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Paper presented at CPSA conference, Toronto, 1-3 June 2006

When Crime Pays: the Politics of Crime, Law, and Victim Compensation in Quebec.

Since the emergence of criminal law, the criminal act has not been conceived as an offence against the victim but as an offence against the state (Fattah, 1990a; Weiterkamp, 1993). Fattah (1990a) points out that the rulers seized the rights of the victims to the rulers' advantage and that criminal law became a powerful means of repression used by the rulers in order to strengthen their control of the population. However, in the event of a criminal act, especially if violent, victims encounter numerous serious physical, psychological, financial, social and existential consequences that the welfare state has not historically provided for (Parent, 2006).

Among the very few offenders that are caught, their rights have overshadowed those of the victims. In fact, while the rights of the former continue to improve, the rights of the latter are rarely promoted and applied (Mawby and Walklate, 1994; Sebba, 1996; Young, 2000; Goodey, 2005). Criminals have access to more rights and services than their victims. Whatever their crime, they have much more opportunities to reintegrate society than their victims. On the other hand, the victim of criminal acts is often left on his or her own. Reintegration of victims has never been a priority.

The victim is considered a second-class citizen in the eyes of governments and of criminal justice (Elias, 1990; Weitekamp, 1993). As reflected by numerous authors such as Dignan and Caravino (1998), Groenhuijsen (1999) and Brienen and Hoegen (2000), the victim's status in the penal system is exemplary: it is regarded only as a witness. This status was unchanged even after the reform of the penal code which provides for new reparation measures for victims. Measures that, incidentally, are rarely used, and that are mostly unfamiliar and/or unknown to victims. Worse, those measures only apply to "good victims" and their limitations raise a few questions regarding their aims. These conclusions apply as well to state compensation.

In Quebec, there is a state compensation system for victims of criminal acts. However, it is argued that this system has little to do with victim rehabilitation and reintegration. That is, the victim that fills out all the forms, that follow bureaucratic procedures, and, more importantly, that fits the social profile of the "innocent victim" as defined by the government will be compensated after laborious efforts. The victim which does not fit the stereotype will not be compensated. But in either case, the system often produces pernicious effects that hinder victims' recovery.

Foucault illustrated how crime control is social control. Victim compensation is another instance of how criminals and victims are imagined outside social conditions; how they

are constructed as to not question existing relations of power. This paper will discuss why and how state compensation for victims of criminal acts has failed to respond to the beneficiaries' needs. More specifically, it will first briefly address the question of the superior priority (capitalist global economic system) on which social policies are devised on. Indeed, discrepancies between the promise and the performance of the unresponsive governmental institutions breed questions as to the actual purpose of the system. Secondly, it will examine the relevance of state compensation in terms of coming to grip with the "actual needs" of victims of criminal acts by analyzing the responses or "non-responses" of Quebec's compensation system: IVAC. In the end, the analysis supports Foucault's original contribution. The victim, much like the criminal, is construed in such ways as to maintain and legitimize existing structures and relations of power.

Social policies devised on a *superior* priority: the system efficiency priority

Social Policies: constructs that preserve established privileges?

There is no intrinsic quality which makes a person a criminal or an event a crime (Fattah, 1990b, 1997; Hillyard and Tombs, 2004). They are labeled as such in certain situations and for different reasons (Hulsman, 1986). As explained by Fattah (1990b, 1997), an injury remains an injury regardless of the source (accident, malpractice, negligence, intention, etc.). However, as Foucault (1994), Elias (1986, 1993), Fattah (1990b, 1997) and Hilliard and Tombs (2004), and Tombs and Hillyard (2004) maintain, those individuals and events that are labeled as criminal and crime through the law have not necessarily reflected the only or the most dangerous ones. Indeed, following Hillyard and Tombs (2004), many events causing serious harm, even the ones that comprise acts or omissions (*actus reus*) that are clearly intended (*mens rea*), are ignored, handled without resort to the criminal law, or are simply excluded by it. What is a criminal and what is a crime is defined by the government's discipline towards the priority for the quintessential market economy (Hillyard and Tombs, 2004; Tombs and Hillyard, 2004). The attention is diverted from the more socially pressing harms (Elias, 1993) to "the relatively powerful, the high status offenders and dominant organizations" (Tombs and Hillyard, 2004: 31).

