



The Metamorphosis of the Victim of Crime: From Crime to Culture and the Implications for Justice

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Abstract

Beck (2015: 81) observes, metamorphosis 'is proceeding latently, behind the mind walls of unintended side effects, which are being constructed as 'natural' and 'self-evident'. Thus Beck's concept of metamorphosis conceives of social change as unnoticed and unacknowledged. Such change is evident in the contemporary ever present invocation of the 'victim' in a wide range of different, crime-soaked circumstances. This paper is concerned to explore this metamorphosis of the 'victim' in reflecting on two narratives: the victim narrative and the trauma narrative. The contemporary conflation of these two narratives has led Agamben (1999: 13) to suggest that policy has proceeded as if "testis" (the testimony of a person as a third party in a trial or a law suit) can be conflated with "superstes" (a person who has lived through something and can thereby bear witness to it)'. The paper makes the case that this conflation has consequences for understandings of justice.

Keywords

Metamorphosis, victimhood, narratives, justice.

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Introduction

In the summer of 2015, the Western media carried the picture of a three-year-old boy, Aylan Kurdi, found drowned on a Turkish beach, having been washed overboard from the boat on which he and his Syrian family were endeavouring to escape from Syria to Europe. At the time this image had a profound effect on the politics surrounding responses to the migrant crisis occurring during the summer of 2015 consequent to the conflict in Syria. The purpose in presenting it here is not to engage in a discussion of the rights and wrongs of that crisis but to point to the use of this image as a depiction of victimhood and the effects that it had. Of course, it is without doubt that this young child was a victim. Moreover it is without doubt that he constituted an 'ideal victim' in every sense of that term intended by Christie (1986). However, what are perhaps less visible are the processes behind the contemporary, and apparently acceptable, use of an image of this kind in a wide range of media outlets. Awareness of this raises a number of questions the most pressing of which is, arguably, how and why victimhood has come to occupy the kind of position that it does in informing cultural, political and policy responses to a wide range of social problems, from mass migration to domestic violence; from the global to the local to the interpersonal. The purpose of this paper is to reflect on these processes through the lens of victimology; to consider the extent to which the discipline is itself well enough equipped to address concerns such as these; and to ask some hard questions about what this centring of the victim in this way implies for understandings of justice. Put more simply, as Fassin (2012: 29) asks, 'What are the consequences of this representation of the world through pain?'

In order to do this the paper falls into three parts. The first reflects on the contemporary centring of victimhood through considering the presence in two narratives: the victim narrative and the trauma narrative. The second considers the extent to which Alexander's (2012) articulation of trauma as a master narrative casts light on the metamorphosis of the victim that centres victimhood and conflates victimhood with trauma. The third and final part of the papers reflects on the consequences of this conflation for policy and politics and focuses in particular on questions of justice. Arguably, it is in this arena that the unintended consequences of the metamorphosis of the victim are being most keenly felt. First of all, however, it will be of value to say something about the victimological lens through which these issues are being considered.

On victimology

Victimology emerged as a sub-discipline of criminology in the aftermath of the Second World War. The 'Founding Fathers' of this sub-discipline were, on the one hand, concerned to correct the offender focus of criminology, arguing that any crime involved a 'doer-sufferer' relationship (a victim and an offender; see the work of von Hentig 1948) and, on the other hand, puzzled by the Holocaust, wanted to develop an area of investigation that would help make sense of such mass atrocities and the role of the victim within them (Mendelsohn 1956). These early interventions led to the development of two key concepts: victim precipitation and victim proneness which subsequently framed the emergence and dominance of what came to be recognised as positivist victimology. (See McGarry and Walklate 2015, chapter one for a fuller discussion of the variegated nature of victimology; and also see O'Connell 2008.) This version of victimology, emulating her sister discipline of criminology, became pre-occupied with measuring the nature and extent of criminal victimisation and the impact that such victimisation has on people.

The dominance of what might be considered to be a 'quixotic quest for standardized measures in victimization' (Spencer and Walklate, forthcoming, 2016) rests on the problematic assumptions that what people may experience as victimisation may never match with legal definitions of such (Spencer 2011), overlaid by some confusion of what is actually being measured by the victim surveys so favoured by positivism. Fattah (2010: 51) asks:

Is their objective to measure those criminal victimizations that meet the legal criteria set by the criminal code, or are they meant to measure the subjective victimizations experienced by the respondents? These, needless to say, are two different realities. In other words, are the surveys designed to measure crime or victimization?

