of risk factors that shape the lives of street children – a recognition that the identities of street children are usually shaped by their circumstances. The authors see the phenomenon of street children as a symptom of social dysfunction – a consequence of broader

political and institutional factors, socio-political change, overpopulation, resource scarcity and underdevelopment; all leading to the disintegration of social systems and ultimately filtering down to an increase in street children. This is an important chapter, as it moves the reader's gaze away from a narrow understanding of the phenomenon of street children as simply a result of family dysfunction. According to the authors this would be tantamount to a reductionist and distortive understanding and would 'distract from the multilocational and embedded nature of this phenomenon with structural causes that sustain victimising processes' (page 204).

This theme is further expanded on in the next six chapters. As in the previous section, several chapters in this section are revised and updated versions of the previous edition, namely Chapter 14: *Kill or be killed: the plight of child soldiers in Africa* (Lauren Jones); Chapter 15: *Human trafficking with a focus on Africa* (Marie Segrave); Chapter 16: *Victims of hate crime* (Juan Nel and Duncan Breen); Chapter 17: *Sex workers: survivors of multiple victimisation* (Jaco Barkhuizen); Chapter 18: *Military veterans as victims* (Gary Baines and Sasha Gear); and Chapter 19: *Offenders as victims: exploring victimisation within prison* (Amanda Dissel).

However, worth noting is the inclusion of a historical background on, and the original feminist frameworks that informed the United Nations Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others, adopted in 1949, which preceded the 2000 Trafficking Protocol. The key debates and frameworks (pages 229-230) are clearly set out in tabular format. Since human trafficking manifests in nations across the world, the need for adequate analysis of international developments and debates is self-explanatory. The author cites USDOS (2011)<sup>10</sup> in noting that South Africa is a 'significant source, transit and destination country in relation to human trafficking' (page 232). Even though the controversies surrounding the labelling of certain countries as such are not discussed in the chapter, the authors

do explain South Africa's efforts to develop a legal and policy framework.

In addition to their depiction of extreme incidents of racist victimisation, which 'continue[s] to shape the international image of post-apartheid South Africa' (page 242), chapter 16 unpacks the labelling theory with an illustration of the 'circular relationship between categorisation, stereotypes, prejudice, discrimination and victimisation' (page 249); specifically in relation to crimes that target people on the basis of their nationality, race, sexual orientation, and/or gender identity. The authors conclude that current legislation and policy frameworks are insufficient for an appropriate response to minimise and/or prevent such types of victimisation. Although controversial, perhaps the most significant addition is the call for a legal response to hate crime.

In chapter 18, the authors have done well to draw attention to the importance of and effects of 'militarised identities'. Here again the blurring of the notion of victim is evident. An important question is posed by the authors: does a loss of agency amount to victimisation (page 265)? The emergence over time of 'militarised identities', where veterans' military training define their sense of who they are, is discussed, and how, in attempting to obtain redress, they see themselves as victims. The consequent attempts by government and non-governmental organisations to address the plight of veterans are regarded as mostly inadequate (pages 268-269), hence the authors' view that the government's rather expedient passing of the Military Veterans Bill (18 of 2011) was an attempt to 'defuse the time bomb' that veterans' issues had become, especially since the Bill provides for a number of benefits and services for veterans (page 270).

In the light of the major advances for victims within international criminal justice, and the work of the International Criminal Court (ICC), the chapter *An international criminal justice system for victims? The situation at the International Criminal Court* (Dawn Rothe) is relevant and an important source for both

academics and practitioners alike. The chapter clearly and concisely emphasises the approach adopted by the international criminal justice system to the issue of victimisation and the role of the victim (page 288), where the overarching concern is the protection of the victims' well-being and the right of victims to dictate the nature and extent of their participation. However, the author is careful to caution that victims nevertheless still face certain obstacles in proceedings before the ICC, and highlights the need for greater support for victims in the form of legal representation, trust funds, direct assistance and/or 'programmes aimed at broader community healing or restoration' (page 289).

Chapter 21 on *International protocols on victims' rights* (Marc Groenhuijsen) is a reflection on recent significant developments in victimology, while at the same time highlighting the maturity attained by the discipline, its 'indisputable international dimension', and consequent global awareness that touches people, regardless of where and who the victim is. It is natural therefore that that prominent international protocols and instruments should reflect these developments. The chapter concludes by unravelling some of the crucial debates, dilemmas and difficulties confronting practitioners, policy makers and academics alike. Adequate attention is paid to the disjunction between the development of new victim-related policies and protocols, and their actual implementation (page 318). The author adopts a forward looking stance in the latter part of the chapter by providing some analysis of the main issues that are likely to dominate victimological debates in the future, such as restorative justice and mediation, terrorism, the ICC and ad-hoc tribunals, and victim support for ethnic minorities such as refugees.

The final chapter, penned by the editor, brings the book back home to 'Victimology in South Africa'. It is a short chapter that cleverly links up with the sentiments expressed in chapter 1; that there is a need for greater and more sensitive conceptualisation of victimisation and victimhood in transitional societies; especially

those on the African continent that have suffered deep ‘institutional, structural and cultural violence associated with colonisation.’ The author again makes a strong case for the development of theory and empirical inquiry that would contribute to the development of victimological studies in Africa. The author has masterfully intertwined African values of ubuntu in both the opening and concluding chapters to create a text that has as its golden thread the role of victimology in building restorative communities and a more just and human world.

With its multi-disciplinary flavour, the book will undoubtedly serve as a useful and relevant reference text for students of, *inter alia*, criminology, victimology, law, criminal justice, social work, and psychology. However, its greatest strength lies in its accessibility, in terms of layout and easy readability, for the large number of practitioners working in the field of victim empowerment and support services, both in the government as well as the non-governmental sector, in South Africa and abroad.

## NOTES

1. G H Kirchhof, History and a theoretical structure of victimology, in S G Shohom, P Knepper P & M Kett (eds), *International handbook of victimology*, Boca Raton: Taylor and Francis, 2010.
2. See J P Dussich, History of the proposed UN Convention on Justice and Support for Victims of Crime and Abuse of Power, in M Hidemishi, J P Dussich & G F Kirchhoff (eds), *Victimology and human security: new horizons*, Nijmegen: Wolf Legal Publishers, 2012; E A Fattah, The Evolution of a young promising discipline: sixty years of victimology, a retrospective and prospective look, in S G Shohom, P Knepper & M Kett, *International handbook of victimology*; R Letschert, R Haveman, A De Brouwer & A Pemberton, *Victimological approaches to international crimes: Africa*, Cambridge: Intersentia, 2011.
3. See also M Batley, Restorative justice in South Africa, in Chapter 7 of the text.
4. M Govender, The paradox of crime perceptions: SAPS crime statistics, Victims of Crime Surveys and the media, *South African Crime Quarterly* 46 (Dec 2013).
5. See Victims of Crime Survey, Statistics South Africa, 2011 and 2012 accessed at [www.statssa.gov.za](http://www.statssa.gov.za)
6. Ibid.
7. See Section 75 (4) of the Correctional Services Act (No. 111 of 1998), and the Criminal Procedure Act (No. 51 of 1977).

8. See T Ramagaga, Is South Africa making strides in the participation of victims of crime in parole processes?, *ISS Today*, Institute of Security Studies, 2012.
9. D Matarrita-Cascante & M A Brennan, Conceptualising community development in the 21st century, *Community Development*, 43(3) (July 2012), 293-305.
10. US Department of State (USDOS), Trafficking in persons report (TIP), Washington: USDOS.