The overemphasis put upon the market as the social regulator paved the way for the prevalence of the profit motive over the public sector: we witnessed the relative dismantlement of the welfare state (Said, 2000). The discourses of globalization lay down dictates that favour lowering the costs for the corporations, and most prominently, multi- or transnational corporations and bring massive cutbacks in social wages since the latter represent an uncompetitive path in the global market (Tombs and Hillyard, 2004). The interests of the major corporations largely dictate the policies of the wealthiest countries (Elias, 1993; Barlow and Clarke, 2001). As Hillyard and Tombs (2004: 36) have written: "if there is a conflict between property rights and other social values – claims for the common good, and the rights of those who own little or nothing – the minority who own the bulk of the wealth will see their rights secured".

From the pressure to reduce public spending follow the reduction in social welfare. Many developing countries have also been encouraged to reduce their welfare systems for, among other things, the benefit of global capital (Townsend, 2002). However, as mentioned by Said (2000):

The disappearance of the welfare state means that no public agency exists to safeguard personal well-being for the weak, the disadvantaged, impoverished families, (...) What has disappeared is the sense citizens need to have of entitlement -- the right, guaranteed by the state, to health, education, shelter, and democratic freedoms. If all those become the prey of the globalize market, the future is deeply insecure for the large majority of people, despite the reassuring (but profoundly misleading) rhetoric of care and kindness spun out by... who rule over public discourse.

Consequently, further inequalities are created by the differential access to health, education and so forth:

...states and companies combine to produce not only unequal distributions of income and wealth, but also differentially distributed access to healthcare, social and welfare services, education, employment, housing stock, for example. (Tombs and Hillyard, 2004: 33)

Indeed, the growing levels of inequalities (in terms of poverty, health care, housing, education, employment, basic goods, etc) and their following consequences such as antisocial and criminal behavior are not addressed in this context where the benefit of global capital prevails (Elias, 1986; 1993; Fattah, 1997; Edelman, 2001; Tombs and Hillyard, 2004). The massive cuts to the social policies (programs which took years of struggle to build-up) further exacerbate the economic and social marginalization and exclusion of whole sections of populations, thus increasing the criminalization of the latter (Elias, 1986; 1993; Fattah, 1997; Edelman, 2001; Tombs and Hillyard, 2004).

In order to handle the marginalized or the excluded which threaten the order of capitalist societies, the criminal justice system is increasingly taking over the welfare state (Pemberton, 2004). Put another way, the neo-liberal governments, increasingly deprived of the proneness or the assets to contrive social policy to social problems, have turned increasingly towards the extension of the criminal justice system and the criminalization of economically and socially marginalized groups and individuals (punitive segregation toward the poor and the powerless) (Tombs and Hillyard, 2004). Mawby and Walklate (1994: 85) mention that the “underclass” represents a constant threat to the effectiveness of the processes of state’s control and regulation.

The evolution of the Western model of governance and development appear to have a significant impact on security. Among to be most “feared” or resented, the poor and the minorities (defined by colour, religion, ideological, or ethnicity) receive disproportionate surveillance and arrest, and get harsher treatment from agents of the criminal justice system than wealthy and “respectable” individuals (Mawby and Walklate, 1994; Edelman, 2001). In order to respond to the increasing insecurity of being harmed by the

Other, there is a rapid growth of security services and products in industrialized and developing countries (Salmi, 2004). The privileged and the more fortunate can purchase the means of security on the market, also developed by the realm of criminal justice (Tombs and Hillyard, 2004).

Edelman (1977) maintains that the social constructions on which public policies are based on are maladjusted. Indeed, the constructs on which they are based divert the attention towards the faults of the individual and away from the pathologies of social and economic conditions (Edelman, 1977) which constitute deep-seated inequalities. This way, the already established policies supporting those conditions are not questioned (Edelman, 1977:27), and the “western model” is not threatened:

Terms like...“criminal,” and “drug abuse” focus attention on the alleged weakness and pathology of the individual, while diverting attention from their pathological social and economic environments—a belief about causation that is partially accurate at best and therefore a dubious premise on which to base public policies. In consequence we maintain prisons that contribute to crime as a way of life for many of their inmates, ... as a way of life for *their* inmates, and high rates of recidivism for all these “problems.” But the names by which we refer to people and their problems continue, subtly but potently, to keep the attention of authorities, professionals, and the general public focused upon hopes for rehabilitation of the individual and to divert attention from those results of established policies that are counterproductive.

