

OLD AGE AND VICTIMS: A CRITICAL EXEGESIS AND AN AGENDA FOR CHANGE

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ABSTRACT

The elderly population merits more sustained sociological and criminological investigation because in western societies and globally the general population is both ageing and growing in size. This article critically analyses issues of old age and crime, focusing upon old age and victimisation, fear of crime and ageing offenders. The article sets out a proposed agenda for change in the focus of the criminal justice system, with a call for research to better inform policy and practice in this strangely neglected but increasingly important area of ageing and crime.

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Introduction

‘Crime is perceived to be an age war, with young offenders preying on innocent older victims...Politicians have quickly, and quite unjustifiably, identified the elderly as particularly vulnerable to crime’ (Mawby, 1988:101).

‘Old age is shamefully seen like head lice in children and venereal disease in their older siblings’ (Stott, 1981: 3).

In recent years, the experiences of individuals across the life-course have developed as an issue of concern in European and American criminology (Powell, 2001). However, whilst there has been an acceleration of criminological research and scholarly activity relating to ‘younger people’ and crime (and more recently young people and victimisation) (Davis, 2003), research into the experiences and representations of ‘older people’, crime and victimisation have been less well developed (Brogden and Nijar, 2000). Moreover, when comparing the criminological research on ‘old age’ to that of exploring ‘race’, class and gender, one might think that old age as a variable is seen as of secondary importance. In this article, we wish to demonstrate that researchers studying the relationship between older people, crime and victimisation would benefit from a thoughtful conceptualisation of ‘old age’, which focuses on the ways in which it is socially constituted. It is only by deconstructing old age in the study of criminology and victimology, we would argue, that we can begin to understand the place and significance of ‘ageing’ in disciplinary discourses on, and actual experiences of, criminal victimisation.

Henceforth, this article analyses old age as a significant sociological locus of concern and locates its inter-relationship to victimisation and contemporary crime. It is structured as follows. Firstly, the article examines how the notion of victim applies to older people within the life-course. Second, the article assesses the relationship between old age and victimisation, and highlights implications for the study of age. The article concludes by suggesting that current political discourses position the concept of “victim” along neo-liberal lines of ‘responsibility’ as opposed to the societal construction of victim.

The Social Dimension of Ageing

There are two approaches to theorising age – scientific and social constructionist. Scientific theories of ageing, focus on the bio-psychological or pathological constituents of ageing. Social constructionist theories of ageing, focus on how ageing is socially constructed (Powell, 2001). In western societies, age is usually presented numerically as the number of months and years from birth that an individual has lived. Whilst this method of quantification is widely perceived as natural and ‘the way things have always been’, counting age is in fact a social construction which can be traced to the historical development of industrial capitalism and, in particular, the requirement to standardise conceptions of time across regional, national and global spaces (Phillipson, 1982).

The concepts of ‘age’ and ‘ageing’ have four main dimensions. Firstly, age and ageing have a biological and physiological dimension – physical appearance changes

over time (Moody, 1998). Second, age and ageing have a psychological dimension – mental functioning and emotional and cognitive capacities change over time. Third, age and ageing have a temporal-spatial dimension – the ageing of an individual takes place within a particular period of time and space. Fourth, age and ageing have a social dimension – socially-defined expectations shape perceptions of how people of a certain age are supposed to behave, and influence how they are positioned in relation to gender, social class and ethnicity. A person's 'age' is counted on a chronological foundation, beginning from birth to the current point of age, or when an individual has died. Chronological ageing is habitual as individuals engage in its reflection: 'birthdays' and 'wedding anniversaries' for example. Counting age can be seen as a social construction, particularly because it is a practice underpinned by the development of industrial capitalism (Phillipson, 1998). Hence, what is critical about ageing, then, is how a society uses it to socially construct people into 'categories'. As a classificatory tool, age is important in three ways. First, like sex, age is an *ascribed* status or characteristic, which is, based on attributes over which we have little or no control. Second, unlike sex, a specific age is always transitional – constantly moving from one age to another, beginning life at zero and ending with a certain number at death that is regulated by societal expectations of age-appropriate behaviour. These transitions also assume that conformity is rewarded whereas deviance is punished. Third, although in every society some age groups are more powerful, rich and respectable than others, the unique aspect of ageing is that everyone can expect to occupy various positions throughout life on the basis of his or her age. Coupled with this, ideas that centred on social ageing coalesced as a theoretical orientation on ageing during the 1960s and 1970s. In 1974, Bernice L. Neugarten wrote an influential essay marking a distinction between what is now referred to as the 'Third' and 'Fourth' Ages, the youthful years of retirement and the older ones. Neugarten (1974) referred to persons in these stages of later adult development as the "young-old" and the "old-old." The young-old are like late middle-aged persons. They generally have good health and they are about as active as they want to be. The old-old, however, tend to be widowed and are much more likely to be living dependently. Consequently, the concept of old age, with its attending miseries, was only pushed later into life by this re-conceptualization. The first decade after the beginning of Social Security retirement benefits seem like "the second middle age," but the biomedically framed 'declining body' remains an issue in the fourth age (Longino and Powell, 2004). In short, 'old age' is a complex concept, and different uses and applications of the term can create complications when conducting research on the phenomenon of ageing. Indeed, different definitions of 'old age' are used today. For example, the term 'elderly' has been broadly applied by government departments to those aged 50 and over, while many researchers would favour retirement age (another contested term) as a marker for the onset of 'old age' (Chivite-Matthews and Maggs 2002).

