The tragic accidental death of Nils Christie was a huge loss to the scholarly worlds of criminology and victimology. An old dear friend and highly esteemed colleague, Christie has been hailed as one of the most innovative criminological thinkers of the 20th century. He left an outlasting legacy to both criminology and victimology. His contributions are characterized by their creativity, their originality and their clarity. To remedy what he saw as a terrible injustice done to crime victims he outlined a court procedure that restores the participants’ right to their own conflict, a procedure that provided the theoretical underpinnings of the restorative justice movement. He drew attention to the fact that victimization is not an objectively defined phenomenon but is a personal, relative and highly subjective experience. He insisted that mental images of those subjected to the same victimizing act could be and usually are quite varied. Criminology and victimology owe much to Nils Christie. The present article briefly highlights just a few of his significant contributions.

**Key words:** criminology, victimology, restorative justice, ideal victim.

**Introduction**

Were a colleague or a student to ask me: who are the criminologists that influenced most your criminological thinking? I would answer without hesitation it is Scandinavian criminologists. This may seem strange since the Scan-
dinavian countries are small countries and when I was studying and doing my earliest research in criminology in the 1960s the number of Scandinavian professors of criminology could be counted on the fingers of both hands. It is even more surprising since it all happened before meeting and marrying my Norwegian wife Jenny Solveig Juven and prior to our regular family visits to Scandinavia that followed. And yet it is absolutely true. It is equally true that I have also been influenced by other non-Scandinavian criminologists, for example, the German Hans von Hentig and the Dutch Louk Hulsman among others. But from the first exposure I had to Scandinavian criminological thinking and writings I felt a natural affinity to the ideas they offered and the views they espoused. Two Scandinavian criminologists in particular were a great inspiration to my long and continuing criminological career: Finnish professor Inkeri Anttila and Norwegian professor Nils Christie.

So what is it about Scandinavian criminology that made it so appealing and highly inspiring to me? In the 1960s the emerging social science of criminology was (and unfortunately still is) in a state of stagnation undergoing severe scrutiny and facing relentless attacks such as those directed at it three decades earlier by Michael and Adler (1933). The young discipline was obsessed with a futile and persistent search for the “so-called” causes of crime. The underlying belief was that to effectively prevent crime one has to know what causes it. The never-ending search oscillated between an European/South American neo-Lombrosian trend and a North American post-Durkheimian approach. What seems at first glance an irrefutable axiom was daringly challenged in 1971 by Finnish criminologist Patrik Törnudd who published a future-looking paper in which he decried “The futility of searching for causes of crime”. In it he echoed the view advanced in 1969 by Morris and Hawkins in their book “The Honest Politician’s Guide to Crime Control”.

Scandinavian criminologists, though not prolific writers and despite a relatively limited output, offered aspiring criminologists like myself, original perspectives, proposed new ideas, and suggested novel approaches. In a 1964 article published in Excerpta Criminologica, Anttila drew attention to the criminological significance of unrecorded criminality and suggested a novel way of getting around the problem by asking representative samples of the population about the victimizations they had suffered. Once her suggestion was followed it gave birth to what has become one of the most reliable sources of crime data: “victim surveys”.

228
Four years later, in 1968, Nils Christie published one of the most original papers in 20th century criminology in which he drew attention to how the punitive value of penal sanctions such as imprisonment and fines changes over time. The article, a precursor to several more to come, was an early manifestation of the originality and the innovative nature of Christie’s criminological thinking. In the two decades that followed, precisely in 1977 and 1986 Nils published two papers seminal to victimology that are without doubt among his most cited and most influential articles.

The first time I met a young effervescent Nils Christie was in Montreal in the 1960s. I had moved to Canada after spending three wonderful years in Vienna, Austria, doing graduate work and research at the University’s Institute for Criminal law and Criminology (Institut für Strafrecht und Kriminologie). Having decided to pursue a Ph.D. in criminology, I applied to and was accepted by the School of Criminology at the University of Montreal. The School was headed by prof. Denis Szabo, a dynamic, ambitious and interna-
nationalist criminologist of Hungarian origin. Szabo was a tireless organizer with grandiose plans. In his persistent and continuing attempts to promote criminology, particularly comparative criminology, he organized countless meetings, conferences, seminars, symposia, to which he invited both young and old criminologists from Europe, the USA and other parts of the world. This is how my path crossed that of Nils Christie (see Photo 1).

