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COMPENSATION AND RESTITUTION TO VICTIMS OF CRIME

(Extracts from The Victim and His Criminal. A Study in Functional Responsibility c. könyvből /1968/: 105-115, 126-131, 164-166.
Részletek a The Victim and His Criminal. A Study in Functional Responsibility c. könyvből /1968/: 105-115, 126-131, 164-166.)

Prospects of Compensation

Damages and compensation

The other direction of the trend of the revival of the importance of the victim is toward introducing the practice of restitution or compensation for the victim. And, in cases where it has already been introduced, to improve and reinforce it.

At present there are five different systems for restitution or compensation to victims of crime.

1. Damages, civil in character and awarded in civil proceedings. In this case the penal law is not concerned with any damage that the victim may have suffered as a result of the crime. Crime is regarded as an offense exclusively against the state; the interests of the victim play no part whatsoever in the criminal procedure. This divorcing of the victim's restitutive or compensatory claim for the penal proceedings may be regarded as an extreme manifestation of the segregation of civil and criminal wrong.

   Where this segregation is in effect, the victim must seek a legal remedy for his injury through the civil courts, where the provisions of civil procedure apply. Besides India and Pakistan, and up to recent times New Zealand, the federal law of the United States utilizes this purely civil solution, though some state laws not only allow a claim for compensation to be entertained within the scope of the criminal procedure, but utilize the penal law in order to enforce the victim's claim.
2. Compensation, civil in character but awarded in criminal proceedings. This treatment of the problem of restitution seems to occur most frequently, but it is rarely applied in court practice. Since in this solution the clear distinction between civil and criminal wrong is still maintained, and since its administration within the framework of the criminal trial is therefore not mandatory, the courts tend to avoid applying it. Actually, in this variation a claim for restitution is allowed to be brought up as part of a criminal hearing.

   In the German legal system the hearing of such compensatory claims in criminal proceedings is termed "Adhäsionprozess," and this in itself indicates that the criminal part of

the trial dominates the procedure and takes precedence over the hearing of the victim's claim; the hearing of the criminal case and that of victim compensation are, in fact, independent of each other. In France, the victim's restitutive claim is known as "l'action civile," and at the criminal trial the victim is merely a "civil partie." In Hungarian law, the damage caused to the victim by a crime, though it can be sued for during the criminal procedure, is sued for by means of a "civil claim" only. In general, all legal systems that apply this solution to the problem of compensation emphasize the civil character of the victim's claim, although allowing it to be brought up during criminal proceedings. The predominance of the criminal case is ensured by various restrictions. First of all, almost all legal systems provide that, in cases where the victim's compensatory civil claim is going to cause inconvenience, the criminal court is allowed to direct that the victim's civil claim be heard in a civil court. This restriction is based on the consideration that the court's attention should not be diverted from the criminal case by work of a civil nature; such work is not the court's proper function.

In none of the legal system must the injured victim bring his claim against the wrongdoer before a criminal court, and even where the criminal court has considered the victim's claim suitable in the criminal procedure, the decision is made by means of civil procedural provisions (see, e.g., the system of the Dominican Republic, France, Holland, Hungary, Israel, Norway, Sweden, and other countries).

3. Restitution, civil in character but intermingled with penal characteristics and awarded in criminal proceedings. In this solution to the problem, which is strikingly different from the solutions previously mentioned, the victim's claim must be decided by the criminal court. While even here the restitution may retain civil characteristics, there can be no doubt of its general punitive nature.

   One form of this restitution is the compensatory fine, generally known as "Busse," which appears primarily in the German and Swiss legal systems, but also in some American laws, and in the law of Mexico. Essentially it is a monetary obligation imposed upon the offender as an indemnity to the victim, and is in addition to the punishment that would be ordinarily imposed by the criminal court.

   In another type of compensatory fine the court is authorized to go over the actual damage suffered by the victim and to require the offender to pay up to double or treble the value of the injury. This also can be found in the laws of some of the states of the United States. It is punitive to the extent that the award exceeds the actual loss. If the offender fulfills his obligation to indemnify the victim, the criminal proceedings may be closed and the offender discharged without punishment. By allowing restitution in lieu of punishment, the criminal law involves itself closely with the claim of the victim.

