

A Gender Perspective on State Support for Crime Victims in Switzerland

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► **A Gender Perspective on State Support for Crime Victims in Switzerland**
Anne Kersten / Monica Budowski (pp. 127 - 140)



A Gender Perspective on State Support for Crime Victims in Switzerland

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Since the mid-twentieth century, the effects of violence and crime on the victim have become an increasingly important topic. In Switzerland, men and boys are affected by criminal acts of violence recorded by the police to a similar extent as women and girls. The Victims of Crime Act (VCA; Opferhilfegesetz, OHG), in place since 1993, treats men and women equally. It guarantees free legal, medical, psychological and social counselling, as well as some financial compensation, for victims of violent crime. However, male victims of violence are clearly underrepresented in victim support. This article seeks explanations: it first looks at the extent of reported and not-reported criminal acts to explain the differences. The review of the literature suggests that “being victim” is linked to “femininity”. This leads to the elaboration of a theoretical framework on the gender-regime in this field. The main argument is that institutions treat “being a victim” differently for men and women and that the consequences of being a victim are different for men and women. To analyse the argument, we carry out a discourse-analytical study on how the social negotiation processes of “becoming a victim” take place. We find that victimised men and women differ in the manner and extent to which they are construed as victims in these negotiation processes. This affects the way victim support is organized and entails manifest effects regarding use of victim support and the expected clientele counselling services.

Since the mid-twentieth century, the effects of violence and crime on the victim have become an increasingly important topic in politics and society. A number of countries, mainly in the industrialised world, have enacted programmes and laws designed to uphold the needs and rights of victims. Such steps, for example, were taken in New Zealand in 1963, in the United Kingdom in 1964 and in Germany in 1976 (Spalek 2006). In Switzerland, the Victims of Crime Act (VCA; Opferhilfegesetz, OHG) has been in place since 1993. The act guarantees free legal, medical, psychological and social counselling, as well as some financial compensation, for victims of violent crime (Opferhilfegesetz 2007). As one of the most comprehensive victim support laws, it stipulates that victims of violence are to be offered quick and efficient support in specialised, state-subsidised counselling centres.

In 2010, 24,648 people affected by violence received support through the Swiss victim support counselling centres (see Table 1). Of these, 24.3 percent were male and 75.7 percent female. This would suggest that women and girls are affected by violence and crime to a much greater extent than men and boys. While victims are not required to have submitted a complaint to the police before they access the victim support scheme, the list of criminal offences that entitle them to receive support corresponds to the classification of violent offences used in the police crime statistics (PCS; polizeiliche Kriminalitätsstatistik). Consulting the PCS, however, casts doubt on the assumption that women are more likely than men to be victims of violence. According to the statistics, 35,528 individuals were victims of violent crimes registered with the Swiss police in 2010 (Table 1). Of these, 52.6 percent were male and 47.6 percent female.

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Table 1: Victims receiving advice according to victims of crime statistics and victims of violence according to police crime statistics, Switzerland

		2010	
		VCS	PCS
Male victims	Number	6,001	18,687
	% male	24.3	52.6
Female victims	Number	18,647	16,841
	% female	75.7	47.4
Total		24,648	35,528
%		100.0	100.0

Data sources: Federal Statistical Office, victims of crime statistics (VCS), database as of 16 May 2012, own calculations; Federal Statistical Office, police crime statistics (PCS), database as of 11 February 2011. For this comparison, only the offence categories available in both VCS and PCS were included (Kersten 2015, 200)

This means that, at least in Switzerland, men and boys are affected by criminal acts of violence recorded by the police to a similar extent as women and girls. The VCA, in turn, treats men and women equally. The question therefore arises, why male victims of violence are so clearly under-represented in victim support.

One possible explanation is that the figures in Table 1 provide only a limited and incomplete picture of the violence affecting men and women. It is known that the police crime statistics merely reflect reported offences, in other words, cases in which a prosecution is brought (Walklate 2004); the extent of unreported cases is a matter of estimation. The VCS, by contrast, provides an indication of unrecorded cases, of incidents of criminal violence that are not necessarily reported to the police. In order to put these specific insights concerning reported and unreported violence into context, the first section outlines the current research into victims of violence by sex over time in various countries.

Another possible explanation for the differences between men and women in Swiss victim support services applies macro-societal considerations from a gender perspective. The different figures from police crime statistics and vic-

tims of crime statistics in Table 1 suggest that being affected by violence does not automatically make people victims. We argue that being categorised a victim and hence receiving state support is the result of – always provisional – social negotiation, recognition and attribution processes. These processes are determined by the institutional framework, the interests of the actors involved, and the gender images that are mediated by both the individuals involved and the environment. Gender refers to the social construction and representations of what men and women are and/or should be; such images are embedded in mutual relationships of power and represent a structure and a mechanism of social relationships. Gender structures relationships between the sexes, with “sex” categorising the population into male and female. Our perspective conceptualises victim support as part of the welfare state gender regime (Lewis 2002; MacRae 2006) in which society (possibly) treats women and men affected by violence in different ways. The second section describes these theoretical foundations. The third section presents the discourse-analytical approach used to study social negotiation processes. The fourth section discusses the findings of the authors’ study that examined the creation and implementation of the Swiss Victims of Crime Act in light of the above argument.