Such issues notwithstanding, much effort has been invested in this approach in making sense of victimhood. Effort that has yielded a range of secondary concepts like, for example, indirect victimisation, secondary victimisation, and so on. These developments, alongside the emergence of a wide range of voluntary organisations and support groups intent on ameliorating the worst effects of being a victim, form the dominant bedrock of what is known about crime and its impact. These academic and practitioner voices all occupy the space called victimology and, taken together, inform what might be called a 'victim narrative' discussed more fully below.

In an analysis concerned with issues that somewhat pre-date the emergence of positivist victimology, Fassin and Rechtman (2009) document what they call 'psychiatric victimology'. This version of victimology emanated from an appreciation of the impact of trauma first articulated in the work of Charcot in the 1850s. Trauma as a concept has a range of different usages, from the medical to the psychological to the psychic (and as shall be developed below, the social). However Fassin and Rechtman (2009) were particularly interested in the intertwining of the intellectual appreciation of trauma with its adoption within a particular area of professional expertise: psychiatry. This intermeshing was a feature of the war-time experience, particularly the First World War, and then latterly the Vietnam War. In each of these contexts the concept of trauma acquired an added moral dimension concerned with how to deal with 'malingerers' in the case of the First World War, and how to justify/explain the recourse to excessive violence in the Vietnam War.

So, rather like positivist victimology, this psychiatric victimology was concerned with the harm done to individuals (and latterly collectivities) by experiences that fractured the routine patterns of everyday life on which people rely but, in the case of psychiatric victimology, such experiences were not necessarily tied to what was considered to be legal or illegal. In addition, as shall be seen, psychiatric victimology was also implicitly embraced by voluntary organisations and campaign groups wanting the pain of those who they represented to be recognised and responded to. Thus, this psychiatric focus on harm forms the backcloth against which it is possible to trace what might be called a 'trauma narrative'.

Interestingly these two narratives are tied together by their different pre-occupation with what Sennett (1998: 44) might understand as the central importance of routine for everyday life.

To imagine a life of momentary impulse, of short-term action, devoid of sustainable routines, a life without habits, is to imagine indeed a mindless existence.

The disruption of criminal victimisation and/or a traumatic experience centres a 'life without habits' into which each of the narratives discussed below offers a different insight. In addition it is important to note that these two narratives co-existed – arguably in somewhat separate spheres of endeavour – until the late 1960s. At this moment in history it is possible to trace the beginnings of the metamorphosis of the victim and arguably of victimology, even perhaps that of trauma studies, alongside one another. This metamorphosis moved each of these areas of concern from their separable and separate pre-occupations to ones in which their respective contributions to making sense of the harm done to individuals and/or collectivities became conflated one with the other. In order to elucidate this conflation, each of these narratives, the victim narrative and the trauma narrative, will be discussed in turn. First discussed in McGarry

and Walklate (2015), in many ways the separation of these two narratives in this way is a heuristic device only, as shall become apparent.

The victim narrative

The development and refinement of the criminal victimisation survey in the late 1960s added considerable impetus to the emerging sub-discipline of victimology. The data generated by this survey method gathered momentum during the 1970s and 1980s, culminating in the production of not only national criminal victimisation survey data but also similar data gathered internationally. Despite the problems inherent in this method of data gathering (as discussed in considerable detail by Hope 2007), such data have afforded remarkable insights into the patterning of criminal victimisation and its effects across a wide range of jurisdictions. It has also constituted the bedrock of positivist victimology and spawned a range of concepts with which to understand the impact that victimisation has on people. Understandings of primary, secondary and indirect victimisation all owe their origins to the sophisticated development and widespread use of criminal victimisation survey data. In order to appreciate the nature of this victim narrative it will be useful to say a little about each of these conceptual developments in turn.