As reflected by Edelman (1977; 2001), the social policies fail to rehabilitate the presumed beneficiaries by allocating the adequate resources, while they also have an image of ambiguous success (i.e. problematic effectiveness). He adds that the public administrative organizations are much more efficient at shaping beliefs about their work and impact on society than at coping with poverty, crime, ignorance and emotional disturbance.

Using the victim: who benefits?

The new initiatives intended for the “benefit” of crime victims of the 1960s and 1970s suffered under the fiscal policies of the 1980s onwards with few among them having to end (Roberts, 1990). Fattah (1990b; 1997) has pointed out that despite the publicity given to the crime victims’ cause, the victims receive too little help, if any, and too late in compensating their losses, in alleviating their sufferings or in redressing the damage done to them (see also Elias 1986 and Miers 1978; 2000). Indeed, as Fattah argued (1990b: 408): “The reluctance of governments to go beyond symbolic gestures, political palliatives and placebos to improve the plight of crime victim is quite evident in victim legislation introduced in several countries”. The author sustains that this is particularly true of victim compensation systems called “political palliatives” by Burns (1980) or “political placebos” by Chappel (1973), among other appellations, where the lip-service paid by politicians is not being followed through with “hard-cash”.

Newburn (1995) denounces the false apolitical picture of the funding process of local victim support schemes. The “concern” for victims of crime since the 1960s was “sustained” by the governments’ resistance to provide significant funding for victims’ services and by their quest to cut back on expenditures. Newburn adds (1995: 170): “Victim policy has in many ways therefore been a means to an end rather than end in itself”. As Mawby and Walklate (1994:) put it: “The symbolism of being seen to do something was of more concern than what it was that was actually put into place for victims of crime”.

Newburn (1995) explains that crime victim policies are better justifiable as part of the penal philosophy of the 1960s and 1970s: where the concern for the crime problem and a pondering of the retribution of offenders prevailed. The 1970s constitute the starting point at which the major political parties held each other responsible for the increase in crime rate and started to seek for political capital out of their penal policies (Newburn, 1995). From that time forward, the victims’ cause became politicized (Fattah, 1990b; 1997). Accordingly, politicians and others jumped at the opportunity for financial or political profit, acknowledgment or professional advantages, adoption of a good cause or publicity and a place in the public eye. Victims’ advocates, “self-appointed defenders and spokespersons, constitute the latter category of people which sends the wrong impression that they represent the large population of crime victims whereas their claims and views represent only, at best, a small minority of the crime victims and, at worst, they speak for themselves” (Fattah, 1990b; 1997). Thus, incorrect constructions about crime victims continued (and still continue) to grow, and the misconceptions regarding the victims’ post-victimization experience, consequences, and needs remain.

Fattah (1990b, 1997) has denounced that “victim representatives” and victim advocates have given no valid and convincing reasons as to why crime victims’ services should be part of the overburdened and impersonal criminal justice system instead of being taken care of within the community; and as to why it should be separate and different from other social services. Fattah (1990a; b, 1997) and Elias (1986) have put forward various hypotheses regarding why victims’ programs are part of the criminal justice system: widening the net of social control; increasing the efficiency and effectiveness of the criminal justice system by breeding cooperation from the victim with the police or the prosecutor; giving an apparent respond to the victims’ “official needs”; and controlling the victims within the criminal justice system. The victims’ cause has become increasingly enmeshed in diverse mechanisms of control and regulation “through the promotion of a neutral image of the victim” where the distinctions between the deserving and the undeserving victim prevails (Mawby and Walklate, 1994: 85). Moreover, the political context of 1980s brought, with its emphasis on social expenditure cuts, a discourse on the victim’s responsibility for its own fate (Mawby and Walklate, 1994).