1. Women and Men as Victims of Violence – the Current State of Research

The figures for victims of violence by sex shown in Table 1 are inconsistent: three-quarters of the victims seeking assistance are female, whereas more than half of victims of violence reported to the police are male. Therefore the questions arise: Are women and men affected by violence to a similar extent? What are the consequences of violence for victims? And how do they cope with their experience?¹

The sex ratio of individuals receiving assistance through the Swiss victim support programme has remained relatively constant since the enactment of the VCA: around 25 percent of assisted individuals are male (Bundesamt für Justiz 1996, Bundesamt für Statistik 2014). Similarly, the figures for violent crime recorded by the police for the years 2002–2011 indicate that the victims were male in

¹ The research results outlined below focus on industrialised countries, since state regulation of vic-

tim support is largely confined to these countries. Figures for girls and boys are included if minors are

distinguished in the relevant studies. Otherwise, violence against children is not treated separately.

more than 50 percent of reported cases.² There are differences when it comes to the type of violence: men and boys are more frequently victims of homicide, bodily harm and robbery, while women and girls are more likely to be victims of sexual offences (Bundesamt für Statistik 2012, Bundesamt für Polizei 2009). The same differences also occur in relation to offences for which people seek help through the victim support programme. According to international victim surveys, 6.6 percent of men and 5.8 percent of women (above the age of 16) in Switzerland were victims of violence in the years 1989 to 2000 (Verweij and Nieuwbeerta 2002). National victim surveys conducted in 2005 and 2011 confirm both the slightly higher prevalence of violence against males, as well as the sex differences in the aforementioned offence categories (Killias, Haymoz, and Lamon 2007; Killias et al. 2011). For Switzerland there are no other studies that yield sex-based information on victims of violence. In all studies, violence and thus “becoming victim” is always defined on the basis of criminal criteria.

The police crime statistics for other countries (Bundeskriminalamt 2012; Flatley et al. 2010; Gannon and Miho-rean 2005; Jansson 2007; Rennison 2001; Truman and Planty 2012) and victim surveys (van Dijk, Kesteren, and Smit 2007; Verweij and Nieuwbeerta 2002) show figures similar to those for Switzerland.³ They depict the following (quantitative) picture since the 1980s: Men and boys in industrialised countries tend to be slightly more frequently affected by interpersonal violence and crime than women and girls. There are country-specific differences in overall levels of violence but not in the proportion (percentage) of female and male victims of violence. In terms of types of violence, the sex differences described above for Switzerland also apply. Moreover, men and boys are more frequently affected by violence in the public sphere, while women and girls are more frequently affected in the private sphere of family and partner-type relationships. Apart from police crime statistics and victim surveys, there are very

few studies from other countries that focus on victims of violence by sex and take into account different types of violence. A number of studies focus on domestic violence and/or violence against women (for example BMFSFJ 2004b; European Union Agency For Fundamental Rights 2014; Schröttle and Glammeier 2013; WHO 2013), while male victims of violence have been treated as a peripheral issue only (BMFSFJ 2004a; Hagemann-White 2002; Martinez and Schröttle 2006; Newburn and Stanko 2002). Tjaden and Thoennes’s study (2000) is an exception: They interviewed a representative sample (N=16,000) of women and men (age 18 and older) in the United States about experiences of violence in their life to date (including childhood). Their definition of violence was broader, encompassing rape, different forms of physical assault and stalking, as well as others that are not (yet) part of criminal criteria of violence. The findings correspond to the results described above: 66.9 percent of the men and 55.9 percent of the women had been victims of violence at some point in their lives.

Being affected by violence is not the only relevant factor when claiming benefits under government assistance programmes. The physical and mental injuries and impairments that victims have to cope with are also relevant. Indeed, helping victims to cope with their experience is an important aim of the victim support services (Kersten 2012). In the aforementioned survey by Tjaden and Thoennes (2000), 31.5 percent of female victims of rape and/or physical assault (in comparison to 16.8 percent of male victims) stated that they had been physically injured in the assault (abrasions, bruises, broken bones, gunshot wounds); psychological harm and trauma were not investigated. Research is lacking, for Switzerland and for other countries, regarding injuries and harm caused by violence on a sex-specific basis. Thus far, studies that focus on the needs of crime victims in relation to by harm and injuries have paid little attention to the category of sex (Boom and Kuijpers 2012).