4. Compensation, civil in character, awarded in criminal proceedings and backed by the resources of the state.

   Here, as it existed in the Cuban system before Castro, compensation has no penal aspects whatsoever, and though it was awarded during criminal proceedings, it remained a purely civil institution. In this form of compensation the state steps into the legal shoes of the offender, as it were, and undertakes to fulfill all the indemnificatory obligations

imposed upon him by the court. A fund, specially set up and drawn from various sources, endeavors to perform, in the offender's stead, his compensatory obligations, and the victim is thus freed from the trouble of deciding how to enforce his claim. Having satisfied the victim's claim, the state seeks reimbursement from the offender.

It would not, perhaps, be going too far to say that this not only shows concern on the part of the state for the victim's interests, but may imply a recognition by the state that it has failed in its duty to protect the victim and to prevent the commission of the crime.

5. Compensation, neutral in character and awarded through a special procedure. This system is in force in Switzerland (since 1937), in New Zealand (since 1963), and in the United Kingdom (since 1964). It applies in cases in which the victim is in need and in which the offender appears to be insolvent and unable to satisfy the victim's claim for damages. Neither the civil nor the criminal courts are competent to exercise jurisdiction, but a separate and independent procedure leads to intervention by the state on the application of the victim. If the victim is successful in his application, the state compensates him for the injury or damage caused by the crime.

Since the injured person appears neither as victim nor as plaintiff but merely as an applicant, neither the procedure nor the indemnification can be termed either civil or criminal. It can even be argued whether this is restitution or compensation performed by the state or merely state assistance to a person whose loss or need was caused by a criminal offense.[1] It may resemble the California system and, in general, the trend toward compensation laws that is beginning in America (to be discussed later).

The persistent apathy toward compensation for the victim as an issue in criminal procedure may be one of the fundamental obstacles to providing higher legal status to the criminal-victim relationship. This apathy has prevented acceptance of the restitution concept expect in its narrowest form. With almost no exception, restitution or compensation to victims of crime is restricted to payment of civil damages, and its inclusion in criminal law would be regarded an achievement. In the penal system mentioned above the place of restitution in criminal law is evidenced by a legal situation in which criminal law merely provides a formalistic recording of a civil law performance. Although this obviously leads to reparation, it can result only in a virtual criminological mummification of civil law provisions. However, even this static and minimal understanding runs into difficulties, and the victim of crime continues to be ignored.

Nevertheless, the idea of compensation to victims of crime, an idea reborn in the middle of the twentieth century along with the idea of the importance of the victim's role, attracted particular interest by the late fifties and is today being developed, however tediously, into an operationally administrative reality. Probably the late Margery Fry was the first to urge acceptance of the idea and her pen drew popular attention to the case of a man in England who was blinded as the consequence of a criminal offense and was therefore awarded compensation of £11,500. Considering the fact that his two assailants were ordered to pay him five shillings weekly, "the victim will need to live another 442 years to collect the last instalment." Thus Margery Fry commented on the effectiveness of England's present-day compensation system.[2] Her plea for "better help" for the vic-

tim of crime is, like so many other modern ideas in criminal law and criminology, not a new notion at all. However, when the idea was raised, under the impressive title of "justice for victims," it had a very favorable reception and several occasions was discussed in the House of Commons.

This revival of the idea of victim compensation prompted the American "Round Table" articles.[3] In them several persons gave their reactions. These contained not only practical criticism of the English proposal, but also objections to the principle of state compensation and the abandonment of individual responsibility. Among other things, concern was expressed for "the sociological decadence that could come from that kind of thinking." However, practical benefits were also mentioned, and "the greater interest on the part of the public in the matter of law enforcement if the state compensation were to be adopted" was pointed out.[4] One commentator suggested that "the insured victim hardly fits the picture of the unfortunate object of pity …. he simply calls up his insurance company and lets them worry about it."[5] Also, it was argued, to restrict compensation to violent crime, as the late Margery Fry suggested, is to make an arbitrary and unnecessary distinction.[6]

