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### Criminality, judgement and eschatology

The so called *emancipation of the victim* of crime in the last decades - socially, in criminal proceedings, and also our theoretical reflection raises the question whether, morally speaking, our views on criminality have changed. Is this perhaps indicative of a broader cultural shift in perspectives, a reframing of the position of the victim and the perpetrator? The approach of the Dutch victimologist Jan van Dijk seems to mirror a social and political trend towards a post-Christian way of dealing with criminality. But his approach is perhaps somewhat too contemporary, as I will argue, for he fails to take into account the shadow sides of a culture which affords the victim such a central place.

#### 1. INTRODUCTION

One of the most striking developments in international criminal law during past few decades has been the so-called *emancipation of the victim* of crime – socially, in criminal proceedings, and also in our theoretical reflection. Some legal scholars even call this emancipation “the most important development in criminal law after World War II”.<sup>1</sup> In the Netherlands these developments are already making themselves felt politically, as the current and the preceding cabinet has explicitly established greater care and attention to victims and their rights as a key policy objective. Stricter treatment of perpetrators and a more sober approach to detention appear to be the related outcomes.<sup>2</sup>

Apart from raising all kinds of juridical issues, this also raises the question of whether, morally speaking, our views on criminality have changed. Is this perhaps indicative of a broader cultural shift in perspective, a recontextualization of the victim and the perpetrator? Here it would perhaps be useful to turn to the very new science of victimology, and specifically to one of its most prominent and internationally recognized representatives, the Dutch Professor Jan van Dijk. In 2008 this empirically orientated scientist ventured into publishing a cultural-historical essay on victimhood; in addition a few of his other texts clearly reveal an interest in aspects of cultural philosophy, religious studies and theology.<sup>3</sup> His approach seems to mirror a social and political trend towards what I would like to call a post-Christian way of dealing with criminality.

First I will present an overview of van Dijk’s most important thesis (2). In view of this trend, van Dijk’s text *Slachtoffers als zondebokken* (*The Victim as Scapegoat*) written in 2008 is a polemical,

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1 Hans Boutellier, *Solidariteit en slachtofferschap*, Nijmegen: Sun, 1993, 101.

2 Simone van der Zee provides numerous examples in this regard in her book *Het staatshotel. De bajas, stortplaats van de samenleving*, Breda: De Geus, 2012, 26-27.

3 Jan van Dijk, *Slachtoffers als zondebokken. Over de dubbelhartige bejegening van gedupeerden van misdrijven in de westerse cultuur*, Apeldoorn- Antwerpen: Maklu, 2008. Regrettably the publication is marred by numerous language errors and omissions. The text for instance frequently refers to authors not included in the list of sources; examples are the relevant titles for Markus, Schilder, Foqué and the omission of t’ Hart, Groenhuijsen and Gross; id., “Free the victim: a critique of the western conception of victimhood”, in: *International Review of Victimology*, Vol. 16/1, 2009, 1-33.

but also very contemporary text. His essay does not belong to the genre of *Unzeitgemässe Betrachtungen*, to name one of the titles of an author van Dijk clearly admires, Friedrich Nietzsche.<sup>4</sup> Van Dijk's approach is perhaps somewhat too well-adapted to our era, as I will argue, for he fails to take into account the shadow sides of a culture which affords the victim such a central place (3).

I see the truly un-contemporary and critical thrust of Van Dijk's cultural-philosophical observations concerning the status of the victim in our culture located in another aspect, one which remains marginal in van Dijk himself, but which I will attempt to strengthen(4).

## 2. THE SACRIFICING VICTIM

*The victim as scapegoat* is van Dijk's polemical response to other members of his discipline, and a call to critical self-examination. Van Dijk is critical of certain arguments around *restorative justice*, but he is above all interested in digging deeper, in addressing the "dominant image of the victim in Western culture", or more precisely: Christian culture.<sup>5</sup> As long as victimology fails to critically question its own ideological and theological underpinnings, says van Dijk, it is bound to reproduce the currently dominant image of the victim, consequentially relegating a "victim friendly pursuit of criminal law"<sup>6</sup> to nothing but a pious wish. He ends his essay with a paragraph on the "coming emancipation of the victim".