Definitional and conceptual ambiguities cause difficulties for those interested in the relationship between old age and victimisation. There are important implications here for how western societies create and sanction crime control policies, and how the criminal victimisation of older people is researched (Powell, 2001). For example, the recent analysis of sexual violence reported in the British Crime Survey had a limited age range (See also Mirrlees-Black and Allen, 1998, Mirrlees et al 1998). The authors explain this thus:

‘Although the BCS includes respondents aged 16 and over, the questions on interpersonal violence were only asked of those aged between 16 and 59. This was for two main reasons. First older people have greater difficulty with or resistance to using a computer in this way... Secondly, it was thought that issues of elder abuse (from family members other than intimates) might get confused with responses about violence from intimates and that these issues were more appropriately dealt with in a specialised survey.’ (Walby and Allen 2004:118).

Yet, whatever the issues, it is also clear that old age is an important variable for criminology. The United Nations estimated the global population of those over 60 years would double from 542 million in 1995 to a correct prediction of around 1.2 billion people in 2005 (Krug, 2002:125). Walker’s more conservative estimate (1985) suggests that ‘the population aged 65 and over is set to increase steadily (by one fifth overall) between 1983 and 2021. However, he continues, the largest rises are due to the numbers aged 75-and-over and 85-and-over: ‘30 per cent and 98 per cent respectively. By the end of this period women will outnumber men in the 85-and-over age group by around 2.5 to 1’ (Walker 1985:4). The elderly population merits more sustained sociological investigation because the general population is both ageing and growing in size. The elderly population merits more sustained criminological investigation because of the widely acknowledged links – perceived and actual – between old age, criminal victimisation, vulnerability and fear of crime.

Old Age, Crime and Criminal Victimisation

Despite the various conceptual and methodological issues detailed above, a number of criminologists have attempted to research the extent, nature and impact of criminal victimisation of the elderly. Studies have utilised both quantitative and qualitative techniques, and despite questions concerning the reliability of some of the findings, a number of points can be drawn out as to the nature and extent of the criminal victimisation of the elderly. It can be suggested that older people are no more at risk of most forms of criminal victimisation than the wider population and, in fact, if anything, older people tend to experience criminal victimisation less than their younger counterparts. Yet older people tend to express fear of crime much more. It is important to recognise that those individuals who are most concerned with the problem of crime and who express greatest fear of crime are not necessarily most likely to experience criminal victimisation (Thomas and Hyman 1977). Indeed, there is no necessary connection between objective risk of criminal victimisation and fear of crime. Rather, fear of crime is linked to a range of variables, key among which is sense of vulnerability, which in turn is closely associated with old age. It is the connections between old age, vulnerability and fear of crime that are considered next.

Old Age, Vulnerability and the Fear of Crime

Fear of crime and victimisation has become part of the discourse of late modern risk society. We are all haunted by the possibility that we could be the latest victim of a crime. However, individuals across the life course may feel vulnerable for a number of reasons. Some may feel unable to protect themselves physically or economically

(Pantazis, 2000). Some may be incapable of making a fast retreat. Others may feel unable to cope with the physical and emotional consequences of being victimised (Toseland, 1982). Also, it must be noted that fear and the notion of vulnerability are gendered (Dobash and Dobash, 1992; 2004).

Indeed, the fear of crime operates on a myriad of emotional and practical levels, from feeling vulnerable and isolated, to affecting personal well-being. As Moore and Trajanowicz argue:

‘Fear motivates people to invest and tie money in defensive measures to reduce their vulnerability. They stay indoors more than they would wish, avoid certain places, buy extra locks...’ (Moore and Trajanowicz 1988:4).

