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Empowering victims of domestic violence in developing countries

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Michael O'Connell

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Editorial

This editorial titled “On the Road toward Greater Victim Participation,” is a commentary on crime victim participation and rights that offer a broader range of options to deal with conflicts in both civil and criminal settings. It has been expanding for the past thirty years. In criminal justice it has been called, by some, a revolution in criminal procedure. Participatory justice emanated from alternate dispute resolution, mediation and restorative justice traditions due largely with the dissatisfaction with retributive, punitive and adversarial justice models that mostly ignored the needs, rights and respect for victims. The irony of this explosion of new laws, especially in the USA, is that most law schools have not changed their curricula to include educating their students about the role of crime victims in their criminal law and procedures classes commensurate with the dramatic increase of these participatory victim-centered laws (Belooof, 1999).

There are essentially two major objectives of participatory justice for victims. The first ensures that victims have an adequate range of rights articulated and enacted that facilitate their psycho-social recovery from trauma, restoration of losses, being treated with respect, being directly involved with the legal and administrative processes of their case, and recognizes all the other ways they can be helped by society to achieve recovery, restoration and justice. The second objective involves ensuring that those enacted rights and policies are legally supported by the judiciary so as to have enforceability that can only occur with laws that give victims legal standing. This can only occur when concrete measures and sanctions are put in place to respond to violations of victims’ rights so that judges can take legal actions against violators of those rights. Essentially, this would be enforcing victims’ rights in the courts (Gills & Belooof, 2002). If enforceability of these rights is not in place, victims’ rights will only be advisory at best and illusory at worst rendering the promise of protection, respect and services unfulfilled. Having rights alone is not enough; victims must be able to assert those rights with judicial backing and not be turned away from the courts (Boland & Butler, 2009).

In the USA, in the first area of participatory justice, extensive energy and time have been invested over the past forty years which have resulted in an extensive range of laws to address the vast number of victim needs; however, in the second part of participatory justice which focuses on protecting victims’ rights, with the exception of the federal system, most states have much more remaining to do. Today the terms “victim services and rights” have become common place. The breadth and depth of services is unprecedented and varying degrees of victims’ rights appear in the laws of all states and at the federal level; however, what is still lacking for most states is adequate legal standing of victims to ensure the enforcement of all victims’ rights to participate fully in their criminal processes. In 2004, the US Congress enacted the Crime Victims’ Rights Act (CVRA) giving participatory rights for victims in federal courts that are enforceable and thirty-three states now have similar victims’ rights in their constitutions giving victims legal standing in their jurisdictions (National Crime Victim Law Institute, 2011). At the federal level victims can now be represented by an attorney to assert their participatory rights in criminal proceedings. There are now significant differences in these practices of federal law compared to the recent past (Boland & Butler, 2009). Through the Office of the Victims’ Rights Ombudsman, established in 2004, any victim of a federal crime may file a complaint against any employee of the Department of Justice who fails to provide those rights established under the CVRA. Thirteen states also have established specific procedures to investigate complaints of violations of victim rights and assist victims in obtaining these rights (Elwell, 2012). In the near future, the federal system will likely lead the way for those few states, which still do not have these enforceable victims’ rights in their constitutions. In order to comprehensively accomplish these two major participatory objectives, all victims, regardless who victimizes them, must be clearly defined, measures must be taken based on the degree of their injuries; the truthful existence and the character of their injuries must be validated so that timely and effective strategies can be applied to help them to achieve justice, restoration and recovery which will allow them to resume a functional life and take full advantage of all their human rights.

At the international level, the most significant recent applications of victims’ participation were realized with the promulgation of the Rome Statute of the International Court adopted July 17, 1998 and entered into force July 1, 2002. With the creation of the International Criminal Court with jurisdiction over those who are victimized by “the most serious crimes of international concern,” victims’ participatory rights were granted beyond just allowing them to testify as witnesses. It included victims having the right to information about their cases, to be protected, to receiving recompense for their suffering, to being included in important parts of the criminal process and to receiving legal representation. These newly established international rights went further than any previous *ad hoc* international criminal tribunal had done (Cohen, 2009; Wemmers, 2009).

Of special note is what has happened in Japan in recent years where significant strides on behalf of victims’

rights have been made. The establishment in 1980 of the Crime Victims' Benefit Payment Act was a turning point in Japanese criminal jurisprudence and was launched in 1981. Since then, numerous further reforms have been made culminating with the passage of the "Basic Act on Crime Victims" on December 8, 2004 and placed into force in April 1, 2005 (Okubo, 2009). This law has been touted by its creators as the "world's finest piece of legislation for victims" (Okamura, 2012:29). To implement this new law, the "Basic Plan on Crime Victims" was enacted by the Cabinet on December 27, 2005 (Okubo, 2009). On December 26, 2007 another law was enacted, called the "Victims Participation System," amending the criminal procedures and further extending the victims' participation in the criminal justice system. This came into force on December 21 2008, specifically giving victims of homicide, rape, kidnapping and other serious crimes, the right to sit next to the prosecutor and attend the entire trial as key participants and allowing them to state their opinions, ask questions concerning the prosecutor's actions after the evidence is presented, and to state their opinions concerning the facts (Morosawa, 2012). In March of 2011 The "Second Plan for Crime Victims" was passed to be applicable from 2011 to 2015. This most recent victims' rights reform, with 241 separate policy measures, further refined the law by applying four principles in support of crime victims: 1. to be treated with respect; 2. to take into consideration individual circumstances; 3. to have seamless support; and, 4. to consolidate the cooperation from citizens. These principles targeted five victim areas: economic support; mental/physical well-being; participation in criminal proceedings; the building of support systems; and, enhancing public relations (Ikeda, 2012).

In spite of these recent reforms by the International Criminal Court, the USA, Japan, South Korea, Canada and some other countries (Elwell, 2012; Ota, 2008; Ikeda, 2012, Wemmers, 2009), it is clear that further leadership from the World Society of Victimology (through its proposed draft *Convention on Justice and Support for Victims of Crime and Abuse of Power*) and the United Nations (through its Office of Drugs and Crime) is still needed to include a broader range of victim's participatory rights, especially the enforcement aspects, in these international instruments following the example of Articles 68 and 75 of the Rome Statute. This reform statute not only made a significant change at the international criminal procedures level, but also established a model for all the nations to emulate within their own criminal procedures, but also among victim assistance practitioners.

— John P. J. Dussich, Ph.D.
Editor-in-Chief

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In Memoriam



Professor Dr. Tony Peters

On March 20, 2012, at the age of 71, Emeritus Professor Tony Peters passed away at his home in Herent, near Leuven in Belgium, after several years of chronic illness. He was surrounded by his wife, Maggy, his two children, and grandchildren. Tony Peters was a dear friend and colleague for many working in the fields of criminology, victimology, and restorative justice.

Tony Peters studied sociology and criminology at KU Leuven in the 1960s. In 1976, he obtained his Ph.D degree with a dissertation on “Unequal life conditions in the Central Prison of Leuven.” In this period, a strong movement to reform Belgian prisons grew-up against the backdrop of a general shift in the focus of criminological research from a clinical towards a more sociological-institutional perspective. For the duration of his entire career, Tony Peters maintained a critical stance towards the prison sentence, yet never lost contact with those working in the prison system. In 1980, Tony Peters co-founded what would become the leading scientific journal in criminology in Flanders, *Panopticon*. From the second half of the 1980s onwards, and following from a series of penological projects and the study of violent crime phenomenon, the victim’s perspective came to the fore of Tony Peters’ work. Various victimological research projects followed based on both quantitative and qualitative methodologies. These included studies on the consequences for victims of violent crime, psychological coping processes and trauma, the legal position of the victim, and the role of the police and mental health services. Tony Peters not only pioneered victimology in Belgium as a scientific discipline, he also started a university course on victimology in the early 1990s and he laid the foundation for the first victim assistance programmes in the country.

Within a broader criminological perspective, Tony Peters linked victimological research to penological insights. Therefore, it should not surprise—with hindsight—that this specific scientific approach brought him to the field of restorative justice. In 1993, he started a first action-research on the possible role of victim-offender mediation for more serious crimes. Other research projects and studies followed, including several Ph.D projects under his supervision. Tony Peters was, in particular, interested in the relationship and the reforming potential of restorative justice vis-à-vis the criminal justice system. Therefore, in the late 1990s, he also initiated action-research on the possible role of restorative justice in prisons. For Tony Peters, restorative justice was indeed about “re-thinking crime and punishment.” In his view, scientific research in this domain had to provide answers to the needs and interests of victims, offenders, and community in a balanced and comprehensive way. For him, participatory approaches such as mediation revealed how, through the vehicle of their mutual communication, the most directly involved stakeholders, namely victims and offenders, were able to re-define both what happened and also how the response to crime should be determined, hereby often challenging the criminal justice system’s rationale.

Tony Peters’ work had a distinct international dimension. Early in his career, he assisted international organisations such as the Council of Europe and Amnesty International. He was a strong supporter of international exchange programmes for students, and he initiated the EU funded exchange programme between European and Canadian universities on the topic of “Victimisation, mediation and restorative justice.” He was visiting professor at the universities of Montréal, Edinburgh, Basque Country, Las Palmas, and Porto. In 2006, he became the Chair of the International Society of Criminology. In 2009, his life’s work was crowned by an honorary doctoral degree at the University of the Basque Country in San Sebastian. Tony Peters had a special relationship with Spain and Latin American countries. Here, he was a very well received speaker at conferences and seminars where he presented innovative insights, bridging theory and practice. But Tony Peters also developed rich bonds of friendship in many other countries.

In his research and societal commitments, Tony Peters was not just “a believer.” On the basis of empirical research, and in particular through the active involvement of practitioners and policy makers in his research projects, he adopted a nuanced, pragmatic, and realistic approach. This attitude made him very influential at a policy level in Belgium and this explains how he, supported by colleagues, was able to create a high degree of acceptance and effective implementation of restorative justice in the country.

Many will remember Tony Peters for the way he interacted at the personal level. As an academic, he showed strong integrity and he was deeply concerned about how his colleagues, researchers, and other collaborators “were doing.” He had a special, personal, and warm presence. Tony Peters has demonstrated how victimology as scientific discipline can be integrated in a broader criminological approach and at the same time can accentuate the identity of criminology both in research and action. His scientific work and personal commitment gave rise to a unique type of guidance, as so many have witnessed.

Ivo Aertsen

KU Leuven Institute of Criminology

Global Victimology Events

Oct. 6, 2012	<i>TIVI 7th Symposium "Human Trafficking Victims," in collaboration with United Nations University (UNU) & International Organization for Migration (IOM) (UN University Tokyo).</i> http://www.tokiwa.ac.jp/~tivi/english/news/achives/symposia07/index.html	March 11, 2013	<i>Crime Scene Analysis and Victim Identification Forum (The Royal College of Pathologists, London, UK).</i> http://www.regonline.co.uk/builder/site/Default.aspx?EventID=1128572
Nov. 4-6, 2012	<i>4th Global Conference: Bullying and the Abuse of Power (Salzburg, Austria).</i> http://www.victimswweek.gc.ca/home-accueil.htm	March 12, 2013	<i>2nd Annual Forum for disaster victim identification 2013 (The Royal College of Pathologists, London, UK).</i> http://www.regonline.co.uk/builder/site/Default.aspx?EventID=1131018
Nov. 16, 2012	<i>Victims of Terrorism: Multidisciplinary Approaches (University of St Andrews, Scotland, United Kingdom).</i> http://www.victimswweek.gc.ca/home-accueil.htm	March 13, 2013	<i>International forum for mass grave victim identification (The Royal College of Pathologists, London, UK).</i> http://www.regonline.co.uk/builder/site/Default.aspx?EventID=1128472
Nov 22-23, 2012	<i>Third Annual Conference of the Victimology Society of Serbia (Belgrade, Serbia).</i> http://www.worldsocietyofvictimology.org/VDS_conference.pdf	April 8-10, 2013	<i>The 8th Annual Conference on Crimes Against Women (Dallas, TX, USA).</i> http://www.conferencecaw.org/
Nov 25- Dec. 1, 2012	<i>Crime Victims' Week (Cabinet Office, Government of Japan).</i> http://www.victimswweek.gc.ca/home-accueil.htm	April 21-27, 2013	<i>National Crime Victims' Right Week (NCVRW) "New Challenges. New Solutions" (USA).</i> http://ovc.ncjrs.gov/ncvrw/
Dec. 11, 2012	UN Webinar " <i>Trafficking Prevention and the Victims: New United Nations and Academic Perspectives</i> " (Vienna International Center, Switzerland). http://www.unodc.org/e-lectures/en/trafficking-persons/index.html	April 21-27, 2013	<i>National Victims of Crime Awareness Week 2013 "We All Have a Role" (Canada).</i> http://www.victimswweek.gc.ca/home-accueil.html
Jan. 26-31, 2013	<i>The 27th Annual San Diego International Conference on Child and Family Maltreatment — 2013. (San Diego, CA, USA).</i> http://www.sandiegoconference.org/	May 13-25, 2013	<i>XXIX Post Graduate Course of Victimology, Victim Assistance and Criminal Justice (Dubrovnik, Croatia).</i> http://www.worldsocietyofvictimology.org/DubrovnikVICTOMOLOGYflayer2013.pdf
		June 1, 2013	<i>24th Academic Assembly of the Japanese Association of Victimology (Tokyo, Japan).</i> http://www.victimology.jp/



Empowering Victims of Domestic Violence in Developing Countries: The Role of Education and Employment

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ABSTRACT

This article focuses on domestic violence and how female victims are empowered to end their abusive relationships through legal intervention. We analyze whether employment status and education are related to crime reporting and whether country development level moderates the impact of education and employment on reporting. Analyses revealed that females in developed countries are more likely to report domestic violence than females in developing countries. Findings support the notion that the effect of employment on reporting depends on a country's development level. Only in developing countries was being employed related to reporting. Education level, however, was not associated with reporting. Possible explanations for these findings are discussed.

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Worldwide, the fight towards gender equality is reflected in national and international initiatives and standards (Inglehart & Norris, 2003). For example, constitutions in many countries stipulate equal rights for men and women, prohibiting all forms of discrimination. Other national legislation in place promoting the wellbeing and empowerment of women include laws against domestic violence, rights regarding inheritance, access to land and loans, criminalization of marital rape, freedom of movement, and freedom of dress. These national developments are supported by the U.N Convention on the

Elimination of all Forms of Discrimination against Women (CEDAW), which has been ratified by many UN member states.ⁱ Yet gender discrimination is still a widespread phenomenon prevalent in the developing, as well as the developed world. The World Bank (2003) reported that no regions in the developing world specifically offer women equal legal, social, and economic rights. Women have lower levels of education, lower life expectancies, the worst employment situations, and less power in the home. A particularly strong form of gender discrimination is violence against women (Bunch, 1990). In the terminology of the CEDAW committee, this abuse is defined as violence (1) directed at a woman because she is a woman, or violence that (2) disproportionately affects women.ⁱⁱ

Higher crime reporting rates is an advantage for society as it is one means of combating criminal behavior. Moreover, the often chronic nature of abuse

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experienced by victims of domestic violence, which impacts overall wellbeing, means that reporting the crime is a necessary step in preventing further victimization (Heise, Raikes, Watts, & Zwi, 1994). Women often do not take legal action against such violence due to a perceived lack of alternatives, particularly in cultures permitting violence against women. Reporting domestic violence involves overcoming a large number of barriers: social stigma, fear of reprisals, the desire to protect the offender, self-blame and negative self-concepts, uncertainty of the offender's intent to harm, belief that their abuser will reform, shame, and privacy concerns (Felson, Messner, Hoskin, & Deane, 2002; Johnson, Ollus, & Nevala, 2008; Truninger, 1971). The International Violence Against Women Survey found that although countries vary in their level of reporting, reporting rates did not exceed one-third of victims in any of the countries surveyed (Johnson et. al., 2008).ⁱⁱⁱ Reporting rates of violence by a current partner ranged from as low as 4% in Mozambique to 28% in Poland.

Empowering women is likely to lead to higher reporting rates. Empowerment has been defined as, "the ability to speak one's own truths in one's own voice and participate in the decisions that affect one's life" (Bricker-Jenkins, 1994). Feelings of self-efficacy can result from having decision-making power, being assertive, having access to information and resources, understanding that people have rights, increasing one's positive self-image, and overcoming stigma Chamberlin (1997). Two relevant forms of empowerment in the case of victims of domestic violence are financial independence from one's abuser and achieving higher levels of education, as these factors may assist women in participating in decisions that affect their lives. In addition, while education and employment do provide a source of empowerment to report the abuse, this relationship is affected by a country's level of development.

Education And Victim Empowerment

In the developing world, females often have less access to education than males (Kelly, 1984). The unequal access of women to education is due to gender ideologies in culture and structural issues regarding the actual access and availability of education. The need for quality education has been promoted in many international initiatives such as the Millennium Development Goals (United Nations, 2010), which includes the objective for all children (both boys and girls) to complete a full course of primary schooling. These, and other efforts, have

been met with some success and "the gender gap," in education has decreased (Hausmann, Tyson, & Zahidi, 2008). Nevertheless, gender inequalities persist in schooling in most, if not all, developing countries.

While studies have found that education is not related to reporting behaviors (Hare, 2006), other research suggests that resistance to repeated acts of domestic violence may be related to education (Frisch & MacKenzie, 1991; Sen, 1999). First, there is a negative association between education level and acceptance of patriarchal beliefs for women (Safa, 1996). Poorly educated women are more receptive to patriarchal norms (Jayaweera, 1997), meaning they are more likely to accept domestic abuse as a normal part of life and, in turn, are less likely to report victimization to the police. Education familiarizes individuals with experiences other than their own concerning inequalities in society (Davis & Robinson, 1991). Educated women, therefore, are more likely to be aware of gender inequalities, to challenge patriarchal beliefs, and to be aware of their undeserved subordinate status and the possibility of overcoming it. Second, education provides women with the basic skills (i.e., literacy) necessary for understanding written texts, including existing laws. Access to information and resources, in addition to the understanding that people have rights, are elements of empowering women (Bookman & Morgan, 1988; Van de Meene & Van Rooij, 2008; see also Chamberlin's definition of empowerment). Moreover, education may lead to better management of one's own financial affairs. Third, education may help women to believe they have greater employment prospects, increasing their level of empowerment (Sen, 1999). Despite the reality of continued gender discrimination in the labor market, education may be perceived as leading to greater independence. This perception is also related to a boosted self-efficacy and confidence that provides a source of empowerment for women.

The level of development of any given country may impact the extent of the validity of these arguments. The factors described above apply to developing countries with greater force when compared to developed countries. In developed countries, patriarchal values do not receive support from a majority of the population, and violence against women is socially unacceptable (Archer, 2006; Felson et al., 2002). In addition, in the developed world, the literacy levels of women are high and unlikely to be an additional barrier to reporting crime (World Bank, 2003).

The extent to which education can be assumed to be an empowering force, however, also depends on its own intrinsic qualities. In this aspect, developing

countries are likely to be disadvantaged because teachers are often not adequately educated themselves, children achieve much less than pre-established objectives, basic equipment is lacking, and many children repeat grades (Glewwe & Kremer, 2005). Moreover, schools may also serve as an institution reinforcing gender differences and sex roles (Cheung, 1996), with teachers and textbooks endorsing patriarchal values and gender inequalities.

Employment And Victim Empowerment

Employment is viewed as another key issue in the empowerment of women. For instance, the *EU guidelines on violence against women and girls and combating all forms of discrimination against them* states that, “the economic inequalities suffered by women and their lack of independence are decisive factors for violence in that they reduce women’s capacity to act and take decisions, and increase their vulnerability to violence.”^{iv} Achieving economic independence may provide women with more options for leaving an abusive relationship. Economically independent women are more likely to take action against domestic violence, for instance, by filing for a restraining order (Fernandez, Iwamoto, & Muscat, 1997), while economic dependence is likely to prevent women from leaving their abusive partners (Kim & Gray, 2008; McCloskey, 1996; Strube & Barbour, 1983). Victims may feel that ending the relationship will lead to poverty. Economic dependency has even been cited as the primary reason for staying in a violent relationship (Johnson, 1992; Kim & Gray, 2008).

The employment—empowerment link asserts that women with an independent income have greater control of that income, a level of control that extends to domestic life (Braunstein, 2008). Accordingly, ownership of assets offers economic security in addition to bargaining power over other household members. The more bargaining power a woman has, the more likely she is to have options outside of household cooperation, making her more independent and more likely to leave her abusive partner. Even in situations in which men are still considered to be the head of the household, women feel more capable of negotiating when they have assets (Safa, 1996; Sen, 1990), and this freedom to make their own decisions may increase empowerment (Chamberlin, 1997).

As was the case with education, the relationship between employment status and level of reporting may be moderated by level of development. On the one hand, in developed countries the extent to which unemployment is synonymous with impoverishment is moderated by other possible sources of revenue,

such as welfare. In developing countries, however, the consequences of unemployment may be dire as welfare and unemployment cash benefits are largely non-existent. In these countries, losing one’s job may mean having to rely on charity, or resorting to beggary or prostitution to ward-off starvation. Therefore, it is assumed that employment is more central to survival in developing countries.

On the other hand, employment alone may not imply liberation (Walby, 1996). Rather, an exploitable labor force may be created in which capitalist ideology reinforces existing ideological hierarchies such as gender and race. Women provide cheap labor as a supplement to male labor, thereby driving wage levels down. Specifically in developing countries, employment may be less predictive of empowerment for two reasons. First, despite contributing to the household income, women may have limited or no decision-making control within the family concerning economic activity, even when they hold paid positions (Sen, 1999) and, furthermore, a woman’s earnings may be appropriated by other family members, not only their husbands (Standing, 1991). Second, the nature of employment is also important. Many women in developing countries are employed under very poor, sweatshop-like conditions, in which the level of remuneration is barely enough to provide basic sustenance, let alone any additional empowering benefits (Eapen, 2001; Henley, Arabsheibani, & Carneiro, 2009). In addition, Sen (1999) observed that employment is ineffective in creating financial autonomy due to poorly paid and insecure jobs. She suggests that to alleviate the exploitative nature of wage labor, better quality jobs should be obtained.

This article examines if employment status, level of education, and the level of development predict crime reporting, independent of control variables. The two research questions are whether (1) country development level moderates the impact of education on reporting, and (2) country development level moderates the influence of employment on reporting.

Method

Participants

The International Crime Victim Survey (ICVS) is a household survey of victimization, which in its last sweep measured the rates of self-reported victimization in over 70 countries (Van Dijk, Van Kesteren, & Smit, 2008). The ICVS data allow comparisons between (groups of) countries, in addition to trends within countries. Although the

survey design varies between waves, in each wave telephone interviews are conducted and respondents must be at least 16 years old to participate. Sample sizes are approximately 2000 individuals in each country. The crimes included are vehicle-related crimes (viz., theft of a car or bicycle), theft of personal property, burglary and contact crimes (viz., assault, threat, or sexual offenses). In addition to victimization data, participants are interviewed on attitudes towards punishment, police community relations, and crime prevention.

The current investigation included data from surveys carried out at three different waves (2000, 2001, and 2004). Included were two sub-samples of female victims derived from the larger ICVS study. The first sub-sample (N = 386) consisted of victims from 18 developing^v countries: Mozambique, Lesotho, Swaziland, Cambodia, South Africa, Namibia, Mongolia, Botswana, Uganda, Zambia, Brazil, Colombia, Georgia, Lithuania, Mexico, Argentina, Colombia, and Turkey. In the second sub-sample (N = 544), the following 15 developed countries were included: Norway, Australia, New Zealand, the United States, the Netherlands, Canada, Sweden, Japan, Switzerland, France, Finland, Iceland, Belgium, Denmark, and Spain.^{vi} Respondents were included in the sub-samples if they were female, if they had experienced sexual or violent victimization in the previous 5 years,^{vii} and if they were currently or had previously been in a domestic relationship with the offender. This variable was measured by asking if the offender was a current partner/spouse, ex-partner/ex-spouse, boyfriend, ex-boyfriend, or relative.

Measures

Country level of development

33 countries were included in the analysis. Country development is coded as a dichotomous variable (0 = developed, 1 = developing).

Educational level

Education was measured in years (0 – 25). Respondents were asked “How many years of formal school and any higher education did you have?”

Employment status

Employment status was measured by asking, “How would you describe your current occupational position. Are you working, keeping house, or going to school or college? Or are you retired, unemployed, but looking for work?” A dichotomous variable was created, with values 0 = unemployed and 1 = employed. Respondents were categorized as

employed only if they were *currently working*.