I take my point of departure from a text van Dijk published in 2009 in an international journal of victimology, essentially an elaboration of his inaugural lecture, an article strikingly titled *Free the victim*.<sup>7</sup> Most of the themes from his earlier essay recur here. To start off with, van Dijk discovers that most Western languages, but also some others such as Hebrew and Arabic, reflect a clear etymological link between someone who has suffered from crime or the actions of others and the idea of sacrifice. The Dutch word "slachtoffer" is a good example: an object has been "slaughtered" ("slachten") by means of "sacrifice" ("offer"). This link is somewhat puzzling, not in the least because "slachtoffer" almost seems to attribute the perpetrator with a higher mission: the bringer of a sacrifice. In European languages, use of the Latin word *victima*<sup>8</sup> in relation to human beings (specifically Christ) dates to the Reformation. Thus, in order to reconcile us with the Father, we read in Calvin, "God made Christ to *victima*".<sup>9</sup> Only from the late eighteenth century onwards would the term become applied to other human beings, for instance to those who had been hit by a natural catastrophe. Today we use the word "victim" irrespective of whether nature or man is to blame – which raises some critical questions, for this erases the difference between natural events and acts of injustice, between accident and act of aggression.<sup>10</sup>

However, as mentioned above, van Dijk's hypothesis specifically relates to the Christian

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4 Friedrich Nietzsche, *Unzeitgemässe Betrachtungen I-IV*, in F. Nietzsche, *Sämtliche Werke. Kritische Studienausgabe* in 15 Bänden, (Hrsg. G. Colli & M. Montinari, München: Walter de Gruyter, 1980.

5 Van Dijk, *Slachtoffers en zondebokken*, o.c.131.

6 Van Dijk, *Slachtoffers en Zondebokken*, o.c.,

7 Jan van Dijk, "Free the victim: a critique of the western conception of victimhood", in: *International Review of Victimology*, Vol. 16/1, 2009, 1-33.

8 The Latin word *victima*: sacrificial animal, sacrifice.

9 Van Dijk, "Free the Victim", o.c. 4; *Slachtoffers als zondebokken*, o.c., 83.

10 Alain Finkielkraut, *L'Humanité perdue. Essai sur le XXe siècle*, Paris: Seuil, Chapitre Cinquième, "La réparation humanitaire, 117-136.

conceptual universe. The expansion of the term victim (“victima”) during the course of the seventeenth and eighteenth centuries - from exclusively referring to Christ, to including suffering humanity in general - van Dijk suspects, was an outcome of the fact that people now recognized the sufferings of their fellow human beings in those of Christ.<sup>11</sup> From the Renaissance onward, and especially since the Enlightenment, this development assumed a certain humanization of the Christ figure.<sup>12</sup> This was accompanied by a whole series of precisely determined religious-cultural meanings and moral connotations which now became attached to the concept of the victim in the popular pious imagination: of deep and innocent suffering, quietly endured by a humbled person whose heart is open to forgiveness, who harbours no vengeful thoughts, refrains from acts of private revenge, etc. The Icelandic word for victim is *Fömrarlamb*, sacrificial lamb, which shows a clear connotation with the lamb of God, the *Agnus Dei*.

Van Dijk goes even a step further: the modern treatment of crime victims turns them into scapegoats, just as Christ was made a scapegoat in his time. The scapegoat, as we may recall from the French philosopher René Girard’s well-known definition, absorbs the social tensions within a community, and purges the community by being driven out.<sup>13</sup> Ideally, the scapegoat should admit his/her guilt, and agree to his/her banishment. Girard dates such reflexive *insight* into the scapegoat mechanism to the seventeenth century, especially to the work of William Shakespeare.

However, according to van Dijk’s central allegation, this scapegoat mechanism continues to exist in our modern criminal law system. In order to restore a peace which had been disturbed by the *perpetrator*, the victim is asked to sacrifice his/her right to revenge – a right which could still be freely exercised into late medieval times in Europe, and even later, as attested to by the existence of numerous outlaw refuges late into the 19th century in countries like the USA and Russia. Hence the scandal of the “two-faced treatment of crime victims in Western culture” (the subtitle of van Dijk’s *Victims as Scapegoats*): on the one hand a recognition of their deep and innocent suffering, on the other, an almost inflexible expectation that they would willingly relinquish their right to revenge. The word “slacht-offer” should therefore be understood literally: the victim of crime suffers the crime (slachting) *and* sacrifices his or her right to private revenge (offer).