Primary victimisation refers to the direct impact that being a victim (of crime) has. Such impacts are many a varied and are usefully listed by Hall and Shapland (2007: 3-4). They can range from the loss experienced as a result of burglary to the post-traumatic stress reported by some victims of rape (an important link with the trauma narrative discussed below). These impacts can also vary by individual depending upon what else might be going on in their lives (Maguire and Bennett 1982), the extent to which their sense of identity has been spoiled (Kearon and Leach 2000), and the nature of the victimisation itself (see for example Hagan and Rymond-Richmond (2009) on genocide in Dafur). So, primary victimisation is hugely variable, contingent on individual coping strategies, their persona, personal relationships, and the kind of support received. The nature of the response received affords one link between primary and secondary victimisation.

Much work emanating from the victim narrative has paid attention to the extent to which experiences of criminal justice systems can add a further layer to the harm already experienced. This is secondary victimisation and has been well documented for victims as witnesses, families of murder victims (Rock 1998), families of serious offenders (Condry 2007), those subjected to wrongful convictions (Jenkins 2013), and many other disparate groups. Sometimes experienced as re-victimisation (Dunn 2007), this concern with secondary victimisation has extended its focus to those professionals charged with responding to difficult circumstances (see for example, Dekker 2013; Ullstrom et al. 2014). Interestingly some commentators have begun to refer to secondary victimisation as trauma (see *inter alia* Gekoski et al. 2013), an issue to which I will return. Finally the concept of 'indirect victimisation' has the capacity to move beyond the direct impact of victimhood on the individual or collectivity to the wider more disparate effects that such events might have on, for example, those who share in the same 'subject position' (Spalek 2006), who are part of a wider community of affects (*viz* the 2004 bombing in Madrid (Burkitt 2005) or the reverberations of 9/11 and other events given widespread media coverage afforded them, like the one with which this paper began) in which we are all potentially victim/witnesses (Howie 2012). So the pre-occupations of this victim narrative have blossomed from understanding the nature and effect of criminal victimisation to considering the extent to which those effects permeate not just those so affected but also resonate on the wider community and society at large.

Alongside the burgeoning evidence base of this victim agenda there has been a concomitant growth in victim-centred organisations and victim-centred policy. Since the early 1970s groups proclaiming to speak for the victims of crime have grown apace. Such growth and development

has been well-documented elsewhere (see *inter alia*, Barker 2007; Ginsberg 2014; McGarry and Walklate 2015; Rock 2004; Walklate 2007). The growth and development of these victims' voices has been aligned with the increasingly powerful presence of neo-liberalism (Ginsberg 2014) first illuminated in Garland's (2001) masterly analysis of the culture of control and the further politicisation of the victim as a mode of responsabilisation (see also Miers 1978). The centring of neo-liberalism, however, whilst still having some currency, does not adequately account for the contemporary diversity of such victims groups and voices, and the apparent ease with which they capture the ear of policy makers concerned with both national and international agendas (like the international criminal court: see Krever 2014). Neither does it fully account for the capacity of some of these voices, in seeking the 'truth' of what has happened to them, to revisit the past through the knowledge and eyes of the present (see *inter alia*, Lynch and Argomaniz 2015; Scraton 2009). Thus it is possible to observe a shift from victim support organisations to be concerned with just that – ensuring appropriate support for people through difficult times and pressurising for appropriate policy implementation to complement such support – to having been transformed, behind our backs (*qua* Beck 2015), into an important conduit for seeing the world through the prism of pain (Fassin 2012). It is at this juncture that it will be useful to turn to the relevance of the second narrative to be considered here: the trauma narrative.

The trauma narrative

As has already been intimated, the term 'trauma' carries a number of different meanings, from the medical to the psychological. Its development as a psychic concept has its origins in the work of Charcot in the 1860s. Differently understood as either the result of an external event (Charcot's understanding) or the result of an internal psychic problem (Freud's understanding), it has gone on to be a term used as a metaphor to capture the effects of anything regarded as unpleasant (Hacking 1995). The intention here is not to document the extensive work done on trauma and its uses but to offer a flavour of the way in which it has been deployed in the context of criminal victimisation. Indeed it is through the conduit of what Fassin and Rechtman (2009) have called 'psychiatric victimology' that it is possible to trace the presence of trauma in the sub-discipline of victimology. This presence can be found in a number of inter-related and inter-locking paths. One notable route has been feminism.