In England, the Home Secretary's White Paper on "Penal Practice in a Changing Society," presented to parliament in February 1959, drew attention to the fact that "the assumption that the claims of the victim are sufficiently satisfied if the offender is punished by society becomes less persuasive" and "suggests … a reconsideration of the position of the victims of crime." Also, this White Paper reported Stephen Schafer's commission, given to him by the British Home Office, to work on the problem of restitution.[7]

Later on, a Private Member's Bill entitled "The Criminal Injuries (Compensation) Bill" was presented to the House of Commons. Submitted by R. E. Prentice, it attempted to solve the restitution problem from the angle of insurance.[8]

Later another White Paper[9] was presented to Parliament, and then a third,[10] this time jointly with the Scottish Home Office. Both were entitled "Compensation for Victims of Crimes of Violence." Debates were held on May 4, 1964, in the House of Commons; on May 7, 1964, in the House of Lords; and on June 24, 1964, in the House of Commons. On August 1, 1964, the British government introduced a nonstatutory scheme on an experimental basis and appointed a "Criminal Injuries Compensation Board" to administer it. Through this Board compensation is assessed on the basis of common law damages and takes the form of a lump-sum payment.[11]

Italy is also preparing a victim-compensation sceme.[12]

New Zealand, somewhat before the English experiment passed "An Act to provide for the compensation of persons injured by certain criminal acts, and of dependents of persons killed by such acts."[13] This became effective on January 1, 1964. In this case, too, an appointed "Crimes Compensation Tribunal" is in charge of awarding a nonstatutory payment of compensation. In his evaluative description of this scheme, Bruce J. Cameron suggests that the New Zealand act has two advantages: "there is the material benefit from the awards of compensation that may be made by the tribunal, and in addition there is the psychological effect on the community produced by the very fact that there

is such a scheme in existence."[14] It is worth mentioning that New Zealand government is now considering an extension of its legislation in order to provide compensation for those who sustain a property loss through the acts of escaped prisoners during the course of escape.[15]

Restitution and compensation

"Restitution" and "compensation", terms often used interchangeably, represent in fact two different points of view. Compensation, in criminal-victim relationships, concerns the counterbalancing of the victim's loss that results from the criminal attack. It means making amends to him; or, perhaps better stated, it is compensation for the damage on injury caused by a crime against him. It is an indication of the responsibility of the society; it is a claim for compensating action by the society; it is civil in character and thus represents a noncriminal goal in a criminal case. As opposed to compensation, restitution in criminal-victim relationships concerns reparation of the victim's loss or, better, restoration of his position and rights that were damaged or destroyed by and during the criminal attack. It is an indication of the responsibility of the offender; it is a claim for restitutive action on the part of the offender; it is penal in character and thus represents a correctional goal in a criminal case. Compensation calls for action by the victim in the form of an application, and payment by society; restitution calls for a decision by a criminal court and payment by the offender.

The purpose of this book is not to give an account of the centuries-old dispute about the difference between criminal and civil wrongs; still less is it intended to argue this much disputed question, which is one of those problems of the legal sciences in which a spectacular multiplicity of opinions have for so long differed. "Compensation versus restitution" is concerned with the problem of the extent to which legal system try to separate criminal and civil wrongs, both theoretically and practically. At present the majority of legal provisions calls for compensation based on the principle of distinguishing between criminal and civil wrong. Such system reject the unitary view of wrong, according to which wrong is simply a breach of the law, it being immaterial what sort of law is transgressed. The present general view and the American trend is toward compensation: no matter what the cause of the loss or the injury may be, the claim (for compensation), even if it was caused by crime, is considered a civil matter only and is not to be connected with the disposition of the criminal case and correctional action against the criminal.

However, a thoughtful consideration of the place of compensation or restitution in our norm-system calls for more that speculation about the elusive boundary between criminal and civil wrongs. It would be well to begin by abandoning traditional concepts of what is and what is not the state's interest in the suppression of crime. In spite of theoretical distinctions, criminal law and civil law seem to be more integrated than ever before. It was not inappropriate when ancient Roman jurists described punishment as "satisfaction." Indeed, the victim not only tends to think of criminal justice as nationalized vengeance, but also

expects indemnification for the damage caused him. The victim expects the criminal to be morally reproached for the crime; in addition he expects a certain degree of injury to be inflicted upon the offender in order to satisfy his desire for revenge.