Without a doubt, van Dijk is correct on one important point : both Christianity and modern criminal justice requires the victim to refrain from private exercises of revenge, even while recognizing vengeance in its civilized or moderated form of retribution,<sup>14</sup> handed down by a judge, as a legitimate objective of punishment.

### 3. THE EMANCIPATION OF THE VICTIM AFTER THE “DEATH OF GOD”

But van Dijk’s thesis concerning the victim as scapegoat is also in need of some correction,

11 Van Dijk, “Free the Victim”, o.c., 4; *Slachtoffers als zondebokken*, o.c., 84 e.v.

12 Van Dijk, “Free the Victim”, o.c. 5; *Slachtoffers als zondebokken*, o.c. 84.

13 See René Girard, *Le bouc émissaire*, Paris: Bernard Grasset, 1982.

14 See H.F.M. Crombach, “Over wraak. Resultaten van een empirisch onderzoek”, in: *Justitiële verkenningen*, Jrg. 29, nr. 5, 2003, 56-72; 59: “The wrath is mine, the God of the Old Testament states. (...) Leave it to us, the servers of the Law add to this.” And J.M.C. Vos, “Het vragende slachtoffer en de wrekende staat. De functie van wrok in een moderne rechtsstaat”, in: *Justitiële verkenningen*, Jrg. 29, nr. 5, 2003, 31-45.

for he almost completely ignores the fact that the requisite self-control and asceticism of the Christian victim were embedded within an eschatological perspective, and this already in the New Testament and in patristic theological reflection.

The internal logic of the Christian way of dealing with anger and rage, of Christian “anger management”, was reconstructed by Peter Sloterdijk – not a philosopher one suspects of Christian predispositions – in his book *Rage and Time* (2006) as follows: Christianity demands that we relinquish rage and revenge in this life, in the name of a strict, respect-commanding afterlife when, at the end of time, God in his capacity as divine judge will avenge the sum of earthly injustice.<sup>15</sup> This has been the Christian – and before that, Jewish – solution to a weighty and perennial problem, namely restitution and the punishment of injustice; of how to prevent perpetrators from getting away unpunished, or worse – as so often happens in history – from triumphing. At one point in his essay van Dijk himself clearly seems to know the answer, namely when he writes that in the New Testament “vengeance is reserved unto the Lord”.<sup>16</sup> This he however subsequently ignores, probably because at the very least it nuances and puts in perspective his thesis with regard to the victim’s “sacrifice”. For, if Sloterdijk’s reconstruction of a tradition which entailed the “accumulation of the treasure of rage in God” is correct, then the Christian conception of rage and revenge – especially when it is in reaction to deeds of injustice – *does not* imply simply forgiving and forgetting. Much rather, it is based on the firm *trust* that God the judge will eventually right all injustice, and on the political-pragmatic insight that it may be more prudent to leave judgment up to a third party (besides the victim and the perpetrator) *at the end of the day*. This explains the importance of the theme of God’s wrath, the *Dies Irae* and the Last Judgement – both in theology and political thinking.<sup>17</sup>

Thus the modern prohibition on private justice may at least in part be understood as a secular continuation of the Christian idea of a “last” judgement by a “third”, impartial authority. Again, this figure commands respect and trust – in this case in the secular judge, as embodiment of impartiality, in his might, and in his justice. Against the background of this Christian linking of rage to eternity, it is of great importance to see what a *crisis* of this model would mean for both victims and perpetrators – and here we should think not just of individual injustice, but also social injustice, for instance boundless poverty, rampant socio-economic inequality, widespread political disempowerment. By crisis I mean secularization, in the sense of losing collective faith in a restorative divine judge in the Hereafter – in other words, the collapse of a certain horizon of meaning, an event which Friedrich Nietzsche termed the “death of God”.

