

Medical Criminology Notes #1*

Victim-Precipitated Criminal Homicide

PARK ELLIOTT DIETZ, M.D., M.P.H. * *

In 1948, Von Hentig provided the first systematic description of the varied roles of victims in generating crimes in *The Criminal and His Victim*.¹ He argued that there is a sense in which "the victim shapes and moulds the criminal" (p. 384), and that interaction between perpetrator and victim is a kind of collusion, albeit one without understanding or conscious participation. Although Von Hentig chose to emphasize a psychological classification of victims, he postulated, in passing, a four-point scale of victim attitudes:

- (1) apathetic, lethargic
- (2) submitting, conniving, passively submitting
- (3) cooperative, contributory
- (4) provocative, instigative, soliciting.

Von Hentig made no further use of this scale, but generally extended the concept of the *agent provocateur* to apply to a broad range of situations and actors.

Seven years later, in a review of some of Von Hentig's concepts, Ellenberger introduced the additional concept that it is sometimes a matter of chance whether a given participant becomes criminal or victim: "in a scuffle it is often impossible to determine the sequence of provocation and the vicissitudes of the 'unfortunate blow' which makes one of the combatants a murderer and the other the victim" (p. 261).²

The term "victim-precipitated criminal homicide" was introduced by Wolfgang to denote "those criminal homicides in which the victim is a direct, positive precipitator in the crime."³ Operationally, Wolfgang included under this heading those cases in which police files indicated that the victim was the first to show and use a deadly weapon or the first to strike a blow in an altercation. Of 588 consecutive criminal homicides in Philadelphia from 1948 through 1952, 150 (26%) were victim-precipitated.

By means of cross-tabular comparisons of victim-precipitated (VP) and non-victim-precipitated (non-VP) cases, Wolfgang demonstrated the following statistically significant associations:

*This literature review and bibliographic project is supported by the Samuel Bellet Library of Law, Medicine and Behavioral Sciences with the assistance of Rebecca Rutenberg, M.I.S. See the note on "Purpose and Sources" appended to this column.

**Dr. Dietz is Fellow in Forensic Psychiatry and Robert Wood Johnson Clinical Scholar at the Center for Studies in Social-Legal Psychiatry, University of Pennsylvania, Philadelphia, PA 19104. He is associate editor of the Bulletin.

- (1) VP victims were more frequently black;
- (2) VP victims were more frequently male;
- (3) VP offenders were more frequently female;
- (4) VP cases were more frequently stabbings;
- (5) where females killed males, a greater proportion of cases were VP;
- (6) killings between spouses were more frequently VP;
- (7) alcohol was more frequently present in VP cases;
- (8) alcohol was present in the victim in a greater proportion of VP cases;
- (9) victims had previous police records in a greater proportion of VP cases;
- (10) victims had previous police records for offenses against the person in a greater proportion of VP cases;
- (11) offenders had a previous police record in a lesser proportion of VP cases.

These observations and the character of the cases on which they were based led Wolfgang to conclude that victims frequently have characteristics expected of offenders and that it is probably often that chance alone determines which of two potential offenders becomes the victim.

In a later paper, Wolfgang suggested that the VP homicide victim is typically a member of the lower socioeconomic class who seeks to destroy himself because of unconscious guilt, and who, not having introjected the murder object sufficiently to commit orthodox suicide, enlists an intimate friend or spouse as a parent-like dispenser of physical punishment. Oriented toward physical punishment from others, the VP homicide victim commits suicide indirectly by provoking another person to kill him.⁴

Voss and Hepburn reviewed 394 of 395 criminal homicides in Chicago in 1965, using Wolfgang's definition of VP homicide with the additional specification that victims who were committing felonies requiring force (*e.g.*, robbery or rape) were classified as VP (Wolfgang was not explicit on this point). Of 311 cases in which sufficient information was available, 118 (37.9%) were VP.⁵ The Chicago study confirmed Wolfgang's findings regarding the higher frequencies in VP cases of nonwhite victims, male victims, and alcohol present in the situation. VP homicides were especially likely to be between close friends or family members. There was no preponderance of stabbings among VP cases in Chicago, perhaps because shooting had become a more common means of homicide by 1965.

Curtis analyzed 1967 data from 17 American cities and found that 22% of 668 homicides cleared by arrest and 14% of 192 uncleared homicides were VP.⁶ For many cases, however, insufficient information was available for making this determination; if analysis is limited to cases with sufficient information, the percentages rise to 39% for cleared and 32% for uncleared homicides. Curtis also noted that victim precipitation was more prevalent in the North Central than in the Northeast cities and that VP victims were more frequently male.

Wolfgang, Voss and Hepburn, and Curtis⁷ all found victim precipitation to be independent of victim age and the location of the offense. Although his data are weak on this point, Curtis argues, with Wolfgang, that in homicides growing from

relatively trivial ghetto altercations among poor black males, many of whom are characterized by victim self-conceptions, defensive toughness, hard drinking, weapons possession, and overt physical displays of masculinity . . . distinctions between victims and offenders are often blurred and mostly a function of who got whom first, with what weapon, how the event was reported, and what immediate decisions were made by police.⁸