I vividly recall a 1968 seminar Nils held at the School of Criminology, University of Montreal, where I had just finished my Ph.D. thesis. With my limited budget I had bought the only copy the university’s bookshop received of the “Scandinavian Studies in Criminology” (volume 2) edited by Christie and titled “Aspects of Social Control in Welfare States”. It is the volume in which he published the article mentioned above on the changes in penal values. During the seminar I gave Nils a somewhat hard time making comments, asking some rather difficult questions and refusing to accept simple or around the bush answers. In fairness, he took it all in stride and showed no irritation what so ever. At the end of the seminar when I asked him to autograph my copy, this is what he hand wrote: “With the hope of getting a stubborn visitor to Oslo soon” signed Nils Christie (see Photo 2). It was neither the first nor the last time I was called “Stubborn” by a visiting lecturer!

In the following four decades our paths crossed quite often both in Canada and in Europe. On one occasion he visited us with his first wife Vigdis and spent a couple of nights at our home in Vancouver. We made a point of seeing him whenever we visited Oslo and he happened to be there. When I organized the 33rd International Course in Criminology on Victims of Crime (Bay Shore Inn, Vancouver, 1983) it was rather natural that both Nils Christie and Inkeri Anttila be the first scholars I asked to deliver keynote addresses and they did not disappoint. Both their contributions were later published

In 2000 Nils and his wife Hedda Giertsen invited me to a seminar they organized at the Institute of criminology, University of Oslo, on “Albanian and Norwegian Experiences with mediation in conflict” where I presented a paper under the title: “How valid are the Arguments frequently made against Mediation and Restorative Justice?” (Giertsen, 2000).

The last time I saw Nils before his tragic death was in Helsinki in June 2012 as we were both invited to give plenary addresses at the 7th International Conference of the European Forum for Restorative Justice. As usual, Nils was accompanied by a group of his loyal, devoted and adoring students and followers. His address to the conference discussing the case of Norway’s mass killer Anders Breavik was as always greeted with thunderous applause. At the end of the conference we hugged and said “Goodbye”. Little did I know that it will be the last time we see each other. As Nils was quite vigorous and eternally full of energy and since his health was always far better than what his chronological age would suggest, the news of his passing away came as a surprising and terrible shock. It was simply difficult to believe that this flaming light has been permanently extinguished, that we will never see his smile or hear his distinctive laugh ever again. We certainly knew that he will be terribly missed at the international meetings where he was always a shining star. Although his voice and his Norwegian accent will not be heard in lecture halls any more, there is little doubt that his legacy will last for decades, maybe for centuries to come. Prophets, visionaries and academic pioneers usually get the recognition they deserve once, or long after, they have passed away. This is not the case with Nils Christie who in his lifetime got the accolades he deserves and had more acolytes than one can possibly count.

Nils Christie’s contributions to victimology

Nils Christie has been hailed as one of the most innovative criminological thinkers of the 20th century. His contributions to criminology are so well known and so frequently quoted that it would be superfluous to dwell upon them in any great detail. His contributions are characterized by their creativity, their
originality and their clarity. The bulk part of his work reflect his willingness to venture into areas never before explored by other criminologists and to deal with subjects very few dared to study, tackle or discuss. Both his books “Limits to Pain” and “Crime Control as Industry” are good examples of his unmatched ability to come up with novel and previously ignored or hardly thought about topics that usually go to the heart of the discipline of criminology.

His reflections on whether the criminologist is a technician or a poet published in 1971 is a profound analysis of the delicate role criminologists are called upon to play in the formulation of public policy. In it he warned against criminology being co-opted by the authorities and offered the sound advice that criminologists should not let politicians and administrators formulate their research topics and their study questions.

As surprising as it may seem, one of his least known works is one that has had a very strong impact on my criminological thinking. It was his unique study of Norwegian guards in Nazi concentration camps during the German occupation of Norway in the Second World War. The research was actually done for his master’s dissertation, a degree he was awarded in 1953. Unfortunately his findings were much too shocking for a Norwegian public still suffering the deep trauma of war. Despite his attempts to give his research a wide circulation, the study was not published as a book until 1972 more than a quarter of a century after the end of the war.