Newburn (1995) has pointed out that by the mid 1980s, the appeal of the law and order policies on which consecutive conservative administrations were elected began to wear off. He (1995: 165) refers to a “developing penal crisis” that needed “innovative policies” in order to “freshen up the penal landscape”. The criminal justice policy also

needed some beefing up. Consequently, the conservatives' political perspective, heavily focused on their law and order crusade, used the "victim's movement" to diffuse their reforms which had little to do with crime victims (Smith and Freinkel 1988, Elderman 1988, and Mawby and Walklate 1994). Put another way, crime victim policies were an opportunity for the reiteration of conservative policies that could not be ignored (Henderson, 1985). The announcement of important funding for crime victims' has often presented politicians with interesting electoral opportunities (Newburn, 1995).

The symbolic exercise of helping victims of crime have often constituted of initiatives which have ostensibly been about crime victims but, in reality, were too often introduced because of a lack of ideas regarding how to deal with offenders (Newburn, 1995). Elias (1990) has noted that the victim's cause has been defined in conservative terms: the victims need to change their behaviour while the social roots of crime are being obscured. He specified that victims' programs are treated only temporarily when annual lobbying for renewal is required; thus avoiding again the questions of the deep-rooted social problems or of needs for welfare programs. Smith and Freinkel (1988) have sustained that federal victim policies are under-funded, precarious, greatly selective, manipulative, contradictory, and symptomatic. Worse, the little resources temporarily made available come with conditions that have aimed further expansion of the conservative ideologies (Smith and Freinkel, 1988). The measures intended for the "benefit" of the crime victim are ill-conceived, and as Fattah wrote (1990b: 58) "Political definitions rather than actual need would determine who is to be helped, served or compensated".

Political slogans such as "Justice for victims" have remained frequent among politicians for its pay off and the little to no objections from the opposition (Fattah, 1990b; 1997). Fattah has asserted that the amount of money spent on punishing criminals and the failure from governments to control crime have been less noticeable when citizens have had the impression of living in a "caring society" which helps and rescues its unfortunate members and which deals with crime effectively. Put another way, this cover-up for the ineptitude and the failure of the system to prevent criminal victimization has masked the governments' resentment to undertake the problem of crime. For his part, Phipps (1988) has showed that the expenditure on crime victims is quite disproportionate when you compare the amount spent on criminal justice¹.

In short, crime (i.e the constructs it encompasses) benefits to politicians, to public officials, to executives and staff members of criminal justice agencies, and often to the ones who commit them as a high proportion of them are never identified or caught (Elias, 1993; Edelman, 2001). While politicians and public officials have often benefited politically, executives and staff members of criminal justice agencies (social work, police departments, prison, judicial) have also benefited as their income (salaries and budget for actions) and their career opportunities have increased with the perceived growth of crime (in terms of incidence and/or severity of criminal acts) (Edelman, 2001).

¹ In 1986, Phipps pointed out that three billion pounds were spent in the United Kingdom on the criminal justice system while only nine million pounds was set aside over a period of three years for victims' services.

As far as crime victims are concerned, Elias (1990) has even questioned if there ever was a victim's social movement. He has argued that if there ever was such a movement, it ended with its partnership with the government when it was co-opted by the latter. Indeed, the state's cooptation of the discourse and practice of victims' compensation programs and services deals away with the challenge or opposition to the state and governments' goals that victims represent (Mawby and Walklate, 1994).

Newburn (1995: 148) has gone even further. He has not often referred to the expression "victims policy" because he considers that none of the major political parties has had a coherent policy on crime victims:

Indeed, it is probably true to say that victims have for the most part been used by government as means of justifying or, occasionally, even diverting attention from broader criminal justice policies or trends in crime. It is rare for much consideration to be given to victims of crime in their own right.

For instance, the little money that is initially committed to the victim compensation programs has generally been frozen, further limited or withdrawn at the first indication of recession or economic crisis (Fattah 1990b; 1997). Newburn (1995: 178) has even gone as far as to say that the introduction of state compensation should be qualified a penal policy rather than victims policy. According to him, the politicization of criminal justice issues has left little room to a "coherent and forward-thinking policy-making" where short term electoral advantages have constituted "the driving force in criminal justice policy-making" (Newburn, 1995: 178). Thus, the short term expediency of such policies has always prevailed over long term benefits.

Victim compensation programs have been fulfilling a symbolic function at best, and have not contributed in anyway to deal with the social and economic conditions that generate crime and victims (Fattah, 1990b; 1997). As Fattah has argued (1990b: 57):

In times of growing concern about crime, showing sympathy for the victim and committing a handful of dollars to victims' programs and services relieves the pressure on politicians to confront social injustices, ethnic conflict, inequalities in wealth and power, and the frustrations of seeing too much and having too little.