Decision to report

The dependent variable, “decision to report a crime,” was measured by asking victims whether or not they had reported the crime to the police. Victim reporting was coded as a dichotomous variable (1 = did report, 0 = did not report).

Control variables

Data on three control variables were derived from the ICVS. First, the severity of the crime may impact a victim’s decision to report (Skogan & Hough, 1994), although the direction of this relationship has been inconsistent in past research (Anderson & Saunders, 2003). To measure this variable, one item was used, namely the use of a weapon during the victimization. A dichotomous variable was included to indicate *weapon use* during the criminal act (1 = weapon used, 0 = no weapon used). Second, police perceptions may be linked to levels of corruption. Soares (2004) reports on levels of corruption as one factor affecting reporting. To gauge the level of perceived corruption in a country, participants were asked, “Has any government official, for example a customs officer, police officer or inspector in your own country asked you or expected you to pay a bribe for his service?” Third, an age variable (years) was included. Older victims have been found to be more likely to report their victimization to the police (Fisher, Daigle, Cullen & Turner, 2003; Gottfredson & Gottfredson, 1980), possibly due to the emphasis of subgroup solidarity over the value of crime reporting among youth peer-groups.

Procedure

In the first stage analysis, to examine differences between developed and developing countries, these groups were compared using chi-square tests for categorical variables and independent t-tests for continuous variables. In the second stage, whether or not educational level, employment status and country development level were related to crime reporting was analyzed using multiple logistic regression analysis. This analysis was adjusted for the earlier described control variables (i.e., age, weapon use, and corruption). In a final stage of the analysis, to address whether or not country development level moderates the impact of education or employment on crime reporting, interaction terms were added separately between country development level and education and development level and employment to the fully adjusted model. SPSS for Windows (Ver. 17.0) was employed.

Table 1

Percentages (unless otherwise indicated) (or means) of reporting, education, employment and control variables by country development level (N values vary due to missing values).

Variables	Developing Countries	Developed Countries	Total of Developing and Developed Countries
Type	<i>N</i> = 386 56.5	<i>N</i> = 544 43.5	<i>N</i> = 930 100
Reported to the police*			
Yes	30.7	46.7	40.1
No	69.3	53.3	59.9
Age*			
16-24	25.7	13.5	18.5
25-34	36.3	28.3	31.6
35-44	19.2	29.4	25.2
45-54	13.1	18.8	16.3
55+	5.7	10.0	8.4
Education*			
In years (Mean/SD)	10.1 (3.16)	12.3 (3.34)	11.4 (3.76)
Employment*			
Yes	37.7	59.4	50.3
No	62.3	40.6	49.7
Weapon			
Yes	18.6	16.0	17.1
No	81.4	84.0	82.9
Corruption*			
Yes	16.8	2.0	8.2
No	83.2	98.0	91.8

**p* < .001

Table 2

Predictors of reporting domestic violence

Variables	Odds ratio	95% C.I
Development type		
Developing	Ref.	Ref.
Developed	1.79**	1.32-2.43
Education	1.00	.97-1.04
Employment, Yes	1.28	.96-1.70
Age	1.07*	1.01-1.13
Weapon use, Yes	2.10**	1.48-2.98
Corruption, Yes	1.08	.64-1.80
Constant	.25	

***p* < .001, **p* < .05

Results

Descriptive and Inferential Analyses

Table 1 shows percentages (or means) of the different independent and control variables and reporting by level of country development. Victims in developed countries were more likely to report their crimes to the police (46.7%) compared to

victims in developing countries (30.7%), $\chi^2 = 22.97$, *df* = 1, *p* < .001). Similarly, with regard to the control variables, age differed significantly, (*t* (928) = -5.78, *p* < .001) where victims in developed countries were generally older than victims in developing countries. There was also a significant difference regarding experienced corruption (16.8% vs. 2.0%, $\chi^2 = 64.10$, *df* = 1, *p* < .001), with more corruption in developing countries. Victims in developed countries had significantly more years of education than victims in developing countries (12.3 years vs. 10.1 years, *t* (928) = -9.07, *p* < .001), and were more likely to be employed (59.4% vs. 37.7%, $\chi^2 = 42.10$, *df* = 1, *p* < .001). There were no differences between developed and developing countries for use of a weapon, (16.0% vs. 18.6, $\chi^2 = .95$, *df* = 1, *p* = .29).

Regression Analyses

Using multiple logistic regression analyses, we investigated whether educational level, employment status and country development level were related to reporting of domestic violence. These analyses were adjusted for age of the women, weapon use, and corruption. The full model (Table 2) was statistically significant (X^2 (6, *N* = 930) = 48.49, *p* < .001) and explained 6.8% (Nagelkerke R squared) of the variance of reporting. The analysis revealed that 61.2% of the cases were correctly classified. The countries' level of development, age of the victim, and weapon use during the abuse were significant indicators of reporting to the police. Victims in developed countries have a 1.79 times higher odds of reporting their victimization (Table 2). Higher age was related to a 1.07 times higher odds of reporting abuse. Where a weapon was used, victims have a 2.1 times higher odds of reporting their victimization. Educational level, employment and corruption were not significantly related to reporting behavior.

To address our first main research question, whether country development level moderates the impact of education on crime reporting, we again used a multiple logistic regression analysis. Education was centered since it is a continuous variable (Aiken & West, 1991). All predictor and control variables were entered into the equation along with the interaction variable for education and development type. Again, the full model was statistically significant, X^2 (7, *N* = 930) = 50.39, *p* < .001. Similar to the previous analysis, development type (OR = 3.23, 95% CI [1.32, 7.92], *p* < .05), age (OR = 1.07, 95% CI [1.01, 1.12], *p* < .05) and weapon (OR = 2.09, 95% CI [1.47, 2.97], *p* < .001) had a significant relationship with reporting. No significant interaction was found, however, for development type and education. Also in this analysis there was no significant main effect for education.

Table 3

Results of logistic regressions for interactions of development level and empowerment (employment and education) on reporting

Variables	Education		Employment	
	Odds ratio	95% C.I	Odds ratio	95% C.I
Development type				
Developing	Ref.		Ref.	
Developed	3.23*	1.32-7.92	2.44**	1.60-3.71
Education	.98	.93-1.03	1.00	.97-1.04
Employed	1.28	.96-1.70	1.87*	1.19-2.96
Age	1.07*	1.01-1.12	1.06**	1.00-1.12
Weapon present	2.09**	1.47-2.97	2.06*	1.44-2.93
Corruption	1.09	.65-1.83	1.08	.65-1.82
Employment * development	-	-	1.84*	1.04-3.26
Education * development	1.05	.98-1.13	-	-
Constant	.60		.12	

* $p < 0.05$; ** $p < .001$

To test whether country development level moderates the impact of education on crime reporting, the interaction term for employment and development was added to the fully adjusted multiple logistic regression model. After entering the interaction term, the multiple logistic regression model was again statistically significant, $X^2(7, N = 930) = 52.93, p < .001$. After adding this effect, the model explained 7.4% of the variance, i.e. the interaction between country level and employment added a small amount of unique variance (Δ Nagelkerke $R^2 = .06$). As can be seen in Table 3, development type (OR = 2.44, 95% CI [1.60, 3.71] $p < .001$), age (OR = 1.06, 95% CI [1.00, 1.12], $p < .001$), and weapon (OR = 2.06, 95% CI [1.44, 2.93], $p < .05$) were significant predictors of reporting. Furthermore, we observed that there was a significant interaction effect between country development level and employment on reporting (OR = 1.84, 95% CI [1.04, 3.26], $p < .05$).

As noted above, because the interaction between employment and development type was significant, the multiple logistic regression analysis was stratified for country development level. After doing this, employment predicted for victims in developing countries but not for victims in developed countries (OR = 1.76, 95% CI [1.09, 2.83], $p < .05$ and OR = 0.99, 95% CI [.69, 1.43], $p = .97$, respectively). This finding indicates that being employed in developing countries increased the odds of reporting by 1.76 times.

Discussion

The present study revealed that being a victim in a developed country is associated with a higher likelihood of reporting domestic violence. Education and employment status were not independently associated with reporting. We observed, however, that country development level moderated the effect of employment on reporting. In developing countries, employment was related to reporting, while this relationship was not found in developed countries. In developing countries, employed victims of domestic violence were more likely to report this crime than unemployed victims of domestic violence. There was, however, no similar interaction effect for education.

A large body of *dark number* research reveals that domestic violence victims do not report their victimization for a variety of reasons. These studies, however, rarely compare populations. Furthermore, to the best of our knowledge, where this is the case, studies do not query the role of empowerment through education and employment. The ICVS data allowed us to ascertain the relationship between these variables and reporting in both developed and developing countries.

First, based on earlier literature, we hypothesized that education may lead to greater confidence for women, provide basic skills like literacy that contribute to women's awareness of their rights and help women overcome patriarchal norms (Jayaweera, 1997; Safa, 1996; Sen, 1999). The main effect of education on reporting was not significant for the sample as a whole. It was also suggested that the relationship between reporting and education may be a function of development level. This hypothesis, however, was also not confirmed in the present research. The arguments suggesting that education would be related to reporting were primarily applicable to developing countries. In developed countries, however, education may be so pervasive for women that it is unlikely to play a role. Also in developing countries, however, education was not a significant predictor of reporting. One explanation for this finding is that the quality of education is also important and therefore should be accounted for in further research. Also, it was noted that grade repetition is common in developing countries (Glewwe & Kremer, 2005). Therefore, attending school for more years is not necessarily synonymous with higher education, at least in developing countries.

For the second hypothesis, the findings clearly indicate that the effect of employment on reporting is dependent on a country's level of development.

While employing women in developing countries is of great importance in and of itself, the results reveal that it is associated with an increase in crime reporting of female domestic abuse victims. No association of this kind was found for developed countries, which indicates that the relationship between employment and reporting is specific to developing countries, rather than a phenomenon that holds irrespective of development level. We suggested that in developed countries, other forms of financial support may exist which provide women with enough resources to leave their abusers. In developing countries, however, the current findings suggest that employment provides women with the financial autonomy that may empower them to end the abuse, despite the possibility that such employment may be 'exploitable' (Walby, 1996).

The present study has a number of limitations. First, the cross-sectional design of the study did not allow for causal inferences. Though a theoretical backdrop was provided linking employment and empowerment, longitudinal research could analyze the causal relationship. Second, our research suffered from the usual problems that arise in secondary analysis of existing data. Both variables (for instance income, religion) and distinctions (type of employment, quality of education, reasons for non-reporting) that could be relevant for our research were simply not available. Third, our analysis was restricted to the countries included in the ICVS. Although we have no reason to assume that the inclusion of other developing or developed countries would have changed our findings, we cannot rule out this possibility entirely. Fourth, the variable measuring employment did not ask whether victims were employed at the time of their victimization. The employment measure may not be accurate in cases where occupational status changed from the time between the crime and data collection. Fifth, though much of the theory presented earlier was derived from research examining the reasons women leave or stay with their abusers, such behaviors cannot be fully equated with reporting to the police. It may be the case that women are leaving the relationship due to the violence, but keep their distance from the legal authorities. At the same time, reporting the abuse does not necessarily imply leaving the abuser. Finally, though the 30 countries included were categorized as developed and developing countries, they may differ greatly on certain aspects. The analysis accounted for corruption because a measure was provided at the individual level on the ICVS. Yet it should be noted that other (structural) variables could be included in future research to increase overall variance. Some of these variables may include the extent to which laws exist protecting

women in many jurisdictions. Understanding the differences by countries may shed light on some of the non-reporting patterns of domestic violence victims.

Conclusion

The aim of this investigation was to analyze the association between empowerment and reporting rates, in both developed and developing countries. In both groups, education was not predictive of reporting behaviors. Though education was not found to play a significant role, further research should look at the quality of education. Such findings may suggest that there are simply other, more influential variables impacting victim empowerment and reporting behaviors. Results did show, however, that in developing nations, employment did play a role in predicting reporting. Returning to Chamberlin's definition, employment may be a driving force, providing women with the necessary resources to empower them to report the violence.

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ⁱ For an updated list of countries that have ratified the Convention, see U.N Treaty Collection Databases, Status of Treaties, <http://bit.ly/Ry2KQq>

ⁱⁱ UN Doc. HRI/GEN/1/Rev. 7. General Recommendation No. 19 (1992), *Violence Against Women*, para. 6.

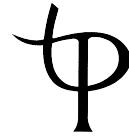
ⁱⁱⁱ The countries included Australia, Costa Rica, Czech Republic, Denmark, Hong Kong, Mozambique, Philippines and Poland.

^{iv} 2008. For text of the Guidelines, see <http://bit.ly/Sg4iNI>

^v The Human Development Index (2007-2008) by the United Nations Development Program, a composite statistic rating the countries on their level of development (low, medium and high human development).

^{vi} These countries were chosen because they are at the extremes of the Human Development Index and because they were included in the ICVS for the chosen waves.

^{vii} “Have you over the past five years been personally attacked or threatened by someone in a way that really frightened you, either at home or elsewhere, such as in a pub, in the street, at school, on public transport, on the beach, or at your workplace.”



The Role of Education in the Relationship between Perceived Social Support and Perceived Resourcefulness among Elders' Coping

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ABSTRACT

The demographic bulge of the baby-boom generation has focused attention on identifying and augmenting those coping skills that will help elders meet the unpredictable challenges of aging, including victimization. The educational level attained by an elder plays a modest but significant role in the relationship between perceived social support and perceived resourcefulness. Whole- and split-sample analyses of data from 355 elders at senior centers in Phoenix, USA, highlight education as a prominent resource that benefits especially those elders with higher levels of education. The implications for elder assistance and advocacy to facilitate coping with victimization and other life problems are discussed.

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The demographic bulge of what is called “the baby boom generation,” or those persons born between 1946 and 1964 in the United States, is replicated in countries around the globe. This means individuals, communities, and entire societies will confront the implications of elder coping on an unprecedented scale. The baby boom generation in the United States, which began turning 65 years of age in 2011, will swell the ranks of those 65 years of age and over from 13% of the population in 2010 to 20.2% in 2050. Already the fastest growing sector of the population, those 85 years of age and older will rise from 2.3% of the population in 2030 to an estimated 4.3% in 2050 (United States Census Bureau, 2011). A decline in future death rates could increase the number of people in this age group (Administration on Aging, 2008).

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Features of later life may make it difficult for an elder to address life problems including victimizations that directly impact health, quality of life, and life satisfaction. Cognitive, physiological, and financial capabilities that an individual formerly may have drawn upon to address a problem may diminish in later life. A gradual or sudden loss of hearing, vision, smell, touch, or taste may affect how an elder gathers information and interacts with his or her environment. Diminished physical or mental capabilities challenge the efforts of elders to maintain or elevate coping skills. Perhaps for the first time in one's life, an elder is faced with diminished personal capabilities that may never return. Impaired cognition may adversely affect reasoning and memory in ways that inhibit an elder from becoming aware of, and responding to, his or her new situation. Emotional instability may accompany paranoia, disbelief, denial, feelings of being a child, anger, frustration, confusion, guilt, shame, grief, insecurity, worry, fear, stress, and obsessive-compulsive behaviors; these feelings may significantly complicate an elder's experience of daily living. Ultimately, the real impact of the decline in capabilities is assessed in terms of its effect upon function in daily life, either as an activity

of daily living (ADL) such as getting dressed, going to the bathroom or moving about in one's home, or as an Instrumental Activity of Daily Living (IADL) such as using the phone, driving a car or taking public transportation, grocery shopping, preparing meals, taking medicine, and using the toilet (Yang & George, 2005).

This research uses the Psycho-Social Coping Theory that proposes coping is inherently adaptive and creative. It can be learned and taught. Coping is focused on the purposive use of resources. A process-based approach to coping is fruitful for understanding and ameliorating the situation of groups and individuals (Dussich, 2006).

The PSCT describes the process by which people cope with problems such as victimizations in order to reduce stress. The theory is behavioral, dynamic, and comprehensive in scope. The key elements in PSCT are the Repertoire, the Problems, the Coping Processes, and the Products. The Repertoire is the accessible collection of problem-solving skills that an individual may bring to bear in order to resolve the stress of life strains. The Repertoire is supported by time and is composed of an individual's psychic, social, and physical assets. Inputs in the coping model are problems that disturb an individual's equilibrium. The Coping Process is composed of four sequential elements: prevention, preparation, action, and reappraisal. The product or result of the coping process is the elimination, reduction, or retention of stress (Dussich, 2006).

Coping is a relevant strategy for dealing with victimizations and other problems that elders face to the extent that the purposive action of an elder alleviates stress. The multi-faceted nature of life challenges provides numerous opportunities for an individual to act in a manner that may improve his or her well-being (Tinetti, Allore, Araujo, & Seeman, 2005). More broadly, social engagement plays an important role in successful aging, alongside other factors such as health, psychological well-being, and role integration (Crosnoe & Elder, 2002). These domains provide elders with numerous opportunities for addressing their particular life situation.

Social support contains a number of dimensions that give it a broad range of import and application. Tangible support reflects assistance in meeting daily life needs. Affection support measures the extent to which the elder receives affection. Positive social interaction focuses on the opportunities an elder has to relax and have fun with others. Finally, emotional or informational support indicates the degree to which the elder has someone to turn to in time of crisis such as after being victimized, for information, or to discuss issues of personal significance to the elder (Gadalla, 2009).

Operationally, the presence and character of support is defined from the point of view of the recipient rather than from the intentions of the provider. The perceived character of support is a result of psychological processes that may indicate, for example, improvements in levels of social support, independent of changes to the environment or in the role of the elder. A considerable body of psychological research focuses on the emotional import of relationships but focuses less specifically on social integration of social support. Similarly, while sociology may focus on the character and extent of social support, it may overlook the emotions involved and the subjective appraisal of support. In a manner that may facilitate an understanding of social support, symbolic interaction specifies that relationships are developed, organized and maintained through obligations, roles and commitments (Schnittker, 2007).

Social support is negatively correlated with distress in victims (Cornijs, Penninx, Knipscheer, & van Tilburg, 1999). Those elders with a lower level of emotional well-being had an unequal ratio in the number of hours of support that they provided to others compared to the number of hours of support that they received (Keyes, 2002). Feelings of loneliness following bereavement are reduced in the context of confiding relationships, not that of more superficial relationships (Schnittker, 2007). A higher level of perceived social support mitigates the adverse impact of a negative mood following a stressful development (Atienza, Collins, & King, 2001).

Rather than an objective level of social support, the perception of social support emerges as a significant variable in numerous studies. This perception includes both the quantity and type of support enjoyed, as well as its sufficiency to meet the need. How the elder perceives the character of social support was the focus of an investigation drawing upon data from the Aging in Manitoba study of 1,267 individuals aged 69-101. Those elders with a high evaluation of their social identity, a variable referred to as collective self-esteem, reported fewer chronic health conditions and a higher level of perceived health, despite a low level of perceived situational control (Bailis & Chipperfield, 2002).

Social support, rather than being a function of a particular social context that is passively doled out to individuals, is molded and accessed by the individual. The intentional acquisition, maintenance, alteration and discontinuation of relationships within one's social network is associated with subjective well-being (Lang, 2001). The character and amount of social support that an elder draws upon in response to a problem such as being victimized,

reflects an elder's decisions and behavior and, as such, represents a coping resource that an elder may shape according to perceived current and/or future needs. This study assesses the level of perceived social support ("I know people who will help me if I need them,") in a manner that suggests tangible, informational or emotional support. As mentioned earlier, asking for assistance is an acknowledged path for coping with a problem (Snyder, 2001).

Elders act in ways that develop or maintain their support networks. Elders with few living relatives are more likely to perceive their relationships with these relatives as close and non-problematic in nature (Fingerman & Birditt, 2003), reflecting the decision of the elder to preserve social ties to kin. That elders actively develop and maintain their social networks suggests that the quality and extent of social support is in line with what elders desire or believe is possible. Demographic trends point to the probability that elders will spend at least some of their later years living alone. Furthermore, loneliness in American society may be concentrated among people in their later years. However, most elders who live alone do so of their own accord, they state that they are satisfied with their living arrangements, and they decline opportunities to develop new connections with others (Schnittker, 2007).

Two variables related to social support, the combination of helpers who coordinate their efforts and co-residence with a helper, emerged as the most significant coping resources of disabled, community-dwelling elders. This network of assistance was more substantial for married than for single persons (Boaz & Hu, 1997).

Elders form their notion of the character and extent of social support through their understanding of the local social context. Elders living in deteriorated neighborhoods, especially those elders who lived alone, had lower expectations of social support than elders living in better maintained neighborhoods (Thompson & Krause, 1998).

Regarding perceived resourcefulness, an elder's individual resources and strategies for coping mediate the relationships between stress and hassles and two types of function, instrumental activities of daily living (IADL) and physical activities of daily living (ADL) (Dunkle, Robert, Haug, & Raphaelson, 1992). The Longitudinal Aging Study Amsterdam, initially assessing 3,107 elders in 1992, found uniquely among the coping variables measured, that stable or increasing resourcefulness enabled elders to experience a higher degree of life satisfaction, despite a decline in function, compared to elders with declining levels of resourcefulness. Resourcefulness enabled some elders to maintain a degree of well-being that exceeded what objective

criteria (function and health) would suggest. Resourcefulness provided elders with psychological resilience and helped them adapt to stressful life situations, with the result that they achieved a higher degree of well-being. Resourcefulness also had a protective effect against depression that may emerge with chronic conditions such as disability or disease (Jonker, Comijs, Knipscheer, & Deeg, 2009). Self-referral by elders for services is associated with a lower degree of formal service use because those able to access services on their own demonstrate their resourcefulness, which is associated with a reduced need for formal services (Barker, 2000).

In a study designed to assess factors related to the onset of functional dependence, the separate and combined contribution of precipitating events (measured in terms of emergency hospital admissions) and a measure of baseline vulnerability to developing functional dependence (age, cognitive status and physical performance) were found independently to predict future functional dependence in a group of 1,850 elders, aged 72 and over (Gill, Williams, & Tinetti, 1999).

Elders who enjoy a high degree of physical and mental capabilities and are rich in social and personality resources function better in daily life and suffer from fewer problems associated with aging than do elders who are not as generously endowed. A four-year study of participants in the Berlin Aging Study found that the more highly functioning group of elders invest more social time with family members, reduce the diversity of their activities to those which are most important to them, take regular and longer naps during the day and demonstrate a change during the course of the study in how they invest time across activity domains. These findings lend support to the contention that resource-rich elders, more so than other elders, engage in strategies of selection, optimization and compensation in their everyday lives (Lang, Rieckmann, & Baltes, 2002). Coping theory maintains that perceived control of a situation will elicit instrumental, active, problem-focused coping. That is, individuals who believe they have the resources to address a problem are more likely to do so (Folkman & Moskowitz, 2004).

Education represents society's and an individual's commitment to develop particular and general skills in order to be able to respond more effectively, both individually and collectively, to life's opportunities and challenges. Socio-economic status as measured by education and occupation generally correlates positively with intelligence. Education, health, and intellectual activity proved to be significant predictors of memory function that removed social class as a factor. Locus of control,

emotional state, and life stress did not predict subjective and objective memory. Educational differences among elders reveal a pronounced variation in problem-solving and incidental learning (Arbuckle, Gold, & Andres, 1986).

It is hypothesized that educational level shapes the positive correlation between social support and perceived resourcefulness among elders, especially for those elders with higher levels of education.

Method

Participants

Community-dwelling elders attending 14 randomly selected senior centers in the metropolitan area of Phoenix, Arizona, USA, during 2004 and 2005 voluntarily reported on behaviors and attitudes related to coping strategies as identified through a review of the literature. In total, data was collected from 355 participants, of whom two-thirds were female, 60 years of age and over.

Materials

Questions related to 27 coping variables were structured to facilitate responses from participants regarding the frequency and character of problem-solving strategies and behaviors. Social support was measured through the statement, "I know people who will help me if I need them." Similarly, perceived resourcefulness was measured with the statement, "I think I can find some way to deal with the problems in my life." For each statement, participants indicated their agreement or disagreement on a Likert scale (1 = "Strongly Disagree," 2 = "Disagree," 3 = "Agree," and 4 = "Strongly Agree"). Educational level was measured by asking participants to indicate the last year of education they had completed. The answer sheet is located in the Appendix and indicates that queries were made in this study regarding an elder's lifetime history of criminal victimization and involvement in a traffic accident or natural disaster.