In my teaching and my writings I have always advocated a shift from dispositional theories to situational theories, from the search for causes to the search for motives (Fattah, 1997). And contrary to many other criminologists I always believed that criminals are not fundamentally different from non-criminals and that any one placed in a particular situation, with sufficient motivation, or under certain pressures is capable of committing the most heinous acts, violent or otherwise (Fattah, 1997). Christie’s study provides an irrefutable confirmation to this belief. It offers substantial empirical evidence, much more powerful and far more convincing than that provided by the famous experiments of Millgram (1969) or Zimbardo (1972).

Having said all that, nothing illustrates Christie’s profound impact on my criminological thinking better than the fact that in my book “Criminology: Past, Present and Future/ A Critical Overview” (Fattah, 1997) Nils Christie is the most quoted scholar in the book, second only to the author himself.
When it comes to victimology Christie’s significant contributions can be traced to both the theoretical and the applied sides. Two pieces of Nils Christie’s published work are considered seminal to the young discipline. The first is the paper he published in the British Journal of Criminology in 1977 titled “Conflicts as property” and the second is his keynote address delivered at the 1983 International criminology course in Vancouver titled “The Ideal Victim”.

The philosophical underpinnings of restorative justice

Restorative justice (RJ) emerged in the last 40 years as a counter weight to the victim movement. Its central concern is crime victims. Its main objective was to provide a positive, constructive and less destructive alternative to the excessive punitive demands of the victim lobby (see Fattah, 1995; 1998; 2002a; 2002b; 2004; 2007). In essence RJ offers crime victims a participatory, simplified, less formal and more personal model of justice that aims at repairing the harm caused by the offence, help the victim overcome its traumatic sequels and achieve closure. By so doing RJ strives to maintain and strengthen whatever bonds may have been severed by the offensive act. To both victim and offender it replaces the current policies of exclusion by a policy of inclusion and insists that victims should regain control of their conflicts. RJ denounces the primitive notions of vengeance and retaliation and proposes a constructive system of restorative justice anchored in restitution not retribution, in reconciliation not retaliation, in forgiveness not vindictiveness.

In his paper “Conflicts as Property” (1977) Christie deplored the fact that conflicts have been stolen from their rightful owners, the victims, and were expropriated by the state. As a result, victims who used to be entitled to wergeld/restitution were now left with nothing. Civil remedies were not only too costly and too complicated for most victims but the majority of offenders were destitute and once they were imprisoned the victim’s chances of any compensation were nil. And to add insult to injury when offenders were sentenced to a penal fine it went not to the victim but to the state’s coffers. Christie wrote: “….Conflicts have been taken away from the parties directly involved and thereby have either disappeared or become other people’s property. In both cases a deplorable outcome. Conflicts ought to be used not left in erosion. And they ought to be used, and become useful, for those originally involved in the conflict.” (Christie, 1977: 1).
Drawing upon an experience he had in Tanzania, Christie lamented the fact that victims in Western societies have lost their right to participate and were removed from the justice process which was overtaken by state officials and became the theatre of professionals. To remedy what he saw as terrible injustice done to crime victims he outlined a court procedure that restores the participants’ right to their own conflict, a procedure that provided the theoretical underpinnings of the restorative justice movement.

“Modern criminal control systems, he writes, represent one of the many cases of lost opportunities of involving citizens in tasks that are of immediate importance to them. .... The victim is a particularly heavy loser in this situation. Not only has he suffered, lost materially or become hurt, physically or otherwise and not only does the state take the compensation. But above all he has lost participation in his own case. It is the Crown that comes in the spotlight, not the victim. It is the Crown that describes the losses, not the victim. It is the Crown that appears in the newspaper, very seldom the victim. .... Something that has belonged to him has been taken away from that victim." (Christie, 1977: 7-8).

Christie’s proposed remedy to the victim’s plight, namely a Victim-Oriented court that goes through four stages, is a true blue print for a restorative justice model. Needless to say that having been extremely critical of the professionals who have stolen the conflicts from their legitimate owners, the victim–oriented court he envisioned is a court with an extremely lay orientation where professionals and so-called experts are not welcome. Here is what he says:

“….let us reduce specialization and particularly our dependence on the professionals within the crime control system to the utmost. The ideal is clear; it ought to be a court of equals representing themselves. When they are able to find a solution between themselves, no judges are needed. When they are not, the judges ought also to be their equals." (Christie, 1977: 11).