Sloterdijk, who dates this crisis of the Christian model back to the second half of the nineteenth century, is very clear on its implications. From now on, wrath would seek new associations, now within earthly time, within history and concrete political subjects.<sup>18</sup> These political subjects now turn to creating their own vocabularies of wrath, and Sloterdijk, in jargon borrowed from the financial world, here talks of “agencies” and “banks” which collect,

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15 Peter Sloterdijk, *Zorn und Zeit. Politisch-psychologischer Versuch*, Frankfurt: Suhrkamp, 2006, especially 2, “Der zornige Gott: Der Weg der Erfindung der metaphysischen Rachebank”, 113-171; English translation id, *Rage and Time A psychopolitical Investigation*, New York: Columbia University Press, 2010. In this regard, also see my inaugural lecture, Th.W.A. de Wit, *Dies Irae. De secularisatie van het Laatste Oordeel*, Tilburg: Universiteit van Tilburg, 2010, 20 ff.

16 Van Dijk, *Slachtoffers als zondebokken*, 96.

17 With regard to the relevance of the Last Judgement in modern politics, see: de Wit, *Dies Irae*, o.c., 7-10.

18 Peter Sloterdijk, *Rage and Time*, o.c., 43; 69. In this regard, refer to my inaugural lecture, Th.W.A. de Wit, *Dies Irae. De secularisatie van het Laatste Oordeel*, Tilburg: Universiteit van Tilburg, 2010, 20 ff.

control, and subsequently process wrath into large political projects, such as social upheavals and revolutions. Political movements after 1850 transformed anger over poverty, humiliation and powerlessness into pride and hope, but at the same time also into effective revenge. We should also date the emergence of modern terrorism, for instance the Russian anarchists at the close of the nineteenth century, to this time.

Within this new constellation – one which is, in Europe at any rate, far more apparent nowadays than during the nineteenth century and even a large part of the twentieth – van Dijk's liberation or emancipation of the victim is in fact an obvious outcome. In this sense, his plea for an "uprising of victims"<sup>19</sup> is firmly in step with the prevailing *Zeitgeist*. Perhaps certain therapists in the seventies who advised to jilted spouses - to "therapeutically" vent their anger by chucking a stone through their ex's window - was already a sign. On a psychological level the taboo on revenge had started tottering; rage began to acquire civil rights. Nowadays we are likely to think of vengeful feelings as at the very least emotionally understandable and legitimate responses to crime – especially in situations where we have been the victim.

In his work van Dijk provides a narrative analysis of the voices of a number of contemporary victims (particularly victims of kidnappers), as expressed in their various recent autobiographical accounts. These include the accounts of the Austrian girl Natascha Kampusch (abducted by a paedophile as a ten year old in 1998, and kept in a cellar for 8 years); of Sabine Dardenne (one of two survivors of the infamous Belgian paedophile serial killer Marc Dutroux); and Arjan Erkel (a Dutch medical aid worker, held by ransom seeking gunmen in Dagestan from 2002 to 2004). Van Dijk shows that the expectation that victims would conform to a specific social role remains powerful, while many victims are starting to rebel against this role.

The specific role is, according to van Dijk, derived from a moralistic version of the Christian view of the victim - in other words: a passive, helpless, dependent, innocent figure who does not talk much, and is willing to forgive – a victim who, in his diagnosis, is still "in the shadow of Christ".<sup>20</sup> His examples describe at length how the relevant victims were met by negative, even aggressive public reactions when they refused to stick to their roles - by for instance refusing psychiatric help, becoming an activist, or continuing to make statements at odds with the media's own political agendas. Van Dijk calls this "secondary victimization" – the victim further victimized by social expectations and the media. In some cases, non-conforming victims may even become transformed into perpetrators. As Susan Jacoby – author of *Wild Justice*, an important book on the history of revenge, in which she pleads for the freer expression of the victim's feelings of rage and revenge – puts it: "We prefer to avert our eyes from those who persist in reminding us of the wrongs they have suffered (. . .) Such people are disturbers of the peace; we wish they would take their memory away to a church, a cemetery, a psychiatrist's office."<sup>21</sup> Indeed, when rage and revenge are no longer being canalized through the church or a doctor, the need arises for new vengeful authorities or for new forms within which to contain these feelings.