Procedure

Elders attending a senior center voluntarily completed the instrument that was administered either by the author or staff at each senior center. The author met with staff members in advance of the administration of the instrument to familiarize staff with the instrument and its administration, thereby minimizing any prospective variation in the way the

Table 1

Zero-order and partial correlations of social support and perceived resourcefulness by level of education, controlling for education

		Zero order correlations (n = 306)	At least some college (n = 89)
Social support x Perceived resourcefulness (zero-order)	P. Corr.	.174	.373
	Sig. (2-tailed)	.015	.000

Table 2

Zero-order and partial correlations of social support and perceived resourcefulness by level of education, controlling for education

		< HS degree (n = 81)	Including HS degree (n = 191)	At least some college (n = 89)
Social support x Perceived resourcefulness (zero-order)	P. Corr.	.070	.174	.373
	Sig. 2-tailed	.525	.015	.000
Social support X Perceived resourcefulness (partial correlation)	P. Corr.	.074	.155	.336
	Sig. 2-tailed	.502	.031	.001

survey was presented to and completed by participants.

Results

Partial correlation was initially performed using the entire sample in Table 1 to ascertain the relationship between social support and perceived resourcefulness, while controlling for level of education. The results in the first column that do not control for level of education (zero-order correlation) indicate a modest, strongly significant correlation between social support and perceived resourcefulness. When controlling for level of education, the correlation drops from .298 to .269, indicating that for the entire sample, level of education plays a modest, statistically significant role in the relationship between social support and perceived resourcefulness.

The results as presented in Table 2 offer a more detailed view of the role of education by splitting the sample into three groups: elders who did not

graduate from high school (N = 81), elders up to high school graduates (N=181) and those with at least some college (N = 89). Note that the first group is contained within the second group, for purposes of comparison. The first row of results presents zero-order correlations between social support and perceived resourcefulness for each sub-sample. These zero-order correlations do not control for level of education. While the results for elders who did not graduate from high school are not significant, there is a clear rise in the correlations across the row for each sub-sample.

The second row of results presents the correlation of social support and perceived resourcefulness, controlling for education. Comparing the zero order and partial correlations for each group, one notes for elders who did not graduate from high school that there is virtually no distinction between the results for the zero-order and partial correlations, .070 and .074, respectively, though neither value attains statistical significance. When comparing the results in the second column (up to high school graduates, N = 192), the results are statistically significant and indicate a drop in the correlation between social support and perceived resourcefulness when controlling for education, from .174 to .155. These results indicate that educational level has a modest, statistically significant role in the relationship between social support and perceived resourcefulness.

A more pronounced drop when controlling for level of education is found in the third column, the sub-sample of elders with at least some college (N = 90). When controlling for level of education, the statistically significant correlation between social support and perceived resourcefulness for this sub-sample falls from .373 to .336.

Discussion

Based on the findings as presented in Tables 1 and 2, the hypothesis that educational level shapes the relationship between social support and perceived resourcefulness is supported. Especially for elders who have attained higher levels of education, education emerges as a significant resource that they can apply to the challenge of meeting sundry life challenges such as preventing or recovering from a victimization.

That more highly educated elders would draw on their educational attainment is entirely consistent with PSCT. As described earlier, the repertoire is a toolkit that includes time and the entire range of psychic, social and physical assets that an elder can draw upon in the attempt to reduce the stress brought

on by a victimization or other life problem. It is understandable that an elder would draw upon the prominent, flexible resource of education in the attempt to address a broad range of potential problems. Furthermore, it follows that those elders who have invested more time and energy to attain a higher level of education will draw upon their education more often than other elders whose educational level may be more modest, and thereby arguably more constrained in its potential application.

Table 2 presents a conundrum. Having split the sample into three sub-samples based on level of education, why then perform a partial correlation that controls for education within each sub-sample? The partial correlations in Table 2 control for level of education within each sub-sample, thereby enabling comparison of the relative role played by education within each sub-sample by noting the difference in values between the zero-order and partial correlations within each sub-sample. This difference then may be compared across sub-samples to gauge the relative prominence in education among the sub-samples. The results, as stated above, indicate the greatest gap in those with the highest level of education, a finding predicted by PSCT.

These results also emphasize that coping efforts reflect individual attributes. Results as presented in Table 1 for the entire sample mask the variation among elders in the sample as presented in Table 2. This finding points to the very prominent role of assessment of the individual elder prior to embarking upon any attempt to assist him or her. In the absence of a detailed assessment of the functional capabilities of the elder, advocacy and assistance will prove to be haphazard, reduced to a guessing game as to the nature of an elder's daily life needs relative to his/her capabilities. Elders deserve targeted assistance, and those helping them should not waste their efforts focusing on areas that are of limited utility to the elder.

A limitation of the study is that it did not focus on the specific challenges of coping with chronic and acute sickness or injury. Elders raised this issue numerous times. Also, because data was gathered from community-dwelling elders able to attend senior centers, it perhaps presents a rosier picture of elder coping than a broader sample might suggest.

Conclusion

The findings as presented here support the PSCT. Education as a prominent resource should be assessed alongside other factors such as an elder's level of cognitive and physiological function prior to

embarking upon any attempt to assist elders in coping with a victimization or other life problem. A nuanced assessment of the elder, when properly incorporated into a regimen of care or assistance, has the twin benefit of being beneficial both to the elder and the advocate or care provider.

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Appendix

SENIOR LIFE SURVEY Answer Sheet
Situational Responses, Questions 1-6

1.	2.	3.	4.	5.	6.
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5

Disagree/Agree Sentences

	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.	20.	21.	22.	23.	24.	25.	
Strongly Disagree 1																				
Disagree 2																				
Agree 3																				
Strongly Agree 4																				

- 26. Gender: M / F
- 27. Year of Birth: 19 ____
- 28. Married / Single / Divorced / Widowed / Never Married / ____years
- 29. Occupation: _____
- 30. Race: African American / White / Hispanic / Asian / Combination / Other
- 31. Household income: _____
- 32. Last year of schooling completed _____
- 33. Years in current residence _____
- 34. Home Zip Code _____
- 35. Number of people in your home _____
- 36. Disabled? Y/ N (If yes, severity on a 1-4 scale _____)
- 37. How happy are you with your life? NA/M/V
- 38. Neighborhood Crime Level: Low/Med /High

39. Crime	40. Traffic Accident	41. Nat. Disaster
Have you ever been the victim of a crime? If yes, please describe the situation.	Have you ever been in a traffic accident? If yes, please describe the situation.	Have you ever been in a natural disaster such as a tornado, fire, flood, or earthquake? If yes, please describe the situation.
When?	When?	When?
How did you react?	How did you react?	How did you react?
Recovery rating (1-4)	Recovery rating (1-4)	Recovery rating (1-4)

Please call the Senior Help Line at 602-264-4357 if you require assistance in dealing with difficult life experiences.
Thank you for completing the SENIOR LIFE SURVEY. Your answers will be very helpful.



Treatment Seeking among Older and Younger Adult Women: Victimization Status and Psychopathology

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ABSTRACT

A national household probability sample of 3,170 younger adult women (age 18 to 45 years), and 457 (age 60 and older) older adult women was assessed for history of interpersonal violence, disaster exposure, current psychopathology, and help / treatment seeking for emotional problems. Results indicated that, in general, older adult women were less likely to consider; and less likely to actually seek mental health services. This age-based difference held only for assaulted women, and only for those considering services. Contrary to study predictions, no significant differences were observed between age groups in terms of either considering or obtaining mental health services among subgroups exposed to a natural disaster or endorsing current or lifetime psychopathology.

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Although the physical health consequences of traumatic events are more problematic for older than younger adults, older adults appear more psychologically resilient (Acierno, Ruggiero, Kilpatrick, Resnick, Galea, 2006; Bell, 1978; Bolin & Klenlow, 1983; Cohen, 2008; Geonjian, Najarian, Pynoos, & Steinberg, 1994; Huerta & Horton, 1978; Kato, Asukai, Miyake, Minakawa, & Nishiyama, 1996; Kilijanek & Drabek, 1979; Ruggiero, Amstadter, Acierno, Kilpatrick, & Resnick, 2009). Indeed, age is negatively correlated with

post-traumatic symptoms of anxiety and depression (Acierno et al., 2006; Cohen, 2008; Fontana & Rosenheck, 1994; Hyer, Summers, Braswell, & Boyd, 1995; Norris, 1992), perhaps because older adults have developed more refined coping mechanisms and techniques than their younger counterparts, or because they are simply less likely to report psychological symptoms. Consistent with reduced symptom reporting, data from two recent years old) are relatively less likely than younger adults to seek mental health services (Koenen, Goodwin, Struening, Hellman, & Giardino, 2003). However, very limited information regarding service utilization among older versus younger individuals exposed to severe traumatic events such as interpersonal violence or natural disaster exists.

The present study examined differential service utilization patterns among older and younger women with lifetime histories of physical and/or sexual

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victimization and lifetime psychopathology. We predicted that older women would be less likely than their younger counterparts in each category to either contemplate using, or actually use formal services to help alleviate distress, despite exposure to potentially traumatic events or lifetime presence of emotional problems. However, we made this prediction tentatively, as prior research indicates that both symptom presence and service utilization might vary as a function of prior assault history.

Method

Participants

Participants were enrolled in the National Women's Study (NWS), a longitudinal research project in which a national household probability sample of 4,009 adult women were selected at random and interviewed by telephone (Resnick, Kilpatrick, Dansky, Saunders, & Best, 1993). Of the total sample, 2,009 were a national household probability sample of U.S. female adults (age 18 and older), and 2,000 were an oversample of women aged 18 to 34 years. This oversample was incorporated into the study design to maximize the likelihood of including participants who had experienced assault or substance use. Resnick et al. (1993), provide demographic characteristics of the original Wave I study sample, weighted by age and race to reflect national averages of these variables. Detailed information on the sampling methodology is also provided in that paper.

For the present paper, two subsets of NWS participants were studied: younger adults ($n = 3170$), age 18 to 45 years, and older adults ($n = 457$), age 60 years and older. The average age of younger adults was 29.0 years ($SD = 6.3$ years), whereas the average age for older adults was 69.0 years ($SD = 7.0$ years). Considering marital status: among older adult women, 54% were married, 0.4% were cohabitating, 7.9% were separated or divorced, 31.9% were widowed, and 5.5% were never married. Among younger women, 59.4% were married, 5.9% were cohabitating, 10.3% were separated or divorced, 0.6% was widowed, and the remaining 23.8% were never married. Considering education among older women, 28.9% had less than a high school education, 55.8% had a high school education or some college, and 15.3% had at least 3 years of college education. Among the younger women, 10.9% had less than a high school education, 67.3% had at least a high school education and some college, whereas 21.7% had completed at least 3 years of college. When considering race among older women, 88.6% were

white, 6.3% were black, 1.5% Asian, 2.0% American Indian, and 0.4% Pacific Islander. Among younger women, 83.9% were white, 9.8% Black, 1.5% Asian, 3.1% American Indian, and 0.8% Pacific Islander. (2.2% of older adults vs. 8.0% of younger adults reported Hispanic ethnicity.)

Measures

The NWS employed a structured telephone interview that was designed to collect information about several topics, including demographic characteristics, sexual and physical trauma, other trauma (e.g., accidents, disasters), and psychopathology. Demographic variables were measured using standard questions employed by the United States Census Bureau (U.S. Bureau of the Census, 1991) to categorize age, education, and race.

Sexual or Physical Assault History

Participants were categorized as positive for sexual assault history if they responded affirmatively to any of the following questions:

"Has a man or boy ever made you have sex by using force or threatening to harm you or someone close to you? Just so there is no mistake, by sex we mean putting a penis in your vagina."

"Has anyone, male or female, ever made you have oral sex by using force or threat of harm? Just so there is no mistake, by oral sex we mean that a man or a boy put his penis in your mouth or someone, male or female, penetrated your vagina or anus with their mouth or tongue."

"Has anyone ever made you have anal sex by using force or threat of harm? Just so there is no mistake, by anal sex we mean that a man or boy put his penis in your anus."

"Has anyone, male or female, ever put fingers or objects in your vagina or anus against your will by using force or threats?"

Another type of stressful event women sometimes experience is that of being physically attacked by another person.

"Has anyone, including family members or friends, ever attacked you with a gun, knife, or some other weapon, regardless of when it happened or whether you ever reported it or not?"
 "Has anyone, including family members and friends, ever attacked you without a weapon, but with the intent to kill or seriously injure you?"

Table 1

Lifetime Assault, Psychopathology, And Natural Disaster Exposure Amongst A National Sample Of Younger (Age 18 To 45) And Older (65 Years Or Older) Women

	Positive for Variable % (n)	χ^2	<i>p</i>	OR*	CI
Assaulted					
Older	8.8 (40)	61.2	.000	3.52	2.53 – 4.93
Younger	25.3 (801)				
Natural Disaster					
Older	25.7 (117)	0.7	.402	0.91	0.72 – 1.14
Younger	23.9 (756)				
Lifetime Psychopathology					
Older	20.6 (94)	60.0	.000	2.33	1.84 – 2.96
Younger	37.7 (1194)				
Current Psychopathology					
Older	2.2 (10)	28.9	.000	4.87	2.58 – 9.26
Younger	9.8 (312)				

Note: OR > 1 indicates younger adults at greater likelihood

Table 2

Proportions Of Participants Considering Help-Seeking In Terms Of Age Group, And Age Group By Assault Or Psychopathology Status

	Considered Seeking Services % (n)	χ^2	<i>p</i>	OR*	CI
Entire Sample					
Older	11.8 (54)	110.8	.000	4.33	3.23–5.80
Younger	36.7 (1163)				
Assaulted					
Older	20.4 (11)	8.54	.004	2.63	1.34 – 5.15
Younger	40.2 (468)				
Natural Disaster					
Older	38.9 (21)	3.05	.090	0.61	0.35 – 1.07
Younger	27.9 (324)				
Lifetime Psychopathology					
Older	57.4 (31)	0.50	.481	1.22	0.70 – 2.12
Younger	62.2 (723)				
Current Psychopathology					
Older	14.8 (8)	0.7	.482	1.38	0.64 – 2.97
Younger	19.3 (225)				

* Note: OR > 1 indicates younger adults at greater likelihood

Post-Traumatic Stress Disorder or Depression

Lifetime and Current presence of PTSD and depression (Major Depressive Disorder) were measured via structured interview according to Diagnostic and Statistical Manual III-R (DSM-III-R) (Note that the DSM-III-R was more restrictive than the DSM-IV with respect to Criterion A: traumatic event exposure. Thus, all participants meeting diagnostic classification criteria in this study would

meet DSM-IV criteria as well). Specifically, each DSM-III-R criterion was operationalized in the form of a yes/no question, and DSM-III-R diagnostic algorithms were used to derive diagnoses. Lifetime presence of either disorder was considered positive for Lifetime Psychopathology. Presence of PTSD in the prior 6 months or Depression in the prior month was considered to be positive for Current Psychopathology.

Table 3

Proportions Of Participants Obtaining Services In Terms Of Age Group, And Age Group By Assault Or Psychopathology Status

	Obtained Services % (n)	χ^2	<i>p</i>	OR*	CI
Entire Sample					
Older	4.6 (21)	32.4	0.000	3.42	5.38–2.19
Younger	14.2 (449)				
Assaulted					
Older	One of the cells for this analysis contained fewer than 5 subjects, hence these results are not considered				
Younger					
Natural Disaster					
Older	42.9 (9)	1.89	.219	0.54	0.22 – 1.31
Younger	28.9 (120)				
Lifetime Psychopathology					
Older	76.2 (16)	0.16	.807	0.81	0.29 – 2.26
Younger	72.2 (324)				
Current Psychopathology					
Older	28.6 (6)	0.4	.594	0.73	0.27 – 1.92
Younger	22.5 (101)				

Considered informal help for emotional problems

Participants responded to the following question: “In the past year, did you consider seeking help for any personal or emotional problems from either family or friends or a helping professional or a self-help group.” Participants who indicated that they had considered obtaining help for emotional problems were then asked if they had actually obtained services in the past year. Professional services were defined as those provided by a psychiatrist, psychologist, social worker, counselor, minister or priest.

Procedure

Following selection of households, a telephone call was placed to a randomly generated number. In households with more than one adult woman, the most recent birthday method was used to select one woman for interview. Female interviewers collected all data using a computer-assisted telephone interview (CATI) procedure in which each question appeared on a computer screen and was read *verbatim* to respondents. Average interview time was approximately 35 minutes. Supervisors listening to real-time telephone interviews while monitoring the interview on their own computer performed random checks of each interviewer’s assessment behavior and data-entry accuracy at least twice during each shift. When an error was detected, supervisors required its correction and discussed it with the interviewer following the interview. If the error was detected

again in following interviews, the interviewer was removed from the study.

Results*Prevalence of Interpersonal Violence*

Data are summarized in terms of sample and group prevalences for key study variables and age based comparisons are given in Table 1. Consistent with previous studies, older women reported lower rates of assault relative to younger women, despite having longer (by virtue of their greater age) potential exposure to victimization. Moreover, older women in this sample were raped or physically assaulted an average of 52.0 years ($SD = 12.4$) and 27.4 years ($SD = 20.8$) previously, respectively; whereas younger women were raped or physically assaulted an average of 10.7 ($SD = 12.7$) years and 7.5 ($SD = 11.7$ years) previously, respectively. Levels of psychopathology were also lower in older adults. Rates of exposure to natural disasters did not differ across age groups.

Consideration of Mental Health Services

Group comparisons among women who had and had not considered obtaining mental health services were analyzed via chi-square and are presented in Table 2. Consistent with study predictions, older women were generally less likely to consider

obtaining services for emotional problems than younger women, and this difference persisted within the subgroup of assaulted women. However, no statistically significant differences were evident in terms of considering mental health services for disaster victims or women with lifetime or current psychopathology.

Utilization of Mental Health Services

Group comparisons among women who had, and had not actually utilized mental health services were analyzed via chi-square analyses and are presented in Table 3. Older women were less likely, in general, to obtain services in the past year than younger women. However, as was the case for consideration of mental health services, this difference was not apparent for any subgroup, including women exposed to a disaster or reporting current symptoms of PTSD or Depression (note that cell sizes were too small to analyze the assault subgroup).

Discussion

Consistent with our predictions and with most previous research, older women in general were less likely to consider formal or informal help and were less likely to actually seek help for emotional problems than were younger women. This trend was maintained with the subgroup of assaulted women. Surprisingly, however, this pattern was not evident for women with current or lifetime depression or PTSD, or for women exposed to natural disasters.

Lower levels of seeking, or even considering obtaining mental health treatment in older women may represent generational differences in attitudes toward mental health care (Lasoki, 1986), or may be the product of misdiagnosing psychological symptoms as manifestations of age-related physical illness (Turnbull, 1989). Generational differences in attitudes toward sexual and physical assault have not been reported, but may explain to some extent the differences in help-seeking patterns among older versus younger assault victims. However, reduced treatment seeking may also represent greater resiliency in older adults. This position is supported by the finding that, although older adult women were less likely to experience PTSD and depression, those affected by these disorders were no less likely to actually seek help. Moreover, it may also be the case that differences in reports of formal or informal help-seeking among younger versus older may be due to the format of the structured interview which asked only about *past-year* help-seeking. Time since the reported physical or sexual assault was much greater

among older respondents by comparison with the younger respondents. Therefore, it is entirely possible that assault victims considered or actually sought help for emotional problems more than a year ago.

This possibility is highlighted even more by aforementioned findings that help-seeking patterns may be related to current symptomatology. When the entire sample was considered, significantly fewer older women met criteria for current depression and PTSD than did younger women. However, older women who reported recent PTSD or depression were no more or less likely to report considering seeking help and to actually utilize professional mental health services. That older adults suffering mental health symptoms are at similarly prone to seek mental health services as are younger adults suggests that current mental health functioning is more important than assault status in determining who will seek mental health services. Not surprisingly, Husaini, Moore, & Cain (1994) reported that elderly individuals who were currently depressed were more likely to report help-seeking than non-depressed elderly individuals.

Taken together, these data suggest that, while age may indeed be a protective factor, older women who experience potentially traumatic events and related mental health problems do consider and do seek out mental health treatment. The factors that may influence treatment seeking among the elderly are numerous (e.g., attitudes toward mental health care), including a failure to actively inform older adults about mental health services (Estes, 1995). Indeed, at least one study (Robertson & Mosher-Ashley, 2002) has found that prior familiarity with mental health services was associated with increased probability of considering psychological help. Therefore, clinicians interested in providing mental health treatment to the elderly may find it useful to provide psycho-education about mental health problems and treatment options to affected older adults, particularly those who have been victims of interpersonal violence or report some psychopathological symptoms.

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Elder Guardianship Mediation: Threat or Benefit to Abuse Victims?

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ABSTRACT

In 2007 the legislature in British Columbia, Canada passed legislation making mediation mandatory in contested guardianship applications in court. Older adults often are the defendants in these matters, and, therefore will be required to participate in mediation under this statute. Some adults required to participate may also be victims of abuse. However, very little research exists on mediation in situations of elder abuse. This article fills that gap. In this article the author examines existing research on elder mediation and abuse, draws parallels to research on mediation in other abuse situations, gives examples from existing programs, and analyzes the impact of the new legislation on older adults. Additionally, the author makes recommendations for further research and next steps.

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In British Columbia, Canada, legislation was passed in 2007, which is not yet in force, but will make mediation mandatory in contested guardianship court cases. It is inevitable that some older adults who have experienced abuse will be involved in cases referred to mediation under this statute. However, there has been very little empirical research on elder abuse issues in the guardianship mediation context. What are the potential benefits and pitfalls of guardianship mediation in cases where abuse may also be occurring? This article will examine this issue and will provide an overview of relevant literature and related issues.

There are many relevant questions. For example, is elder mediation appropriate in situations where one of the participants may be experiencing abuse? If so, what steps can be taken to ensure that the older adult is safe and that the mediation does not perpetuate the abuse? These questions will be examined in the

context of existing research into, and examples of, Canadian programs, and then applied to the consideration of new legislation.

This article focuses on the Canadian context. British Columbia is the first Canadian province to legislate mandatory mediation for contested guardianship matters on a province wide basis. Although adult guardianship mediation programs already exist in the United States, there are some significant differences between guardianship and adult protection laws in Canada and in the United States. Therefore, this paper does not include a discussion of existing adult guardianship programs in the United States. Policies and procedures in those programs may not apply in the British Columbia context. For example, in British Columbia, members of the public are not required to report elder abuse and there is no government counterpart to the Adult Protective Services that exist in many states. As a result, mediation best practices on issues such as confidentiality and reporting abuse will be different. Rather than reviewing these legislative differences at length, this paper will focus on elder abuse, mediation and capability, and the relationship and issues related to these at a broader contextual level.

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Elder Mediation

Mediation refers to a process in which a neutral third person assists parties who are in dispute to resolve the conflict. Elder mediation is either mediation where one of the participants is an older adult or the issues in dispute are of particular interest to older adults. This includes, for example, estates, guardianship, care planning, and living conditions in assisted living and care home facilities. This area of practice is very broad and the term “elder mediation,” can refer to a variety of alternate dispute resolution practices involving older adults. In Canada the definition of *older adult* is slightly ambiguous, as the exact age at which one becomes an older adult can vary from province to province or program to program. The following scenario depicts a typical dispute that might arise between an older adult and his or her family members:

Lydia Smart is 85. She still lives on her own, but her daughter Mary has become increasingly concerned that she is not safe. The daughter was recently informed, in confidence, by Lydia’s bank service manager (who happens to be a personal friend of Mary’s) that Lydia’s neighbor has been coming to the bank to help Lydia with transactions, that Lydia sometimes seems confused and appears to be very influenced by the neighbor’s opinions. Mary is also concerned because, although Lydia receives support from a home care worker to help with household tasks, the help is not sufficient due to the physical ailments that prevent Lydia from carrying out many personal care tasks. These ailments include the early stages of dementia.

Mary comes over once a week to provide her mom with assistance and regularly calls her. She has noticed that Lydia is very secretive about her money and her relationship with the neighbor. Mary recently discovered that the neighbor has been visiting her mom’s home several times a week and that Lydia has given him money. Lydia does not have any other friends. Lydia’s oldest daughter Cindy recently reappeared in town, after being estranged from her mother for ten years. She has visited Lydia several times. She told Mary that she is willing to spend more time taking care of Lydia, but Mary believes that Cindy is after Lydia’s money because Cindy has substantial debts. At one point, Mary tried to speak to Lydia about the situation and to express concerns about Lydia’s ability to care for herself. She proposed that Lydia move somewhere where she could get additional support. However, Lydia became very angry, said she was fine and that she did not want any help or interference. She then did not speak to Mary for a few days.

Elder Guardianship Mediation

Situations where family members want an older adult to accept assistance that the older adult does not want commonly lead to conflict. In some of these situations the older adult may have diminished cognitive capability and may lack sufficient understanding of the decision that needs to be made. In response, a family member or friend may apply to the court for an order that the adult is no longer capable of managing his or her affairs and that a guardian should be appointed. *Elder guardianship mediation* refers to mediation of a dispute where guardianship is contested.