As visionary as Christie was, he was realistic enough to realize that the victim-oriented, lay-justice model he is advocating is not easy to implement in Western societies. He believed there are hundred blocks against having such a system operating within western cultures. He singled out three major ones: 1) there is a lack of neighbourhoods; 2) there are too few victims; and 3) there are too many professionals around (Christie, 1977: 12).
Yes, he was realistic in his prediction but not overly pessimistic. In fact, although he believed that there are no solid grounds for optimism, he still saw some promising rays of hope. One reason for hope he mentioned in his ground-breaking paper is that although the crime control system has some importance in our type of society, it is not a dominant one. Another reason for his optimism is that he felt the ideas he was putting forward were not quite so isolated or in dissonance with mainstream thinking in social institutions other than the crime control system. He also believed that the crime control system is not immune to paradigm shifts when such shifts are rapidly taking place in other sectors of society.

The ideal victim

“The Ideal Victim”, a key note address delivered by Nils Christie at the 33rd International Course in Criminology on Victims of Crime that I organized in Vancouver in 1983, is a perfect example of a brief essay that can have a much more significant and far-reaching impact than its length would suggest. It is written in Christie’s unique saga style and is simply 13 pages in print. One of the first ideas Christie offered in his address is that victimization is not an objective phenomenon but a personal and subjective experience. It is more of a perception than a reality. Reflecting on what he personally considered his most memorable victimization experience when he was outrun by a Swedish champion in a running competition on a clear night in Finland, he wrote:

“… being a victim is not a thing, an objective phenomenon. It will not be the same to all people in situations externally described as being the “same”. It has to do with participants definition of the situation… the phenomenon can be investigated both at the personality level and at the social system level. Some might have personalities that make them experience themselves as victims in most life situations while others tend to define life according to other dimensions. The tendency to see oneself as a victim might in the perspective be called a personality trait. At the level of social systems, some systems might be the type where a lot of victimization is seen as taking place, while others are seen as being without victims.” (Christie, 1986: 18).
It is rather easy to see the affinity between Christie’s thinking and mine which I outlined in my paper “La Relativite Culturelle de la Victimisation” (The Cultural Relativity of Victimization) (Fattah, 1993). In the paper I criticized western ethnocentric definitions of victimization that ignore or overlook cultural differences, cultural customs and traditions as well as cultural particularities. I offered several examples to show that both personal and social definitions of victimization are culturally relative, that they vary greatly from one culture to the other. I insisted that such definitions are not static but dynamic and undergo significant change even within the same culture over time, sometimes even in relatively short time. Quite in line with Christie’s thinking I argued that the tendency to consider victimization as a global, universal, objective, phenomenon is in flagrant contradiction to the undeniable reality of how personal, how subjective and how relative victimization is.

It surely does not take an in depth research to realize that each culture creates its own popular stereotypes of offenders and victims. Furthermore, society’s attitudes and reactions to actual offenders and actual victims are shaped by the extent to which they fit those images and stereotypes (see Fattah, 1997: 157). Nils Christie’s “ideal victim” is one such stereotype. As used by Christie (1986) the term “ideal victim” does not refer to the person (or category) most perceiving him-or herself as a victim nor does it describe those who are in the greatest danger of being victimized or most often victimized. By ideal victim Christie means a person (or category of individuals) who, when hit by crime, are most readily given the complete and legitimate status of being a victim.

“The ideal victim is, in my use of the term, a sort of public status of the same type and level of abstraction as that for example of a “hero” or a “traitor”. It is difficult to count these ideal victims. Just as it is difficult to count heroes. But they can be exemplified…. The little old lady on the way home in the middle of the day after having cared for her sick sister. If she is hit on the head by a big man who thereafter grabs her bag and uses the money for liquor or drugs-in that case, we come in my country, close to the ideal victim.” (Christie, 1986: 18-19).

By coining the term, by enunciating the concept and by describing the stereotype, Christie managed to force the audience not only to think about and to revise their perceptions (or their misperceptions) of victims and victimization but he was able to vividly illustrate the point he was making and
the idea he was putting forward, namely that it is not the material act of victimization that counts but the personal qualities of the victim, the motives for the act and the dynamics of the situation.