Historically positivist victimology and feminism have not sat easily with one another (see *inter alia* Davies 2011; Rock 1994; Walklate 2003). One of the tensions between these two frames of reference lies within understanding the nature, extent and impact of sexual violence on women's everyday lives. Nonetheless, when Burgess and Holmstrom (1974) published their work evidencing a 'rape trauma syndrome', it was hugely important in challenging the notion that 'no harm was done' by such violence. The recognition of this syndrome afforded an important impetus to the feminist movement in their campaign at that time to secure the recognition of the pain of sexual violence across a range of different criminal justice jurisdictions. The influence of what Rose (1998) has referred to as the 'psy' disciplines, in ensuring that the impact of sexual violence is taken seriously, has subsequently been profound. Contemporarily it would be difficult to deny that rape/sexual violence can have a negative impact on both men and women. Through this route then, the language of trauma entered the world of understanding the impact of criminal victimisation. The presence of this language in relation to women's experiences of sexual violence in particular has not been and is not without its problems however. For example, Gavey and Schmidt (2011: 439) observe:

... a universalising presumption of 'no harm done' to an equally universalising presumption of 'severe harm done' ... irrespective of the woman's own views about its place in her life.

Perhaps even more perturbing is the tendency to declare the woman (or the man) in denial should s/he counter the assignation of being 'traumatised' which, of course, 'traumatised' s/he must be in order to be believed in terms of a criminal justice response (see *inter alia* Brown and Horwath 2009). It is at this juncture that the tensions between the power of a positivist victimology and its implicit use of the term 'victim' as a uniform and unifying concept, and the individualised nature of trauma as actually lived and experienced, are felt. It is at this meeting point that it is possible to discern the transference of the trauma discourse to other categories of victimisation. In this regard Summerfield (1999: 1449) has observed:

One of the features of 20th century Western culture – particularly in the last 50 years – has been the way medicine and psychology have displaced religion as the source of explanations for the vicissitudes of life, and of the vocabulary of distress.

The slippage in terminology between primary, secondary, indirect victimisation commented on above and the presence of the concept of trauma in this slippage – albeit, to begin with, used in the context of rape – is one illustration of this 'vocabulary of distress.' There is, however, a second point of intersection in the development of understandings of trauma in the 'psy' disciplines and the use of this concept in the context of criminal victimisation. This point of intersection lies in the recognition of post-traumatic stress disorder.

Chamberlin (2012: 362) comments that the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-III), published in 1980, brought the category of post-traumatic stress disorder (PTSD) into psychological and popular discourse. The kinds of events that could result in PTSD included such experiences as being a victim of violent assault, to being kidnapped, to being a victim of a terrorist attack or a natural disaster. The recognition of this disorder meant acceptance of the veracity of victims in distress. The publication of DSM-III coincided with the concerns of the (American) feminist movement (*qua* Burgess and Holstrom's 1974 work referenced above) alongside the presence of the (American) peace movement (Herman 1992). Taken together this resulted in a 'new era of thinking about trauma' (Fassin and Rechtman 2009: 77). Thus 'suffering is no longer something that should be hidden from others or concealed from oneself: it is something that can be legitimately described in others and oneself' (Fassin 2012: 41-42). To see the world through the lens of pain, shared with others and recognised in these terms by others, became legitimate. It will be of value to explore the presence of the peace movement, commented on by Herman (1992) in a little more detail since hidden in here is another link with the sub-discipline of victimology and the rising presence of victims' voices.

The peace movement commented in by Herman (1992) had as its focus the Vietnam War. In particular, Alexander (2012) reminds us that the 'Mai Lai Massacre' of 1968 sent shock-waves around the United States. That massacre prompted serious questions to be asked about not only how ordinary men could commit such awful atrocities but also threw into doubt American engagement with the war itself. The questions posed by the behaviour of American soldiers in Vietnam were not dissimilar to those posed by the trial of Adolf Eichmann that also took place in the 1960s. The international silence on the discovery of the concentration camps during the early post war years could not be sustained during Eichmann's trial in Jerusalem. Karstedt (2010) has commented on the telling absence of the victims' voices of the Holocaust in the post war years. Coupled with Arendt's (1965) commentary on Eichmann's trial in which she describes the 'banality of evil', considerable consternation was provoked concerning the capacity of democratic societies to engage in such atrocities. In the aftermath of Mai Lai such concerns were particularly profound in the United States. Thus underpinning the recognition of PTSD also lay a way of making sense of the atrocities of war. Such atrocities were a product of the trauma experienced by individuals in the face of the threats posed by war. This was also an