Returning to the scenario above, Lydia is in the early stages of dementia and her ability to make decisions may be compromised. The question is a matter of degree. Does she adequately understand the issues at hand, including the context of the decisions she is making and the possible consequences?

It is important to note that, in the absence of a court determination that an adult is incapable, the adult has a legal right to make decisions about finances, health care, legal or other personal matters on his or her own behalf. It is only when an adult no longer has legal capability that a legally authorized substitute decision maker can over-rule decisions made by the adult.

Determining the extent of an adult’s capability, however, is complex. Capability is a complicated legal concept as there is no single, uniform legal test in Canadian law. A person may be capable of making some types of decisions but not others. To further complicate the matter, differing levels of capability are required for different transactions or decisions, with, for example, a greater level of understanding being required to sign a will than to enter into a marriage. Despite their many differences, the tests for determining capability share similarities in that they incorporate two basic requirements: the ability to understand relevant information and the ability to appreciate reasonably foreseeable consequences. Canadian law on this issue is summarized in a report commissioned by the Law Commission of Ontario (Beck & Kerzner, 2010).

In addition to the legal definition of capability, there also are medical and functional definitions as noted by O’Connor (2009) in a report commissioned by the Public Guardian and Trustee of British Columbia. These are, however, beyond the scope of this paper and I will be discussing capability within the legal context alone.

Intersection between Capability and Abuse Issues

Although guardianship issues are present in the scenario about Lydia, there are co-existing abuse issues. Is Lydia a victim of financial abuse? Is she aware that Cindy may be exerting pressure on her? Lydia has had little or no contact with Cindy for some time. She might be willing to put aside her own financial best interests and her legal rights to have a relationship with Cindy. Elder mediators should not make the mistake of taking into account only the legal issues in disputes such as this one and overlooking the social aspects.

Elder Abuse Issues In Mediation

Overview of relevant literature

As noted above, guardianship issues and abuse issues may co-exist in a particular case. For example, what if a case is referred to mediation for resolution of guardianship issues and the mediator discovers that abuse is also present? If there is evidence of elder abuse should the mediation proceed? Are there some situations where elder abuse is occurring but it is safe to continue with mediation, and others where the mediation should be terminated? If so, what criteria should be used to determine which is which? Experts in the elder mediation field unequivocally state that elder mediators should screen for abuse and that mediation should be terminated in some abuse situations. However, to date no empirical research has been carried out in the elder mediation context regarding screening for abuse or terminating mediation where abuse exists.

There has been a very strong feminist critique of mediation in cases of domestic violence, beginning with a seminal article by Tina Grillo (1991). However, this critique may not apply in the elder mediation context. Although domestic violence is one form of elder abuse, the perpetrator of elder abuse may be someone other than the spouse. For example, the perpetrator may be an adult child, a caregiver or a stranger. Feminists have argued that mediation is never appropriate when domestic violence is present, but there is no parallel critique of elder mediation where other types of abuse are occurring.

Literature on training mediators about abuse

Existing literature emphasizes the importance of training elder mediators, especially on elder abuse issues. For example, in 2012 the British Columbia Law Institute completed a two-year research project on elder guardianship mediation and published the *Elder Guardianship Mediation Report [EGM Report]*, which recommends training on elder abuse

and capability issues. Similarly, the Association on Conflict Resolution, Training Standards Committee of the Elder Decision Making and Conflict Resolution Section published the *Elder Care and Elder Family Decision Making Mediation: Training Objectives and Commentary* in 2012 [*Elder Training Objectives*]. These objectives identify elder abuse as a specific area where elder mediators need training.

One of the reasons experts in the elder mediation field recommend that mediators receive specialized training before mediating elder disputes is to ensure that mediators have the necessary skills to recognize abuse. For example, section I-7 in the *Elder Training Objectives* (Association on Conflict Resolution, 2012) states that training should, “Deepen understanding of issues of elder abuse as they affect the mediator’s responsibility to provide a safe and effective process including”:

1. Definitions of, and how to recognize elder abuse.
2. The dynamics within the family or caregiver relationship.
3. How to screen for abuse prior to and throughout the mediation process.
4. When to rule out mediation.
5. When to continue mediation.
6. The relationship of mediation to adult protective services.
7. Confidentiality and mandated reporters. (p. 5)

Although these are laudable objectives, little research has been carried out about what to do when elder abuse has been identified. More problematically, little research has been done about screening tools or protocols in the elder mediation context.

Literature on mediation where domestic violence has occurred

Empirically validated screening tools designed specifically for elder mediation do not yet exist. Therefore, as a starting place, it is worth examining screening tools and safety protocols developed for domestic violence situations, defined as intimate partner violence, to determine if these might also be used in the elder mediation context.

Domestic violence screening tools and safety measures should be understood within the context for which they were developed. In the 1990’s a strong feminist critique of the use of mediation in situations of abuse arose. Some examples of issues that were raised are: a) abuse victims are in a disempowered

position and may not be able to advocate for their needs, b) abuse victims may be unsafe if they are forced to attend meetings in the same room as a person who is abusing them, and c) mediation agreements will favor the interests of the perpetrator rather than the victim due to power imbalance (Grillo, 1991; Semple, 2012). In response to feminist concerns, screening tools and safety protocols were developed for domestic violence situations in mediation. In fact, as Semple (2012) explains, concerns about these issues were sufficiently strong to cause many programs in the United States to create policies that require domestic violence cases to be screened out of mediation.

However, experts recently have called for a more nuanced approach. As explained by Madsen (2011), further research was carried out after these concerns were identified. Screening tools now exist that are sophisticated and provide criteria the mediator can use to determine what safety measures are needed and whether the mediation should proceed. Newer screening tools such as the Domestic Violence Evaluation (DOVE) identify not just the presence of domestic abuse, but also differentiate between types of domestic violence. Specific protocols and procedures are recommended depending on the type of abuse identified and mediation may or may not proceed depending on the type of abuse in the particular case (Ellis, 2008; Ellis & Stuckless, 2006).

The development of these newer, more nuanced, screening tools were made possible by research, such as that carried out by Kelly and Johnson (2008), who differentiate between *coercive controlling violence*, *violent resistance*, *situational couple violence*, and *separation instigated violence*. Other researchers have developed different categorization systems. Van der Steegh (2002) provides a thorough overview of research in this area and an explanation of different schemas for categorizing types of abuse.

Further research is needed to determine whether tools that have been developed for domestic violence are applicable to the elder mediation context. However, it is likely that these tools are not applicable, especially in the case of newer screening tools that are closely linked to typologies of domestic violence. Limited research exists specifically on elder abuse typologies. Furthermore, no research has been done to determine the appropriateness of mediation based on specific types of elder abuse.

Individual programs or organizations have developed screening methods for elder mediation cases but scientifically validated screening tools that are widely used in the field do not exist. Tools specific to elder mediation need to be developed and validated, as do research based best practice standards. A few questions that need to be answered

through research are:

1. When is it appropriate to continue the mediation and when is it appropriate to end it?
2. What criteria should be used to make this determination (for example, does it depend on the type of abuse, or the duration of abuse, or other factors)?
3. In what specific situations are the rights of older adults compromised?
4. In what situations might elder mediation be helpful?

Relevant Research on Financial Abuse

Elder abuse takes many forms and occurs in many different contexts. One form of elder abuse, that is very different than domestic violence, is financial abuse, which may be perpetrated by persons other than the spouse, such as adult children, relatives, or strangers. Financial abuse issues are likely to regularly arise in elder mediation, as disputes about financial planning and management are common issues for referral.

Kemp and Mosqueda (2005) provide an excellent summary of the prevalence and impact of financial abuse:

Financial abuse is one of the more common forms of abuse perpetrated against older people. In a recent national study of elder financial abuse, it accounted for about 20% of all substantiated elder abuse perpetrated by others... It is also estimated that, for every known case of elder financial abuse, four to five go unreported. Rates may be even higher than this. One study estimated that about 33% of one million cases of elder abuse were financial. Other studies have reported similar rates and have concluded that financial abuse is among the top three forms of elder abuse. The effect of elder financial abuse on older people is devastating. In addition to robbing them of their economic resources, it often causes extreme emotional distress of depression, increased dependence on others, a change in residence, decreased resources for medicines and health care, and a diminished quality of life. (p. 1123)

Financial abuse and exploitation are issues that are particularly relevant to elder mediation. As a strategy for gaining access to assets, perpetrators may allege that older adults have diminished capacity and may frame the dispute as one of safety or protection for the older adult when, in fact, the perpetrator is

motivated by greed or personal interest. Mediation may cause harm in those cases because the older adult participant may agree to accept living or financial arrangements that he or she does not really want due to coercion or influence by family members in the session.

An untrained or unaware elder mediator may not be able to recognize subtle dynamics of abuse. For example, older adult victims may inform the mediator that they have freely given away money, when, in fact, exploitation is present. This presents significant challenges for the elder mediator. Conrad, Iris, Ridings, Langley & Wilber, (2010) describe how difficult it can be to identify financial exploitation:

FE [financial exploitation] has been defined as the illegal or improper use of a vulnerable older adult's funds or property for another person's profit or advantages... In practice FE may be difficult to detect for a variety of reasons. For example, the onset is often gradual and insidious and lacking oversight, subtle deception may mimic legitimate transactions and escalate over time. Differentiating FE from legitimate transactions is challenging in that there may be indications of consent by the older adult, for example, assigned document or a gift when in fact the perpetrator has used psychological manipulation or misrepresentation... Differentiating FE from legitimate gift giving is especially difficult when an older adult is not a reliable reporter because of cognitive impairment, coercion or concern about what will happen to the suspected abuser. (p. 759)

Given these difficulties it is unfortunate that there has been no research on how to identify financial exploitation in the elder mediation context. It is important that mediators are able to identify financial exploitation accurately. However, further research is needed to identify the tools that would be the most effective for this. Assuming the same power dynamics are present in cases of financial exploitation as there are in situations of domestic violence, could any of the domestic violence screening tools, at least those that are not specifically tied to domestic violence typologies, be used? Could screening tools used by Adult Protective Services in other jurisdictions be adapted to use to screen for elder abuse in mediation in British Columbia?

Alternatively, given the potentially high prevalence of financial abuse issues in the elder mediation context, would existing financial exploitation screening tools used in other contexts be effective if used in elder mediation screening? For example, Conrad et al. (2010) developed an empirically tested tool called the "Self Report Measure of Financial Exploitation of Older Adults." The advantage of this type of tool is that it is simple

to use, with older adults answering a series of questions about potentially exploitive incidents that may have occurred. There is a short and long form of the survey. Would this be an effective screening tool to detect financial exploitation of older adults participating in mediation? Further research is needed on this subject.

Review of Existing Elder Mediation Abuse Prevention Models

In spite of outstanding questions on some specific issues, elder mediation remains a promising approach for resolving elder disputes. Existing research supports the use mediation as an abuse prevention tool for the older adult population. Yvonne Craig (1994) conducted a review of elder mediation pilot projects in England and concluded that elder mediation "can be a most useful intervention at early stages of relational conflict between elders and their carers and can be a deterrent in the etiology of elder abuse" (1994, p. 93).

It is important to observe that Craig acknowledges that there are valid critiques of elder mediation. However, she also points to preliminary research results showing that older adults have a preference for non-adversarial processes such as mediation.

Craig's work focuses on elder abuse prevention through mediation. However, it would be simplistic to draw a distinction between mediation in situations where serious abuse has occurred and mediation in situations where abuse has not yet occurred, or is in the preliminary stages, and to conclude that mediation is appropriate in the latter case but not in the former. Existing programs in the elder mediation field, which have had success providing services to victims of abuse, demonstrate this is not the case. There are, for example, two successful Canadian programs, which were designed to resolve conflicts in situations where elder abuse has occurred. Both have policies and procedures that are aimed at protecting victims, including screening procedures.

The *Elder Mistreatment Mediation Project [EMMP]* is operated by the University of Windsor Mediation Services in partnership with two other Windsor-based organizations. Former program director, Gemma Smyth (2011), in an article that describes the success of this project, explains the program in the following words:

Several elements supported the potential of older adults to participate meaningfully including: providing multiple chances during intake to tell their story, but the option to tell it only once; the option of using a Social Work Advocate during some or all of

the mediation process; extensive preparation of the older adults for mediation; use of a screening tool/intake guide, multiple points of follow up and a voluntary model of mediation. (p. 140)

Smyth notes that older adults who are reluctant to disclose having experienced abuse may be able to do so in the context of a dispute resolution program if the program connects the older adult with supports and provides a safe environment. To that end, the program purposefully entitles older adults to bring an advocate with them to the mediation sessions. Advocates are available through one of the partnering agencies. The advocate's role is to assist the older adult and to ensure that his or her voice is heard and interests are protected.

The other Canadian alternate dispute resolution program specifically designed to serve older adult abuse victims is a pilot project that operated in the Waterloo-Kitchener of Ontario Canada beginning in 2000. Funded by the Trillium Foundation of Ontario, the *Restorative Approaches to Elder Abuse Project* [*Restorative Justice Project*] began as a collaborative effort of seven agencies in this region. This program was created in response to awareness among practitioners that older adults who have experienced abuse are often not comfortable pursuing criminal charges against the perpetrator (Groh, 2003). This project was created to provide an alternative to the criminal justice system. The project mission statement was "to provide an opportunity for change and for healing for those affected by elder abuse" (p. 26).

The *Restorative Justice Project* fits under the umbrella of the broader restorative justice movement. Although the term "restorative justice" is often used to refer to certain practices such as sentencing circles, the term can also refer to approaches that fit within a certain value system, as is described by Morrison and Ahmed (2006):

Restorative justice has been conceived in the literature in two broad ways. One is a process conception; the other is a values conception. The process conception is characterized by a process that brings together all parties affected by harm or wrongdoing... The values conception is characterized by a set of values, or principles, that distinguish restorative justice from traditional punitive state justice. (p. 209)

Although the *Restorative Justice Project* shares a philosophy with the broader restorative justice movement, its focus on elder abuse offences is unique. At the outset of the project, the project team conducted an extensive literature review and did not find any existing restorative justice service delivery

models specifically for elder abuse situations (Groh, 2003).

Despite the fact that the *EMMP* describes itself as an elder mediation program and the *Restorative Justice Project* locates itself in the restorative justice movement there is overlap in how they approach elder abuse situations. Both programs carry out some type of screening at the outset to determine what services should be provided based on information gathered, and both incorporate support persons for the older adult into the process. In both programs the older adult participant's wishes are elicited at the outset. These approaches fit with best practices in the field. For example, experts mention involving support persons and adapting the mediation process to maximize the involvement of the older adult (Association on Conflict Resolution, 2012; Wood, 2009).

On a cautionary note, it should be noted that although the *EMMP* screens for abuse, it is not possible to guarantee an accurate assessment. As noted by former clinic director of *EMMP* Smyth (2011):

The hidden crime [of elder abuse] makes it difficult for professionals to spot and manage. The reasons behind under-reporting often lie with older adults themselves. They may avoid reporting abuse, wanting to protect the abuser who is statistically likely to be a caregiver. The potential social stigma or shame associated with abuse may serve as a further deterrent. (p. 127)

Smyth's reasoning rightly suggests that it can be very difficult for the elder mediator to accurately identify the existence of abuse or to measure the level of risk to the victim when abuse is occurring.

Demonstrated Benefits of Elder Mediation

Even though elder mediation is still in its seminal stage of development, and even though there is limited research on best practices in elder mediation, existing programs dedicated to addressing these challenges, such as the *EMMP* and the *Restorative Justice Project* show great promise. As noted by Craig (1994) and Groh (2003) older adults prefer to retain relationships with family members and, therefore, view alternative dispute resolution processes as preferable to court.

Guardianship Disputes and Elder Abuse

Capacity and Vulnerability in British Columbia Law

Elder mediation is a promising new approach but brings with it some hidden dangers. Older adults who are participating in mediation may be pressured into giving up legal rights. For example, family members may allege that the older adult has cognitive deficits, cannot take care of his or her own finances and, therefore, needs someone else to manage finances. An untrained elder mediator may be swayed by these opinions and may not be cognizant of the real dynamics. The mediator may be well-intentioned and may be concerned about protecting a vulnerable older adult, but in the process may unconsciously align him or herself with the other family members.

This is problematic because there is no guarantee that safety issues are being raised out of legitimate concern for the older adult. Claims of incapability might also be made out of a motivation for personal gain, or a mixture of both. There can be a significant advantage for someone who wants to strategically exploit an older adult to claim the latter is not capable in order to gain control of the elder's assets. Allegations of vulnerability can be raised to further the argument that the older adult needs someone else to take care of his or her finances.

Vulnerability in this context refers to being vulnerable to being abused, physically, sexually, emotionally, or financially. Abuse is a common societal problem with prevalence rates at around 4%, with slight variations between studies. Three significant American studies reported estimates of elder abuse and neglect ranging from 1.2-5.6% of all older adults (Thomas, 2000). In one well-known Canadian study, randomly selected seniors were interviewed. This study found that that 4% of seniors surveyed had experienced one or more types of abuse (Podneiks, Pillemer, Nicholson, Shillington & Frizzel, 1990).

Financial abuse is particularly relevant to elder mediation because financial issues and personal planning are common reasons for referral. In these cases, older adult participants may be under considerable pressure to give up control of their finances. Nonetheless, older adults do not necessarily want intervention from the mediator or other professionals. An older adult may prefer to continue giving adult children money, even if exploitation is occurring, out of a desire to maintain a relationship with the adult children. A mediator can assist an older adult to talk about the situation and to decide how to proceed, but should not pressure the older adult to take certain steps.

The legal framework in British Columbia helpfully illustrates the distinction between capability and vulnerability. In British Columbia, members of the public are not required to report situations where elder abuse is occurring, as is the case in some other

jurisdictions. Regardless, health authorities are required by statute to respond to reports of abuse of adults (including older adults), in situations where adults may not be able to seek help and assistance on their own. S. 44 of the Adult Guardianship Act (1996), reads as follows:

The purpose of this Part is to provide for support and assistance for adults who are abused or neglected and who are unable to seek support and assistance because of (a) physical restraint, (b) a physical handicap that limits their ability to seek help, or (c) an illness, disease, injury or other condition that affects their ability to make decisions about the abuse or neglect.

If the health authority's investigation determines that the adult has legal decision-making capacity then the health authority has no further mandate to stay involved if the older adult refuses assistance, even if the adult is unsafe. If the health authority investigates and determines that the older adult is at risk, and does not have sufficient decision-making capacity, then the health authority can take steps to appoint a substitute decision maker. This process starts with a medical test to see if there is evidence that the adult is incapable of making the decision.

The legal distinction between vulnerability and capability can be very confusing for practitioners. To illustrate, imagine a situation where a social worker is the case manager for an 85 year-old woman named Sophie who is receiving physical assistance from community care nurses. The social worker becomes aware that Sophie's nephew is misusing Sophie's money and is also yelling at her and is making threats. The social worker offers Sophie support services, which the social worker believes will ensure that Sophie is safe from her nephew, however Sophie refuses the offered support. In British Columbia this triggers the legal question, "Is the older adult legally capable of making the decision to refuse assistance even though it puts him or her at risk of abuse?" If the answer is "yes," this should end the intervention. If the answer is "no," then medical assessments can be arranged to determine whether Sophie has the legal capacity to make this decision.

Although capable adults in British Columbia have the legal right to refuse intervention in cases of abuse, research shows that social workers often look for ways to convince the older adult to accept a support and assistance plan rather than arranging a medical assessment of capability (Holland, 2010). Social workers in this situation may do so out of concern for the older adult, however, there is a danger of the older adult's legal rights being compromised. For example, an older adult may feel pressured into

accepting intervention out of fear of losing unrelated health support services.

Similarly, elder mediators may have a desire to protect an older adult participant who is vulnerable or is experiencing abuse. A mediator may be swayed to unconsciously side with the other mediation participants and may allow the older adult to be pressured into accepting help or intervention. As a neutral third party, the mediator must keep in mind the distinction between the two concepts and the fact that an adult has the legal right to refuse help and assistance if he or she is legally capable of making that decision.

In British Columbia in 2006, health authorities, organizations and government representatives working in the elder-abuse field commissioned a two-year legal research project entitled VANGUARD, which was intended to address practitioner confusion about the intersection of vulnerability and legal capability. Research project findings were published in 2009 (British Columbia Abuse and Neglect Prevention Collaborative).

VANGUARD reached two key conclusions: 1) Vulnerability is based on social factors or circumstances rather being based on inherent qualities of the vulnerable person, and 2) capability and vulnerability are distinct concepts and one may exist in a particular case in isolation from the other.

Two scenarios that clearly illustrate this point are presented in the final project report. The first scenario describes a situation where the older adult is capable but very vulnerable due to social isolation and other factors.

Mary... is 75 years old and lives in a rural community. Mary has multiple sclerosis, but has no cognitive impairments. She has a history of being domestically abused, having been regularly assaulted by her long-time husband. Mary has low-esteem and no friends or close family to support her. When her husband died, Mary's son moved back in with her. He begins to physically and emotionally abuse her and begins "gas-lighting" her (the purposeful intent to make a person think they are "crazy"), causing Mary to believe she is going insane. Mary's son takes advantage of her mental distress and forces her to sign a power of attorney, giving him control of all her finances. In this instance, although Mary is highly capable, she is nevertheless highly vulnerable due to her circumstances. (p. 15)

This may be contrasted with a second scenario in which the older adult is not vulnerable, but is completely incapable.

Indira...is 80 years old and lives in an excellent residential care home in an urban setting. Indira

suffers from late stage Alzheimer's but has no significant physical impairments. Despite her high level of dementia, Indira's family and friends maintain very close ties with her, visiting her often and trying to include her in their lives to her fullest degree. Her caregivers respect Indira's values, wishes, and beliefs, as much as she is able to express them now, or where she is not able to currently express them, by using her pre-existing pre-expressed values, wishes, and beliefs, in her care and lifestyle choices. Indira's comfortable assets are held in trust and cannot easily be accessed improperly by others. In this instance, while Indira has low capability because of her significant dementia, she has comparatively low vulnerability as her social conditions support her very well. (p. 14)

Application of Capacity and Abuse Issues to Elder Mediation

It is important that the elder mediator understand the conceptual differences between vulnerability and capability because the mediator will be faced with these two issues on a regular basis, often in tandem. Some examples of how these issues might arise are as follows:

1. Family members expressing concerns about the older adult's safety and attributing the older adult's wish for autonomy to stubbornness or unreasonableness.
2. Family members insisting that the older adult has cognitive deficits and is being taken advantage of or is being exploited by someone.
3. An older adult acquiescing to the adult children's concerns during the mediation session but then telling the mediator privately that he or she is actually protecting the children's feelings or giving in to pressure.

There is a quagmire of issues at hand in elder mediation, and a mediator will be greatly assisted by a full understanding of both legal and non legal issues.

Guardianship and Elder Mediation

Elder Rights and Guardianship

It is very important to ensure that an older adult who is being abused is kept safe in the mediation process. Similarly it is important to ensure that the rights, interests and autonomy of older adults are protected and that the older adult not be

disadvantaged by the process. Guardianship orders have a profound impact on the life of a person who has been declared incapable. Mulamed, Doron and Schnitt (2007) note that “[g]uardianship may be necessary to protect a person with mental disorders who lacks the capacity to care for himself but it may potentially abuse the person’s civil rights and autonomy and should therefore be implemented only as a last resource” (p. 1118). If guardianship orders should only be used as a last measure it is imperative that the older adult’s rights also be protected in alternative dispute resolution processes. It would be highly unfortunate if, as a result of participating in elder mediation, an older adult were to be legally disadvantaged by being pressured into giving up his or her rights to make decisions.

In one of the few scholarly articles on adult guardianship mediation, Radford points out the potential for infringing on older adult rights in the following words,

[a]lthough adult guardianships typically do not involve “public rights” (e.g., the right to nondiscrimination in employment), they often do include parties of traditionally disenfranchised groups (the elderly, the poor) whose basic autonomy rights may become the subject of private negotiation. (p. 621)

Guardianship proceedings in court provide some protection, as a neutral judge weighs all evidence before him or her. In mediation an older adult may be pressured by family and friends into signing an agreement that is not in the older adult’s best interests, and which also results in a limitation of his or her decision-making freedoms. There is a potentially greater danger of an infringement of rights in this context, as participants are often unrepresented, having none of the checks and balances that there would be in a court hearing.