The victims' issue is not politically neutral. It is bounded up with political strategies that support the status quo. It has too often needed to do so in order to find and secure funding; in order to survive. As Elias (1990: 243) has bluntly put it:

Victim initiatives seem to perpetuate biased crime definitions conveyed in legislation, enforcement patterns, or the media, which limit our concept of victimization to street crime, usually ignoring the much more harmful "suite" crime, be it corporate or governmental. They further narrow those victims to whom we will devote our attention: not to lower class minorities, who are among the most victimized, but rather to the elderly and the victims of child, female, and sexual abuse who are not.

Victim Compensation or How Crime Pays in Quebec

When a crime is committed, state compensation has represented the main source of financial aid available for victims of criminal acts because of the inherent limits on offender compensation (Joutsen, 1987; Das, 1997; Goodey, 2005). State compensation has corresponded to a functional remedy, within strict limits, for victims' losses. However, this type of indemnity is not offered by every state or province. Moreover, the governments that have offered it have faced serious budget cuts (Viano, 1992; Elias, 1993; Mawby et Walklate, 1994; Fattah, 1999) and criticism (Elias, 1983a; Sarnoff, 1996; Miers, 2000). In Quebec, IVAC (*Service d'indemnisation des victimes d'actes criminels*) has not escaped such cuts and criticism (Bellemare, 1999).

Among others, Miers (1980, 2000) and Sykes (1992) examined the *innocent-victim* stereotype who is compensated and concluded that it does not correspond to the realities of the majority of victims. In fact, they argued that it is the political definitions, to the detriment of the victims' needs, that determine who is eligible for state compensation. It has been observed that victim compensation programs, as all other services or resources put into place for victims of crime, took place without asking any victim what his/ her needs were nor what he/ she expected from the criminal justice system (Mawby and Walklate, 1994).

Moreover, Shapland (2000) pointed out that governmental reports concerning victims' needs within the criminal justice system already emphasized the same preoccupations, twenty years ago, as current governmental reports. Shapland (2000: 147-148) wrote:

This is strange – although we would not expect the needs of victims necessarily to change, we might expect that, in 20 years, some of the solutions might have been produced (...). Throughout the 20 years, criminal justice has been seen as separate from victims, with victims being a rather annoying group which stand apart from justice, but to whom we now need to consider creating some kind of response and making some concession.

The cementing of the stereotypical tenets related to the crime victim reflects the power and the regulatory capability of the state in constructing the victim (Mawby and Walklate, 1994). Governments that do not help victims who do not fit the stereotypical innocent victim symbolize well and in large part the reasons for the theoretical and practical difficulties encountered when implementing and administrating compensation systems.

We analysed the Quebec system symbolized by IVAC, the governmental body responsible for compensation, in order to assess the relevance of compensation measures in terms of coming to grip with the "actual needs" of the victims of criminal acts. Despite so-called formal advantages of the system, many obstacles impede and sometimes even prevent the victim's rehabilitation process; the system has been generating pernicious and negative effects that have re-victimized victims.

More specifically, the obstacles impeding the victim's rehabilitation process originated in the law that is not adapted to the "reality" of the victims (as they themselves define it) as well as in its application by a heavily administrative organization devoid of compassion. The obsolescence of IVAC's law, the administrative heaviness of its application, and the absence of sympathy toward victims are evident throughout the whole compensation process: from the first contact with the victim, the registration of the claim, the acceptance or the refusal of the written proofs, and to the decision-making processes of the eligibility of the post-victimization consequences encountered by the victims.

The crime victim has to be recognized *per se* by the compensation scheme in order to validate his or her needs and be eligible to the awards regarding his or her recovery. But firstly, one has to meet a few eligibility criteria. However, there has been a major gap between the "actual needs" of the victim and the "formal needs" related to the "ideal victim" label put forward by the compensation scheme which determines who is eligible or not, who is worthy or unworthy. The "good victim" label is the key to have access to resources and services offered to help in rehabilitating or alleviate the sufferings of victims. A certain "ideal victim", in "ideal circumstances," appears to be privileged by Quebec's compensation scheme: the "good victim". Anybody outside this mould has encountered numerous difficulties to be recognized for State compensation. Furthermore, it is unlikely that he or she will succeed in his or her quest for compensation since it is too often reserved for "real" victims.