Christie goes on to contrast the ideal victim to others who when victimized are not seen to be ideal victims because of qualities and factors external to the act of victimization. He also contrasts ideal victims to real victims and scared victims. He writes:

“Most ideal victims are not most frequently represented as real victims. The real victims are so to say the negation of those who are most frequently represented….Ideal victims are, however, very much afraid of being victimized. Study after study…. Show a very high connection between the qualities that qualify for becoming ideal victim, and having a particular fear of being the victim of crime, particularly the crime of violence.” (Christie, 1986: 27).

One important and perceptive point Christie makes in his address delivered in 1983 when the victim movement was gaining ground and was claiming empowerment of victims as one of its main goals, is to remind us that the more power a victim or category of victims has the less likely that they will fit the ideal victim type or have the sympathy, compassion and commiseration that victims crave, bestowed upon them. They do not qualify for the legitimate status of suffering victims. Christie's description of the typical ideal victim implies that powerful victims do not elicit as much sympathy as weak, helpless, defenceless victims. He writes:

“A minimum of strength is a precondition to being listened to, but sufficient strength to threaten others would not be a good base for creating the type of general and public sympathy that is associated with the status of being a victim.” (Christie, 1986: 21).

Christie’s paper drew attention to society’s differential attitudes to those who have been subjected to identical types of victimization, a theme that I dealt with in much greater detail in some of my victimological publications (see Fattah, 2002a; 2002b; 2003; 2009).

Christie’s lucid analysis of family violence, in particular wife beating, in the context of his definition of the ideal victim and in light of the changing cultural definitions and material conditions in Norwegian society, is a perfect example of his ability to communicate his thinking and to illustrate his ideas
by focusing on concrete examples and specific situations. Here is an example of what he wrote:

“The more females attain an independent status, the more useful it is for them to claim victim-status and the more they are listened to. But at the same time: the more they gain independence, materially, the less credibility is given to any claim of victim status as a result of weakness or lack of possibilities for self protection.” (Christie, 1986: 21).

To conclude, in his remarkable article Christie goes back to the restorative justice model he proposed in “conflicts as property”. He sees the model he offered in that paper as a vehicle for letting victims and offenders get a realistic chance to know each other and for giving the victim a more important role to play in the justice process. He calls for the civilization of the legal process. And although he insists that the notions of blame and guilt are essential in social life, he is doubtful of the usefulness of the designations “victim” and “offender”.

**Conclusion**

Hopefully the above summary and brief analysis of some of Nils Christie’s work has shown the undeniable debt the social science of criminology and the discipline of victimology owe to him. It is a debt that undoubtedly will withstand the test of time. It is to his credit that at the height of criminologists’ obsession with the search for the pathological traits of criminals and their theorizing about the abnormalities that differentiate criminals from law-abiding citizens, he had the courage to insist that he “…found the killers and torturers were quite ordinary Norwegians. They were like us, and we would have behaved as they did had we, with their age and educational background, been placed into their situation” (Christie, 1986: 26).

It is to his credit that he drew attention to the fact that victimization is not an objectively defined phenomenon but is a personal, relative and highly subjective experience. He should also be credited that in his paper on the ideal victim he insisted that mental images of those subjected to the same victimizing act could be and usually are quite varied. Also to have pointed a disapproving finger at society’s differential attitude to the victim by demon-
strating that it is not the material or physical act that matters but more importantly the characteristics and qualities of those who are victimized.

It is to his credit that he challenged the usefulness of the victim and offender designations, to have deplored the historical injustices inflicted upon crime victims and to have decried how victims were historically removed from the justice process. It is to his credit to have shown how victims’ rights were usurped by the State and how the compensation to which they were entitled was expropriated by the public treasury and renamed penal fine.

Probably more important than all of the above is that he provided the theoretical underpinnings for the restorative justice model, asked for the civilization of criminal conflicts and demanded a central role and a deciding voice for the victims in the conflict resolution process.

Yes, Nils Christie is not a scholar to be easily or quickly forgotten. He is not a criminologist whose ideas could be easily ignored, dismissed or superficially challenged. This is because they are original, penetrating, thoughtful and innovative and thus are useful, practical and long enduring ideas. Nils Christie may have physically passed away but his criminological and victimological legacy will last for many decades to come. It would neither be farfetched nor unfair to call him “the new prophet of restorative justice” in the same way that Inkeri Anttila has earned the well deserved title “the mother of victim surveys”.

References


Dug viktimologije prema Nils Christie-u: Trajno zaveštanje slobodnog mislioca


Ključne reči: kriminologija, viktimologija, restorativna pravda, idealna žrtva.