issue that was a focal concern for Mendelsohn, one of the Founding Fathers of victimology. Having invented the term victimology, Mendelsohn (1976: 17) went on to include in his definition of the victim those oppressed by 'caste, social class or political affiliation, up to and including genocide or war crimes'. The recognition of PTSD assisted in putting the violence(s) of war, not solely those perpetrated by soldiers, squarely into the victimological frame.

Taken together these processes not only contributed to an understanding of the experience of trauma as reflected in DSM-III but also contributed to the emergence of what Alexander (2012) has called 'cultural' trauma. As a result enhancing the voices of those impacted by the ordinary and everyday experiences of crime are the voices the Holocaust, the veterans of war and their victims, alongside those working within feminism. During the 1980s and 1990s, these voices were added to by those concerned about their victimisation because of their race, ethnicity, sexuality and identity. Indeed the 'new wars' of the 1990s afforded another dimension to the voices of the traumatised. Moon (2009) observes that during this time war torn societies became constituted as traumatised collectivities in need of therapeutic intervention (see also Fassin 2012). Yet this embrace of trauma too is not without its problems. Not only does it have the potential to deny how individuals might actually experience what has happened to them (as observed above in the context of sexual violence), but it has also increasingly embedded a conflation in terms of understanding what exactly is being referenced: a traumatic event or the traumatic impact of an event (Eagle and Kaminer 2014). These two problems are suggestive of a contemporary use of trauma as a uniform and unifying concept: something that we can all recognise and agree upon resonant of Alexander's (2012) use of the notion of cultural trauma. Arguably this is an unintended consequence of the way in which, in being combined with a similarly undifferentiated use of the concept of victim, it has contributed to the conflation observed by Agamben (1999: 13) in the use of testimony.

To summarise, the victim narrative, informed by concepts emanating primarily from positivist victimology, lent itself easily to identifying the vulnerable (the elderly, the young, the frail, and so on) on whom it could be assumed that victimisation would take its greatest toll. In some respects the trauma narrative challenged this. In the trauma narrative even those least likely considered vulnerable (soldiers for example) could find themselves suffering as a result of their exposure to the violence(s) of war. Nonetheless these two narratives have become intertwined. Indeed, in this intermeshing of victimhood and trauma, it is possible to observe (*qua* Fassin 2012) the shift from pain as naturalistic (as given by the data of criminal victimisation surveys) to pain as ironic (as routine and a possibility for all of us): hence we can all be seen to be victims now (Furedi 2002). Furthermore under the influence of an increasingly mediated world it is possible to suggest that we are all ever more vulnerable to being seen as victims through indirect victimisation, or the trauma of witnessing, as we are exposed to the constantly and perpetually available and unchanging images of atrocity (Pollard 2011). In this melding of victimhood and trauma both terms are used as universal, unifying, and undifferentiated categories. Yet it is also the case that individuals recover from bad experiences and have the capacity to deal with horrendous circumstances in a myriad of different ways. Nevertheless under conditions of what might be called 'trauma creep' these capacities remain somewhat hidden from view. It will be of value to examine the characteristics of this trauma creep, and its manifestation within concerns about the victim of crime, in a little more detail.

Trauma creep

The work of Alexander (2012) offers one way in which to make sense of the apparent convergence between the victim narrative and the trauma narrative as has been suggested here. Whilst his work is primarily concerned to understanding how The Holocaust achieved the status of a master narrative when equally atrocious events did not acquire this status, his delineation of four variables that need to be present for a master narrative of trauma to emerge are worthy of some reflection. His four variables are: the kind of pain incurred; who the victim is; the