Allow me to summarize: van Dijk's central point is that the so-called "victim" represents a social and cultural construct with "religious associations", attached to certain social role expectations, which are currently being increasingly shunned by victims. He therefore makes a plea for

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19 Thus the title of the ninth chapter of *Slachtoffers als zondebokken*, o.c., 119-127.

20 Van Dijk, *Slachtoffers als zondebokken*, o.c., 85.

21 Van Dijk, "Free the Victim", o.c., 13. S. Jacoby, *Wild Justice. The Evolution of Revenge*, New York: Harper & Row, 1983.

*victim empowerment* and for strengthening the position of the victim in criminal proceedings. Against this background, he is sceptical of restorative spiritual care and counselling, at any rate in as far as these are based on the same expectation with regard to the victim, namely a willingness towards reconciliation and forgiveness. To many Christian church leaders, van Dijk writes polemically, “preaching forgiveness has become the moral kneejerk response as soon as the issue of serious criminal victimization pops up”<sup>22</sup>

I suspect that a victim-orientated approach such as van Dijk’s is instructive for churches and those who are engaged in “restorative” work with both (ex)convicts and victims, for it should remind them that these are not equal parties, and that their work should be “victim sensitive”.<sup>23</sup> Furthermore, reconciliation and forgiveness cannot be predetermined conditions or expectations – they are a kind of “miracles”, as the Dutch theologian Paul Oskamp rightly reminds us.<sup>24</sup>

Van Dijk’s thesis concerning the victim as the “Cinderella of criminal justice”<sup>25</sup> incidentally also casts some light on the Catholic Church’s response to the current worldwide paedophile-priest scandal. By virtually denying the interests – and in many cases even the existence – of the victims, it not only showed an impulse to first of all close in around its ranks, but it also testifies to the long-lasting cultivation of an expectation that the victim has but one task, namely to forgive and forget – preferably in silence. Finally this raises serious questions with regard to Christianity and Catholicism’s tradition of *dolorism*, their religious promotion and glorification of pain and suffering.<sup>26</sup> On all of these points I think van Dijk merits support, and also closer (self-)examination from churches, theologians and supporters of *restorative justice*.

#### 4. THE SHADOW SIDE OF A VICTIM CULTURE

Yet a cultural-philosophical plea for the emancipation of the victim also has serious shadow sides – which would make me somewhat of a reluctant guest at the party (probably to be sponsored by governments in countries like the Netherlands) planned in honour of the victim’s emancipation. I will mention three of these shadow sides.

In the *first* place emancipation and greater social recognition of victimhood could well result in the title of victim gaining social and political credit, even becoming desirable, as the credit could potentially be cashed in to lucrative effect. The essayist Ian Buruma, a keen observer of the *Zeitgeist*, at the turn of the 1990’s established a worldwide upward revaluation of victimhood. His essay on “the Joys and Perils of Victimhood” this half-Jewish author tells us, was born by the regular visits of Israeli school groups to Auschwitz and other Nazi extermination camps, in which the lesson is brought home that the state of Israel was founded on the “ashes of the Holocaust”.<sup>27</sup> Not only are we witnessing a proliferation of Holocaust memorials and museums, but also that other marginalized communities and minorities are following the

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22 Van Dijk, *Slachtoffers als zondebokken*, o.c. 123.

23 Van Dijk, o.c., 23.

24 Paul Oskamp, *Overleven achter steen en staal. Vieringen en geloofsbelevingen in de bajes onderzocht*, Zoetermeer: Meinema, 2004, 89 e.v.

25 Van Dijk, *Slachtoffers als zondebokken*, o.c., 108.

26 See Jean-Luc Nancy, “La douleur existe, elle est injustifiable”, in: *Revue d’éthique et de théologie morale*, no 195, Dec. 1995, 91-96.