British Columbia’s New(ish) Elder Guardianship Mediation Legislation

The new British Columbia legislation, the Adult Guardianship and Planning Statutes Amendment Act, 2007 [Statutes Amendment Act] mandates mediation for court contested guardianship applications, unless the case meets criteria for exemption. Section 6 of this legislation reads as follows:

(1) If a guardianship application is made under section 5 and there is a dispute about: (a) whether or not the adult who is the subject of the application needs a guardian; (b) who the proposed guardian should be; or (c) the adequacy of the plan for

guardianship, a hearing under section 7 must not proceed unless mediation is conducted in accordance with the regulations, or unless the regulations permit otherwise.

(2) The following must not be the subject of mediation under this section: (a) whether or not an adult is incapable; (b) the content of any written or oral comments submitted to the court by the Public Guardian and Trustee under section 7(2)(c); or (c) any prescribed matter.

Although mediation will be mandatory in contested guardianship cases, by virtue of Section 6 (2)(c) of the Statutes Amendment Act certain issues can be expressly excluded by regulation. The regulations may also be drafted to define matters such as the structure of the mediation program or process, or the mediator credentials and training.

The new statute forbids mediating the issue of whether or not an adult is capable, and no determination can be made on this topic in a mediation agreement. However, parties will be able to reach agreements on matters such as where the older adult lives as long as the older adult agrees, and as long as the agreement does not stipulate the older adult’s capacity or lack thereof. Since mediation agreements are voluntary, the older adult or other family members can decline to enter in to any proposed agreement and can take the matter to court if they do not believe that the proposed agreement meets their needs.

Analysis

In this next section of the article I will examine the relevance of the above issues discussed to the new mandatory mediation legislation in British Columbia. The potential effect of the legislation on older adults who have experienced abuse will be examined, then key issues will be identified and recommendations made for moving forward.

Implications of The New Legislation

Section 6 of the Statutes Amendment Act calls for mandatory mediation of guardianship disputes before the court unless exempted by regulation. At this point in time regulations have not yet been drafted, so the implications of the regulations are unknown. It is possible that few cases will meet the referral criteria, but it is equally possible that most contested guardianship cases before the courts will be captured by the mandatory mediation requirement. This will depend on how broadly or narrowly the regulations

are drafted. It also is not known if the government will exclude cases where some or all forms of abuse have occurred. However, even if such an exemption is made, it is unlikely that all abuse cases will be diverted from mediation. Even if there is an attempt to do so, existing screening methods do not have the capability of accurately identifying all abuse cases, and it is inevitable that some will slip through and end up in mediation anyway.

In the absence of regulations clarifying these matters it would be premature to draw a conclusion about whether this legislation provides a threat to elder abuse victims in British Columbia, or whether the effect will be primarily beneficial. Older adults prefer to resolve disputes outside the courts and elder guardianship mediation provides the opportunity for that to happen. On the other hand, mediation in situations where there is abuse or where guardianship is an issue has the potential to harm older adults unless proper screening is in place, existing best practices are followed and mediators are properly trained.

Recommendations for Further Research

Experts agree that specialized training is required for elder mediators on guardianship and abuse (Association on Conflict Resolution, 2012; British Columbia Law Institute, 2012). Training should be mandatory for any mediator intending to mediate elder disputes, and in particular for elder mediators in British Columbia under the new legislation or any jurisdiction where mediation is mandatory. However, further research is needed to develop protocols, guidelines, and practices specific to the elder mediation context and to develop training for elder mediators about these practices. In particular, research is needed to determine the specific screening tools and safety protocols that should be used to deal with situations of abuse in the elder mediation context and to answer questions such as when and if mediation should proceed if abuse is present.

Applicable Existing Best Practices

Concerns about inadvertent harm to vulnerable or incapable older adults participating in mediation can be ameliorated by implementation of best practices recommended in the elder mediation literature. One such strategy is to hold meetings between the mediator and individual mediation participants prior to holding any joint sessions where all the parties are present. These meetings, commonly called *pre-mediation meetings*, are used in a broad range of mediation contexts and are not exclusive to elder mediation.

However, this practice is specifically recommended for elder mediation because the pre-mediation meeting provides the mediator with an opportunity to determine relationship dynamics and whether or not there is a history of abuse or exploitation directed at the older adult. It also gives the mediator the opportunity to determine the goals of the older adult and discover any concerns that he or she may have about being pressured by other mediation participants. If there is a possibility that the older adult will feel pressure by other participants in the joint session the mediator and the older adult can develop a strategy for dealing with it in advance. The practice of holding pre-mediation meetings is so integral to elder mediation best practices that the *Elder Training Objectives* (Association on Conflict Resolution, 2012) and the *EGM Report* (British Columbia Law Institute, 2012) both identify pre-mediation meetings as an area where specialized training is needed.

Another important aspect of ensuring the older adult's voice is heard in elder mediation is to adapt the mediation process as necessary to ensure that the older adult is able to effectively communicate with the other parties to the dispute. During the pre-mediation meeting the elder mediator should identify any physical or cognitive disabilities the older adult has and, with the input of the older adult, determine what accommodations are needed. Experts such as Erica Wood (2009) note that this might include holding the mediation at a certain time of day, allowing the older adult to bring a support person or keeping the meetings short.

Conclusion

In this paper I have described the benefits of elder mediation for older adults as well as some of the potential pitfalls in cases where there are issues of abuse. It is important that, before guardianship mediation is implemented in British Columbia, evidence based screening tools, safety protocols and mediator training be put into place. It will first be necessary to invest time in research to develop practices specific to elder mediation. These must be tailored to fit the legislative framework and older adult service delivery structures already in place in this province.

There is a robust body of research regarding mediation and domestic violence. A similarly robust body of research needs to be developed regarding these issues in elder mediation. With the right tools, the right knowledge and the right training the benefits of elder mediation can be realized and possible threats to the legal rights and safety of older adult participants can be minimized.

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Victim Blaming Revisited: Beyond the Explanation of Self-Protection

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ABSTRACT

When people are hit by crime they are often blamed for the victimization by others, e.g. they are held responsible for the incident. This paper is focused on the motives behind this well-known social reaction of ‘victim blaming.’ In fact, based on qualitative research about the impact of and reactions to adolescents’ victimizations of violence and property crime, I came to the conclusion that victim blaming cannot only be explained by the fundamental attribution error and the will to preserve faith in personal invulnerability and a just world: I observed that parents often blame out of a concern of revictimization and that peers often blame to stress their own social status. These findings do not only suggest that there might be different forms of victim blaming, but also that the relation with the victim might have an influence on the extent of and motive behind victim blaming.

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When a person becomes a victim of crime, s/he can react to and cope with this in different ways. One possibility is to appeal to others (X, 2012a). In the scope of this paper it is important to stress that it is then not about a one-way communication in which the victim accosts others, but that it is more about a two-way traffic: the victim appeals to others in a certain way and has certain questions and expectations and others react to this. When the victim appeals to others in the aftermath of a victimization, these others can again react in different ways: they can react positively like commiserating with the victim because of the injustice that has been done to him/her, supporting the victim and rendering assistance, but they can also react rather negatively like holding the victim responsible for the incident (van Dijk, 1989). This paper is focused on this last mechanism, known as “victim blaming.”

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In case of victim blaming, the victim is (at least partially) blamed for having contributed to the victimization. Van Dijk (1989, p. 11) speaks about “the tendency to hold the victim responsible for his/her faith.” Van Dijk (1989) starts from the reactions to an incident in which some members of a pop group were shot in the head by unknown offenders and about which it was suggested in the local press that it was probably about a getting even between drug dealers. Based on this fact, van Dijk (1989) stated that the suspicion that the victims were drug dealers, is typical for the way the social environment often reacts to crimes. The idea that a group of musicians, totally innocent, became victim of a terrorist murder, is that awful that every reasoning that can make the faith of these victims comprehensible, is believed. Furthermore, he states that this kind of blaming reasoning does not only occur in case of serious crimes, but also in case of less serious crimes. He refers to the tendency to ask a victim of burglary or theft whether the victim had taken enough preventive measures and to the question what someone did on a certain moment of the day at a certain place. In sum, the victim is asked to work out whether s/he did not contribute to the incident coming about (Groenhuijsen, 2008). Van Dijk (1989, p. 12) states further that we might sometimes believe that

the perpetrator is a junk or a pitiable case who was not able to help it but that the victim, on the contrary, does not have to count on obligingness. Every mistake will be strongly counted against him/her. Schembri (1976, p. 351) speaks about a “*marked reluctance and resistance to accept the innocence or accidental nature of victimization.*”

This paper is focused on the fact that there are different types of victim blaming. Firstly, one can blame the victim by ascribing the damage to other causes than the incident (for example an oversensitivity of the victim), by blaming the victim of negligence (from the statement that everyone has a responsibility in preventing delinquency) or by blaming the victim to have worsened the incident by his or her behaviour (Harvey, 1995). Secondly, one can blame the victim out of several different motivations. Thirdly, the focus of the victim blaming can differ: it can be directed at the *behaviour* of the victim as well as at the *person* of the victim. Especially these two last aspects, the motive behind and the focus of victim blaming are addressed in this paper.

The research this paper is based upon was set up to get insights into the experiences, perceptions and coping mechanisms of adolescent victims of violence and property crimes and the social reactions they are confronted with. Concerning this last aspect, it became clear that victim blaming often occurs among parents and peers, although driven by different motives. As these observations imply that one should go beyond the traditional explanation of victim blaming – the belief in a just world and the own vulnerability – it seemed important to study this in detail and contextualize these findings. So, that is what we tried to do with this paper.

Motives Underlying “Victim Blaming”

Victim blaming is about holding the victim responsible for his/her victimization. This concept is strongly related to “victim precipitation” – the fact that the victim contributed to the victimization by his/her own behavior – as introduced by von Hentig (1940), one of the founding fathers of victimology, and further elaborated by Wolfgang (1985), Amir (1967) and others.

Victim blaming does not always happen from the same motives or intentions (Harvey, 1995; Illingworth, 1990). Victim blaming is often explained from the tendency to preserve the faith in two intertwining cognitive basic structures, namely the faith in personal invulnerability and the faith in a just world. The first structure is about faith in the fact that only positive events fall to someone’s share; the

second concerns the faith in a just world in which everyone gets what he or she deserves. This faith in a just world (cf. Lerner, 1980), described by van Dijk (1989) as the “social contract” of “always getting something in return,” would be essential to be able to function as a social being. A criminal offence then means a violation of this contract and puts the confidence and faith in the social order at risk. The fact that a victim becomes a victim innocently shows that the world is far from just and that you can be the next victim yourself (Janoff-Bulman, 1992; van Dijk, 1989). After all, the idea that someone became a victim out of their own fault, implies that everyone can become a victim. Holding the victim responsible for the incident can be “an effective way to keep away this disturbing and probably even paralyzing thought” (van Dijk, 1989, p.13). By attributing the incident to the victim, the personal feeling of invulnerability is protected and a false feeling of safety and peace of mind are created: “*It is relieving to find out that the victim has done something or neglected to do something that plausibly contributed to the crime. It then makes the other feel safer and less helpless and vulnerable*” (Schembri, 1976, p.352). In fact, it is about a psychological defence mechanism (Groenhuijsen, 2008; Janoff-Bulman, 1992). In addition, also the attribution theory serves as an explaining handle for holding the victim responsible. The attribution theory departs from the idea that people search for explanations for the behaviour of others (or of themselves) to be able to place events in a meaningful whole (Heider, 1985). Events can be attributed to (the motivation or the personality of) the person (internal or dispositional attribution) or to external factors like the situation, other people or coincidence (situational or external attribution) (Brehm, Kassin, Fein & Mervielde, 1999; Heider, 1985; Winkel, 1982). The causes of negative experiences of others, like victimizations, are often attributed to the person. This is often called the “fundamental attribution error”: the tendency to attribute successes of other persons to external factors and failures to internal factors and to do the opposite for oneself (attribute successes to oneself and failures to external factors) (Johnson, Mullick & Mulford, 2002; Pettigrew, 1979).

Beside the motivation of psychological self-protection, other processes and intentions can play a role in victim blaming: third parties can hold the victim responsible out of some kind of hostility towards the victim (consciously or unconsciously) or out of a sincere concern about the victim and his/her risk of revictimization. This last form differs from the other in the sense that this does not occur out of self-interest (wanting to create inner peace for him or herself to not become a victim or to express anger or

condescension to the victim), but rather out of a concern about the victim and is more altruistic in nature: the “blaming person” aims to help the victim to prevent future victimization. Illingworth (1990, p.117) states that it actually is not about “victim blaming,” but rather about “freeing the victim”: “‘Free-the-victim statements’ identify the behavior characteristics of victims for the purpose of enabling the victim, either directly or indirectly, to deflect further victimization.”

Empirical Evidence for Motives Other Than Psychological Self Protection

The fact that there may be other motives behind victim blaming than the urge to psychological self-protection, was also found in our research concerning the impact of victimization of violence and property crimes among adolescent victims (X, 2012a). The mentioned research was dominant qualitative in nature: To get an idea of how adolescent victims of property crime (theft, robbery and extortion) and physical violence experience their victimization and how they cope with it, 49 interviews were held with 50 victims aged 14 to 18.ⁱ The respondents were recruited in several ways: via a form added to a survey conducted in the explorative part of the researchⁱⁱ; via focus groups; via leaflets that were left behind at the reception desk of help services; via the police; and via announcements on websites for youngsters. Parental permission was requested and the respondents had to provide informed consent. As it was not easy to find respondents willing to take part, we had to be very flexible: the place of the interview was chosen by the respondent (university, the victim’s home or a public place like a café or a park) and if the victim requested to do the interview in the presence of a friend or parent this was allowed. As an expression of gratitude and appreciation and as a way to enroll potential respondents, the interviewees were given a gift voucher of € 10 (to buy CDs, DVDs, books,...). In addition to the interviews with the adolescents, ten focus groups (with 100 respondents in total) were conducted (as a way of recruiting victims but also to get a general view of how adolescents think about victimization of violence and property crime)ⁱⁱⁱ as well as 17 interviews with 20 parents of victims,^{iv} four interviews with nine others from the social network (school and youth movement), 14 interviews with 16 staff members of help services, ten interviews with 13 police officers and other staff linked to the criminal justice system, five interviews with six staff members from an institution for young offenders and those with a problematic education situation and one

interview with someone from a private organization that conducts projects with youngsters.^v In these interviews we focused on people’s perceptions of incidents as well as their perceptions of the reaction of the adolescent victim.^{vi}

The victims, as well as their parents and peers, were recruited via a purposive sample. Demographic variables were taken into account, for example, I made sure that both victimized boys and girls were interviewed, that also some migrant youngsters were interviewed and that both victims of traditional and broken families were interviewed. As it is about a qualitative research focused on meanings and interpretations, the extent to which the interviewed victims are representative for all mid-adolescent victims of violence and property crime is not that important. However, it would be interesting to set up further research among larger groups of (mid-adolescent) victims and to make comparisons between groups with different socio-demographic characteristics to see whether the reaction of victim blaming occurs to the same extent among these subgroups and whether there are differences in focus and motives.

Victim Blaming Out-of-Concern for Social Status and Re-victimization

From the interviews with parents and the focus groups with adolescents (and indirectly also from the interviews with victims) it became clear that different persons from the social network of the victim often have the urge, even almost have the reflex, to ascribe responsibility to the victim for all what happened to him or her. Even with rather “small” forms of victimization like theft of a cell phone or a camera, the victim receives reactions as: “*it’s your own fault*,” “*you had to mind your business*” and “*you asked for it*,” what comes down to “blaming the victim.” Some examples of parents and peers:

“I knew it when he came home, and he told me that [that his bag was stolen] and my first reaction, I was angry at him and I shouted at him that he had to better look after his belongings.” (*Mother of victim of theft*)

“... and then the discussion with my husband, he says, ‘they see at you that you radiate, that you show that you are afraid.’ Daddy always says that, that you see at him that he will do little or nothing.” (*Mother of victim of extortion*)

“If you did not lock your bike, then it is in fact a bit your own fault.” (*Adolescent*)

“Then you ask for it, eh?” (*Adolescent*)

“They always pick on a loser.” (*Adolescent*)

The victim was blamed that s/he could have avoided the incident (by not going out alone at night, not reacting to provocation, adopting another attitude, concealing or securing goods better,...) or that s/he could have or had to have reacted differently, in order to have another (less severe) outcome of the incident.

Next to that, and more important in the framework of this paper, the reactions of parents and peers suggest that they might have the tendency to blame out of motives other than self-protective defence, linked to their specific position to and relation with the victim. Peers hold the victim responsible for his/her victimization by indicating that s/he could have avoided the incident or could have made sure that the result would have been different if he/she had put up a fight. Such reactions fit within the “cool rule” that helps to decide the social status of youngsters: Mid-adolescents develop their identity and self-image and are concerned about what others think about them (Olthof, 2010). Peers play an important role here as a reference group (Bosma, 2010; Meeuws, Oosterwegel & Vollebergh, 2002; Wilkinson, 2004) which makes the social status within the peer group of great importance (Brown & Lohr, 1987; Scholte & Engels, 2010). In case of victimization, this can affect a lot of different areas. For example: if you are a victim of contact crime, it is of importance to defend yourself physically, because of this social status. On the one hand to make clear that you are not a push-over, but on the other hand also to scare them off for the future. The use of violence and intimidation and the reputation based on it, can determine, in this way, the place in the social hierarchy, also called the “pecking order” (Philips, 2003).^{vii}

In addition, peers can blame someone who is victimized also out of this “cool rule” as the social status is connected with “coolness” inside this peer group. Danesi (1994) describes “coolness” as a symbolical and behavioural aspect, characteristic for teenagers, that contribute to an important extent to the social value inside the peer group. Being “cool” exists of different sub aspects. Avoiding to take up a sensitive position is one of these: *“The cool teen never shows any intense emotion. Being cool involves a control over emotionally induced body states. Losing one’s cool, as the expression goes, is to be avoided at all costs. Coolness includes a cautious, purposeful avoidance of emotional outbursts, and an ability to disguise or camouflage behaviours perceived to be clumsy, awkward, inept, and, above all else, embarrassing. The sum and substance of coolness is a self-conscious aplomb in overall*

behavior. Nothing can upset a cool teen” (Danesi, 1994, p.38). Denham et al. (2004, p.313) wrote about the “cool rule” with regard to the fact that older children just cannot express their emotions freely in all circumstances, but have to moderate their emotions because of the expected effects. In case of victimization, we cannot only apply this cool rule on the (external) camouflage of emotions (not show that he/she is moved by the incident), but on the reactions of peers as well. It is important that you are not a push-over and peers can react in a declining manner when a victim did this: by indicating that “nerds” or “losers” are particularly dealt with, that it is stupid not to mind your belongings and by taking up a “tough” position and emphasizing that the victim did not do that – and in other words, is a softy (*“if you are a push over, then you have no self-confidence”*) – it is made clear that one finds himself above the victim in the social hierarchy and that the victim can be situated rather low in the pecking order.

Parents often blame the victim that s/he could have acted differently to prevent the incident. Parents are often relieved that their son/daughter did not defend himself/herself because of the possible consequences (*“if you oppose to someone, you can get beaten as well”*) and they state, contrary to peers, that the victim should not have reacted violently on the moment of the facts. Parents do not react from the “cool rule”; the motivation to hold their son/daughter responsible for the victimization is more in line with their natural urge to protect their children: through the victimization of the son/daughter, the parent is confronted with the vulnerability of his/her child. From a longing to spare their son/daughter a new victim experience, the parent will look for something that the son/daughter could have done differently through which he/she could prevent a similar incident in the future. In other words: the parents want that there is control on the risk of future victimization – Harvey (1995, p. 55) states: *“We want the victim to have the power to prevent further such harms.”*

Because of the parental identification with the victim, a parent is, after all, not only motivated to “allay” their own fear for victimization (van Dijk, 1989, p. 14), but blames especially out of fear and concern to prevent a new victim experience of their son/daughter (*“Maybe you have to mind your things more, we live in a society were apparently things get stolen”*).^{viii} The difference between parents and “more distant” third parties is, after all, just the fact that parents do not only react to the faith that falls to someone’s share, but also suffer from it themselves (Janoff-Bulman, 1992). This is connected to one of the motivations of the victim towards self blaming: by attributing the causes of the incident to themselves – and especially to their personal behaviour – the

victim regains control; by adapting those aspects that are indicated as having caused the incident and by acting differently in the future, he/she can prevent revictimization – or at least limit the risk – and repair the faith in the illusion of invulnerability (Bard & Sangrey, 1979; Fattah, 1999; Janoff-Bulman, 1979; Wortman, 1983).^{ix}

In other words, victim blaming does not have a clear-cut form, nor is it always inspired by the same motivation. This motivation is especially determined by the quality and the role of the “blamer” regarding the victim. Concerning the two groups of persons, who are closest to the mid-adolescent victim, peers and parents, we see that peers are rather motivated to blame the victim out of a variant of hostility towards the victim: peers of adolescents that particularly focus on reputation and social status can hold the victim responsible from the intention to clearly stress the own position inside the social hierarchy (namely above the victim’s). Parents hold the victim rather responsible out of a concern for revictimization. Victim blaming is especially inspired by a pedagogical point of view and the will to prevent the revictimization of their son/daughter. However, this does not mean that the motivation to reassure themselves, namely that one does not have anything to be afraid of, since the victim contributed to his/her misfortune, does not play a role. This natural urge, which is part of the “general human condition” (to reassure themselves through victim blaming) (van Dijk, 1989, p. 21) is crossed out or even strengthened by parents by protecting the natural urge of their own child and by peers by attaching a lot of importance to social status.

These different forms of victim blaming can have a different effect on the victim because of their nature. For this, I fall back to a distinction made by Janoff-Bulman (1979) between “characterological” and “behavioural self-blame.” “Behavioural self-blame” is focused on the behaviour of a person: the victim blames him/herself to not have acted in a certain way. “Characterological self-blame” is focused on the character and the nature of persons: the victim blames him-/herself who s/he is. This implies that both forms differ in “time” they are related to and also in the extent of control that the victim regains. Victims that consider their own behaviour as responsible “*are apt to have an eye towards the future and what they can do to avoid a recurrence of the negative outcome*”; victims that ascribe their victimization to the personal character “*are apt to focus more on the past and what it was about them that rendered them deserving of the negative outcome*” (Janoff-Bulman, 1979, p. 1800). In the first case, the victim will regain control by verifying how a similar experience can be avoided in

the future by an adaptation of his/her behaviour, where in the second case the idea dominates that he/she deserved the victimization and cannot prevent revictimization, because s/he is who s/he is. The difference between these two forms of self-blame can be extrapolated to the response of others (victim blaming): when peers claim that only “nerds” and “losers” become victims, that it is “stupid” not to secure your own belongings and that you have no “self-confidence” if you are a push-over, they refer to the *person* of the victim. In this way, they explain why this person became a victim and they immediately make clear that the cause lies with unchanging factors, namely how this person is, what can also be a reassurance for the fact that the hierarchies in social status are not directly subject to change.^x They actually do some kind of “characterological victim blaming.”

With parents, we rather find back the form of “behavioural victim blaming”: from their concern about and the will to avoid future victimization of their son/daughter, they look for causes that can be changed so that there is control over future victimization. Just like “behavioural self-blame” can be adaptive and functional in the sense that the victim can maintain or regain control (Janoff-Bulman, 1979), “behavioural victim blaming” can be a help and lever to avoid future victimization.^{xi}

When we summarize all this, we can state that victim blaming can differ in form, focus and motive, in which the motive of the one that holds the victim responsible co-decides whether the victimization is ascribed to the behaviour or to the character of the victim:

Conclusion

In this paper we wanted to make clear that victim blaming is a wide occurring phenomenon. Van Dijk (1989) already pointed out that victim blaming does not only occur in case of serious offences but also in case of “minor” victimizations. Our research showed that parents and peers of mid-adolescent victims of violence and property crimes often react to the victim in a blaming way. In fact, this kind of reaction is not the exception, it is rather a courant and even dominant reaction. Victim blaming is not a reaction in the margin, it is rather a widespread, almost mainstream response – to cite Janoff-Bulman, Timko & Carli (1985, p. 173): our study indicates that there is little reason to be optimistic about our reactions to victims.

This paper is based upon a qualitative research among mid-adolescent victims of violence and property crime. So our findings could not be

extrapolated to the victims as a group as this asks for research among other victim groups: younger, as well as older victims and victims of other crimes. Furthermore, we only focused on the reactions of parents and peers and excluded in that way those of other people of the social network like siblings, grandparents, teachers, neighbours, ... as well as of staff from formal agencies like victim services and the police. Nevertheless, this research showed that we have to look beyond the explanation of self-protection based upon the belief in a just world and the own invulnerability.