If it were realized that this "spiritual" satisfaction is implicit in any system of punishment, a new concept of the purpose of punishment might arise. Beside protection of law and order in the abstract and reform of the criminal, the victim's claim to restitution can be the third element of punishment. In the retributive sense, restitution exists in punishment even at present, but true restitution can develop if spiritual satisfaction were replaced by material satisfaction.

When Kathleen Smith recommended the "self-determinate prison sentence" as "a cure for crime," and proposed that all victims of crime should be "compensated" through the personal labor of the prisoner in the correctional institution, she was illustrating the idea of restitution as made personally by the offender.[16] This proposal has been expressed by many others during the past seventy years. As early as some 450 years ago Sir Thomas More, In *Utopia*, proposed restitution ("to the right owner, and not, as they do in other lands, to the king") so that the offenders themselves should be "condemned to be common laborers, and, unless the theft is very heinous, they are neither locked in prison, nor kept in fetters, but are untied and go at large, laboring on the public works." In connection with the punitive aspects of restitution, Herbert Spencer suggested that restitution should be made through prison work and the prisoner's income and that the offender should be kept in prison until restitution is completed.[17] Another suggestion was made by Garofalo. He felt that in cases where the offender is solvent his property should be confiscated and restitution made therefrom by order of the court; if insolvent, he should be made to work for the state.[18] Still another proposal, made by Prins and also by Garofalo, was to balance the burden of fines and restitution between the rich and the poor. According to this proposal, a poor man would pay in days of work, a rich man by income or salary based on an equal number of days of work. If, say, $2 represented the value of a day's work, and the poor man were sentenced to pay $2, he would be released after giving one day's labor to the victim. The rich man, instead of being sentenced to so many days of labor, would pay out of income or salary an amount based on an equal number of days work. If this represented, say $200 a day, he would have to pay accordingly.[19]

The "noble way" to care for the victim is to make is possible for the offender to fulfill his obligation through income from work.[20] This noble way may be very effective, provided that it is not forgotten that the corrective-punitive side of restitution can be a valuable aid to reforming the criminal. Schafer proposed "correctional restitution" and suggested that if the offender were at liberty after punishment, but had to make restitution through work, restitution would retain its punitive-reformative character. At the same time the state would be relieved to a certain extent of the need to solve the problem of restitution; however, the criminal court should have to consider this question within the scope of the criminal procedure that deals with the criminal case itself.[21] As Albert Eglash suggested, restitution should be made by the offender; it ought not to be something done for him or to him. And since it requires effort on his part, it may be especially useful in strengthening his feelings of re-

sponsibility.[22] If performance of the restitutive obligation affects the freedom of work of the offender, or even his personal liberty, this would constitute an extension of his punishment. If restitution is unconnected with the criminal procedure involving the actual offense and is performed by the state for the criminal, this would be compensation that is civil in character and not far removed from the concept of damages.

Thus, if the criminal-victim relationship is to be maintained to the very end of the criminal case, punitive restitution – not damages and not even restitutive punishment – seems to be the effective way of developing and utilizing the functional responsibility of the participants in the crime.