27 Ian Buruma, “The Joys and Perils of Victimhood”, in: *The New York Review of Books*, April 8, 1999, 4-9; 4.

Jewish example of forging a collective identity on past injustice. We could almost talk of an "Olympics of suffering" which includes historically marginalized communities, minorities and even entire nations. Victimhood, Buruma suspects, has become "a way of asserting ourselves, of telling the world who we are."<sup>28</sup> In our world, a "disenchanted world of broken-down ideologies, religions, and national and cultural borderlines", one which offers very few opportunities of experiencing a common identity, the rewards of public, ritual and sometimes even financial recognition of victimhood could indeed be very attractive.<sup>29</sup>

Also the multiculturalist so called "politics of identity" (Charles Taylor) is sometimes characterized by this aspect. Even ultra liberals agree that whoever can show to have been the victim of historical injustice or neglect (such as *native Americans*, and of course most of the inhabitants of the former *apartheid* state in South Africa), should be entitled to compensation in various forms.<sup>30</sup> And – another example - in his book on the current social issue, the French philosopher Pierre Rosanvallon shows that within lacking or disintegrating welfare states, claims of historical victimhood are able to substitute for welfare state provisions. Provided of course that a guilty party could be fingered.<sup>31</sup> "Everyone wants to be a victim", the dissident feminist Lynda Gordon already remarked a few decades ago in order to explain the paradox that, in the words of Buruma, "the more emancipated women become, the more some extreme feminists begin to define themselves as helpless victims of men".<sup>32</sup>

In his essay, Buruma calls Princess Diana the "perfect embodiment of our obsession with victimhood." Not only did she identify herself – often in a sympathetic manner – with victims by touching AIDS patients here and hugging homeless people there; she herself was seen as a suffering victim – of male chauvinism, royal snobbery, the media, British high society, etc."<sup>33</sup> Her tragic death briefly united the world for a moment – in suffering, for anyone who had ever felt *wronged by others* could identify with her.

Thus the "emancipation of the victim" gained a broader cultural meaning and significance that is not without "peril" because it often rests on blaming another party. Furthermore, one should not be surprised that criminals and perpetrators have also learnt to best cast themselves in the victim role.

"The hooligan has become a howligan", the Dutch columnist Jan Kuitenbrouwer recently established when, after having been arbitrarily attacked by a group of drunk youths, he found himself turning up at the police station well after his attackers had done so – posing as *his* victims. "It has become a race to the charge office", he was left to conclude with the necessary gallows' humour.

The *second* shadow side: the attraction of victimhood becomes more dubious and dangerous

28 Buruma, o.c., 6.

29 Buruma, o.c., 6.

30 Michael Sandel, *Justice. What's the right thing to do?*, London/New York: Allan Lane, 2009, gives Robert Nozick as an example, 63: "If it can be shown that those who have landed on top are the beneficiaries of past injustice – such as enslavement of African Americans or the expropriations of Native Americans – then, according to Nozick, a case can be made for remedying the injustice through taxation, reparations, or other means."

31 Pierre Rosanvallon, *La nouvelle question sociale. Repenser l'état providence*, Paris: Seuil, 1995, "La tentation de la victimisation sociale", 64-69; 65.

32 Buruma, o.c., 6.

33 Buruma, o.c., 8.



when we look at it in the context of another striking aspect of postmodern liberal culture, namely *subjectivism*. This is also mentioned briefly in Buruma's essay. Indeed, when historical truth is no longer a matter of painstakingly digging up facts and reconstructing potential inter-connections, but rather merely socio-political "construct", conditions become favourable for an emotionally *experienced* conception of history. "Respect" for others and being other, key elements of childhood education and training in pluralistic societies, then first of all comes to mean respect, not for the truth but for another person's *experience* of truth, especially when the experiences in question are those of a victim. And in an era which has had enough of ideological strife, solidarity is found in sympathizing with the emotionally communicated (bad) experiences of others, for only those experiences are authentic.<sup>34</sup> Critical questions concerning factual backing or inconsistencies with regard to such accounts are now quickly perceived as annoying and undesirable. When it comes to feelings, and especially those of personal injustice, rational debate is very difficult. Especially feelings of grief and suffering are, different to what for example Rousseau thought,<sup>35</sup> not so much the real common denominator amongst people, but rather often the driving wedge between them.