² PCS for the whole of Switzerland are available from 2009. The figures for previous years are approximations that include only selected criminal offences (for example homicide, bodily harm and sexual

offences) and serve mainly as a basis for identifying trends over time (Bundesamt für Polizei 2009).

³ The studies consulted include national research findings from the United Kingdom, the United

States, Canada and Germany, as well as comparative international studies of various industrialised countries.

Apart from violence research, trauma research is also concerned with the impact of potentially traumatic events (including violence). The findings are ambiguous. Some studies indicate that men generally experience more traumatic events than women, whereas women are more likely to develop post-traumatic stress disorders as a result of what they experience (for example, Stein, Walker, and Forde 2000). Other studies found no significant sex differences regarding the development of post-traumatic stress disorder (for example Maercker et al. 2008). Further studies conclude that men are less likely than women to develop post-traumatic stress disorder, yet more likely to suffer depression, physical ill health and alcohol problems in the aftermath of traumatic events (for example Pimlott-Kubiak and Cortina 2003).

Numerous studies and policy measures (BMFSFJ 2004b; Egger and Schär Moser 2008; European Union Agency For Fundamental Rights 2014; Martinez and Schrötle 2006; WHO 2013) have dealt with the diverse and profound consequences of violence for women and the ways in which they deal with the effects of violence. Male victims of violence have not yet received the same attention. The only data available at present comes from a few qualitative studies that provide some initial limited information on the subject (BMFSFJ 2004a; Burcar and Akerström 2009; Durfee 2011; Stanko and Hobdell 1993). The findings suggest that men also experience a range of negative effects as a result of being subject to violence. We conclude from this literature – applying a gender perspective – that male victims' coping mechanisms and their contacts with their social environment and with institutional support services appear to be influenced by images of masculinity.

The current state of research on the sex-specific experience of violence thus fails to provide a sufficient explanation for the low proportion of male victims of violence in Swiss victim support. According to the statistics, women and girls are not affected by violence more than men and boys. The sex differences in types and contexts of violence do not clearly indicate that women are in greater need of support than men. Also, the present research does not indicate whether women and girls suffer more extensive negative effects and consequences of violence than men and boys or

whether they cope with them differently, and thus require more support. From a gender perspective, it therefore seems possible that notions of masculinity might deter men from seeking support. The importance of gender concepts, in this case for male victims, will be addressed in greater detail in the next section as a gender regime affecting victim assistance.

2. The Victim Construct and Gender – a Theoretical Perspective

The small number of male victims of violence receiving help from the victim support service may be due to the specific and concealed way that gender, in the sense of the social construction and representation of what men and women are, shapes welfare state services. The theoretical foundations of this perspective are outlined below.

2.1. From Primary Victimisation to Victim Status

As we argued at the outset, being subject to violence does not automatically turn people into victims. If this is not the case, then what does the term victim mean? Kirchhoff defines victims (in a victimological sense) as follows: “A victim is an individual or a group forced to cope with important (at least) potentially uprooting events that can be actuated against him or her by other humans. [...] Living in miserable conditions is not enough. Victimization must be human-made – people cannot be victimized by alcohol or drugs [...]” (Kirchhoff 2010, 113). Thus in order to be a victim, the individual must have been affected by a certain type of event. These events have four characteristics. Firstly, they are concrete, identifiable acts. Secondly, the acts are directed against the potential victim and committed by others. Thirdly, these actions must have the inherent potential to have a significant negative impact on the affected individuals, thereby existentially affecting their well-being. And fourthly, these harmful actions must violate shared social norms (Strobl 2010). This may, for example, reflect in the fact that the injurious actions are categorised as criminal offences. Thus the Swiss VCA defines victims as individuals “[...] whose physical, mental or sexual integrity has been directly affected by a crime [...]” (translated from Opferhilfegesetz 2007, Art. 1).

The four characteristics of the definition of the victim focus on the injurious events and the direct negative effects

