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56 Victimization

Abstract: This chapter, in using the two main approaches found within victimology (one focusing on interaction processes, the other on structural processes) considers the extent to which a case can be made for a digital victimology. It concludes that whilst the digital world poses many challenges in relation to victimization there is much to be gained from considering the continuities between the pre-digital and the post-digital world in understanding such victimization.

Keywords: victimology, spacelessness, continuities, algorithmic victimization, social media, the Internet of Things

Introduction

The study of victimization is largely associated with the sub-discipline of criminology labeled by Mendelsohn post the Second World War as victimology. Since that time different theoretical perspectives have emerged under this heading all making differently informed claims about suffering as a result of criminal behavior: the focal concern of victimology (Walklate, 2023). Thus, in many ways understanding the relationship between suffering—a key focus for studies of victimization—and crime is a concern which gained momentum in the 1960s as a result of the growth and development of the criminal victimization survey alongside the emergence of victim support organizations. As the nature of the crime problem has evolved along with the evolution of societies, so has the nature of criminal victimization. This is especially notable as societies have shifted from being pre-digitized to digitized. During this process of change the term victimization has been used in two main ways in trying to understand the impact that criminal victimization has on people.

The first of these considers victimization as the product of an interactional process. This focuses attention on what takes place between people resulting in one person (or persons) acquiring the status of being a victim (of crime). Rock (2002) suggests that understanding victimization in this way focuses attention on not only the process of interaction that takes place between the victimized and the victimizer but also how and why people come to see themselves as a victim, what this means to them, what it means when this status is recognized (or not) by others, and under what circumstances all of these become problematic. This understanding of victimization particularly addresses the question of how it is that some people embrace a victim identity and others do not. This process is still not fully understood by victimologists. The second understanding of victimization draws attention to, not so much to the interactional processes of becoming a victim, but more to the ways in which such experiences are not evenly distributed throughout any society. The criminal victimization survey has proved to be a powerful instrument in understanding this patterning of victimization. As a result of

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criminal victimization survey data, it is widely acknowledged that being a victim of crime in a diverse range of jurisdictions is mediated by variables such as age, sex, gender, ethnicity, and so on.

Importantly these two ways of thinking about victimization do not necessarily align with dictionary definitions of this word. Dictionary definitions tend to be more generic (focusing on the harm and/or suffering experienced by people through no fault of their own and not always connected with actions defined as criminal). Nevertheless, these different understandings of victimization reflect differing ways of gathering data about such victimization. The first being more qualitative in emphasis the second being more quantitative. Moreover, the different theoretical perspectives available within victimology can also elide and conflate the harm done as a result of criminal victimization in different ways (see Walklate, 2023). However, for the purposes of this discussion the two understandings outlined above provide some valuable insight into the contemporary strengths and weaknesses of thinking about victimization in relation to the digital world: victimization as a process or victimization as a structurally informed experience.

Victimization and digital criminology

In the mid to late 1960s when victimization (from crime) first came into view, the nature and extent of a digitized society was, at most, embryonic. These early concerns with criminal victimization reflected what were then relatively conventional understandings of crime drawing attention to the harm done by street crime (in public) and the harm done by criminal behavior occurring in the home (in private). To a lesser extent some of this work also addressed the harm done by corporate crime. In all these settings the focus was on experiences occurring in offline settings. Since that time the presence of the internet and its powerful role in everyday life has grown exponentially. This change has been so all-embracing that from the viewpoint of the 21st century Harris (2018) argues that criminal victimization is characterized by spacelessness. In other words, the perpetration of such victimization is committed across time and space in such a way as it becomes inescapable for those so victimized. This is especially the case when such victimization pertains to the gendered nature of different kinds of violence(s). Whilst Harris developed this term to capture women's experiences of partner abuse in all its forms, it is especially designed to capture the essence of a wide range of harmful behaviors perpetrated on women through the medium of online environments by men known and unknown to them (see Abuse by McAlinden). For example, a woman living in Australia may remain subjected to such violence(s) by an (ex)-partner living in a different time zone and geographical space. Developing an understanding of digital victimization further, Stratton et al. (2016) suggest there are three dimensions through which this kind of victimization occurs and can be understood: through the impact of social media, the role of big data, and the Internet of Things.

Using these three dimensions as a heuristic and illustrative device informs the following discussion of digital victimization.