capacity to relate the victim's trauma to a wider audience; and the attribution of responsibility for that pain (Alexander 2012). In many ways these four variables have been increasingly present for the victim (of crime) from the mid-1970s through to the early 1980s to the present day. These include, the proliferation of the criminal victimisation survey and its associated findings documenting the pains of criminal victimisation; the evidence generated by those surveys of a relatively powerless victim (gendered, aged, classed and racialised); the proliferation of victim-centred organisations making claims on behalf of victims' voices; and, in the light of these data and the claims of these organisations, the attribution of responsibility to criminal justice practitioners in particular and systems of justice more generally for the further pain endured by victims of crime. The recognition of rape trauma syndrome alongside the slightly later acceptance of the veracity of the victim's voice in the acceptance of the existence of PTSD and the conflation of victimhood with trauma is established. From this conjuncture it is possible to observe the increasingly diverse presence of voices claiming trauma as the conceptual conduit for their recognition. Thus the metamorphosis of the victim is complete. Yet, is it? At this juncture it is worth considering some less visible consequences of this trauma creep.

First of all, and a point well made by Eagle and Kaminer (2014), is the recognition that being distressed as a result of a life threatening experience is a normal, psychologically healthy response rather than one that denotes a disorder. As was intimated above, the capacity of individuals and collectives to overcome even the worst excesses of violence are well documented. Trauma creep can silence this capacity. In claiming the status of 'traumatised', sometimes, of course, other things can follow, like for example, in post-conflict societies, international aid. However the conflation of these two processes can rest on two further problematic assumptions both of which raise fundamental questions about the actual lived experiences of individuals. Put simply, trauma creep in conflating the victim narrative with the trauma narrative embraces the failures inherent in each of them in making sense of people's real lives. So the victim narrative fails because it is rooted in data that aggregate individuals into groups. The latter does not necessarily reveal anything about the former. The trauma narrative fails because of the same problem in reverse. It is generated by in-depth data/experiences of individuals that are used to make claims on behalf of groups. Hence the trauma creep, increasingly endemic in victim's voices, has the capacity to do a disservice to both individuals and collectivities at the same time. The question remains, of course, as to why this matters. This returns us to the dilemma posed by Agamben (1999) concerning the contemporary appreciation of testimony and its relationship with understandings of justice. This is the problem of trauma-driven policy and politics.

Trauma driven policy and politics

The import of claims of trauma, either in popular terms (*qua* Laqueur 2010) or as a master narrative (*qua* Alexander 2012), as clearly illustrated in the example with which this paper began, cannot be denied. In political and policy arenas, whilst neither the victim narrative nor the trauma narrative necessarily provides the evidential basis for action, both proceed as though the opposite were the case. The response to the death of Aylan Kurdi is a case in point. The interconnected nature of the events that unfolded in the summer of 2015 – and that continue to do so – more than illustrate the inherent problems for politics and policy driven, however justifiably, by the presence of trauma. Perhaps more prosaically, in terms of responding to individuals' experiences, trauma-driven policies are problematic (as the discussion above concerning rape trauma syndrome implies) because, in order to be considered worthy of a policy or practice intervention, an individual's response to their experiences has to be pathologised. This is rather contrary to evidence that suggests being distressed as a result of a life-threatening experience is normal (Eagle and Kaminer 2014) and, indeed, might not marry with the actual experiences of the individual concerned. However, only when such responses are rendered abnormal is it then possible to put in place a response to render them normal.

Thus, in the convergence of the victim and trauma narratives, the normal is pathologised in order for intervention to normalise that which has been deemed to be pathological. Moreover – and perhaps even more importantly – within these processes, some ‘pathologies’ are rendered considerably more visible than others. Indeed, in conflict ridden societies, as with the anguish and the pain of migrants, it is their pain that is abundantly more visible and rendered suitable for intervention than the processes that lie behind their pain. It is against the backcloth of this politics of recognition that some ‘victim’ voices are listened to – and, indeed, become the voices and conduit for policy changes – and others are not. In the shadows in between, what counts as justice, and for whom, can become compromised.