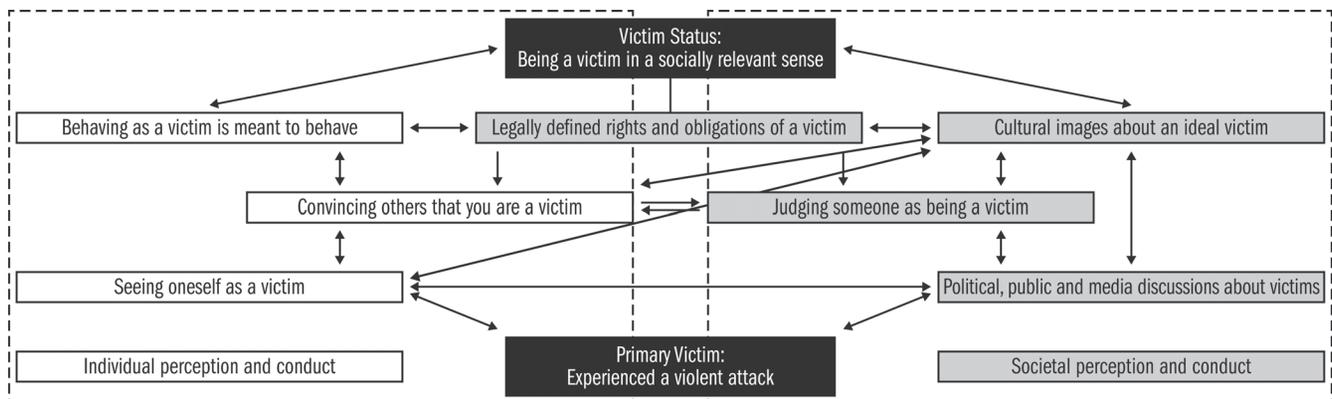
on the affected individuals. These events and their negative effects are referred to as primary victimisation (Dignan 2005, 23–31; Kirchhoff 2010). For individuals affected by primary victimisation to become victims, they must first perceive themselves as such (“accounting to self”, Dunn 2010, 162), that is, they must react to the damaging actions in a certain way. Secondly, they must convince other people to regard them as victims (“accounting to others”, Dunn 2010, 162–64). And thirdly, it is relevant how society responds to primary victimisation. “Accounting by others” (Dunn 2010, 164–66) emerges in a number of ways. It becomes manifest in interaction between individuals affected by primary victimisation and representatives of government organisations (police, victim support service, medical services, courts). It is also mirrored in legal and institutional rules. Last but not least, it is a component of the political and public discourse on the subject of victims of violence.

In “accounting by others”, the focus is on the actions of the (potential) victim. Such action is evaluated and social sympathy and attention are awarded according to certain criteria. These criteria represent the particular society’s image of the “ideal victim” (Christie 1986, 18); only these are to receive full public sympathy and attention. In Western societies, the key features of this image are innocence, weakness, defencelessness and the inability of the victim to

care for him- or herself, not merely in the situation of primary victimisation, but also to some degree in the individual’s life in general (Dunn 2010; Rock 2002; Spalek 2006; Strobl 2010). The extent to which a society considers specific groups of individuals affected by violence to be victims, who may therefore expect government assistance, depends, inter alia, on the extent to which such individuals embody the key characteristics of the ideal victim.

Consequently the concept of the victim is constructed by a power-charged social process. How this happens is illustrated in Figure 1. The process begins with the “primary victim or victim *an sich*” (Rock 2002, 14), as the individual victimised by the harmful act of another person (at the bottom of Figure 1). This primary victim may turn into a “secondary victim or victim *für sich*” (Rock 2002, 15), but does not necessarily have to do so. These aforementioned processes of perception, interaction and recognition at the micro and macro-societal level are those that turn a person into a secondary victim. Secondary victims are individuals affected by violence who perceive themselves as victims and are at the same time regarded as such by society. They are victims in a socially relevant sense. They are afforded a morally privileged position in society. They have attained the status of victim, consisting of a specific position within society associated with state recognition and attention – for example in the form of victim support.

Figure 1: The social process of constructing the victim



Source: Kersten 2015, 104

2.2. Gender as Social Practice and Structure

Establishing and implementing a government victim support scheme takes place, as described above, in the form of a social process constructing the victim at the micro and macro level. Here the question arises: How important is the social category of gender in this process?

For the purpose of the present paper, we view gender as a construct that frames and shapes individual and social processes. Thus, it is not considered a differential category consisting of two biological forms (referred to as “sex” above). Rather, the key issue is the relationality of the construct of gender and the power-shaping components of this construct. This is, for example, summed up in the following words by Scott (1988, 42): “[G]ender is a constitutive element of social relationships based on perceived differences between the sexes, and gender is a primary way of signifying relationships of power.” Gender is thus understood in terms of perceived differences between women and men, but it is situated within social relationships. As a constitutive element of social relationships, gender acquires meaning in and through the actions of the actors. At the same time, it is also part of the specific structural setting, which frames and influences these actions (Messerschmidt 2005; West and Zimmerman 1987). At the level of social interaction, these structurally framed processes are referred to as “doing gender” (West and Zimmerman 1987, 135–37). Norms, images and rules that define certain behavioural patterns as corresponding to a particular sex and being “correct” in a specific situation are an important aspect of the process of “doing gender” (Scott 1988; West and Zimmerman 1987). Gender may thus be understood as “[...] *structured action*, or what people do under specific social-structural constraints” (Messerschmidt 2005, 197). According to this perspective, gendered social structures arise from the recurrent and consistent interactions of gendered social actors (Messerschmidt 2005).