Thus, it seems that the jettisoned divine and patriarchal authorities have made place for an authority at least as absolute: our emotional impulses and collective self pity. Within a democracy then, victim culture is bound to find expression in victim politics. Thus in the Netherlands a medium-sized political party like the PVV of the populist politician Geert Wilders has felt itself to be the national victim to an almost endless list of bad guys: Moroccans and Muslims, multiculturalists and cultural relativists, Greeks and Poles, the Italian or Spanish mafia, the "garlic- countries" in general, the bureaucrats in Brussels, etc. Under these circumstances we should perhaps heed the warning of the Flemish jurist Rik Torfs, namely that in an era of the emancipation of the victim, it is imprudent to tie the fate of the perpetrator to the victim's state of emotional evolution. Otherwise, writes Torfs, we run a significant risk of "finding ourselves with a revanchist and populist tainted criminal justice system"<sup>36</sup>

With this we have arrived at the *third* shadow side of a victim culture. The question is obvious: does an emancipation of the victim also lead to an emancipation of the thirst for revenge? Van Dijk also raises this question, and provides an answer which may at the very least be called balanced. On the one hand he energetically crosses swords with those keeping alive the "ghost image", the "myth" of the revenge-crazed victim in order to thwart expansion of the victim's rights at every turn. This ghost image is not corroborated by any empirical research into the true feelings of victims, even though he does admit that campaigns for tougher sentences and reintroducing the death penalty are sometimes conducted in the names of victims.<sup>37</sup> On the other hand, he talks of the natural and justified "anger and indignation" of victims, and of revenge-taking behaviour as a "universal characteristic", biologically rooted in all higher animals. In higher animals this capacity is greatly ritualized, and hence contained; in humans, due to our mimetic desire and the use of weapons, it is however potentially boundless, van Dijk admits. Here I would like to recall Hegel's famous statement that the "weapon is the

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34 This is the main thesis of the book of Hans Boutellier mentioned in FN 1.

35 Jean-Jacques Rousseau, *Émile ou De l'éducation*, Paris: Garnier, 2961, 260. Also see Th.W.A. de Wit , "Gevoel zonder grenzen. Een onsentimentele inleiding", in: Th.W.A. de Wit (red.), *Gevoel zonder grenzen. Authentiek leven, medelijden en sentimentaliteit*, Kampen: Gooi en Sticht, 2000, 7-32.

36 Rik Torfs, "Tussen recht en moraal", in: Erik Borgman, Rik Torfs e.a., *Grensoverschrijdingen geduid. Over seksueel misbruik in katholieke instellingen*, Nijmegen: Valkhof Pers, 2011, 34-47; 36.

37 Van Dijk, *Slachtoffers als zondebokken*, o.c., especially 135 ff.



essence of the warrior"<sup>38</sup> making this third shadow side something to ponder in our nuclear age, where we continue to live under the looming shadow of measureless "mass retaliation".

The picture is therefore rather complex: while there are no reasons to "demonize" (van Dijk) victims on the basis of what we assume to be their thirst for revenge, we must admit that René Girard's subject of mimetic desire shows a clear inclination towards boundless revenge. Even a terrorist organization like Al Qaida has recently been analyzed as a hyper-modern authority of vengeance, rather than the archaic medieval vestige some continue to claim it is.<sup>39</sup>

## 5. THE CRITICAL INSIGHT: IDENTIFYING SELF DELUSIONAL ATTITUDES WITH REGARD TO VICTIMS AND PERPETRATORS

In my opinion, the most fertile critical insight to be derived from van Dijk's cultural-philosophical observations and reflections is given in the following hypothesis. A number of times he articulates the suspicion that the impulse towards secondary victimization, of *blaming the victim*, may be rooted in a desire to "reassure ourselves that we are living in a just world".<sup>40</sup>

Secondary victimization becomes a sort of defence mechanism which enables us to keep alive the naïve faith that "good things happen to good people, and only bad people get punished".<sup>41</sup> This is the optimistic belief in the harmonious fruits of my *reciprocal* actions; that social mechanism which the philosopher of law Dorien Pessers not so long ago identified as the social basis for the rule of law.<sup>42</sup> Precisely because victims "confront us with our own vulnerability", van Dijk writes in an opinion piece co-authored by Marc Groenhuijzen, "we are fond of convincing ourselves that such tragedies only befall those who have somehow asked for it."<sup>43</sup> Here the ideology of progress, of achievable social harmony – variously courted and jilted by both the political left and right over the past half a century – appears to be alive and well.

