



*Investigating systems, using my  
own experience, each time I  
found my disbelieve more true,  
than I expected it to be,*

Louk Hulsman

**Challenging yourself,  
experience and taught**

• Jehanne Hulsman

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# Victimology and the Criminal Justice System (CJS)

- Quotes of Louk Hulsman on the CJS
- *The worst of the Criminal Justice System is that it prevents people from taking each others' feelings seriously (Rotterdams Nieuwsblad 25 februari 1985)*
- *Can we really agree to a system that is maintained and enforced, that systematically represses certain groups in society? (Peines Perdues /Afscheid van het strafrecht 1986)*
- *The cultural and social organization of the CJS is such, that it invites the invisibility of its violence and propagates the 'unresponsibility' for the limitation of that violence (tijdschrift voor Criminologie 1989)*

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# Louk Hulsman Cannabis tribunal December 2008

- <https://www.youtube.com/watch?v=v8WSrMETTZU>



# Problematic situations

- In society there are many problematic situations that cause harm and damage. Some of those situations are criminalized, others are not. There is no particular rationality as to why one event would belong to the domain of the Criminal Justice System and another would not (Louk Hulsman, Critical Criminology and the Concept of Crime 1968)

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# Acceptance of the existence of the CJS.

Before one would want to function in the belly of the CJS in order to be able to help people that have been damaged and have been traumatized, one would want to know in which respects one is a part of a believe system, that is every day being portrayed as a rational reality that would serve society. One would maybe want to know how many people have been traumatized by that very system, its institutions and lack of awareness from the side of all the different the States and their governments.

Even if boiled down to what mostly is perceived of the CJS, the so-called main focus on enforcement, like theft, violence against someone other, or -mostly talked- about homicide, only a small portion of that criminalized behavior, ends up in the CJS. And of those cases that do end up in the CJS, almost always because of lack of funds, time and prioritizing, because of a lack of understanding of the nature of these incidents, those cases are not dealt with in a way that will strengthen the social fabric of society.



# Language and it's dangers. What is crime? Who is a criminal?

Dependent on time or space behavior in a society can be criminalized or the same behavior can stop to be criminalized;

The word *crime* does not mean anything. During the second world war in Holland, it was criminalized if you did not give up Jews to the authorities, that functioned under the occupation of the Nazi regime. Another example is that homosexuality was criminalized and also in the Netherlands In 1813 the last person convicted to the death penalty for homosexuality was executed by hanging. There are nine countries that have a death penalty on homosexuality at this moment (Mauritania, Nigeria (north), Uganda, Saudi Arabia, Somalia, Yemen, Iran, Afghanistan and Pakistan: source human dignity trust <http://humandignitytrust.org>) many more criminalize homosexuality 65 countries).

The word *criminal* does not tell you anything. Jesus was at the time, legitimately condemned by the authorities of that time at that place, Mandela was legitimately condemned by the government at that moment in power, Gandhi was legitimately condemned by the system that was at that time in the hands of those in power.

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# language

- Viktor Klemperer a professor of German literature, a survivor as a Jew of the Nazi regime, has written a book about the change of language during the rise and reign of the Nazi regime, called *Lingua Tertii Imperium* (LTI 1975). He described how demeaning name calling of Jews became acceptable in public discourse. How he lost his position as a teacher and was witness to the willful exclusion process of Jewish people, being muted in public discourse, cut off from access to books, how a former integrated community became invisible in society, locked up, hunted and deported with the intent to be killed.
- Every day systemic language, be it academical, be it professional, be it regarding to social status levels, excludes those that should be involved (either because it addresses them, or because it is about them), hides the complexity of the matter, and simplifies concepts in which the involved cannot recognize themselves anymore.