Gender is thus both a structure and a mechanism – in other words, a specific social practice that tends to shape itself and its own rules (Connell 2009). Power is a deter-

mining factor within this gendered field of social relations, as described above by Scott (1988). Social relations between the sexes unfold essentially as power relations. These are constantly reproduced (but also challenged or deconstructed) in interactions, and are based on hierarchical and complementary gender images. Male dominance and hegemony may thus be legitimised via the gender construct. The defining cultural model of male dominance in a particular society, also referred to as “hegemonic masculinity” (Carrigan, Connell, and Lee 1985; Connell and Messerschmidt 2005), acts both as a prescriptive social norm and a “generative principle” (Meuser 2006, 108) of everyday interactions.

The power-charged construct of gender thus frames and influences the negotiation, recognition and attribution processes of constructing the victim at the micro- and macro-societal level. Violence is one of the key areas through which masculinity may be formed and reinforced in its hierarchical complementarity to femininity (Meuser 2003; Messerschmidt 2005). Accordingly, “*Aktionsmacht*” (the power to violate) and “*Verletzungsoffenheit*” (general vulnerability) as basic criteria of human socialisation (Popitz 1992) play an important role in the social construction of the difference between the sexes (Wobbe [1995] translated the term *Verletzungsoffenheit* with “openness to vulnerability”).⁴ The male power to violate is a central feature of hegemonic masculinity. It taps into female general vulnerability when men subdue and hurt women in heterosocial situations of violence. Furthermore, male power to violate is created by violent homosocial conflicts among men and includes all participants, regardless of who sustains injuries and who remains unharmed. The prerequisite for this masculinity-shaping component of homosocial violence among men is the fact that the violent act is not perceived in terms of devaluing and subjugating the other party; rather, it is regarded as a violent competition between opponents who are in principle equal. However, when violence among men (as well as male violence against women) takes on the characteristics of devaluation and subjugation of the opponent, the subjected men find themselves in a

4 “*Verletzungsoffenheit*” (general vulnerability) according to Popitz (1992) refers to the basic human

fear, anxiety and concern about potentially being harmed by someone else.

position of general vulnerability and this is fundamentally connotated as female (Meuser 2003). General vulnerability thus destroys hegemonic masculinity. At the same time, it constitutes a core feature of the victim status, in the form of weakness, defencelessness and impairment, described above.

2.3. Victim Support as a Gender Regime

The assumed incompatibility of victim status and hegemonic masculinity may manifest itself at the level of the affected individuals, as some of the research findings cited earlier suggest. However, we argue that the category of gender may operate at the macro-societal level during the creation and implementation of such a state victim support programme. If this is so, the power-charged construct of gender is embedded in social institutions and organisations – usually in a concealed way – and structures social relations in a given area in a specific way (Brush 2002; Lewis 2002). For men and women as social groups, such gender regimes produce different life situations and uncertainty conditions, as well as different opportunities and obstacles to participate (Dackweiler 2004, 452).

MacRae (2006, 524–25) defines the term gender regime as follows: “‘Gender regime’ refers to a set of norms, values, policies, principles, and laws that inform and influence gender relations in a given polity [...]. A gender regime is constructed and supported by a wide range of policy issues and influenced by various structures and agents, each of whom is in turn influenced by its own historical context and path.” A gender regime is thus based both on institutionalised rules and principles and on norms and discourses on gender relations. It influences and is influenced. On the one hand, it regulates the opportunities of gendered individuals for access to social resources and hence their social participation. On the other hand, actors are engaged in the way gender is shaped and organised. It is thus fundamentally variable and is constructed over time by power-charged negotiation processes involving a very wide range of actors (Pfau-Effinger 1998).

To understand the gender regime in Switzerland’s government victim support programme thus involves analysis of the social negotiation processes relating to the formulation

and implementation of the VCA. On the basis of the theoretical model, it can be assumed that – despite the explicitly gender-neutral wording of the VCA – victimised men and women differ primarily in the manner and extent to which they are construed as victims in these negotiation processes.

3. Discourse Analysis

Social negotiation processes relating to the formulation and implementation of welfare state measures take place in the form of spoken and written input from a variety of actors in different social locations (politics, media, local government, etc.) and at different times. The methodology of discourse analysis (Jäger and Jäger 2007) allows this linguistically fixed social process to be explored. Discourse analysis assumes that the meaning of phenomena is constructed through the use of language, through which a specific social reality emerges. The individual statements of actors who are dispersed in space and time are assumed to be connected. This connection manifests itself in the form of certain patterns and regularities that characterise the spoken and written input for a specific thematic or institutional field. A discourse is thus the institutionalised social spoken and written practice, by means of which specific social realities and truths are constructed in a certain field – in this case state aid for victims of violence.