As the blaming reflex might make the victim feeling unrecognized or might lead to other forms of secondary victimization, it is important to pay attention to these kinds of social reactions to victims. In fact, the staff of help services and other societal actors that come into contact with victims should be trained to be protected against the trap of victim blaming. Even more, a broad sensibilizing campaign about the possible effects of victim blaming would benefit victims, as not only formal agencies come into contact with victims. In fact, we all do somehow at some time.^{xii}

Furthermore, I found out that victim blaming might indeed occur out of different motivations (Harvey, 1995; Illingworth, 1990). The psychology of the Belief in a Just World is surely one, well-researched, explanation (e.g. Loseman & van den Bos, 2012; van den Bos & Maas, 2009), but it is not the only one. Based on a qualitative research, I came to the conclusion that the urge to maintain the belief in the own invulnerability – the often used explanation of victim blaming – is not the only explanation: I observed for example that peers of adolescent victims might blame the victim out of the will to address their own (higher) social status, compared to that of the victim as social status and pecking order are important in these age groups. Next to that I observed that parents tend to blame the adolescent victim out of rather altruistic intentions: because they are concerned about a revictimization of their son/daughter, they look for explanations for the current victimization with the intention to then change these explanations and in that way reduce the risk of a future (re)victimization.

To conclude I want to add some remarks and points of discussion. Firstly, about the parental pedagogic motivation of victim blaming – the will to prevent future victimization – one might wonder whether this kind of pedagogy is effective. In other words: does this “warning victim blaming” really have a preventive effect? Secondly it is important to stress that the given motivations for victim blaming (other than the psychological self-protection) are not the only possible motivations either. Other research

with relatives of other victim groups or with other “third parties” can possibly reveal different motivations. Furthermore, the found motivations for victim blaming by parents and peers might also occur by other persons related to the victim. In fact, I tend to think that it is more about *the relation with the victim* than about the specific person. For example: we know that the cool rule can also occur in adult groups, especially in violent groups or gangs, which might mean that a victim that belongs to such a group can also be blamed by other group members who are willing to stress this cool rule and preserve and confirm their social status and thus, that this motivation behind victim blaming does not only occur in adolescent peer groups. Not that age is important but rather the extent to which this cool rule is important within some social groups of which the members react to the victim. Also the motivation to blame out of a concern of revictimization, might not only occur within parents but also within other persons who have a close relationship with the victim and/or want to protect the victim (but were not able to protect him/her from the current victimization) as for example grandparents, teachers, ...

In short, I aimed to stress that the often occurring victim blaming reaction is not to be explained only by the urge to maintain the beliefs in invulnerability and a just world, which might become threatened by the confrontation with an innocent victim. Also other processes might take place. Besides, our research findings rouse additional questions: Are the motivations to blame the victim effective: does victim blaming help to preserve the own social status or to prevent revictimization of the victim? To what extent are the observed motivations behind victim blaming – aiming to preserve and confirm the own social status and wanting to prevent a revictimization – typical for peers and parents of mid-adolescent victims? Do they also occur among other social groups? Do additional motivations to blame the victim occur within persons with another social relation with the victim? The gates for further research are wide open....

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- ⁱⁱⁱ To reach adolescents from different backgrounds, focus groups were elaborated in different settings with focus group members who knew each other beforehand: we held one focus group within a kind of youth centre where youngsters can meet. The focus group was announced by a poster and the respondents were recruited in consultation with the responsible supervisors. Next to that, two focus groups were elaborated within a youth movement; four within a school (with which we had a good relation based upon their cooperation for the survey that was elaborated in the explorative phase of the research) and three within an institution for young (female) offenders and those with a problematic situation given their special context and the well-known relationship between victimization and offending (Armstrong et al, 2005; Aye Maung, 1995; Deveci, Acik & Ayar, 2008; Gruszczynska, Lucia & Killias, 2012; Smith et al., 2001; Vynckier & Pauwels, 2010; Wood, 2005). We worked with existent groups within different settings, which also brought along that the focus groups differed in number of members and composition. As we aimed to collect as much data as possible and at the same time to instigate the individual interviews – and not to compare the answers among respondents with different background characteristics – this was not an essential problem.
- ^{iv} There were three double interviews with both parents.
- ^v Some interviews were double interviews or group interviews.
- ^{vi} The victim and his/her experiences and perceptions were the central focus of the research. But to gain better insight in this, we also wanted to incorporate the reactions of the direct surroundings of the victim as well as of the formal agencies. Also research on people and agencies who come into contact with the victim can contribute to the development of theories. There is indeed written a lot about the extent of help and support from agencies for adult victims but much less about the needs of minors and the help services available to them (Morgan & Zedner, 1992). Members of these agencies were interviewed for three reasons: (1) to get insights into the extent to which mid-adolescent victims of violence and property crime appeal to them; (2) to get insights into their perceptions of and experiences with this victim group; (3) to examine the possibilities to come into contact with victims via these agencies. As young victims do not often appeal to external agencies but rather to others from their direct social network (Aye Maung, 1995; Finkelhor & Dziuba-Leatherman, 1994; X, 2012b), it is also interesting to research to who they pour out and ask advice. Furthermore, it is also of importance to research how these significant others react as these reactions may influence the victims' perception and coping.
- ^{vii} In addition to this, Messerschmidt (1994) states that different forms of youth crimes can act as a way to strengthen the male identity and to show dominance and van Dijk (1977) wrote about physical impressing behaviour as a means to obtain prestige and a status of dominance as high as possible – members of violent youth gangs would have to rely on primitive, physical impressing behavior by a lack of alternatives in the form of school, work, artistic or sporty performances to satisfy their striving for dominance. Morrison's research (2006) has shown that youngsters that bully feel respected inside the society of the school.
- ^{viii} An important comment: this parental concern conflicts with the nature of adolescence: adolescents want more autonomy and independency and parents are supposed to let them go. But: in case of a victimization, parents are confronted with the fact that their son/daughter is not always safe and want to protect them, what is then at the expense of autonomy and independency (Tulloch, 2004). Parents contend with the discord of 'wanting to protect' and 'having to let them go.'
- ^{ix} We can speak about 'agency' in this framework: the victim consciously takes different actions and possible outcomes in consideration, chooses from this, sets a certain action or certain behaviour, evaluates this and adapts it if necessary (Kenney, 2004).

ⁱ One of the interviews was a double interview with two friends who both became victimized.

ⁱⁱ On the one hand, the survey permitted getting an idea about victimization risk among mid-adolescents and the profile of their perpetrator as there is not much of European research to rely on. On the other hand, the survey made it possible to get a quantitative idea about the persons mid-adolescent victims turn to when they become victimized of theft, extortion or physical violence. Data were collected in a paper and pencil school survey among

Next to the identification of parents with the victimization of their son/daughter and their 'vicarious victimization' (Agnew, 2002), I observed that parents can also ask themselves the question what they could have done differently to prevent the victimization of their son/daughter (cf. self blame), for example, raise them differently or not allow them to go out.

^x This affects the victim more, because he/she cannot just change who he/she is.

^{xi} Victim blaming as a psychological defence mechanism against the idea of becoming a victim oneself, can exist out of 'characterological victim blaming' as well as out of 'behavioural victim blaming.' The focus lies especially on the fact that an explanation for the victimization can be found and ascribed to the victim (internal attribution), rather than to factors other than the victim (external attribution). The question whether the incident is caused by the behavior of the victim or by the character of the victim and whether the victim can avoid revictimization in the future, is less important here. It is crucial that the 'blamer' can differ him/herself from the victim (because he/she does not have the same behaviour or character).

^{xii} This might not be an easy task for two reasons: (1) because of the stubborn character of victim blaming; (2) as such a sensibilization has to start with working on the dominant image of the victim, another dubious and difficult-to-tackle social handle (e.g. van Dijk, 2006, 2009).



Dying to Entertain? The Victimization of Professional Wrestlers in the USA

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ABSTRACT

Professional wrestling in the USA, and elsewhere, is a profitable industry in which the commodification of professional wrestlers can be evidenced. Being neither a pure sport nor pure entertainment, professional wrestling occupies an ambiguous position, which arguably, at best, facilitates the mystification and neglect of the harm and victimization caused to professional wrestlers as part of their craft, or at worst, causes the victimization of professional wrestlers. In this article we discuss the victimization of professional wrestlers in the USA as a result of the demands of the industry. It is our contention that they constitute the "Victimological Other" and, focusing on the wrestling business in the USA, it documents their unnecessary victimization. We maintain that whilst professional wrestlers engage in performative violence, they pay a high price for such a performance and, as such, they are victims of their craft and of the industry in which it is located. The self-inflicted and occupational-related harm and victimization experienced by professional wrestlers as a result of the pressure of this industry is discussed and the issue of accountability is raised. We conclude that this area of victimization requires further academic investigation and discussion.

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"Unfortunately, the least way that wrestlers seem to be dying is due to old age.... Yet because it is wrestlers no one cares" (Cohen, 2010a, p. 1).

"It is self-consciously a business and stands for business interests" (Lagorio, 2005, p. 3).

"Some wrestlers bet among themselves on who will die next" (Mike Lano, a former wrestling manager and promoter cited in Swartz, 2004, p. 2).

In 2005, Sammonds, an author of an academic collection of essays dedicated to writing about wrestling commented, "Not too many have written about wrestling" (Lagorio, 2005, p. 2). Within academia this remains the case with Barthes (1957/1972), Jenkins (1997/2005) and Mazer (1998; 2005) being somewhat exceptions. Such writings are located within dramatic arts and cultural studies, not victimology. The field of victimology is concerned with the commission of victimization, harm, and subsequent redress. However, whilst some attention has been dedicated to *the harm* caused to the spectators of professional wrestling especially children (see Bernthal, 2003, for example), limited serious academic attention has been afforded to professional wrestlers and the harms and victimization that they experience. This is an attempt to begin to rectify this situation. The article will begin with a discussion of the organizational trajectory and status of the professional wrestling industry in the

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USA. It will discuss the complexities and controversies regarding fakery and reality within the wrestling profession. After establishing that professional wrestlers constitute the “Victimological Other” (Walklate, 2007), we document the multiple harms and layers of victimization that professional wrestlers subject themselves and are subjected to. This victimization is placed in the context of the industry in which they perform their craft.

The Professional Wrestling Industry in the USA

Wrestling is a “highly competitive industry,” and has been “problematized as the least legitimate of sports” (Mazer, 1998, p.11), as “in the context of sport it is fake” (Kreit, 1998, p. 1). Yet, despite this and its chequered past with regard to popularity, professional wrestling is a “multiple-million dollar, world-wide phenomenon” (Kreit, 1998, p. 1). Its current popularity is unquestionable; for example, on 1 April 2012, the *WWE WrestleMania XXVIII* was a *sold-out* event attended by 78,363¹ fans from 36 countries and all 50 states of the US (Weakland, 2012a, p. 1). Generating an income of US \$6.9 million, it was the highest grossing “entertainment” event in the history of the Miami Stadium in which it took place (Weakland, 2012a). Viewers from more than 105 countries could also witness the live event via pay-per-view TV and it was broadcast in 20 languages (Westland, 2012a; 2012b). 1.3 million purchases of the event via pay-per-view were made resulting in global gross sales “in excess of \$67 million” (Weakland, 2012b, p. 1).

Up until the 1980s professional wrestlers had no national organization or no national television program. The World Wrestling Federation (WWF), formerly the World Wide Wrestling Foundation (WWWF), (until April 1979) co-existed alongside three other major promotions and the operational territory of the WWF was confined to New York. This, however, was dramatically altered as a result of the WWF changing hands in June 1982. Vince McMahon Jr. purchased the business from his father, Vince McMahon Sr., and within two years the business had been transformed almost beyond recognition. According to Kreit (1998, p. 8), the actions of McMahon Jr. “permanently changed professional wrestling.” At the outset, McMahon Jr. began an expansionist project; he broke the territorial boundaries of the profession by employing wrestlers and expanding television programming beyond their territorial parameters. In so doing, professional wrestlers became more firmly established as exhibitionist actors as opposed to athletes, at least in the public imagination. Lagorio’s comment describes

this, “... wrestlers went from fighting men in tights to bona fide televised personalities. Kids began eating Hulk Hogan vitamins” (Lagorio, 2005, p. 1).

By 1985, WWF’s popularity was soaring; the marketization and commodification of the profession had begun. Audiences and profits increased as young fans had to be accompanied to events by an adult/s and profits were further increased as young people purchased the associated memorabilia. Although there was resistance inside and outside the industry, by 1986 professional wrestling was refashioned into the genre of family entertainment.ⁱⁱ Its popularity wilted in the 1990s,ⁱⁱⁱ however, the rediscovery, repackaging, and remarketing of professional wrestling, in which the internet played a vital role, has meant that professional wrestling has almost ascertained the degree of popularity it enjoyed in 1987 when audiences were at their peak (Kreit, 1998). Indeed, as can be evidenced from the popularity of and the profits incurred as a result of the 28th *WrestleMania* event, professional wrestling continues to grow from strength to strength (Weakland 2012a; 2012b).

But It’s Not Real Is It?

Professional wrestling has been described as a “wrestled performance of Suffering” (Barthes, 1957/1972, p.15), and “... [a] morality play,” that “cannot be removed from sport entirely” (Kreit, 1998, p. 2). According to Mazer (1998, p. 18), “... [t]he professional wrestling performance combines breathtaking athleticism and prodigious showmanship.” Yes, violence is enacted, however, the result of violent performances is actual violence and real injuries (Blaustein, 1999; Mazer, 1998), and victimization. Behind the “larger-than life figures from a comic-book-like world” (Mazer, 1998, p.18), the “funky costumes” (p.19) and extravagant entrances, the contemporary professional wrestling industry comprises a mixture of performance and realism in which fans form an integral part of the game with plot lines including actual behind the scenes incidents (Kreit, 1998; Mazer, 1998 for more detail).

Professional wrestling comprises a historically rich, specific, and at times turbulent, but somewhat special relationship between the profession and its fans (Barthes, 1957/1972; Kreit, 1998; Mazer 1998). This multifaceted relationship and wrestling itself is, however, generally misunderstood. Kreit (1998) explains how fans are simplistically and unfoundedly *written-off* as dupes and wrestling is read unsophisticatedly as mere fakery. A good example of this can be found in Blake (1996, p.171), when he

describes the World Wrestling Federation as “the most anodyne form of sports entertainment,” and “a ritualized parody of the circus version of the sport,” in which, “large men pretend to hurt each other.” Blake (1996, p. 171) even compares professional wrestling to a “related entertainment,” namely, the *Gladiators* series. A more informed and accurate reading of professional wrestling recognizes that it is at one and the same time a staged, improvised, predetermined, and scripted (predominantly) hyper-masculine performance *and* an athletic, arduous, skilled and practiced “fixed sport” (Mazer, 1998, p.17). Fans “look to see the fake and to see through the fake to see the real...examining each punch for its impact and non-impact” (Mazer, 1998, p.6) in a “performance practice that is more complicated than it at first appears.” (p.7-8) Behind professional wrestling’s staged combat, real violence, harm, and repeat victimization permeates the ring and the industry.

We argue here that the unfair and uninformed trivialization or misreading of professional wrestling, professional wrestlers and their fans has resulted in the neglect of this area by victimologists. Inside and outside the ring, intrapersonal, interpersonal, and corporate victimization pervades the professional wrestling enterprise. The dark, dangerous and unpalatable underside that characterizes this industry, including profit before people and lack of redress and accountability have been overlooked (Swartz, 2004), by victimologists. This paper is an attempt to begin to rectify this situation.

The misreading of professional wrestling and the subsequent failure to recognize professional wrestlers as victims is in part due to the deliberately ambiguous TV format. Fights and storylines spill over and take place outside of the ring and so-called *back stage events* are captured on film and, thus, are staged. Also, at times, storylines mirror real life events making it difficult to distinguish the fictional from the factual. Therefore, when a professional wrestler is injured for real, the seriousness is obscured and undermined by the imaginary victims and imaginary victimization. For example, when *Mankind* was involved in a storyline in which he feigns having a mental illness, this arguably takes away from professional wrestlers who have real brain injury as a result of their engagement in professional wrestling.

Another factor also attributable to the denial of their victim status and victimhood is their engagement in their own victimization due to their desire to deliver more extreme performances and their voluntary engagement in edgework.^{iv} However, such extreme performances and engagement in edgework have to be contextualized within the political economy of the professional wrestling

industry as professional wrestlers engagement in edgework is an expectation of the industry and the audience that the industry serves. In addition, “life on the edge and few career opportunities,” together with “its testosterone-fueled danger,” wrestling predominantly attracts young men into the industry; and only a “handful of stars have more than a high school education” (Swartz, 2004, p. 3). Finally, professional wrestlers themselves contribute to the invisibilization of real injuries in that when events “go wrong,” and they are actually injured, inside or outside the ring, they persevere with the performance doing their best to mask the real injuries regardless of the severity.^v In the next section we argue that professional wrestlers constitute the “Victimological Other.”

The “Victimological Other”

It is not our intention to argue that professional wrestlers are injured, harmed, and victimized to a greater or lesser extent than other professional sports persons, although the former is indeed the case in some respects (Swartz, 2004). Sports journals such as *Sports Health: A Multidisciplinary Approach* (SAGE), document the array of injuries experienced by such persons. That said, it is a predominantly medical lens through which such harms are documented, rather than a victimological or criminological one. We wish to look at the self-inflicted and corporate related harms incurred by professional wrestlers through the victimological lens and, in so doing, we contend that professional wrestlers can be conceptualized as the “Victimological Other” (Walklate, 2007). The victimization of professional wrestlers and their status as victims is not in keeping with commonsense thinking and mainstream academic victimology or victim activism that largely envisages victimization in terms of an obvious perpetrator, victim, act of victimization, and a clear intent to harm. Ideologies about victimhood within and without the criminal justice system have been dominated by the notion of a blameless, risk-free, “deserving,” “innocent” victim of crime (Walklate, 2007). It has also been dominated by the idea that women are victim-prone whilst men are “risk-free” (Walklate, 2007, p. 52). For Walklate (2007, p. 53), the Victimological Other “falls outside the normative imagery of theory and practice.” Professional wrestlers are predominantly male, and within commonsense thinking, the harm they are subject to is merely an entertaining performance. As Swartz (2004: p. 1) states, the growing list of premature deaths among professional wrestlers receives “little notice beyond obituaries in small

newspapers and on wrestling web sites, typical of the fringe status of the \$500 million industry.” Also, within academic theory and practice, the intrapersonal, interpersonal, and corporate victimization of professional wrestlers does not feature. Therefore, in these respects, professional wrestlers constitute the Victimological Other.

Dying To Entertain? The Victimization of Professional Wrestlers

“A promoter once said to me, “If you die, kid, die in the ring. It’s good for business” (‘Piper’ cited in Swartz 2004, p. 3).

The outcome of professional wrestling fights are scripted, however, plans can go array, “accidents do happen and injuries occur” (Cohen, 2010a, p. 1), plus “conflict erupts with the violence spilling over from display into actuality” (Mazer, 1998, p. 22). In addition, there are the harms caused by punishing work schedules, heightened audience expectations of wrestlers’ performances, and a desire on the part of wrestlers to meet these expectations (Blaustein, 1999). Wrestlers themselves have noted that the professional wrestling industry is one “...in which rampant steroid use and prescription drugs have often been viewed as part of the job” (Chris Nowinski, former wrestler cited in Applebome, 2010, p. 2). Swartz (2004, p. 2), speaking about “the use of steroids and other drugs” comments that “it has been ingrained in the culture for decades.” The accumulative result is the largely unchallenged use of steroids including human-growth hormone^{vi} (Swartz, 2004) and the largely ignored and uncontrolled alcohol and substance abuse amongst wrestlers (Cohen, 2010a; Swartz, 2004), together with marital and familial breakdown and debilitating mental and physical injuries (Blaustein, 1999), premature death (Swartz, 2004; Cohen, 2010a; 2010b), high death rates, suicide, and homicide (Applebome, 2010; Michak, 2010). Excessive steroid use can result in an enlarged heart and physicians have reported evidence of this and they have also reported on the “use of painkillers, cocaine and other drugs,” including recreational drugs (Swartz, 2004, p. 2).

Although some of these instances of self-inflicted and occupational related forms of victimization exist amongst other amateur and professional sports, it is amongst professional wrestlers where problems such as illegal steroid use seems to be the “most pervasive and deadly” (Swartz, 2004, p. 1). Also, according to “medical officials,” young wrestlers die from heart attack and other coronary problems such as enlarged hearts “at an extraordinary high rate for people that

young” (Swartz, 2004, p. 1). Further, Keith Pinckard, a medical examiner who has taken an interest in the fatalities of wrestlers, asserts that the death rate of wrestlers is approximately “seven times higher than the general U.S. population,” and their chances of dying from heart disease is 12 times higher than other Americans aged between 25 to 44 (Swartz, 2004, p. 2). Finally, professional football is also a profession “that’s exceptionally hard on the body,” but according to research undertaken by *USA Today*, “wrestlers are about 20 times more likely to die before 45 than are pro football players” (Swartz, 2004, p. 2).

USA Today interviewed 15 professional wrestlers who stated that they took “pain pills so they could perform four to five nights a week despite injuries” (Swartz, 2004, p. 1-2). Professional wrestler, *Rowdy Roddy Piper*, discussed what is known in the profession as the “‘silent scream’ of pain, drugs and loneliness” (Swartz, 2004, p. 2). *Scott Raven Levy* also admitted that he used steroids and took “more than 200 pain pills daily,” commenting that “it’s part of the job” as part of the profession is to “be a big guy” and “to perform in pain.” He continued by stating, “[if] you choose to do neither, pick another profession” (Swartz, 2004, p. 2). Cohen (2010a, p.1), states that wrestlers “are on the road 300 days a year and unlike other athletes, they do not have an off season,” that “takes a huge toll,” on professional wrestlers bodies. Professional wrestler, *Jake ‘the Snake’ Roberts*, describes the harms caused by such a schedule, including being away from his family, marital and familial breakdown, alcohol and substance abuse in the form of increased dependence on, and abuse of, crack-cocaine, sleeping pills, and pain killers (Blaustein, 1999). In the documentary *Terry Funk*, another professional wrestler, is diagnosed with degenerative arthritis, knee injuries, and back injuries that will result in him experiencing chronic pain for the rest of his life (Blaustein, 1999). Mick Foley, also known as *Cactus Jack* and *Mankind*, tells of his own recognition of his deterioration of speech.

Cohen (2010a, p.1) asserts “...[t]he death rate among wrestlers is alarmingly high.” For Cohen (2010a; 2010b), a key concern is the disproportionate number of wrestlers who have died since 1985 before reaching the age of 65. *Chris Von Eric* died at age 21 (suicide), *Andrew ‘Test’ Martin* died at age 33 (accidental overdose), *Owen Hart* died at age 34 (fatal accident at the *Over the Edge ’99 Pay Per View* event), *Eddie Guerrrero* died at age 38 (coronary heart disease), *Davey Boy Smith* (also known as ‘British Bulldog’) died at age 39 (heart attack), *Rick Rude* died at age 40 (heart attack), *Miss Elizabeth* died at age 42 (accidental overdose) and, perhaps the most disturbing, *Chris Benoit* died at age 40

(suicide—he killed his wife Nancy, his son, and himself at his family home). Whilst “former or current professional wrestlers continue to die in disproportionate numbers, ... few had made news”, indeed “[m]ost have died in relative obscurity” (Applebome, 2010, p. 1).

Michael Benoit (Chris Benoit’s father) attributes his son’s dreadful actions to “repeated head injuries received in the ring,” and he highlights how, to date, the only two wrestlers who have had brain tissue tested after their deaths (Chris Benoit and Andrew ‘Test’ Martin) were found to have “extensive brain damage” (Michak, 2010, p.2). He also asserts that “...[t]his extreme behavior in a wrestling ring would never have been allowed under the rules of wrestling and boxing commissions” (Michak, 2010, p. 2). He contends that “...[t]he use of painkillers is almost an occupational hazard in wrestling due to extreme scripted matches, the work schedule, and the fact that there is no off season” (Michak, 2010, p. 2). Given that most, if not all, professional wrestlers take repeated blows to the head, it is debatable to what extent the Chris Benoit tragedy can be attributed to this, however, growing concerns are being voiced about the harmful (and we would argue, victimizing) effects that the occupational culture and subsequent lifestyle a career in wrestling cultivates. We share such concerns and are concerned by the seemingly glossing-over of such matters by owners of this industry (Corteen & Corteen, forthcoming).