Here I would just like to add that the self-delusion van Dijk speaks of is just as present in a certain social attitude with regard to the *perpetrators* of crime, and to the political exploitation of this attitude. As long as society can be divided into hard working law abiding citizens on the one hand, and criminals and villains on the other, we may continue to live in a neatly contained world. All we then need to do is to incarcerate the second category in "ragtag towns" – as prisons were referred to by the Dutch prime minister not so long ago – so that we can at long last be amongst ourselves. I see it as a critical task of both victimology and of Christian theology to dismantle this populist fairy tale.

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38 Quoted in Carl Schmitt, *Theorie des Partisanen*, Berlin: Duncker & Humblot, 1963, 95. The quote reads in full: "Hobbes sagt: der Mensch ist andern Menschen, von denen er sich gefährdet glaubt, um ebensoviele gefährlicher als jenes Tier, wie die Waffen des Menschen gefährlicher sind als die sogenannten natürlichen Waffen des Tieres, zum Beispiel: Zähne, Pranken, Hörner oder Gift. Und der Deutsche Philosoph Hegel fügt hinzu: die Waffen sind das Wesen der Kämpfer selbst."

39 Marcel Henaff, "Terror und Rache. Politische Gewalt, Gegenseitigkeit, Gerechtigkeit – Zehn Jahre danach", in: *Lettre International* 94, 2011, 11-23.

40 In this regard, see Thomas Macho, *Das Leben ist ungerecht*, Salzburg: Residenz Verlag, 2010.

41 Van Dijk, "Free the victim", o.c., 13; *Slachtoffers als zondebokken*. o.c., 23; 111.

42 Dorien Pessers, *De rechtsstaat voor beginners*, Amsterdam: Balans, especially 12-30.

43 Van Dijk & Groenhuijzen, "Natascha Kampusch: het slachtoffer heeft het gedaan", *Het Parool* 22-09-2006, republished in Van Dijk, *Slachtoffers als zondebokken*, o.c., 23.

In contrast, the following insight is far more radical. The argument frequently raised in favour of stricter sentences for perpetrators and greater sensitivity towards victims typically runs: “he got a lousy eight years for killing, but we who are left behind are affected for life”. That is indeed the bitter truth, which however cannot be erased by whatever punishment is meted out. In the final instance, society is “powerless against violence.”<sup>44</sup> Van Dijk’s thesis on the emancipation of the “victim in revolt” may just as well be turned on its head: why has victimhood precisely now become so unbearable that we are forever on the lookout for new perpetrators, villains and other bad guys? It may well be that our ancestors, helped by the religious idea of the “last judgment” by a non-human agency, were better equipped to live with the bitter truth of this impotence than we are.

Victimology is able to provide a basis for the insight that violence and crime will continue to haunt us, because, like van Dijk, it is interested in the “social labelling” of both victims and perpetrators.<sup>45</sup> As is Christian theology, for it knows that our history is a tangle of weeds and fruiting plants, and that history is not her own judge.<sup>46</sup>

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44 See Bas Heijne, “Levenslang”, in: *NRC-Handelsblad* (17/18-12-2011), 2.

45 Van Dijk, *Slachtoffers als zondebokken*, o.c., 147-152, Ch. 12, “Sociale etikettering: een nieuwe richting”.

46 This is the famous thesis regarding the “eschatological reserve” with regard to the fruits of history. See J.B.Metz, *Glaube in Geschichte und Gesellschaft*. Mainz, 1977; and David Ferguson, “Eschatology”, in: Colin Gunton (ed.), *Cambridge Companion to Christian Doctrine*, Cambridge: Cambridge University Press, 1997, 226-244; 236.

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#### **KEY WORDS**

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#### **SLEUTELWOORDE**

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