A variety of different interpretative frameworks for phenomena thus converge in a discourse – in the form of individual statements that are linked by certain rules and patterns and that compete with each other. Power in the discourse is manifested in the way certain interpretative frameworks are institutionalised and thus legitimised; they determine and justify social action beyond the specific discourse by virtue of representing “true” knowledge (Jäger and Jäger 2007). The discursively established “truth” of certain interpretative frameworks always remains provisional and to a certain degree disputed.

Discourse analysis is mainly concerned with texts such as books, newspaper articles and minutes of meetings. Such texts are treated as statements of actors and are first examined for substantive statements or “discourse fragments”. The next step involves analysing the regularities and pat-

terns by means of which the discourse fragments of all the examined texts refer and relate to each other. Finally, the reality-constituting outcomes of the identified discursive structure are explored (Jäger and Jäger 2007; Keller 2011).

To develop an understanding of the way the Swiss victim support programme was socially constructed, the political and media debates on the subject – hereafter referred to as the public victim support discourse – were examined by means of discourse analysis as described above. The analysis covered the years 1978 to 2008.⁵ The extent to which male and female targets of violence were construed in the public discourse as victims who receive or should receive state support will be examined in more detail in the following section.

4. Support for Victims of Violence and the Role of Gender – Empirical Findings

The statutory victim support programme in Switzerland was created following a *Volksinitiative* [popular initiative] launched by several members of the editorial staff of the magazine *Beobachter* in 1978.⁶ In a slightly modified form, this initiative was approved of by the Swiss voting population in December 1984. The VCA was then drawn up as a federal law; it came into force in 1993. The VCA was later revised after its implementation shed light on certain shortcomings. The new, completely revised version entered into force in 2009.

4.1. Victims as Individuals with Rights – or Needs

The process of creating and implementing Switzerland's statutory victim support programme, as outlined above, was accompanied by diverse political and media debate (public victim support discourse). These discussions involve two different ways of understanding victims and the support they should receive. Both interpretative frameworks take the effects of violence on individuals as their starting point.⁷

The first interpretative framework typically presents the situation of individuals affected by violence as follows: “It is a miracle the person escaped the robbery alive. However, the financial consequences of injury and disability are infinitely depressing and ruinous. Nobody helps Frieda G. in her efforts to obtain full compensation within a reasonable time period. She has had a tiring battle [...] which will probably continue for many more years” (translated from Beobachter 1978). The suffering that the experience of violence entailed is clearly highlighted. At the same time, the affected individuals are represented as responsible, autonomous individuals, capable of making decisions on their own, who have to fight for their rights over and over again for an extended period of time, since the state is not concerned about upholding these rights. Despite having been affected by violence the victims are described as acting and fighting autonomously: They are in a “hopeless two-front war against the perpetrator” (translated from Beobachter 1979); they have to apply for compensation through civil suits, and in order to receive legal aid, they have to deal with money matters, register as unemployed, and contact lawyers and even the perpetrators (Beobachter 1979, 1980; Zimmermann 1979; Neue Zürcher Zeitung 1979; Strech 1984a, 1984b). This mode of interpretation was a particular feature of the debate in the initial period and led to the 1984 referendum on victim support; it is utilised mainly by the founders of the popular initiative.

The second interpretative framework also makes clear reference to the impact of the violence suffered. At the same time, the affected individuals are described as lacking full capacity for autonomous decision-making and action; they are powerless people with needs that the state should meet out of compassion. Statements such as the following are typical: “The offence frequently places the victim in a state of psychological shock. [...] To regain his internal balance, the victim does not merely require money but also and above all psychological support, a confidant to advise him,

5 The following written documents were examined: all records of the parliamentary debates on the popular initiative on victim support, the draft of the VCA and its complete revision, and the minutes of the relevant preadvisory parliamentary commissions; the documentation of consultations on the

law and the total revision; the notices of the Federal Council regarding the initiative, the law and its revision; various reports by various commissions and offices; 323 newspaper articles in various national and regional print media.

6 The *Beobachter* is a Swiss bi-weekly consumer and advice magazine.

7 In the following discussion, victims of violence in childhood are not considered. They become part of the discourse only in the late 1990s, and with no differentiation on the basis of gender.

restore his self-confidence and facilitate his reintegration into society” (translated from Bundesrat 1983, 891). This interpretative framework was first brought up in the debate by the Federal Council and Parliament. Following the successful referendum, it was of decisive importance for the further formulation and implementation of the VCA.

From this time onwards, victims are mainly represented as people who, for example lack the courage to go out (Forster 1990), are not able to work consistently and have anxiety attacks (Baumgartner 2003), are helpless and vulnerable, severely traumatised and out of control of their lives (Sachs 2001; Talamona 2003; Noser 2004).