Notes

1. See details in Stephen Schafer, *Restitution to Victims of Crime* (London and Chicago, 1960), pp. 101-08.
2. Margery Fry, "Justice for Victims," *The Observer* (London, July 7, 1957).
3. "Compensation for Victims of Criminal Violence, a Round Table," *Journal of Public Law*, 8 (Atlanta, 1959), 191-253.
4. *Ibid.*, p. 202. Fred E. Inbau is quoted.
5. *Ibid.*, pp. 209-10. Henry Weihofen is quoted.
6. *Ibid.*, pp. 229-30. Gerhard O. W. Mueller is quoted.
7. Schafer, *Restitution, op. cit.*
8. R. E. Prentice, M.P., Bill 33, November 11, 1959.
9. *Compensation for Victims of Crimes of Violence*, Home Office (London, June 1961), Cmnd. 1406.
10. *Compensation for Victims of Crimes of Violence*, Home Office (London, March 1964), Cmnd. 2323.
11. Letter of H. B. Wilson, *Home Office* (London, August 7, 1964).
12. Marvin E. Wolfgang, *Patterns in Criminal Homicide* (Philadelphia, 1958), p. 26.
13. No. 134, October 25, 1963.
14. Bruce J. Cameron, "Compensation for Victims of Crime: the New Zealand Experiment," *Journal of Public Law*, 12 (1963), 367-75.
15. Letter of J. L. Robson, Secretary for Justice, Department of Justice (Wellington, January 20, 1966).
16. Kathleen J. Smith, *A Cure for Crime: The Case for the Self-Determinate Prison Sentence* (London, 1965). The basic idea appeared in an article *The Spectator* in 1964.
17. Herbert Spencer , *Essais de morale de science et d'esthétique: Essais de politique*, II (4th ed., Paris, 1898), VIII, *Morale de la prison*, p. 352.
18. Raffaele Garofalo, *Criminology*, trans. R. W. Millar (Boston, 1914), pp. 419-35. This differs somewhat from his proposal to the Paris Prison Congress in 1895. There he suggested that instead of going to prison, the man should work for the state, retaining for himself only enough to keep from starving. The rest would go into a "caisse d'épargne" for the reparation of the wrong. *The Paris Prison Congress*, 1895, Summary Report (London, n.d.).
19. Samuel J. Barrows, *The Sixth International Congress, Brussels, 1900, Report of Its Proceedings and Conclusions* (Washington, 1903), p. 52.
20. Carlo Waeckerling, *Die Sorge für den Verletzten im Strafrecht* (Zürich, 1946), p. 130.
21. Schafer, *Restitution*, op. cit., pp. 128-29.
22. Albert Eglash, "Creative Restitution, Some Suggestion for Prison Rehabilitation Programs," *American Journal of Correction*, 6 (November-December 1958), 20-34.

VICTIM COMPENSATION IN AMERICA

MEETINGS OF THE AMERICAN SOCIETY OF CRIMINOLOGY

In addition to legislative efforts and experiments in various parts of the world, the academic platform has been used to urge restitution or compensation to victims of crime. For example, the American Society of Criminology devoted a full meeting to this problem.[47] At this meeting Gerhard Mueller and John Edwards made general recommendations; Robert Childres viewed the question from the angle of personal injury; James Starrs suggested that compensation for victims of crime be considered as part of the general problem of insurance law; Marvin Wolfgang and Stephen Schafer presented their views.

Wolfgang supported the principle that society has a responsibility to compensate the victim of a criminal assault. He suggested that this principle is neither new nor a radical departure from prevailing political and legal norms in Western culture, although legislation providing for victim compensation by the state would be an innovation in contemporary criminal law. However, Wolfgang proposed that if state compensation to the victim is adopted as a logical extension of the concern of criminal law for both parties in a two person crime of personal violence, then some system for measuring harm is required and some standard of, and system for, judging the degree if harm must be established. His research with Thorsten Sellin on the measurement of delinquency was offered toward this end; since it was able to reduce crimes against the person and against property to a unidimensional base, this provided a way to equate the seriousness of the offenses. "If there is a virtue in establishing a state system of victim compensation, there should be a virtue in exploring the dimensions of the relationship between money values and physical harm beyond the arbitrary notions of a legislative committee.[48]

Schafer, however, supported the idea that compensation to the victim of crime should be the personal responsibility of the offender and a part of the correctional process. In terms of correctional restitution to victims of crime, the offender should understand that he has hurt not only the state, and law and order, but also the victim. In fact the victim primarily is injured, and as a result the abstract values of society are injured as well. From this viewpoint restitution not only makes good the injury or loss, but at the same time helps in the correction, reform, and rehabilitation of the offender, and can be regarded not as an extension but as a part of sentence. Correctional restitution could be a part of the synthetic punishment, a response of criminal justice to the functional responsibility of the criminal.