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# Democracy and the rule of law

- Looking over all the available definitions of a democracy the consensus would be that it is a form of organization of a group of people belonging to the same designated territory, organized in such a way, that those deemed to have full citizenship of that democracy (based on various criteria known, in time and space, like age, gender, birthright, accepted 'nationality' and exclusionary measures like having a criminal record) would have an equal voice in decision making, often by way of representation in an elected body, that would then vote on those decisions. Since those decisions are deemed binding to **all the people** functioning under this democracy, in decision making the majority of the elected representatives are bound to take into account the rights and conditions of those who form a 'minority'. The will of the people in a democracy also consists of those that are not in power. By ignoring their needs and the effect of decision making on their lives, the support for such decisions is eroded.



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# **Panta Rhei (herakleitos, born in Ephesus now Turkey 540-480 before Christ)**

- The philosophy of herakleitos is that nothing is solid everything is subject to change.
- Therefore, no organization would be static, since it would continuously be subjected to inner and outer change. This would mean that understanding an organizational form as democracy would demand of all those involved, a constant effort to search for a balanced form of meeting the basic demands of democracy in the stream of change..
- Organizations, states, institutions however, have their own dynamics designed to serve themselves. Research into the personification of organizations has shown that they can change but basically have the intelligence of a worm (van Haersolte 1979), because of their layered complexity. So any change will come very slowly and often at the cost of those with more sensitivity and a higher degree of integrity.

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# law

- Decision making on law in democracies usually takes a long time. There is an existing construction of laws and any new law would have to fit in that structure not to bring the legitimacy of the judicial processes in jeopardy. The interests of politics and the interests of the civil servants who actually try to see that laws are still enforceable and not contradictory to other existing laws, treaties and conventions applicable, are often not in line. In the end specific formulations of law are an outcome of a compromise between those two interests in a way that the politicians will be able to claim their victory and the civil servants can only just 'live' with those formulations.
- One of those outcomes is for instance in the European Convention of Human Rights, that the right to demonstrate (article 10, freedom of expression and article 11 freedom of assembly) can be restricted in 'accordance with law' and when necessary, in a democratic society (public disorder, health, national security, etc.)
- The supposition that any citizen knows the law, is of course entirely fictional.



# Addiction to power

- A new definition that to me seems appropriate on power, is that it is abuse of responsibility. If one wields the power over a situation or over an institution or over a group of people, the person, or the group of persons, wielding that power, should be feeling the weight of the responsibility, instead of a personal fulfillment of power. Therefore, to strive for power without acknowledging that it is basically responsibility, makes that a situation of abuse. Power without responsibility is abusive.
- The effect of the current monopoly game.



# Lectures and getting a broader picture

- Lysova stated it very clearly in her presentation on intimate partner violence, the nature of the violence when it arises in relationships between two partners, is thoroughly misunderstood, the role of men and women are misunderstood and therefore measures being taken do not fit the situations. The policies are on easy solutions and since there are very complicated situations the policies the institutional reaction, does not fit. Bezic and Sprem have shown us that if you take into account all the factors that can be in play in domestic violence you cannot state anything sensible about any given specific case because there are too many different aspects that would need to be addressed in that very case. Sechory Bitton has shown us our bias in the assumptions on who the

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# Lectures and getting a broader picture

- Femicide: As well known in many societies there is still an inequality between male and female. Where homicide is supposed to address a person killing another (outside of those situations where the State sanctions that killing, like in the army, like in executions regarding capital punishment) femicide would address the fact that a woman is killed for the very reason that she is a woman. Albrecht and Getos have explained that they do not see any reason for adding a specific category of killing and they do not consider that there would be any indication that violence towards women would be augmenting. If one would believe in the CJS as both Albrecht and Getos appear to do, why not femicide, there are other specific criminalizations like situations when homicide involves a politician, or a policeman as victim, where a harsher sentence is demanded, with the motivation that the effect of the homicide on the public in those cases would demand a higher penalty, why than not in the cases when someone is obviously discriminating against women? Just like Priyamvada Mohan Singh (sacred prostitution) and Keren Gueta and Carmit Klar-Chalamish ((When traumas collide) have shown us.