Digital victimization and social media

The presence and impact of social media platforms of all kinds has, for many people across the globe, become an intrinsic part of everyday life (see Social Media by Twigt). These various platforms have facilitated means of immediate communication not only between families and friends but also for a wide variety of other social groups. In so doing they afford the same and/or similar possibilities for harm (victimization) as can be experienced face-to-face: bullying, verbal abuse, fraud, stalking, harassment, and so on. In some circumstances (for example for young adults) the line drawn between their online and offline experiences of this kind of victimization is barely visible and is hardly articulable. In many ways their online and offline lives are so intertwined they are as one. Thus, the challenge for criminologists and victimologists interested in exploring the impact of this kind of digital victimization are profound. The challenges require an understanding the complex interconnectedness of these experiences and pose similar challenges for criminal justice professionals in evidencing such victimizations though mobile phone apps, text messaging, and so on. Simultaneously these same social media platforms have also become an increasingly powerful presence, used by victims themselves, to call 'offenders' to account. This has been powerfully epitomized by the #MeToo movement (though there are many others) and can be thought of as empowering (though see Cossins, 2020). Such movements can have ambivalent consequences. They might afford moments in which unheard voices are heard but equally the capacity for such movements to criminalize those not established as criminal are in law are profound (Walklate, 2020). Moreover, such victims can themselves lose further control of their experiences as their stories are taken up by others which can result in further victimization (Wood et al., 2019) and the creation of new forms of victimhood. This brief overview implies that the victimization experienced through the medium of social media parallels the two understandings of victimization outlined at the beginning of this discussion. The role of big data and its capacity for victimization offers a different lens on such experiences.

Digital victimization and big data

Big data impacts upon crime and justice processes primarily through the medium of risk assessment practices (see Big Data by Završnik and Sentencing and Risk Assessments by Ugwudike). Such practices are not new since decision-making about repeat and/or habitual offenders has always been informed by the extent to which past behavior might predict future behavior. Whilst such tools are many, varied, and carry different labels (clinical, actuarial, and algorithmic), big data has been particularly powerful

in informing the last of these approaches: the algorithmic (see Algorithm by Leese). Algorithmic risk assessment tools, deploying machine learning techniques, use a wide range of variables in complex models to inform decision-making. When used as predictive tools in criminal justice practice, they focus attention on 'risky' offenders or 'at risk' victims and presume that people do not change (see also Mythen, 2014). Importantly the development of such tools has been intrinsic to the growth of the digital society above and beyond criminal justice. However, in assuming that people do not have the capacity to change, they presume at least two things: that the relationship between the victim and offender is static and dichotomous (failing to recognize the blurred boundaries between these two terms and people's real lives) and that such tools are objective. These assumptions bring into view the problematic questions posed when *offenders are also victims and vice versa.* Thus, whilst on the one hand the big data driven capacities of such digitally informed tools suggest the capability of objectively informed decision-making, such a presumption can open the door to further victimization when a closer look is taken on how they are built and used (see especially, D'Ignazio and Klein, 2023).

For example, Werth (2017: 809) suggests (in discussing parole decisions) "… field personnel devalue actuarial tools and instead privilege experiential expertise and moral judgement of personhood" with Walklate and Mythen (2011: 109) arguing that it is possible "… risk, and those deemed at risk, are not forensically measured at all: they are constructed within a logic of norms and values *that are felt*" (my emphasis). In other words, professionals make judgments based on their feelings and intuition, in the context of the case with which they are dealing. Berk (2017) goes on to state that from bail decisions to parole decisions algorithmic risk assessments must be a demonstrable improvement of human decision-making but also adds that the bar for such improvement is not remarkably high. Importantly then algorithms are not necessarily devoid of bias, and such biases can be compounded by the statistical techniques which underpin these tools (see Sentencing and Risk Assessments by Ugwudike). Thus, as Hannah-Moffat (2019: 460) points out, "… big data technologies, like risk instruments, simultaneously appear neutral and authoritative, which can make them powerful tools of governance." Yet increasingly much decision-making within criminal justice is being made informed by such invisible tools and in doing so, alongside the implied lack of accountability associated with such invisibility, can add to the harms they do especially in relation to offenders. Such developments bring into view offenders as victims and thereby offers a challenge to the unidimensional understandings of victimization with which this discussion began. The final strand of digital criminology of interest to the discussion of victimization is the increasing presence of the 'Internet of Things' frequently referred to in shorthand as IoT (see Internet of Things by Milivojevic).

Digital victimization and the Internet of Things

IoT denotes objects with the capacity for processing data and interacting with other similarly equipped objects over the internet. Such objects, often referred to as 'smart,' include mobile phones, fire alarms, door locks, fitness trackers, heating systems, refrigerators, personal assistants (like Alexa and Cortana), and so on. Put simply such devices can perform a range of tasks, can be operated remotely, and can interact with one another. They also afford further opportunities for criminal activity (through hacking for example) and whilst offering significant opportunities for increased surveillance (in being able to observe home deliveries and other domestic activities remotely) such increased surveillance is also an opportunity for abuse.