The professional wrestlers (plus two family members) highlighted above are a minority amongst an ever-increasing list that includes over 100 famous wrestlers who have arguably died a pre-mature death (Cohen, 2010). There are also the secondary and tertiary victims—those who are left behind: families and the wrestling community, including fans. The self-inflicted and industry related harms are so bad that the World Wrestling Entertainment (WWE) introduced a “Wellness Programme” (Swartz, 2004; Cohen, 2010a), and it has offered free drug-rehabilitation to former WWE performers (Cohen, 2010b). In 2006, it introduced a “Talent and Wellness Programme” (see WWE, 2009 for details). According to Robert Zimmerman, company spokesperson for WWE, it has also instituted “a comprehensive drug, cardio and head-trauma testing programme to ensure the safety of its performers” (cited in Swart, 2004 p. 2).^{vii}

There is also the issue of professional wrestlers being victims as a result of their celebrity status. We will not enter into detailed discussion of this type of victimization here, but, for example, *Andre the Giant*, who was physically “abnormal” due to a medical condition called acromegaly or gigantism (WWF, 1999), was exploited as a result of his extreme height

and weight.^{viii} His oversized body, which was part of his medical condition, was used as a “special feature,” to draw in the crowds. Also, as the celebrity status of professional wrestlers grew, they were expected to subject their bodies to more and more extremes with regard to their physical appearance and their physical performance as can be seen, for instance, in the professional wrestlers *Hulk Hogan* and *Mick Foley*. Indeed *Hulk Hogan*, *Piper* and *the Rock* have appeared in movies and become TV celebrities.^{ix}

Professional wrestlers engage in the physical and emotional performance of pre-determined victories and pre-determined failures. In so doing, the pursuit of celebrity status and entertainment, together with the pursuit of profit in this commodified industry, results in the expectation of professional wrestlers to push the boundaries of health and safety and to take more extreme risks. Performances have become more demanding and risky as can be seen in use of instruments such as chairs, wrestling outside the ring on a concrete floor, and cage battles. But the blurring of the real and surreal inside and outside the ring with regard to relationships, allies, feuds, and self-inflicted, interpersonal and occupational-related injuries is what makes professional wrestling what it is. It is this ambiguity that makes it entertaining and a multi-million dollar industry. Dave Melzer (cited in Applebome, 2010, p. 2), editor of *Wrestling Observer Newsletter* and who has been writing about professional wrestling since 1971, commenting on the premature deaths of wrestlers stated, “if it happened in baseball, well it couldn’t; people would have stopped it long ago.” He continued, “It’s like people think wrestling is fake, they have this weird mental pass, like they’re (wrestlers) somehow not real people” (Applebome, 2010, p. 2). It is the smokescreen of ambiguity that contributes to obscuring of the real victimization of professional wrestlers. Added to this is that the “deaths of professional wrestlers, not just in the WWE, have received sporadic attention” in the media (Applebome, 2010, p. 2).

Despite efforts to improve the industry it remains “a largely unregulated business” (Swartz, 2004, p. 1). Michael Benoit believes that deregulation of the industry on the part of the McMahons has resulted in a business that “now operates with no oversight”; he maintains that “...[h]istory will show that the early death rate of wrestlers started shortly after the regulation was stopped” (Michak, 2010, p. 2). Whilst the extent to which such tragedies and travesties can be attributed to the commodification of the professional industry and to WWE Company specifically is debatable, it would be wrong to ignore such deaths, harms, and victimization—and,

significantly, the disproportionate rate at which they are occurring in this occupation. It would also be wrong to neglect the occupational culture in which these are occurring together with the subsequent harmful lifestyles such a culture produces for many wrestlers. Referring to his list of the premature deaths of over 100 famous professional wrestlers, Cohen (2010b, p. 1) states "... [v]ery few of the deaths on the list can be blamed 100% on the wrestling business and very few have 0% blame." We agree further investigation is needed, preferably before other premature (and possibly preventable) deaths occur.

Accountability

"No one is standing up. Either they don't know what is going on or they're terrified of being blacklisted" (Meltzer cited in Swartz, 2004 p.6).^x

Historically professional wrestling has always enjoyed its independence (Kreit, 1998). Professional wrestling exploits and parodies both sport and theatre, yet it is not and cannot be "accepted as a legitimate sport," and it is not recognized as "legitimate theatre" (Mazer, 1998, p. 21). In part, its independence and ambiguity regarding its occupational status has meant an almost indifferent or somewhat hesitant response to such victimization and harm within the industry. The relative lack of accountability and responsibility on the part of the professional wrestling business is also enabled by the independent *contractor status* of wrestlers together with "contracts" that contain "death clauses" that release the professional wrestling industry from liability in the event of a wrestler's death or injury in the ring (Michak, 2010). Other protections enjoyed by the WWE company include, "the right to terminate wrestlers who couldn't perform from between six and eight consecutive weeks due to injuries sustained in the ring," and a wrestler's inability to claim against the company for compensation or "benefits for injury, death, or loss of wages" (Michak, 2010, p.3).

Michael Benoit, on seeing his son's WWE contract after the death of his son Chris, stated "I was shocked that any corporation could knowingly put its workers at such risk and accept no responsibility" (Michak, 2010, p. 1). Although the WWE maintains that it has "never exercised that option" (Michak, 2010, p. 1), we echo Michael Benoit's comments in that we find this state of affairs *shocking* and *unacceptable*. In view of the "toll of death and shattered bodies," we, too, do not understand how the industry can seemingly act with impunity and how

there is, "virtually no public outcry for massive reform" (Michael Benoit cited in Michak, 2010, p. 2). To say intervention is paramount is to state the obvious, but we would like to acknowledge this victimization and bring the harm and potential injustices to the academic arena.

This Is Not "The End"

According to major promoters the professional wrestling industry has "moved on from its "Wild, Wild West days of the late 1980s," and seemingly "... [y]oung wrestlers take better care of themselves" (Swartz, 2004, p. 5). Yet, professional wrestlers continue to die and be harmed at an unprecedented rate. Professional wrestlers desire to entertain and fans desire to be entertained, but wrestlers should not be expected to subject themselves and others to unacceptable temporary or permanent harms. Scant academic attention has been paid to the intrapersonal, interpersonal and corporate victimization of professional wrestlers and the secondary and tertiary victimization derived from this (Corteen & Corteen, forthcoming). Thus, while this discussion ends here, it is hoped that this is just *the beginning* as the victimological imagination has been alerted to a neglected area of victimization and harm—"the scary epidemic" of "wrestlers dying young" (Cohen, 2010b, p. 1), and the other harms that have been highlighted. This is an area in which the industry itself appears to have acted in an almost shameless manner to what is a shameful state of affairs. The nature and extent of this phenomenon, together with the apparent lack of redress and the political economy of this business, warrants further academic exploration and discussion.

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ⁱ That said according to the Sun Life Stadium website the biggest sitting capacity for football/soccer is 75, 540 (Sun Life Assurance Company of Canada (US) n.d.). The figure quoted by Weakland (2012a) has been disputed by Martin (2012, p. 2), who states "WWE did not set a record, and Sun Life was not sold out." The valid attendance figure is at least 13,000 fewer than that provided by the WWE. Seemingly, this is not the first time that the WWE has not told the truth about WrestleMania attendance figures. However, WWE is still popular as financial results for the company demonstrate (WWE, 2012).

ⁱⁱ To avoid gaming fees the term "Sports Entertainment," was coined by Vince McMahon (Sammond, 2005).

ⁱⁱⁱ Although its popularity did not wane in our house with regard to Ajay and as friend and colleague Dr Paul Taylor pointed out it did not wilt in his household either and he still has the sticker book to prove it!

^{iv} Lyng (1990) describes *edgework* as the voluntary engagement in activities that threaten death or injury. Engagement in such activities is highly skilled and controlled rather than impulsive and uncontrolled. The concept of edgework and its relevance and application to professional wrestling requires further examination (Corteen & Corteen, work in progress).

^v For example Mike Lozanski seriously damaged his lung during a match, but he continued working for small promotions for 18 months after the injury and he "died in his sleep," on the 18 December 2003, aged 35 (Oliver, 2012 p. 1). Chris Lozanski, Mike's brother stated, "Mike felt he had to keep working. I left the business because I want to see my 11-month-old son grow up" (Swartz, 2004, p. 4).

^{vi} Human-growth hormones are a muscle-building compound which is "even more powerful and dangerous than steroids" (Swartz 2004, p.2).

^{vii} Writing in 2004, Swartz (2004, p. 5) rightly comments, "such reforms only help those wrestling for the top two organisations, leaving hundreds of wrestlers largely working under the same conditions as years ago." He also states that with regard to regulation little has altered as wrestlers attempt to unionize has been unsuccessful and wrestlers have no player association. This remains to be the case.

^{viii} 'Andre the Giant' is thought to be the first WWF 'super star.' Arguably the experiences of 'Andre the Giant' epitomises many of the multi-layered forms of victimisation that we are highlighting (Corteen & Corteen, work in progress), this can be discerned in the documentary *Andre the Giant: Larger than Life* (WWE, 1999).

^{ix} 'Andre the Giant' also starred in a movie wherein he plays the part of giant. He also starred in TV shows such as *The Six Million Dollar Man*.

^x According to Swartz (2004, p. 6) the wrestling journalist Melzer is "echoing the sentiment of others." Swartz (2004, p. 6) continues saying "Piper" who is standing up believes that he has lost thousands of dollars in potential earning because of speaking out about "rampant steroid and drug use" and that this is what got him "fired from the WWE." He notes that this allegation has been denied by the WWE who say that "the two were unable to negotiate a contract" (Swartz, 2004 p. 6).

Book Review

Our Greatest Challenge: Aboriginal Children and Human Rights

by Hannah McGlade. (*Aboriginal Studies Press, 2012*), ISBN 9781922059109, 256 pp.

In her book *Our Greatest Challenge*, Dr Hannah McGlade weaves personal insight, academic rigour and passionate advocacy to put forward a convincing case for a framework of human rights in addressing Aboriginal child sexual assault. The author does this from an approach that sees victims as:

...persons, who, individually or collectively, have suffered harm, physical or mental injury, emotional suffering, economic loss or substantial impairment of their human rights, through acts or omissions that are in operation within Members States, including those laws proscribing criminal abuse of power.” (p. 22)

This view of the victims is of the utmost importance as McGlade’s analysis is posited on a legal response whereby the Aboriginal experience is one of re-victimisation and trauma and hence a breach of the fundamental principle of equality before the law.

The first Chapter, introductory in nature, outlines the current status of the overwhelming and neglected issue of Aboriginal child sexual abuse. Interwoven with personal narratives are perspectives on national and international initiatives the outcome being a continued lack of focus on child protection and in particular child sexual assault in Aboriginal communities. In this context the human rights of Aboriginal women and children continue to be poorly recognised.

The next three chapters of the book provide historical context in Australia in the form of exploring colonisation and intergenerational trauma in Aboriginal communities, the role of patriarchy within that history and more recent times and then finally in Chapter 4 reviewing a decade of government reports and inquiries. The key take-home message in these chapters is the view that violence and more particularly child sexual assault is not and never has been a part of Aboriginal culture, a myth exposed by the various government inquiries that have led to:

...a wealth of information, knowledge and data, and significantly increased awareness of the nature and extent of the problem. (p. 96)

However, despite these reports and the knowledge that came with them McGlade persuasively argues

that there continues to be a lack of self-empowerment in respect to child sexual assault and hence the fundamental human right of self-determination is denied to Aboriginal communities.

The next two chapters of the book, Chapters 5 and 6, target the experience of Aboriginal women and children within courts within Australia and critically analyses the legal response. Here, in these chapters, McGlade maps-out the ongoing issues in regards to re-victimisation and the ongoing male dominance of the adversarial system. Going further and in regards to Aboriginal child sexual assault the argument is put that these victims are doubly discriminated against by the criminal justice response and that furthermore that the justice perpetuates the myth that rape within Aboriginal communities was in some way part of traditional life.

In Chapter 7, the focus is on the victim with promising initiatives explored both in Australian and overseas in the form of Aboriginal models to commence and help with the healing of the people concerned. These initiatives include restorative justice, the Community Holistic Circle Healing program of Hollow Water, Canada, Native American tribal approaches and Koori Sentencing Circles. However a key learning from these initiatives is the need for the victim to be properly protected. In cases such as child sexual assault gender-power imbalances must be carefully considered in constructing a way forward in these healing frameworks.

The final chapter of McGlade’s book summarizes her arguments and squarely calls for child involvement in the development of a framework that identifies basic human rights and provides self-determination for women and children living in Aboriginal communities. In particular McGlade calls for a rejection of the *gammon* (inauthentic) human rights discourse that has been supported by Aboriginal and non-Aboriginal peoples.

In summary, *Our Greatest Challenge* is a book well worth reading. The richness of argument from both the personal, the historical and through to critical legal analysis provides an effective brief around the issues of victimisation and re-victimisation of Aboriginal women and children with resolution put forward through a human rights framework. There is also much to learn from the Aboriginal models put forward by McGlade as a way forward.

Tony Waters

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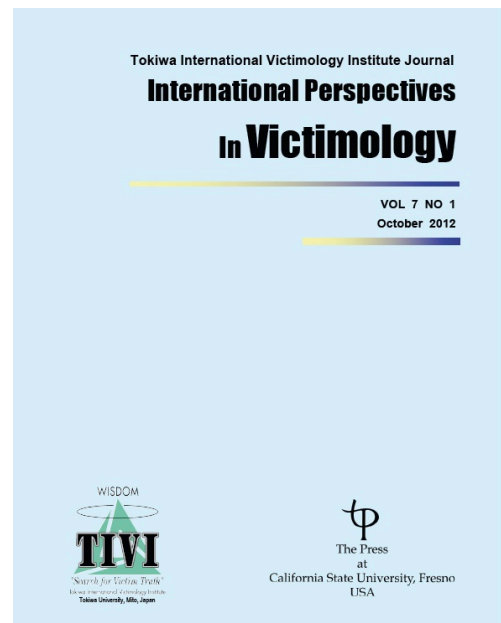


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TECHNICAL REPORT

ECOSOC 2012 High-level Segment—United Nations Headquarters, New York

Michael O'Connell

*Secretary-General, World Society of Victimology
Commissioner for Victims' Rights, South Australia*

This is the second technical report about the United Nations with a focus on the activities of the World Society of Victimology. The first report covered the Twelfth UN Congress on Crime Prevention and Criminal Justice; this report covers the High-level Segment of the Economic and Social Council, 2-9 July 2012. Its main purpose is to illustrate the ECOSOC in action. A summary of each day is presented to show the ECOSOC dealing with social and economic developments across the globe and nations activities in meeting the Millennium Development Goals (MDGs). Those dealings reveal the international community and nation-states sometimes succeeding and sometimes failing to achieve agreed goals. Recent events have exposed the economic vulnerabilities and social fragilities of developed and newly developed nations but also impacted under-developed nations starved of investment, to say the least.

Each summary is written without critique so that the essence of the presentations and discussions is captured. The aim is to stimulate the reader who, given this journal's focus on international perspectives on victimology, is likely to have an interest in victims and the causes and effects of victimization. Victimologists are particularly concerned with the promotion and preservation of individual and collective rights, especially those embodied in the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Having carefully debated the definition of victim, the nature and extent of criminal victimization, victims' rights and victim assistance and come to a conclusion, the United Nations General Assembly in 1985 expressed its firm resolution in that declaration. All nation-states promised to act in ways that reaffirm the declaration. Victims anticipated action but for too many victims the principles have not translated into practice. The MDGs were likewise held-up as a triumph yet this report will show the gulf between the undertakings and the realities. Those goals will not be achieved unless there is proper sustainable development, effective delivery of comprehensive programs directed to ensure fundamental needs such as food, fresh water, shelter and security; and mechanisms that tackle the inequities that impact women, youth, minorities and other vulnerable people.

Economic and Social Council

The United Nations Charter states the purposes of international economic and social co-operation. Article 1(3) of that charter proscribes such "co-operation in solving international problems of an economic, social, cultural or humanitarian character." It also proposes that co-operation to address these problems should happen with respect for human rights and cognizance of fundamental freedoms, which are issues revisited later in this technical report.

Sixty-six years ago ECOSOC held its first Session. Among the many topics discussed then was employment. Much has changed since 1946, but in many ways, stated H.E. Ambassador Miloš Koterec, President of ECOSOC, the challenges remain the same and no less daunting. Hence, the theme for the 2012 High-level Segment: "Promoting productive capacity, employment, decent work, sustainable development and the achievement of the Millennium Development Goals (MDGs), in the context of sustained, inclusive and equitable economic growth in pursuit of poverty eradication."

Opening of the High-level Segment

The High-level Segment of the substantive session of the 2012 Economic and Social Council (ECOSOC) was opened by Ambassador Koterec outlining the plight of the world's 205 million unemployed for whom finding decent employment was an intractable task given the prevailing economic circumstances and inflexible labor markets. The situation was most dire for women and youth who are disproportionately affected. On the other hand, he said the ECOSOC could seize the opportunity to focus on youth (especially the unemployed), to integrate its development efforts and to advocate for a decisive multilateralism that benefited the most marginalized. He acknowledged that the quest for sustainable growth, job creation, and decent work is universal, but also that each country faces unique challenges. For example, the growth of Africa's small and medium-sized enterprises is impeded by social and economic factors, which should be addressed to stimulate job creation; the challenges resulting from fast-evolving economies in Asia; and, the need to continue efforts to implement social safety nets and protection floors in Latin America.

Regarding the issue of sustainable development, Ambassador Koterec welcomed the commitments made at the United Nations Conference on Sustainable

Development (Rio+20), and stated that the ECOSOC would embrace the responsibility for both the Rio+20 follow-up and for shaping the post-2015 framework. He also advocated for genuine political engagement; as well, he emphasized the need to improve the current approaches to social-economic and politico-economic factors.

Next, the Secretary-General of the United Nations, Mr. Ban Ki-moon spoke on the need for job creation and economic growth and called for real action to achieve these goals. He warned that a modest recovery in some countries should not overshadow the uncertainty in the world economy. Furthermore, that modest recovery should not be considered in isolation but rather in the context of growth within founded on principles of sustainable development and enhanced international cooperation. He added that such a framework must be inclusive and equitable.

The President of the General Assembly, H.E. Mr. Nassir Abdulaziz Al-Nasser said that in the wake of the global financial and economic crisis as well as the existing jobs crisis, it was appropriate for the ECOSOC to explore productive capacity, employment and decent work. He pointed to the importance of addressing such for the well being of communities and for the stability of political systems. The President drew attention to the plight of the unemployed, especially of women, youth and disadvantaged groups. In closing, he encouraged close collaboration between the ECOSOC and the General Assembly to forge inclusive and equitable growth (including full employment) across the globe. Notably, he also urged building partnerships, especially with the private sector, academia and civil society.

Keynote Addresses

A series of keynote addresses followed the President's speech. Consistent with the opening speakers, H.E. Mr. Erkki Tuomioja, Foreign Minister of Finland, speaking on behalf of H.E. Mr. Sauli Niinistö, President of Finland, identified the need to secure balanced economic growth, but also asserted that growth alone would not be enough to tackle some of the most urgent challenges. He gave as an example environmental crises resulting from the existing growth model that is disrespectful of nature. Citing the example of the European Union's concept of green economy, Mr. Tuomioja put a case for an economic system aimed at strengthening human well-being and social equality, which should accommodate the sustainable use of natural resources and secure the provision of ecosystem services.

Furthermore, picking up on the concept of inclusivity, he stated that economic growth should

enable everyone to participate in society. To the contrary, too many existing approaches lead to economic and social inequality and social exclusion. His remedies include progressive taxation, proper provision of public services and social or safety-net protection, as well as (crucially) foreign investment. Regarding the latter he urged the need for transparency and the eradication of corruption (see below for more on this theme). He concluded by acknowledging the role the United Nations should play in advocating for 'principled' sustainable development.

Mr. Juan Somavía, Director-General of the International Labor Organization, spoke on three main issues. First, that unacceptably high levels of unemployment are impacting negatively both the developed and developing countries. Second that work is central to people's lives everywhere and that global political concern over jobs should be a unifying theme for international cooperation. Third that improved coherence and coordination are needed to achieve a sustainable growth that is pro-jobs. He suggested that to address these issues required a blend of macroeconomic and employment policies, trade and development policies, and social and environmental policies, which might entail a rethink of current approaches and existing policies.

Mr. Tan Sri Dato' Azman Shah Haron, President of the International Organization of Employers, stated that employers did not have a magical solution for the challenges resulting from economic and financial crises; however, like the ECOSOC President and the United Nations Secretary-General, he foresaw opportunities to address the crises. Reflecting on the experiences of the business sector, he concluded that a business-as-usual approach was no longer tolerable. It is evident that a robust private sector (including business) is integral to global development, including job creation.

Ms. Sharan Burrow, General Secretary of the International Trade Union Confederation, reiterated that the current economic model is not working. Moreover, it is unlikely that the 'market' can alone fix itself. She spoke about the growing informal economy that has led to wider gaps in income and the exclusion of vulnerable people, especially youth, from the labor market. She warned that pitting the private sector against the public sector contrary to fostering co-operation, collaboration and commitment to the building the infrastructure and establishing the services needed for equitable, inclusive and sustainable development. She also expressed her fears regarding the attack on basic labor rights; indeed, she asserted that victimizing workers was not in anyone's interests. She called for immediate action and urged the ECOSOC to provide the leadership.

Ms. Danielle Fong, Chief Science Officer and Co-Founder of LightSail Energy, added to debate on young people, whom she felt have a better relationship with their environment, yet were too often constrained by the dated systems and rules that are neither relevant to, nor working in, the existing economic and financial conditions. She suggested an international exchange program might allow young entrepreneurs the flexibility and mobility for professional development and to contribute where most needed.

Policy Messages from Annual Ministerial Review Preparatory Meetings

H.E. Mr. Joe Nakano, Parliamentary Vice-Minister for Foreign Affairs, Japan, presented the outcome of the Asia-Pacific Regional Meeting, held in Kyoto, Japan, on 7 December 2011. The meeting recommended: making decent work and full employment as important goals; exploring a more inclusive job-rich growth model; and, strengthening cooperation to best make use of the region's experiences, practices and social capital.

H.E. Mr. Ahmed Shide, State Minister of Finance and Economic Development, Ethiopia, presented the outcome of the African Regional Meeting, held in Addis Ababa on 25 March 2012. The meeting focused on four areas of work: enabling an environment for job creation; fostering productive and sustainable jobs; promoting a model of inclusive growth; and, sharing best practices and experiences.

H.E. Mr. Eduardo Brenta, Minister of Labor and Social Security, Uruguay, presented the outcome of the Latin America and Caribbean Regional Meeting, held in Montevideo, Uruguay, on 27 April 2012. He emphasized that decent work for youth was central to enhance social inclusion. Further, there is a need to pursue macroeconomic policies that promote growth with equality and do not trample on social protection.

National Consultation on Youth Employment in Eleven European Countries

H.E. Mr. Faruk Çelik, Minister of Labor and Social Security, Turkey, spoke about the National Consultation on Youth Employment in 11 European countries. He noted that the consultation supported economic growth and social protection policies but also felt strongly that governments should implement policies that prioritize youth employment in ways that complement labor market demands.

Policy Message from the ECOSOC 2012 Partnerships Event

Mr. David Arkless, President of Corporate and Government Affairs, Manpower Group, talked on the ECOSOC 2012 Partnership Event on "Breaking New Ground: Partnerships for More and Better Jobs for Youth People." Those at the event encouraged partnerships that tackle rising youth unemployment, supplement government policies and harness the strengths of civil society.

National Voluntary Presentation by the Russian Federation

H.E. Miloš Koterec, President of the Economic and Social Council chaired the National Voluntary Presentation (NVP) and Ms. Conny Czymoch, Phoenix Television, Germany moderated the session.

Mr. Vitaly F. Kolbanov, Director of the Department of Analyses and Prognosis, Health Development and Social and Labor Spheres, Ministry of Health and Social Development, reported for the Russian Federation. He highlighted the Russian Federation's national strategy and practical measures to promote sustainable and equitable economic growth, enhance social well being and ensure progress in attaining the MDGs. He pointed to new priorities such as modernizing the economy, ensuring sustainable and balanced growth, promoting innovative economic development, and creating infrastructure for a post-industrial society. Also, he stated that the labor market had several features that restrained social policy, for instance, invisible and informal employment had grown but without the appropriate protections. Mr. Kolbanov suggested that all should learn from the lessons inherent in the economic crisis, such as protecting the economy against external volatility, removing administrative barriers for new enterprises, and stimulating production efficiency.