The efforts of the American Society of Criminology in renewing the interest in victim compensation were not fruitless. Law journals and popular magazines started to publish articles on the subject. This almost forgotten problem of restitution to victims of crime "made its appearance on the postmidnight radio talkathons, in the popular magazines, and

the Sunday supplements. The very question – why not pay the victim of crime? – seem appealing to anyone with a social conscience."[49] Perhaps the most important recent contribution to the victim compensation problem has been the Minnesota Law Review Symposium.

The Minnesota Law Review Symposium

"An examination of the scope of the problem" was published by the *Minnesota Law Review* in the form of a symposium on the subject of compensation to victims of crimes of personal violence. Contributors were Gerhard O. W. Mueller, Marvin E. Wolfgang, Stephen Schafer, Ralph W. Yarborough, Robert D. Childres, and James E. Starrs. The editorial introduction stated that "it is hoped that the suggestions offered, the problem posed, and the guidelines presented will add impetus to further study and eventual solution of this topical issue."[50]

In his article, Mueller states that the primary purpose of the symposium is "to circumscribe the grand outlines of the problem in an attempt to direct subsequent research and ultimate sociopolitical action." He attempts to clarify the concept of victim compensation and seems to accept the term "in the sense of payments by a government agency to persons injured by a criminal agency." He wonders how much this would cost and suggests that "if the Government wants to parallel the operations of a private insurance enterprise," the total cost of the administration of criminal justice should be taken into account, but that the difficulty here is that we do not know this figure. Mueller is aware of the enormous difficulties that stand in the way of victim compensation schemes, but hopes for an advance "from research thought to research action, and ultimately, to implementation."[51]

Wolfgang explores and supports the principle that society has a responsibility to compensate the victims of violent crimes. He suggests that "the federal and various state workmen's compensation laws provide a useful analogy and contemporary precedent for the proposal of victim compensation."

He also proposes "some system for measuring harm,"[52] and recommends his "measurement of delinquency," which he developed with Thorsten Sellin.[53] This offers suggestions for measuring the gravity of injury in terms of money values. Wolfgang views the victim as a contributing and supporting member of a society "which has failed to protect him against certain types of crime"; this is why the society should "undertake the obligation to compensate the victim of a criminal assault."[54]

Schafer couples his concern for the victim with an examination of the restitutive effect a compensation system can have on the offender.

He proposes that the criminal be considered a member of his cultural group, and that his crime be viewed in terms of his social relationships. He suggests that attention be directed to what he tentatively calls "the criminal's functional responsibility," rather than to the isolated criminal act. He recommends a scheme wherein the administrator of criminal justice would deal not with civil damages but with "correctional restitution." This should become a part of the sentence and thus an institution of the criminal law. In terms of correctional benefits, a modern restitution system should make the offender understand that he has di-

rectly injured the victim as well as the state, and law and order. Schafer refers to his research on violent crimes: many offenders evidenced no guilt feelings and could neither understand nor accept their functional responsibility to society or to their victims. "Their understanding of incarceration seemed limited to what they viewed as merely a formal or normative wrong, which had to be paid for to the agencies of criminal justice, but to nobody else."[55]

Senator Ralph Yarborough analyses his bill to provide victim compensation within federal jurisdiction. He suggests that "the idea is so simple and just that its novelty makes less of a first impression than the regret that the idea has not been previously adopted." He views the victims as a needy class and recognizes the compensative duty of the state. Yarborough thinks that "in view of the many social welfare programs that are in operation, the failure to recognize the special claims of this group seems to be a gross oversight."[56]

Robert Childres comments upon the Yarborough bill and the California legislation. He also brings up a number of general problems, and argues with Mueller's and Schafer's approach to the restitution problem. He finds "unfortunate omissions" in the Yarborough proposal and suggests that the California welfare department will not be able to mold its statute into a decent program.

Childres calls attention to the cost of compensation and does not think it too great. He also calls attention to federalstate relationships, and suggests that the proposed reform will not "provoke fears of bureaucratic monsters."[57] However, fraudulent claims should be watched, although this seems to be only marginal problem.