A "good victim" has been defined as the victim 1) that has reported the criminal event swiftly to the authorities; 2) whose words the police believes; 3) whose innocence can be established without a doubt given the circumstances of the criminal event; 4) who can easily prove with concrete evidence that he or she has been a victim of a violent crime. This definition cannot be found written anywhere, but clearly stands out in the light of the eligibility criteria established by IVAC. Very few victims have clearly met this set of requirements. Put another way, the compensation scheme has excluded the majority of victims.

Among the "less ideal victims" who can be excluded, there are the individuals who have "contributed" to their victimization in one way or another, the "careless" or the "criminal" victim (oneself or by a criminal acquaintance). Those victims usually do not "deserve" to be eligible to state compensation. Consequently, they have to deal with their post-victimization consequences and suffering without any help. For instance, a family after being severely battered in their own house, were refused by IVAC because their son have been acquainted with a gang member in the past.

Whole segments of victims are also neglected by not obtaining the recognition that they have suffered severe harms deserving of state help. Those are the victims of crimes that do not leave *apparent* marks (i.e. no concrete, visible, or tangible proofs, such as psychological injuries) or which are not directly aimed against the individual (like a larceny theft), and close relatives² (indirect victims, such as the parents, the

² Most compensation schemes exclude close relatives but there is a new bill that has been voted and they will be included by Quebec's compensation scheme (Couinard, T., *La Presse*, May 10th, 2006).

brother/sister). Those individuals have no assistance to cope with their post-victimization problems. Thus, they must have a social network and important funds in order to meet their numerous post-victimization needs.

As well, the one year delay to apply for IVAC is unsuitable with the post-victimization experience of the majority of crime victims. First, just to accept one's victimization is, for many, a long and difficult process that has often required years. This, added to the absence of publicity concerning IVAC's existence, has limited access to state compensation for an important number of victims.

Moreover, there has been no emergency fund to help out crime victims quickly. And yet, a criminal act happens without warning and without any time to prepare, psychologically or financially. Also, a criminal act is an event which, by the consequences it brings, can only weaken an already shaky financial situation. Depending on the circumstances, the victim's financial costs often exceed the individual's ability to pay for his or her post-victimization expenses. The absence of immediate awards has brought more stress to an already very difficult situation for crime victims. To be battling with expenses that one cannot manage, it has proven hard for individuals to live through the important delays imposed by IVAC's bureaucratic obstacles. For instance, an immediate specialized psychological support is often vital, or at least, therapeutic, for preventing the appearance of future psychological difficulties³. Furthermore, the practical need to have replaced a door, lock, or to move, for instance, have required immediate payments that too often cannot be assumed by victims.

IVAC has also been giving priority to its doctor's diagnostics and judgments over the victim's treating doctor's despite the fact that IVAC's doctor never meet the victims. This has produced various problems. For example, decisions are maladjusted to the victim's needs and additional delays in the decision-making process are further created. At the physical and psychological levels, victims essentially need appropriate treatments promptly and for a "targeted-duration" (to ensure the maximum efficiency) linked to their condition. The fact that the law has not admitted the priority of the victim's treating doctor, leads to the necessity to clearly and concretely "prove" to IVAC that the treatments claimed by victims are directly linked to the criminal act. Such "proofs", however, that can only be given by IVAC's experts. It needs repeating that these doctors or experts (whose competence has often been contested) do not know the victim nor the evolution of the injuries. Moreover, they are often swamped with work leading to further delays. Meanwhile, the victim is often left without any treatments and an aggravation of his/ her injuries often follows. More importantly, all these delays increase the difficulty for victims to prove the link between their injuries and the criminal act. Thus, the time taken by IVAC's experts before the decision is taken has turned out to be a critical problem on more than one account.

³ Which is quite common among victims of criminal acts since posttraumatic stress syndrome is the most frequent psychological consequence after the event of a criminal act, especially a violent crime.

The obstacles linked to the application of the law

Despite the law's limitations mentioned above, it appears that crime victims have many *rights on paper*. However, no or very little supervision or enforcement mechanisms exist to ensure the application of the law. In fact, victims have had little rights in practice since, to begin with, they often have not even known the existence of these rights, nor their right to have them respected. Victims have simply been left behind.