The view of victim support based on state compassion for needy, powerless victims prevails in public discourse. We suggest two unconnected explanations that explain this view of victim support. Firstly, the liberal understanding of the welfare state: At the time the VCA was created, Switzerland conformed to this model (Nollert 2007). In a liberal understanding of the welfare state, state benefits are awarded only to groups in need; they are not defined as a right of broader social groups. Secondly, that of a state monopoly on violence: the state monopoly on violence is secured by state compassion. Victims should not and must not take their own action against offenders or even the state. By providing disadvantaged, needy individuals or victims with support, the state can discipline and channel the victims' actions.

The two distinct interpretative frameworks of the victim demonstrate our theoretically based argument (expounded above): the term “victim” is not self-explanatory, and being the subject of violence does not in itself turn people into victims. Instead, the term refers to a disputed social status that is linked to specific patterns of behaviour and characteristics of the individuals affected by violence.

From a gender-sensitive perspective, the way victims are characterised within the public victim support discourse is interesting: in the first interpretative framework, victims are individuals affected by violence who are struggling and have certain rights. In the political and media debate, these victims are both male and female, or are described in neu-

tral terms. In the second interpretative framework, victims are individuals affected by violence who are incapable of action and in need of assistance. In this case, the victims are presented as female, as the detailed results of the discourse analysis show (Kersten 2015). In other words, if the focus is on the struggle of victims and what they are entitled to, both female and male subject to violence may be victims. On the other hand, if the focus is on the impairment of victims and on their needs, the victims are female and not male. What causes gender to become a reality-constituting category is therefore not the mere fact of being affected by violence but the highly specific characteristics of the situation in which this happens.

4.2. Victims in Need of Assistance Are Constructed as Female Rather than Male Individuals

The successful referendum established the view of victims as powerless individuals in need of assistance, thus rendering this interpretative framework dominant within the public victim support discourse. The further political and media debate is characterised by specific discursive mechanisms. When victims and victim support are discussed, this tends to take place in a certain manner. We outline the way the gender-specific characterisation of the image of the powerless victim is strengthened and affirmed below.

Time and again, statements on victims and victim support formulated in a general and gender-neutral way are illustrated using concrete case studies (for example Hürlimann 1994; Basler Zeitung 1996a; Bundesversammlung 2007). In three-quarters of the cases the examples refer to women (Kersten 2015). Even in articles describing the wide range of topics and services of victim support centers, it is asserted that women are disproportionately affected both quantitatively and qualitatively. Arguments are most often tailored to women; what men who are affected by violence experience does not seem necessary to account for. For instance, in an article describing all services provided under the VCA, the newspaper *Wir Brückenbauer*, concludes that: “[...]it is mainly women who suffer the most severe physical and psychological harm as a result of rape” (translated from Schlänni 1991). In the same vein, the newspaper *Schaffhauser Nachrichten* reports on support for crime victims in the canton Schaffhausen and confirms:

“Women are the most common victims of crime” (translated from Schaffhauser Nachrichten 1998). Last but not least in the debate around the revision of the VCA, the victim is also construed as female. The consultation process concerning the revision of the VCA, for example, highlights the absence of provisions “[...] that take into account the fact that the majority of crime victims are women” (translated from Bundesamt für Justiz 2003, 7). And National Council member Susanne Leutenegger Oberholzer criticised the revision with the words: “It affects mainly women, and it affects the most vulnerable members of our society” (translated from Bundesversammlung 2007, 1105).

The repeated reference to female victims and the various ways in which they are disadvantaged has no equivalent when it comes to male victims, even though the large numbers of males affected by violence cited in the current research above might suggest otherwise. Male victims are not usually mentioned in debate in the media or by politicians. Firstly, if they are mentioned, they are described as an exception to the rule. The following statement by National Council member Hans Schmid is characteristic: “I might add, in all modesty, that occasionally a man may also end up having to claim such compensation” (translated from Bundesversammlung 1984, 261). The wording “occasionally a man may also end up having to claim such compensation” indicates that *men* are not usually in the (victim) situation, while *women* are. Similarly, the *Schaffhauser Nachrichten* states that “[...] victims of crime will probably more rarely be male” (translated from Schaffhauser Nachrichten 1993). Secondly, the concrete situations of male victims, in the exceptional cases in which they are mentioned, typically remain unclear. No further explanation as to why they should be served is added. One example is the way in which National Council member Hans Schmid changes the subject after the statement cited above: he has nothing to add regarding the situation of male victims. This is typical for statements discussing male victims in the discourse: the adverse effects of violence – which are regarded as the prerequisite for victim support – are not mentioned (further examples see Der Bund 1994; Ott 2001). Thirdly, if male victims are afforded more attention, this tends to take place with reference to their potential as perpetrators. The newspaper *Basler Zeitung*, for