James Starrs discusses the problem from the angle of private insurance programs that may provide the necessary protection to victims. He has little doubt about the necessity of state compensation programs. However, "undoubtedly, more can be done and would be if insurance companies assumed a greater share of the cost of crime."

Starr suggests that all compensation schemes have the drawback of keeping the level of payments so low that "full compensation for all damages must be a rarity under them." In his view "insurance provides the ideal setting for achieving payments more commensurate with the losses actually sustained by crime victims." In his thinking, "private insurance plans need no defenders," and although some persons will reject the advantages of the flexibility and variability of these policies, "that is no reason for haste in governmental intervention." Starrs refers to the California legislation in supporting his contention that "the thrust of proposals for state compensation is predicated upon the indigency or irresponsibility of some crime victims."[58]

While the *Minnesota Law Review* Symposium urged compensation for victims of crime, Cuba, Switzerland, New Zealand, and the United Kingdom had already introduced compensation schemes. California was the first American state in which the legislature enacted compensatory assistance for victims, and, as mentioned in the symposium, bills were introduced into both houses of the United States Congress. "Programs designed to compensate persons injured by crimes of violence represent in an important sense an attempt to placate a public opinion often unnerved and resentful of what is viewed as a rising tide of aggressive criminal activity." So says Gilbert Geis.[59] Indeed, many of the efforts that have been made are for cooling public anger against crime, rather than for achieving a better understanding

of it. However, in addition to the numerous "popular" demands for victim compensation, there also appeared, mainly from the middle of 1965, a great number of articles in professional journals that emphasized the importance of the issue.[60]

Notes

47. December 1964, Montreal, Canada.
48. Thorsten Sellin and Marvin E. Wolfgang, *The Measurement of Delinquency* (New York, 1964)
49. Gerhard O. W. Mueller, "Compensation for Victims of Crime: Thought Before Action," *Minnesota Law Review*, 50 (December 1965), 213.
50. Gerhard O. W. Mueller, Marvin E. Wolfgang, Stephen Schafer, Ralph W. Yarborough, Robert D. Childres, and James E. Starrs, "Compensation to Victims of Crime of Personal Violence: an Examination to the Scope of the Problem, A Symposium," *Minnesota Law Review*, 50 (December 1965), 212.
51. Mueller, *op. cit.,* pp. 240, 241.
52. Marvin E. Wolfgang, "Victim Compensation in Crimes of Personal Violence," *Minnesota Law Review*, 50 (December 1965), 230, 234.
53. Sellin and Wolfgang, *op. cit.*
54. Wolfgang, *op. cit.,* pp. 240, 241.
55. Stephen Schafer "Restitution to Victim of Crime – An Old Correctional Aim Modernized," *Minnesota Law Review*, 50 (December 1965), 245, 249, 251, 254.
56. Ralph W. Yarborough, "S. 2155 of the Eighty-ninth Congress – The Criminal Injuries Compensation Act," *Minnesota Law Review*, 50 (December 1965), 255, 256.
57. Robert Childres, Compensation for Criminally Inflicted Personal Injury," *Minnesota Law Review*, 50 (December 1965), 278, 281, 282.
58. James E. Starrs, "A Modest Proposal to Insure Justice for Victims of Crime," *Minnesota Law Review*, 50 (December 1965), 305, 309, 310.
59. Gilbert Geis, "State Aid to Victims of Violent Crime," report to the President's National Crime Commission 1966, p. 1. (Mimeographed.)
60. *Albany Law Review*, June 1966, pp. 325-33; *American Bar Association Journal*, March 1966, pp. 237-39; *Harvard Law Review*, June 1965, pp. 1683-86; *Northwestern Law Review*, March-April 1966, pp. 72-104; *Notre Dame Lawyer*, April 1966, pp. 487-506; *Saint Louis University Law Journal*, 10:1965, pp. 238-50; *Stanford Law Review*, November 1965, pp. 266-73; *Texas Law Review*, November 1965, pp. 38-54; *University of Chicago Law Review*, Spring 1966, pp. 531-57; *Vanderbilt Law Review*, December 1965, pp. 220-28.