For example, in a recent analysis of the relationship between victims’ rights and neo-liberalism in the United States, Ginsberg (2014) has observed a consonance between the two in their shared denial of society. Rather like Garland (2001), he uses the contemporary propensity to name laws after individual victims (as opposed to those who proposed them or wrote them) as illustrative of this tendency. This propensity is, of course, not peculiar to the United States. The same phenomenon can be observed in a range of Westcentric jurisdictions, in which not only are laws named after individual victims but such laws also have the capacity to travel from one jurisdiction to another. Clare’s Law (the domestic violence disclosure scheme), adopted in England and Wales in 2014 in the aftermath of the murder of Clare Wood by her partner in 2009 and in the face of a vociferous campaign led by her father, was introduced in Scotland in 2015 and is under serious consideration in states of Queensland and Victoria in Australia. This is a good example of trauma-driven policy with a poor evidential base but simultaneously pointing the finger of responsibility for preventing her death in the direction of the police rather than wider society. The influence of such victim voices in policy formation, often with scant regard for the wider implications for justice, is not unusual. Individuals have been appointed as government advisors on the basis of their experience of victimisation as though their experience stands for the experience of all victims. The appointment of Sarah Payne (the voice behind Sarah’s Law in England and Wales) as a Victims’ Champion in the UK or the recognition given to Rosie Batty, a family violence campaigner (whose 11 year old son was killed by his father on visiting a junior cricket match attended by her and her son) as Australian of the Year in 2015, are two good examples of the presence of such voices. Indeed Schmidt (2014) documents the persistence of some of these voices (in her case study, the organisation Mothers Against Drunk Drivers in the United States) even when the demands of their cause have for all purposes been met. This leads her to introduce the concept of ‘perpetual trauma’: a notion of trauma that taps into our deepest fears (like the loss of a loved one) and thus demands constant action whilst simultaneously ensuring ‘victims voices become reshaped, packaged, commodified’ (McEvoy and Jamieson 2007: 425) in a neatness of fit with neo-liberalism.

The presence and influence such voices are neither simple nor straightforward: some influence policy on the back of sound research and evidence; the influence of others is not necessarily so well-founded. Nonetheless, the nature of their trauma notwithstanding, the influence that such individuals and/or groups may assert on policy and the subsequent delivery of justice are highly contingent on who hears these voices and under what conditions. The reverse is also the case. Not all voices get heard, let alone acted upon. The ongoing denial of the Armenian genocide by Turkey might constitute a good case in point (Rafter and Walklate 2012). Yet embedded in here is, as Agamben (1999: 13) observed, a process in which ‘policy has proceeded as if “testis” (the testimony of a person as a third party in a trial or a law suit) can be conflated with “superstes” (a person who has lived through something and can thereby bear witness to it)’. This is captured in the title of a report recently published in the UK by the Criminal Justice Alliance: *Structured Mayhem: Personal experiences of the Crown Court* (Jacobson, Hunter and Kirby 2015). This report beautifully reflects the conflation of which Agamben speaks. Such commentaries, foregrounding the painful experiences of some of those people required to attend court as they do, miss the point of justice. Justice, with all its faults, is not delivered just in the interests of

those who participate in particular cases at particular points in time. The delivery of justice is in the collective interest, participation or lack of it notwithstanding. Herein lies the ultimate threat of trauma creep. This threat carries implications not only for the presence of victims' voices in national jurisdictions but also for the claims of the delivery of international justice (Krever 2014).

Some concluding thoughts

Fassin and Rechtman's (2009) analysis points to the ways in which the shift to viewing the world through pain and responding to those in pain through the lens of trauma is not only silent about the kinds of victimisation that Mendelsohn (1976) so desired victimology to address but it also actually hides the structural realities that constitute the environmental, political and moral pre-conditions that pre-exist the pain of the moment. Yet it is now self-evident (*qua* Beck 2015) that victimhood and trauma have become one and the same. Nonetheless it is possible and, indeed, desirable to add to Fassin and Rechtman's (2009) call for a moral economy of trauma, a more explicit call for a political economy of trauma. Such a framework would pose important questions for not only the positivist victimological use of the concept of victim, the conflation of this concept with the notion of trauma, and a wide range of victim-centred organisations and individuals who claim to speak for such victims, but, crucially, it would also turn the spotlight on how criminal justice policy is framed and developed in a wide range of jurisdictions, particularly Westcentric ones. Only then will it be possible to truly make sense of and respond to the tragedies of cases like Aylan Kurdi. It is, however, a moot point as to whether or not such questions will be heard.

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