# Lectures and getting a broader picture

- Why is there no real interest in the problematic situation of bullying at work,, by legislators, by politicians? Hannah Scott has clearly shown how deep the impact is on the health of people who suffer from bullying and yet there is neither an appropriate civil legislation nor one in criminal law that gives off a signal that such damaging behavior is damaging the health of many employees and their families and will not be tolerated..
- Hollianne Marshall has shown us very clearly that criminalizing drugs is not only, not effective, but it also costs many lives and huge resources that could have been used to even out unequal societal situations causing huge forms of damages to all involved.



# Lectures and getting a broader picture

- Victimology is a growing field of interest, but already we know from the lecture of Andzenge that the simplification of who is a victim can lead to a false representation of a situation, thereby causing additional damage, as can be said for the concept of perpetrator which should be in advance of any trial a suspect. Andzenge explained that after having worked as a nurse, he did not feel the need to study medicine and become a doctor. The nurse being involved in taking care of the person with health problems and the doctor being more into solving the disease. Maybe in victimology one could broadly state that a social worker in victimology has the intention to improve the well being of a person who is a victim, while a lawyer would be addressing the legal status of the juridical victimhood in opposition of the one deemed responsible.
- If one considers the lectures of Fengler, Schaefer, Boyett and Eyjolfson and McGlinchey, they tell us that to work in the field of victimology means you are doing very important work, but you need to have a broad well-developed set of capacities and you lack enough resources to do it the way you should be able to do it. Therefore, there is a risk of draining yourself to the point that you cannot work anymore.

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# Lectures and getting a broader picture

- Krause has given us a clear picture of a frightening change in society, with warnings to heed about the spreading of deliberate misinformation and the ease with which again like in the 1930-ies groups can be targeted and violent and othering behavior resulting in a torn society, is not met with appropriate denouncing by a largely silent majority. Anti democratic influences growing, seem not to be acknowledged as such.
- Erez has shown us how transgressional behavior resulting in a large group of victims in a situation of an apparent unequal power balance (doctor-patient), could continue for 25 years because even parents of the victims found it easier to believe someone with a high social status, than their own children.





# Lectures and getting a broader picture

- Laster recognizes the sausage producing factory that the CJS is but has optimism that something can be gained for victims in the CJS by using AI and internet media communication. If one heeds the warning of Lysova, not to fall into the trap of easy solutions, there appear to be more risks than actual relief.
- Recidivism researched by Feuerbach should set us thinking, is the person involved to blame or does the system fail these persons?



# Lectures and getting a broader picture

- Both Beichner and Hagemann have made a demand for more academic theory on victimology, and both are orientating on a future for victimology, as a discipline. As already indicated during the discussion regarding both lectures, in my opinion an opinion shared with Louk Hulsman, one only starts to understand the nature of a problematic situation, when looking at it from a multi disciplinary angle. Multi disciplinarity is the gem of those gathered under the umbrella of the interest field of victimology, that needs all the attention it can get and sets an example for the mixture of practitioners in different fields and academics in different fields, to learn more about the living reality..



# conclusion

- There is more than enough evidence that addressing problematic situations in society using the CJS is not functioning, because the sausage factory produces primarily pain to all those involved in events that end up in that system and does not give opportunity to heal the social fabric. It simply does, in no way, fulfill the promised function.
- When working as a professional in the CJS or in relation to it, it is important to acknowledge and balance out what our personal responsibility is within those professional settings and what that will do to you..



# A message of connection

- There was a beautiful lecture on connectivity by Varona that reminded us that we are only capable of getting towards less damage and hurt if we realize we are connected. Not only as humans, with each other but also with animals and with all the elements of nature. That we will start to advance when we start to take responsibility for that connection.
- In this classroom, in the presentations and in personal conversations, I have had the great pleasure to get to know your passions and your commitment. Again, I am comforted by the knowledge that many of you, though in impossible circumstances and often at the risk of being weary and losing courage, are playing an important role within your organizations and you are making a difference on a personal level of your commitment, because you still care.
- Institutions are very imperfect and almost never achieve in reality what they aim to accomplish, but those working within those institutions can make, at a personal level, a difference..

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# What is kept, what is used and what is never opened again



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# The overview



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