Mr. Rabah Hadid of the Ministry of Foreign Affairs, Algeria, gave Algeria's NVP on behalf of H.E. Mr. Abdelkader Messahel, Algeria's Minister of African Affairs. Mr. Hadid stated that for more than a decade Algeria had been implementing a national strategy focused on four key areas: macroeconomic stability, structural reforms, development of infrastructure, and diversification of the country's productive sector.

Speaking about the struggle against poverty and unemployment in Algeria, Mr. Hadid stated that the social dimension was an integral part of the country's strategy. Thus, a substantial proportion of public investments has been, and continues to be, aimed at

improving the living conditions of the Algerian people. He mentioned Algeria's program for combating unemployment and poverty that targeted the root causes of these problems. On a positive note, the proportion of women in the work force had increased to about 1 in 5 and there are other indicators of gender parity but more must be done to overcome the vulnerabilities and inequities.

Mr. Mario Barbosa, Special Advisor to the Minister of Labor and Employment of Brazil, presented Brazil's National Voluntary Presentation. He referred to Brazil's National Plan on Employment and Decent Work, and focused on the goal to reduce poverty and social inequality. Strategies to achieve that goal include creating more and better jobs, protection of workers and eradicating forced labor and child labor. Furthermore, the Brazilian experience suggested the importance of social policies that contribute to boosting domestic growth and the economy. Crucial to success, for instance, are addressing gender issues and providing decent work for youth and attending to the needs of people with disabilities.

High-level Policy Dialogue with the International Financial and Trade Institutions on Current Developments in the World Economy

Mr. Sha Zukang, Under-Secretary-General, UNDESA, opened the High-level Policy Dialogue. In response to the current global economic situation, he suggested four policy options:

1. A just fiscal policy to provide a stronger stimulus in a coordinated manner;
2. A redesign of national and international fiscal policies to be more environmentally sound;
3. Efforts to tackle the root causes of financial instability; and
4. An increase in financial flows to developing countries.

Mr. Supachai Panitchpakdi, Secretary-General, United Nations Conference on Trade and Development warned that current measures for fiscal discipline were not working. In some countries that had "prematurely adopted austerity measures," the crisis had deepened, not improved as intended. Perhaps, the "unwinding" period will be longer than anticipated. Also, worrying is the dual track of economic recovery, in which developing economies grew faster than developed countries.

Mr. Min Zhu, Deputy Managing Director, International Monetary Fund focused on the impact of current economic conditions on low-income countries and the policy options that might counter the problem. Paradoxically, to reduce debt levels, households must

save more and spend less, yet this is not good for economic growth. Structural reform is important, so too is social protection for the most vulnerable people. Economic growth must be accompanied with job creation, and for this purpose donor countries ought to keep continue supporting low-income countries.

Ms. Valentine Rugwabiza, Deputy Director-General, World Trade Organization made statements on the difficult and challenging economic conditions consistent with the previous speakers. She stressed that protectionist measures are not the answer. Instead the international community should redouble efforts in trade-opening measures. Imperatives include, she said, strengthening multilateral cooperation to bring about a universal, rules-based, open, non-discriminatory and equitable multilateral trading system. Such a system is an indispensable to sustainable development.

Mr. Hans Timmer, Director of the Development Prospects Group, World Bank noted the consensus on the prevailing economic circumstances. In that context, he canvassed options for the future of the Euro-zone. He suggested another major global financial crisis might strengthen calls to dismantle the Euro Zone; however, most countries of Europe were too small to be successful in the global economy on their own, so that was an improbable scenario. He concluded that there is no alternative other than to strengthen the European economy as a whole.

After the speakers pointers were praised, challenged and explore further through by questions and discussion. The themes, arguments and so on remained constant.

Introduction of the Reports of the Secretary-General - 2012 Annual Ministerial Review and the Thematic Discussion

Next Mr. Sha Zukang, Under-Secretary-General for Economic and Social Affairs, introduced the reports of the Secretary-General for the 2012 Annual Ministerial Review and Thematic Discussion. These reports covered productive capacity, employment and decent work. He observed that in developed and developing countries, the global economic and financial crisis has amplified the challenges to full and productive employment. In developing countries, underemployment and informal and casual work are significant concerns. He noted that the 2012 thematic report of the Secretary General stressed the need to urgently create employment, especially as people had a right to decent work. Full employment, he added, should be a central macroeconomic policy goal for sustainable, inclusive and equitable development, and fiscal policies should be supportive of government investments in job creation.

Introduction of the Report of the Committee for Development Policy

Ms. Frances Stewart, Chair of the Committee for Development Policy (CDP), introduced the report of the Committee for Development Policy, 14th session. She said the Committee had examined the promotion of productive capacity and employment. It had noted that many countries are still grappling with high unemployment resulting from the global economic and financial crisis. The committee concluded that the world economy still had insufficient capacity to generate employment opportunities. Thus, the committee called on Governments to implement policies and enact prudent regulation that, on the one hand, offset adverse impacts on global demand and, on the other hand, brought about stable growth that generated sustained employment. Ms. Stewart acknowledged that such structural transformation needed to rely on clean energy, so the committee supported the adaption of the economy to the anticipated consequences of climate change.

National Voluntary Presentations by Kenya, Mauritius and Qatar

H.E. Mr. John Munyes Kiyong'a, Minister of Labor of Kenya, presented his country's report (document E/2012/57). He spoke about Kenya's "Vision 2030" policy aimed at creating a globally competitive country with a high quality of life. That policy is premised on "the existence of a skilled, productive and adaptive human resource base able to meet the challenges of a rapidly industrializing economy." Mr. Kiyong'a said Kenya was trying to envision itself as an industrialized country, but it needed resources, especially to support youth job creation, and micro and small enterprise development. As well, Kenya required international support to eradicate piracy and counter terrorism. He explained that a new Constitution enshrined a Bill of Rights that would play an important function in how poverty and other human rights matters were tackled.

H.E. Dr. Hon. V. K. Bunwaree, Minister of Education and Human Resources of Mauritius, pointed to the lack of resources such as oil and gold in Mauritius had kept the nation "on its toes." Mauritius has a goal to have a large pool of highly skilled laborers, and a high-productivity and high wage economy. He admitted that a skills mismatch had undermined efforts to create decent work for all. In terms of social welfare, the country provided free health care and assistance to vulnerable groups. It also accepted that it must continuously prepare its workforce for a changing labor market, develop

creative methods for education and training, balance social and economic development, fight poverty, and decent work.

Mr. Saleh bin Mohammed al-Nabit, Secretary General, General Secretariat for Development Planning, provided the National Voluntary Presentation of Qatar. He stated that Qatar's national development strategy 2011-2016 comprises strategies that impact all sectors in that society. It focused on education, training and labor reforms as mechanism for both social and economic transformation. He acknowledged that Qatar's on-going economic success would require it to improve its ability to compete globally. For that purpose, he conceded that modern health care and education systems should be created; as well, it is vital to address an under-awareness of the value of education. In sum, Mr. al-Nabit stated that Qatar's national plan is based on the four pillars of human, social, economic and environmental development and the over all aim is to bring about a phased change to a competitive, knowledge-based and diversified economy.

Development Cooperation Forum of the Economic and Social Council

Mr. Miloš Koterec, President of the ECOSOC opened the third Development Cooperation Forum (DCF) of the Economic and Social Council. The DCF was established about seven years ago before High-level Segment to encourage an impartial analysis of development cooperation, identify new trends, and promote broad based action that builds on the expertise and experience of the many, diverse stakeholders. Mr. Koterec emphasized that the DCF was process oriented, so, amongst other functions, it seeks to maximize cooperation to support transition towards sustainable development, and act as a catalyst to mobilize investment and other types of development finance. At past sessions, the DCF endorsed the role of private philanthropic organizations in carrying-out its functions. He invited participants to work collectively to review key trends in international development cooperation and explore partnership options that are more inclusive, effective and sustainable. He cautioned that past lessons should not be ignored but also that urged participants to recall their shared responsibility to achieve a realistic consensus on innovative solutions to both long-standing and emerging challenges in development cooperation.

Mr. Sha Zukang Under-Secretary-General for Economic and Social Affairs introduced the Report of the Secretary-General on 2012 Development Cooperation. He outlined the contents of that report and mentioned in particular: development finance; policy

coherence; South-South cooperation; accountability and effectiveness of development cooperation; and, sustainable development. Regarding the challenges, he welcomed the renewed commitment to the Millennium Development Goals, but also reminded the audience that there are wide gaps in advancing these goals. He complained that coordination among development partners is far from satisfactory; then pointed to the alignment of development assistance with the national priorities of partner countries as an imperative. In addition, he restated the Secretary-General's call for the DCF to harness the benefits of regional and global co-operation.

The Secretary-General Ban Ki-moon remarked that only through collaboration, coherence and partnership will the global community achieve the MDGs. He reminded the ECOSOC that the world economy is precarious and the risk of further recession is still prevalent. He mentioned issues such as high food and energy prices, as well as inequality between nations that add to the burdens endured by those vulnerable. He accepted that there has been significant progress in reducing extreme poverty, but also maintained that much more had to be done to eliminate the harsh conditions and disparities. Furthermore, climate change and environmental degradation affect billions of people, as do political crises and conflicts, pervasive poverty and needless disease.

He urged others (including civil society) to actively collaborate with governments to get 'the job done.' The challenge he put to all is to ensure coherence and coordination in collective efforts to achieve the MDGs; to assist those most in need; and, to reduce the 'conditionalities' that undermine national autonomy and lead to distortions in aid allocations. He added that it is essential to improve mutual accountability and transparency. And, he concluded that building on the commitment to sustainability, sustainable development should be underpinned by economic, social and environmental pillars.

General Debates

Three general debate sessions were scheduled during the High-level Segment; however, only two happened. Many state-representatives and representatives for organizations affiliated the ECOSOC registered to speak in addition the UN-NGO Secretariat nominated sixty-six non-government organizations with consultative status, including the World Society of Victimology, to make oral statements. Only thirteen of those non-government organizations spoke and the World Society of Victimology was not one. Given the number of speakers, unlike previous

sections in this paper, this section summarizes in a straight-forward way the key issues.

Several speakers argued that there is a need to promote the kind of growth whose success is not merely evaluated in the context of gross domestic product but rather in a more balanced and comprehensive manner, which takes into account the environmental and social dimensions of (sustainable) growth. Consistent with the latter point, some speakers also highlighted the importance of the green economy for growth and for the creation of employment, especially decent work.

A few speakers accused developed nations of having directed stimulus packages for speculative structures instead of investing in components of the economy that will make a real difference for vulnerable persons. All nations should value decent work. Regarding victims, all nations, it was commonly stated, should take concrete steps to eradicate labor exploitation such as child labor.

Many speakers observed there has been a significant increase in unemployment in their respective nations or regions. Notable concern seemed to be oriented towards women and gender equality, and youth and the creation of educational opportunities and job creation programs. Many speakers acknowledged the ambitious goal of eradicating extreme poverty. Advocates for social protection policies, for instance, urged governments to combat inequality and poverty. Solutions included policies that promote productive capacity, decent work, particularly for women and youth, to effectively address the social impact of the economic and financial crises, as well as ensure sustainable and inclusive growth. Programs were highlighted that helped increase the number of women and young people to make better informed work choices and to access work; and, there was a focus on decent-job creation in the green economy. A few speakers outlined initiatives to foster inclusivity. One nation has established a social insurance scheme that seeks to engage the whole population that emphasizes job-access for women and youth. Providing high-quality education was looked upon as vital to help women attain equality and to prevent youth from slipping into unproductive behaviors.

A couple of speakers pointed to not only the effects of the economic and financial, but also the social and economic consequences of natural disasters that continue *to ripple* locally, nationally and internationally. Experiences favored building "green economies," that will require an array of new investments, appropriate technology development and new ways in capacity-building. For these purposes, all sectors of the international community should share experiences and positive (and negative) examples, so

yet other challenges are to have processes that allow timely and frank exchanges.

However, optimism was not lacking. The international community has unparalleled opportunities to make differences, such as broad-based inclusive, sustainable growth that, amongst other outcomes, combats exclusion, properly helps those vulnerable persons and eradicates poverty. A speaker mentioned a two-pronged approach: inclusive economic growth that took account of social realities. Another argued for a citizen-centered, socio-economic development strategy. Another pointed to the need to synergize health care (such as preventing disease), education (especially basic schooling), social activities (such as improved water and sanitation) and integrated development. There was disagreement on how to seize the opportunities. Neo-liberals highlighted the benefits of the free-market. Conversely, non-neoliberals showcased benefits such as labor market stability. There seemed to be consensus that 'business as usual' is no longer an option and on the importance of empowering women and creating decent work, which will have positive ancillary effects, particularly poverty eradication. The differences and similarities of opinion, policies and practices were later captured in the ECOSOC Declaration.

Interactive Sessions on Accountability, Transparency and Sustainable Development

Two interactive sessions sponsored by the United Nations Office of Drugs and Crime (UNODC) dealt with "integrity, ethics, professionalism and accountability and combating corruption in public sector institutions to achieve more effective, efficient, responsive and equitable government." The first session focused on "Creating inclusive and cohesive societies: a multidisciplinary approach to combating corruption for development," whereas the second session focused on "Shared roles and responsibilities: developing innovative partnerships for comprehensive action against corruption." As a lead-in to the sessions, the President of ECOSOC outlined the inter-connections between lack of accountability and transparency and the existence of corruption. He pointed out that corruption, which happens in all nations, undermines government credibility and the rule of law. Furthermore, endangered the proper and fair functioning of market economies, thus, seriously threatening poverty reduction efforts. Next, in his opening remarks, Deputy Secretary-General Jan Eliasson for the United Nations called on all governments to follow-up their commitment to the Convention on corruption with real action. He said, "No society—no social contract—can

function without honesty, without trust," he stated. As well, he said that corruption threatened the moral fiber of societies. Then Yuri Fedotov, Under-Secretary-General and Executive Director of the UNODC, estimated that \$40 billion was stolen from developing countries annually. He asserted that the high cost of corruption is being paid daily by ordinary citizens who, for instance, cannot access basic services. Combating corruption would be crucial to reducing poverty and promoting sustainable development. He pointed out that fighting corruption was a responsibility shared by every sector of society.

Mr. Vlassis, as Chair of the first session said the panel would explore ways to enhance integrity, professionalism and accountability and to prevent corruption. The first panelist, Abdeladim el Guerrouj, Minister of the Public Service and Modernization of Administration of Morocco and President of the Conference of the State Parties to the United Nations Convention against Corruption argued that in the fight against corruption transparency and accountability (which are fundamental components of good governance) should work together. The second panelist, Helen Clark, Administrator of the United Nations Development Program (UNDP) acknowledged the importance of fighting corruption to the achievement of the MDGs. Many nations were doing more than simply ratifying the Convention. She stated that nations are establishing dedicated units to fight corruption. Some are aware of the effects of tax havens and trying to tackle them. The UNDP worked in various nations to prevent abuses in the health, education and related sectors. She added that as women often suffered the negative effects of corruption, so the UNDP is working to help alleviate those effects. However, she concluded that there is no "one-size-fits-all," solution.

The third panelist, Martin Kreutner, Chair of the International Anti-Corruption Academy International Transition Team and Executive Secretary to the Provisional Commission of Austria remarked, "... [w]e are called here to turn challenges into opportunities." He explained that the International Anti-Corruption Academy, which has about 60-member states participating, is a response to that call. Tejan-Cole, Regional Director for Africa of the Open Society Foundation and former Commissioner of Sierra Leone's Anti-Corruption Commission the fourth panelist said that Sierra Leone's experiences illustrated the inherent problems and challenges in having a weak anti-corruption commission. Instead, he argued that anti-corruption institutions must be strong and independent. Furthermore, they must be given the right mandate and the right powers, as well as adequate resources. To do otherwise set commissions up for failure.

Rico Hizon, Anchor, BBC Newsday and Asia Business Report, as chair for the second session tasked panelists to promote innovative public-private partnerships aimed at fostering integrity and accountability while also promoting sustainable development. Panelist Sergey Dubik, Head, Personnel and State Service Directorate of the President of the Russian Federation opened with a common statement that corruption was a global challenge that undermined sustainable development and efforts to achieve the MDGs. Russia's approach to corruption showed that tackling it required timely and coordinated countermeasures. He also encouraged the enactment of anti-corruption laws. Next, Abigail Benzadon Cohen, Executive Secretary, National Council for Transparency and Anti-Corruption, Republic of Panama emphasized the importance of involving civil society to combat corruption. She maintained that civil society has an essential role in ensuring transparency and accountability. She stated the importance of a synergy involving all sectors of society was necessary to improve cooperation and urged governments and others to forge better ways to enhance transparency.

Third panelist, Janamitra Devan, Vice-President, Financial and Private Sector Development, World Bank outlined how the World Bank was amplifying its efforts to tackle corruption. He concurred with other panelists on the need for good governance and transparency. He stated that the Bank has put in place an internal system "to deter, detect and punish corruption." The last panelist Elaine Dezenski, Director, Centre for Business Engagement, World Economic Forum spoke about a global private-sector-driven program called the Partnering Against Corruption Initiative (PACI). She stated that the challenge continues to be to get all business to 'really care.' The PACI's three strategic pillars are: defining the international anti-corruption architecture through influencing public policy; enabling collective action through public-private partnerships; and shaping the evolving corporate best practice in implementing effective anti-corruption programs.

After each panel non-government organizations made several recommendations, including increasing the involvement of civil society; stronger respect for victims' rights, reducing secrecy but also enhancing transparency; adequate resourcing investigative bodies and prosecuting authorities; improving whistle-blower legislation; and, establishing an expert group inclusive of victims of corruption. Michael O'Connell, the Secretary-General for the World Society of Victimology was among those interveners (see Addendum).

Informal Summary - Thematic Roundtable Discussion: Implementing Effective Macroeconomic Policies for Employment Creation

Before the closing session allocated for debate on the ECOSOC Declaration, a round-table discussion was held on employment creation. H.E. Ambassador Miloš Koterec, President of ECOSOC chaired and Mr. Rico Hizon, Anchor, BBC Newsday and Asia Business Report moderated a panel comprising H.E. Dr. Syed A. Samad, Executive Chairman (Minister), Board of Investment, Government of Bangladesh; Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, UNHCHR; Mr. Martin Rama, Lead Economist, Development Research Group, World Bank; and, Mr. Stephen Pursey, Director, Department of Policy Integration, ILO.

The panel canvassed employment creation. Several panelists spoke about the importance of employment in developing nations. Mr. Samad stated that employment had three elements: living standards, a productivity dimension, and a social dimension in their nations. He emphasized the importance of equitable and inclusive economic growth. Mr. Pursey did not disagree with others but pointed out that many people in developing nations work long-hours, in terrible conditions, for little pay. Mr. Šimonović said that a rights-based approach to unemployment was the right one, which has been underestimated. Mr. Rama reflected that growth is a means to job creation and with development jobs get better. However, he pointed out that a nation could have a high level of economic development while its people lived miserably.

Side Events

A series of side events were convened to coincide with the ECOSOC High-level Segment. Topics covered included the importance of employment for social inclusion; keeping families central in the debates on development; investing donors' money to improve social inclusion; and, eradicating poverty by promoting productive capacity, employment and decent work.

One of side events highlighted the role parliament should play in eliminating corruption. Speakers felt that world leaders did not place enough trust in parliaments and instead invested in governments. Often, it was said, governments have corrupt members but their respective parliaments do not have adequate influence over the use of international aid, for instance. Parliaments are intended to be institutions for accountability thus speakers asserted the legal authority of parliaments should be strengthened for stronger oversight of development co-operation.

Another event focused on ways to leverage psychology to eradicate poverty by promoting decent work. One of the speakers, Michael O'Connell, Commissioner for Victims' Rights in South Australia, addressed trafficking in human beings. He stated that trafficking includes humans forced into sexual servitude and humans whose labor is exploited, and asserted that the provision of decent work was necessary to prevent victimization. Given the effects of trafficking on victims, he outlined the importance of "psychological first aid." Another speaker remarked on labor exploitation in Africa, while another spoke on victimization of autistic people in employment. Yet another speaker talked about the contribution psychology can make to a healthy and productive workplace.

Closing Sessions

Following the round-table on employment creation, the ECOSOC held a debate on its proposed Declaration. Consensus could not be reached on that occasion, so the President adjourned the session until the following day. On that day, a consensus was reached and the ECOSOC endorsed a Ministerial Statement.

Discussion and Conclusion

The ECOSOC re-affirmed the importance of sustainable development, especially the green economy. It, in general, advocated for productive capacity, employment and decent work, in the context of sustained, inclusive and equitable economic growth in pursuit of poverty eradication. The effects of foreign debt, misdirected aid, and the inter-linkages with trade were raised. As well, measures taken by governments, the private sector and international financial institutions to alleviate the impacts of the economic and financial crises were canvassed. Moreover, those attending the ECOSOC High-level Segment were left in no doubt of the imperative to address the effects of the economic and financial crises. They were also encouraged to seek new ways that promote social inclusion. Several important issues dominated the dialogue. Increased attention was urged to the issue of gender equality while devising, implementing and evaluating policies and initiatives (including practices and procedures) and economic deprivation and youth exclusion, especially from education and jobs. Furthermore, there was consensus that poverty and corruption erode economic and social development. The unmet targets of the MDGs were not ignored.

They were revisited, for example, within the ambit of climate change.

Of particular interest to victimologists, some speakers acknowledged that gender inequality, social exclusion and poverty vividly show the international community is failing human rights. Indeed, it is this author's view that an economic and social order that features inequities and social exclusion, as well as fails to foster decent work is inconsistent with the Universal Declaration of Human Rights. In addition, the International Convention on Economic, Social and Cultural Rights obliges all nations to take genuine and concrete steps through international assistance and co-operation to achieve the rights recognized in the Convention. Similarly, the Convention on the Rights of Persons with Disabilities and the Convention of the Rights of the Child provided for economic, social and political rights and obliges signatories to take measures to progressively realize those rights. In broader terms, the Declaration on the Right to Development sets out the duty of nation-states "to co-operate with each other in ensuring development and eliminating obstacles to development" but also those states should "fulfill their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States, as well as encourage the observance and realization of human rights" (UN General Assembly Resolution 41/128).

Mindful of human rights (including victims' rights), people-centered social and economic policies and improved global governance should be key objectives in pursuit of the MDGs. The transformations recommended by the ECOSOC should be grounded on human rights. Real steps, not pious platitudes are needed. Measures for participatory sustainable "green" development should, amongst other elements, be inclusive of those affected and for that purpose enhance the role of civil society. It is important to foster cohesive, coordinated, co-operative and integrative processes and institutions. It is crucial to enable: sustainable development, equitable economic growth and resource distribution, poverty eradication, provision of decent work, and to counter environmental degradation as well as ensure respect for economic, social and cultural rights. In summary, what underpins the future envisaged should be a set of values and beliefs about the kind of just world that the women, the young, the poor and other vulnerable and disadvantaged people, and in fact all of us, want to live in. The ability of billions of people rests on the preparedness of so few to do what is right because it is right.

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Addendum

World Society of Victimology Intervention— ECOSOC High-level Segment, Interactive Session, 9 July 2012

Mr. Moderator, distinguished panelists and delegates, and others, thank you for the opportunity to make this statement on behalf of the World Society of Victimology.

As we have heard this morning, corruption harms individuals and destabilizes communities. Regrettably for far too many people – young, old, poor, disenfranchised and others – their personal and collective circumstances leaves them vulnerable to victimization. Corruption, which is a serious crime, discourages legitimate livelihoods; fosters mistrust among ordinary citizens, businesses and governments; and, impedes economic growth, amongst other negative effects. The World Society of Victimology urges all governments to improve their efforts to address corruption's adverse impact on development including, for example, in monitoring economic aid to prevent corruption.

Preventing corruption is necessary to advance justice, equity and the possibility of achieving sustainable development. One cannot speak of corruption without acknowledging its victims, their needs and their rights. Particularly in the context of sustainable development, the World Society of Victimology calls on all states to adopt and implement appropriate law, procedures and programs to give voice to victims of corruption in particular and victims of crime in general, as well as to protect and to assist them. Unfortunately, in economically turbulent times victims' rights and needs have the potential to be over-looked.

Mr. Moderator, corruption, whether perpetrated by the state or by non-state actors, impedes the social and economic development of communities and nations as well as the achievement of the Millennium Development Goals. Members of the World Society of Victimology and others see direct the connection between development and the effects of corruption. On behalf of the many millions of people affected by corruption, the World Society observes that expectations of a better and just world forged on sustainable and equitable development have been raised by the credible and concrete steps taken thus far to eradicate corruption.

The challenges highlighted today are shared by governments, businesses, the media, civil society, and others. The World Society of Victimology, therefore, pleads to all—do not let the expectations raised, be dashed. Thank you, Mr. Moderator.




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