It is crucial to inform the victim rapidly about the resources and services available to cope with the criminal event. Indeed, being informed rapidly has allowed victims to consider the choices and realistic actions that can help them get their life back instead of letting their difficulties become worse. Without swift help, victims remain confused, do not fully understand what is going on, and ignore that the reactions and needs they experience are more or less "normal". Victims often cannot imagine a future, which usually leads to more stress and frustration.

It is important to emphasize the quality of the information transmitted to crime victims. To give inaccurate information has led to disappointment and inadequate decisions that have had important effects on victims' recovery. Poor or lack of information has further aggravated and complicated victims' post-victimization experiences. In light of my interviews with victims and civil servants, it appears that victims have been informed about IVAC's existence only "accidentally". Worse, when victims are informed, the information is often incomplete when not simply erroneous.

I have noted a general lack of consideration and compassion toward victims. Victims are often not recognized as individuals who 1) **are injured in several aspects** and that have often **lost control of their life** following the event of a criminal act; and 2) **experience physical, psychological, financial, social, and existential** consequences⁴ following the criminal event. The proceedings related to the recognition of the victim by the compensation scheme have constituted a painful ordeal for the majority of crime victims. The registration, the proofs to supply, the investigations to prove the victim's innocence, and so on, are particularly heavy and demanding procedures at the psychological level. When compared to the risk of fraud, the consequences on victims of the processes linked to "prove" the individual's victim and post-victimization needs are excessive and unacceptable. In the end, they have often led to a re-victimization experience for victims that need to "prove" their worth to IVAC. IVAC's "mission" has been buried under bureaucratic procedures that aimed to eliminate fraud. Uninformed and unrecognized, even the "good victim" will find it hard to find the necessary answers to his or her short-term needs, particularly his or her medium and long-term needs.

IVAC's short-term view, where the general attitude of closing the victims' file as soon as possible comes from, has left little space for victims' interests. We ask ourselves how IVAC's state-employees could understand their clients, study their file in depth and treat

⁴ Those categories are not mutually exclusive.

their case in view of the victim's individuality⁵, if the output of the file management leading to the closing of the highest number of files as soon as possible is primarily aimed by the organism? The rapid closure of the crime victim's file aimed by IVAC's state-employees is antagonistic to the victim's recovery process, and deny, so to speak, the existence of the long-term post-victimization consequences or the ones that are susceptible to appear later. Otherwise, the continuity of the victim's recovery is compromised and a regression of his or her condition can be expected if the intervention is suddenly or precociously interrupted.

The obstacles linked to the operation of the organism

The contacts between victims and IVAC's state-employees have appeared to be more difficult since IVAC's regional offices closed in favour of centralization⁶. The growing systematization of the proceedings has erased the individuality of victims. The organism has left the "human angle" aside to give more space to efficiency. However, human connections are critical, not only for victims but also for IVAC's state-employees. On the one hand, psychologically-injured victims have needed to relearn how to trust others, in addition to deal with their post-victimization difficulties. Within a "dehumanized" system, victims have seen themselves as numbers, files, sets of criteria suitable or unsuitable for awards. Victims have not considered themselves as human beings that experience emotions and that have had to go through difficult stages of recovery. On the other hand, state-employees have to put a face on the file at hand, to know the victim in question and the difficulties he or she has to live with in order to make the best decisions possible.

There has been an increasing divide created between victims and state-employees. Indeed, victims have encountered great difficulties in reaching IVAC's state-employees to whom the former have had to leave messages on answering machines or to receptionists. This has constituted additional obstacles to the state compensation process such as: 1) difficulties in accessing exact and complete information concerning, among other things, the progression of the victim's claim or file; and 2) increased energy and effort from the victim's part in order to obtain his or her "proofs" for demanding state-employees. State-employees have been known to lack training and knowledge of victims' files, and thus to make inadequate or arbitrary decisions. Decisions that have delayed, stopped, or aggravated victims' recovery process.