References

1. Von Hentig H: *The Criminal and His Victim: Studies in the Sociology of Crime*. New Haven, Yale University Press, 1948
Psychological types of victim: the depressed; the acquisitive; the wanton; the lonesome and the heartbroken; the tormentor; blocked, exempted, and fighting victims.
2. Ellenberger H: Psychological relationships between criminal and victim. *Arch Crim Psych* 1:257-290, 1955
Develops the concept of "the latent victim" and suggests a rudimentary typology of victim-offender relationships.
3. Wolfgang ME: Victim-precipitated criminal homicide. *J Crim Law Criminol Police Sci* 48:1-11, Jun 1957
The first quantitative study of the subject. A classic.
4. Wolfgang ME: Suicide by means of victim-precipitated homicide. *J Clin Exp Psychopathol* 20:335-349, Dec 1959
Unusual attempt to integrate sociological data on homicide with psychological theories of suicide.
5. Voss HL, Hepburn JR: Patterns in criminal homicide in Chicago. *J Crim Law Criminol Police Sci* 59:499-508, Dec 1968
Replication of Wolfgang's Philadelphia study.
6. Curtis LA: Victim precipitation and violent crime. *Soc Prob* 21:594-605, Apr 1974
Provocation is not uncommon in criminal homicide and aggravated assault, less frequent in robbery, and perhaps least relevant in forcible rape.
7. Curtis LA: *Criminal Violence: National Patterns and Behavior*. Lexington, Mass., Lexington Books, 1974
The chapter on victim precipitation expands the interpretation offered in Curtis' Social Problems paper and reviews additional cross-cultural evidence.
8. Curtis, *op. cit.*, n. 6

Other Sources

9. Wolfgang ME: *Patterns in Criminal Homicide*. Philadelphia, University of Pennsylvania Press, 1958
The full presentation of Wolfgang's Philadelphia study, including the well-known finding of a high frequency of close relationships between victim and offender.
10. Macdonald JM: *The Murderer and His Victim*. Springfield, Ill., Charles Thomas, 1961
The chapter on homicide victims reiterates material from Von Hentig, Ellenberger, and Wolfgang, and adds only a few examples.
11. Morris T, Blom-Cooper L: The victim's contribution. In Wolfgang ME (ed): *Studies in Homicide*. New York, Harper & Row, 1967, pp. 66-71
Suggests, based on anecdotal evidence, that heterosexual relations are a frequent situational concomitant of homicides with victim provocation, as in slayings between spouses or lovers, rape murders, or vigorous defense by women against male housebreakers.
12. Gold LH: Invitation to homicide. *J Forensic Sci* 10:415-421, Oct 1965
A single case report.
13. Fooner M: Victim-induced criminality. *Science* 153:1080-1083, Sep 1966
The possibility of increasing victim-precipitation of offenses is one reason to be wary of proposals for victim compensation.
14. Fooner M: Victim-induced, victim-invited and victim-precipitated criminality: Some problems in evaluation of proposals for victim compensation. *Iss Criminol* 2:297-304, Fall 1966
Reprinted from Fooner's paper in Science.
15. Fattah EA: Towards a criminological classification of victims. *Int Crim Police Rev* 22:163-169, 1967
Reviews previous classifications and suggests that victims be classified as non-participating, latent or predisposed, provocative, participating, or false (each with subgroups).
16. Shafer S: *The Victim and His Criminal: A Study in Functional Responsibility*. New York, Random

House, 1968

A treatise on the responsibility of the criminal for compensation or restitution to his victim, and the responsibility of the victim for his own victimization.

17. Schultz LG: The victim-offender relationship. *Crime & Delinquency* 14:135-141, Apr 1968
Probation and parole officers must understand victim-offender relationships and should include victimological information in presentence and other reports.
18. Lamborn LL: Toward a victim orientation in criminal theory. *Rutgers Law Rev* 22:733-768, 1968
Focuses on victim compensation, but suggests other applications of victimological information to criminal theory.
19. Houts M: They Asked for Death. New York, Cowles Book Co., 1970
Narrative accounts of homicides and assaults with victim provocation.
20. Solomon GF: Capital punishment as suicide and murder. *Am J Orthopsychiatry* 45:701-711, Jul 1975
Suggests that where there is a death penalty for murder, murder can result from suicidal motives; it can thus be an indirect and delayed form of victim-precipitated homicide.

Purpose and Sources of Medical Criminology Notes

As I have discussed elsewhere,¹ the fractionation of legal medicine into forensic psychiatry, forensic pathology, and medical jurisprudence/health law causes an unfortunate isolation of medicolegal specialists. In addition, traditional academic, professional, and other institutional boundaries promote the isolation of medicolegal information sources from criminological and criminalistic information sources.² It is hoped that this series of Medical Criminology Notes will help to draw the attention of forensic psychiatrists to some of the topics about which there has been an accumulation of knowledge in related disciplines.

Inasmuch as a good many unfamiliar sources will be cited in this series, a comment about the availability of these sources may be in order. Medical libraries in the United States have access to xerographic services and loans from Regional Medical Libraries and the National Library of Medicine, and these can be extremely valuable resources.

Many of the sources referred to in this series will not be found in medical libraries; readers interested in locating particular sources are advised to establish liaison with university libraries. Many of the criminology journals are received by libraries serving sociology departments, psychology departments, and law schools. Some of the most important papers in criminology are published in general sociology journals. The forensic science journals are most readily located in law libraries, large medical libraries, and libraries serving toxicologists and chemists. Depending upon regional policies, interlibrary loan resources may be very helpful. A reasonable number of requests can also be handled by the Samuel Bellet Library of Law, Medicine and Behavioral Sciences at the Hospital of the University of Pennsylvania, Philadelphia, PA 19104.

References

1. Dietz PE: Clinical approaches to teaching legal medicine to physicians: Medicolegal emergencies and consultations. *Am J Law & Med* 2:133-145, Summer 1976
2. Dietz PE: Toward a scientific forensic psychiatry. *J Forensic Sci* 22:774-780, Nov 1977