example, reports the low percentage of men receiving victim support and concludes that: “[...] if there is insufficient appropriate support, victims are often identified too late – when they have become perpetrators of sexual assault themselves” (translated from Baumgartner 1993). In line with this, the newspaper *Neue Zürcher Zeitung* demands a counselling service for men on the grounds that “male victims later become perpetrators” (translated from *Neue Zürcher Zeitung* 1994). As potential perpetrators, male subjects of violence (still) appear capable of action. This power to act stands in contradiction to a victim status that is based on helplessness and need for assistance. And if the pitiful situation of male victims is discussed at all – which has only been the case in the more recent media discourse from 1995 onwards – it is usually addressed in connection with masculinity. It is usually stated that male victims are afraid of no longer being taken seriously as men, and that they would feel like failures and weaklings (*Solothurner Zeitung*, 1995; Kaspar 1996; Noser 2004). Within the logic of the discourse, therefore, being a victim and needing help diminishes masculinity. In this context, victim support appears a threat to masculinity.

4.3. Hegemonic Masculinity and Victim Support

In the discursive practice outlined above, femininity and masculinity are construed as forming an opposing, hierarchically ordered complementarity. Victim status is associated with women affected by violence; their femininity is not discussed or regarded as a problem at any point in the discourse. Victim status and femininity are thus linked in a quasi-natural manner and are characterised by general vulnerability, need for assistance and weakness. Masculinity, on the other hand, appears as the counter-image to this concept of victim status.

According to the presented theoretical outline, being affected by violence only promotes masculinity if the male subjects appear capable of action as coequal opponents to their perpetrators. A victim status that is based on need for assistance and general vulnerability destroys this image of the coequal opponent, and therewith undermines masculinity. This status must thus be rendered irrelevant or unthinkable for men if one of the core features of hegemonic masculinity, the dominance and power to violate, is

not to lose its social force: *men* cannot become victims, since they would then cease to be *men*. The process of forming and implementing the victim support programme thus demonstrates the power of hegemonic masculinity as a reality-constituting, prescriptive social norm and structure.

Interestingly and revealingly, the public discourse – both in older and in more recent debates – never refers to scientific facts and statistics on individuals affected by violence (Kersten 2015). Scientific findings would reveal the full extent to which men are the subject of violence, enable men to come within the purview of the victim support programme, and therewith question a core feature of hegemonic masculinity: the power to violate. Moreover, the Federal Council and Parliament start by emphasising the helplessness of victims and associating these references to female victims of violence. Male victims, by contrast, are entirely non-existent in the political debate. They are mentioned only in relatively recent media coverage from 1995 onwards. This clearly demonstrates Meuser's theoretical assumption (2006): hegemonic masculinity is particularly effective as a prescriptive norm and structure where power is concentrated within a society; in the case of the public victim support discourse this would be among the actors with political clout.

The social reality created by the public victim support discourse corresponds to the victims of crime statistics cited at the outset: 75 percent of clients are female and a mere 25 percent male. The supposedly “true” knowledge of the gender-specific modes of experience of violence established by the discourse is further reflected in the Swiss nationwide victim support structure: around 40 percent of the counselling services are geared towards women, girls and/or children; only one single counselling centre specialises in male victims, while the remainder cater to all vic-

tims of violence (Konferenz der kantonalen Sozialdirektorinnen und Sozialdirektoren 2012).

5. Conclusions

Society as a whole does not register the extent of violence against men, and in particular the negative consequences of violence for affected male individuals. The findings of the present study clearly demonstrate this. In a concealed manner and as a power-charged construct, gender structures the way society handles the issue of victims of violence. This is the way hegemonic masculinity renders manifest its reality-constituting power: women are ascribed the role of victims characterised by general vulnerability, whereas men are pegged as perpetrators with the power to violate or as non-victims. The study reveals by means of discourse analysis of relevant documents (political documents and newspapers) dealing with victim support issues that such quasi-natural gender-specific patterns are socially constructed. By unveiling the socially constructed nature of such gender-specific “truths” society becomes able to view men as victims too.

Greater social awareness of men's experience of violence is necessary, given the high numbers of male individuals affected by violence. However, as the study reveals, this will only be possible if at the same time there is a critical examination of the hegemonic image of masculinity that is based on dominance and the power to violate. Such a critical debate might create the space and allow a social discourse to emerge with a language and an awareness for men who are affected by violence and suffer. This in turn allows appropriate opportunities for providing assistance to be devised. Both women and men frequently become victims of violence and have to cope with the various adverse consequences of the violent experience; allowing men and women to receive support is therefore important.

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