Also, the incomprehension or the lack of empathy, apparently more marked with some state-employees of IVAC than others, and which are issued by the required proceedings and the responses linked to the state compensation scheme, could be due to a lack of training on victim's issues. The tone (of voice) taken by the state-employee on the phone would depend on, notably, his or her understanding of the victim and of his or her post-victimization experience. And yet, it is difficult for a crime victim, who experiences a set

⁵ Where the unique circumstances surrounding the victim, the crime and the post-victimisation resources available to the victim are all considered.

⁶ IVAC is centered in Montreal.

of emotions clearly related to the posttraumatic stress disorder, to keep a calm and a cheery voice at the phone, in addition of a clear view of his or her situation... particularly if the victim attempted numerous times to reach the state-employee in question.

In short, the responses or non-responses of the Quebec system have tended to re-victimize victims. Put another way, the process of state compensation has constituted a source of secondary victimization for many victims and it has thus created pernicious and negative effects on their recovery.

Conclusion

I argued that state compensation is a strictly limited privilege because victims have often remained second class-citizens in the eyes of governments and criminal justice. State compensation generates negative effects on victims' recovery because, in part at least, of this second-class citizen status.

The case of Quebec's state compensation has illustrated the discrepancies between the "formal needs" and the "actual or felt needs" of victims of criminal acts in the views of the interviewed victims of criminal acts and "interveners" who work for IVAC, CAVAC, CALAC, diverse associations that help victims, and private consulting firms.

Marginal assistance measures that are constricting constitute remedies that do not work or can make the situation worse for the beneficiaries. Then, how is it that the victims "accept" the discrepancies between the political promises and the performance of the unresponsive governmental institutions? Despite the fact that the governments do not need "to respond" to the large majority of voters as long a perceived form of help exists, they need to respond to the possessors of wealth which, among other benefits, support elections and "essential" public programs (in view of supporting the quintessential market economy).

Instead of being proactive (prevention by dealing with inequalities... thus, questioning the system), criminal justice is essentially reactive (repression, intervention, for instance) which is a better option in view of the priority given to the market economy. This, even though it would better serve the populations to prevent harm instead of providing redress once it has occurred. The course of blaming the institutions and the conditions, which make committing harmful violations (considered criminal or not) unavoidable, instead of the individual is the hardest to implement politically. Indeed, in order to prevent harm, economic and social inequalities need to be addressed: a course which implies that the privileges of the most powerful groups in society constitute a major contributor to the problem of crime. Thus, a new direction of the government's discipline from the priority given to the quintessential market economy to a more adequate adjustment towards the needs of human beings is entailed.

Criminals have had access to more rights and services. While the criminals are given more opportunities to reintegrate society, the victim remains a prisoner for the rest of his/

her life. Indeed, the victim of criminal acts remains on his or her own, despite the measures intended to help. The victim is marginalized by the system because he or she asks for help, whereas the system wants to make the victims accountable for his or her rehabilitation.

In short, crime pays because it sustains the system and protects it against who (marginalized individuals) and what (equality, community, etc.) threatens it. There is a vicious circle where social control breeds crime and crime breeds social control. Social control breeds crime by maintaining deep-seated social and economical inequalities (which are “necessary” to keep the status quo of the market system). Indeed, the social policies related to the crime problem, based on questionable constructs are politically astute responses which are seen as to be doing something about crime but without actually addressing the underlying causes of the social and economical inequalities that lead to much victimization. Crime breeds further social control of the already disadvantaged groups through the expanding criminal justice realm and brings short-term political benefits.

The adoption of harsher sentences in the name of victims and citizens as potential victims, encompassing the “intend” or rather the symbolic help to crime victims, aims to support the system, not to protect the citizen. The State’s intervention is increasingly disappearing and reoriented towards the market economy. The citizen, typically the poor, is not in a position to protect itself from criminal harm, even less from the harm “not considered as criminal” such as white-collar crime or state crime.

The victim’s perspective in the criminal justice system remains ignored, but it must be considered in order to guarantee the victims’ rights and to encourage better recognition and services that are congruent to their “actual needs”. The system gives just enough “symbolic help” in order to be a vote winner from the more fortunate and privileged, to attract the victim’s cooperation in the criminalization of the offender and to make the crime victim responsible of his or her fate. The victim policies have to be set against relevant research that identifies the actual interests (impact of crime, post-victimisation needs, etc) of victims in order to be victim-centered and research-driven, instead of offender-centered and ideology-driven.

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