Perpetrators of domestic abuse have not been slow to recognize the opportunities provided by the increasing presence of smart technologies to engage in the further abuse and control of their victims: bullying, stalking, tracking, sharing intimate photographs without permission with others, controlling the heating system. When these behaviors are taken together they amount to what Harris and Woodlock (2019) and others have termed digital coercive control. Importantly this kind of abuse and control transcends space as Harris (2018) has pointedly argued both its perpetration and its impact on those so victimized. This adds a further dimension to understanding how those experiencing such victimization can or cannot escape from them. It is a particularly pertinent observation for those living with the challenges of mental and/or physical disabilities who may already be totally dependent on their carer and whose experience of abuse can be exacerbated in the abusive use of such technology. There are of course many other structural features of victimization (like age, ethnicity, and so on) which also inform how victimization through the IoT might be experienced. So whilst IoT may have been embraced as a positive development for everyday life its conveniences notwithstanding, the opportunities for the further perpetration of victimization by these means have added to those same experiences of victimization pre-existing IoT and arguably worsened by it. In other words, there is much continuity here between the pre- and post-digital setting significantly illustrating the ongoing importance of feminist informed continuum thinking (Kelly, 1988).

Overview

The advancements made with increasing digitization in society present both opportunities and risks. In terms of experiences of victimization there is arguably more continuity with the past than perhaps the proponents of digital developments have as yet recognized. This is certainly evident in the discussion of the three strands of digitization discussed above which have made their presence felt in criminology. Hence, from a point of view, the concept of victimization itself understood as a product of an interactional process and/or as a structural feature of any social system, remain relatively untarnished. At the same time, it is also possible discern that in some respects

the presence of digital victimization has also blurred the boundaries between structural and interpersonal victimization in significantly nuanced ways for many people but especially those living with violence(s). Thus a woman living with abuse both digitally and face-to-face, finds herself in a very challenging set of circumstances indeed. There is more scope for a digitally informed criminology-victimology to explore these interconnections.

It is also possible to discern the risks associated with calling perpetrators to account through social media campaigns for both victims and perpetrators. This is especially the case when those named as perpetrators are subsequently found not guilty. Moreover, the dangers inherent in the bias's evident in algorithmic informed judgments have also been well-documented (see inter alia Berk, 2017). At the same time, of course, the presence of 'strategic witnessing'—the use of mobile phone footage as evidence especially in relation to mass events of violence (Ristovska, 2016), alongside the wider availability of digitally based technology, has improved some aspects of criminal justice delivery. For example, the use of virtual platforms for multi-agency risk assessment meetings for cases of domestic abuse became an important and ongoing development for police forces in England and Wales during the COVID-19 pandemic (Walklate et al., 2021). However, the jury remains out on the value of online spaces for court processes as a whole (see for example Harker and Ryan, 2022 on the family court and Rossner and Tait, 2023 on the criminal court.). Again, there is considerable space here for criminologists and victimologists to explore more deeply what kind of impact these developments may have on people's experiences of victimization.

Conclusion

From this brief overview of some of the newer and continuing features of victimization in the 21st century it is possible to discern the considerable contribution that has yet to be made in understanding the nature and impact of digitization on people's experiences of victimization on a routine daily basis.

- Whilst considerable in-roads have been made in understanding the impact of the digital on a wide range of abusive behavior on women and other groups, the nature and extent of that impact has yet to be fully realized for those whose experiences of such victimization are a result of interaction (that is generated by people who are known to them) and yet compounded by the structural (that is generated systemically through processes of marginalization). This observation is not a new one.
- There is much here that reveals continuities between the past and the present. For example, whilst social media and IoT may be a key means by which stalking, harassment, bullying, and so on are now perpetuated, these behaviors are not new. They have always been perpetuated if in the past by different means (landline telephones, following someone in the street, verbal abuse, and so on).

– The same might be said for the contemporary use of big data and the ways in which traditional biases built into clinical and actuarial risk assessment practices are similarly perpetuated in the use and deployment of algorithmic based practices.

Final comment and as a word of caution, the rise in digital criminology-victimology may simply reinvent victimization as though the digital world and its potential equates with new experiences of harm. Understanding people's lives as they are lived is one way to avoid such reinvention. In appreciating the continuities of the present with the past is one place to start.

Suggested reading

For those interested in the extensive nature and impact of technology facilitated victimization then the edited collection by B. Harris & D. Woodlock, *Technology and Domestic and Family Violence* (London: Routledge, 2023) is a good place to start.

On the nature, extent, and potential of digital justice the work by E. Katsh & O. Rabinovich-Einy, *Digital Justice: Technology and the Internet of Disputes* (Oxford: Oxford University Press, 2023). might be one place to start.

Introductory work specifically on cyber victimology can be found in D. Halder, *Cyber Victimology: Decoding Cyber-Crime Victimisation* (London: Routledge, 2022). This book digs a little deeper into the different facets of such victimization in an easy and accessible style.

For a more thorough introduction and discussion of victimology and victimization see S. Walklate, *Advanced Introduction to Victimology* (Cheltenham, UK : Elgar Publishing, 2023).

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