Responses to the fear of crime can be found in the array of anti-theft devices; from CCTV cameras (Hughes, 1991; Coleman, 2004) to ‘gated communities’ (Hughes, 1991) and other forms of institutional segregation. And it is ‘...through such expert systems of power-knowledge that the lives of older people have been regulated, ordered, known, and disciplined’ (Twigg 2004:65).

Research has identified four groups who particularly fall into this vulnerability category: women (Gordon et al, 1980; Warr 1985), the poor and ethnic minorities (Taylor and Hale 1986, Box et al 1986, 1988), and the old (Antunes et al, 1977; Baldassare, 1986; Braungart et al, 1980; Clarke and Lewis, 1982; Giles-Sims, 1984; Yin 1985).

The 75 year old and over group is the most vulnerable group within the elderly population. Walker (1985:6) indicates, for example, that ‘...there is a very rapid increase in severe incapacity beyond the age of 70.’ In addition to which, the elderly person is more likely to be living alone and to be housebound. This person is, typically, a physically frail widow. For such a person, who may be in a socially isolated position with diminishing or limited financial resources, ‘...expressed feelings of crime or insecurity appear to have many sources, and to be strongly influenced by beliefs, attitudes and experiences which have nothing whatever to do with crime’ (Sparks, Genn and Dodd, 1977, p209). A pamphlet published in the UK by the charity Age Concern (1980), as part of its Action Against Crime Campaign, states:

‘Too many elderly people are worried. They have heard so much about crime and violence that they have become fearful, and worry reduces the quality of their lives’ (p.3).

While older people would certainly benefit from more accurate information about the risk of victimisation than they commonly receive through the mass media, their fear is related to the seriousness of the consequences if they were to be victimised, as well to the degree of the risk they face (See Skogan, 1987). When victimisation occurs, it often happens in the person’s own home, which is perceived as a serious violation of privacy and feelings of safety and tends to highlight people’s feelings of dependency and vulnerability (Elias, 1986, Jones 1987). With regard to financial victimisation, it is widely acknowledged that the legal framework relating to handling other people’s

money is extremely complex, but lacks safeguards for vulnerable older people (Powell, 2001).

Since the 1960s, fear of crime has been one of the major growth areas for both academic research and policy development (Fattah, 1995). Perhaps inevitably, the major output on both fronts has been from criminologists and criminal justice system professionals in the U.S.A., but there has also been a growing international academic, scholarly and practitioner literature concerned with fear of crime and with measures to combat it. Since the 1960s, over 400 articles, conference papers, monographs and books have been written on some aspect or other of the fear of crime (Hale 1996).

From this discussion it is possible to identify a number of factors that appear to contribute to fear of crime. Hale (1996) classifies these factors under the following six headings:

1. Vulnerability.
2. Environmental clues and conditions.
3. Personal knowledge of crime and victimisation.
4. Confidence in the police and criminal justice systems.
5. Perceptions of personal risk.
6. Seriousness of various offences.

Berrington and Jones (2002) found that more comprehensive data is required in the case of fear of elder sexual abuse. Despite a developing awareness of sexual violence, the rape crisis movement has found that many older women have experiences, which would be classified legally as rape, yet they do not consider themselves to be rape victims.

Pantazis (2000) claims in her research that when older people feel vulnerable and fearful, their ability to withstand victimisation may be substantially reduced. Pantazis (2000:416) claims that the level of feeling unsafe among older people was conditional upon their level of deprivation' and that multiple deprivations increase fear levels. The combined determinants of gender, poverty and age result in potentially higher rates of fear and vulnerability amongst elderly women than in other social groups.

Powell and Wahidin (2004) in their research have explored the relationship between old age and corporate crime and the insecurity older people have towards pension provision by bonafide pension providers. They found that legal banking corporations took up to £11 billion from older people's pensions, which contributed to the biggest financial scandal of the 20th century. They also cite the pension embezzlement of Maxwell's pensioners by stealth of over £400 million, which created a real fear of material deprivation of older people who saved pensions for over 20 years only to find their savings had been extracted by a head of a corporation.

Jones (1987) in his research suggests that when victimisation occurs against older people, it often happens in the person's own home, which is perceived as a serious violation of privacy and feelings of safety and tends to highlight people's feelings of dependency and vulnerability. This can take the form of domestic violence against older women, which in turn creates the problem of fear of crime against themselves by their partners and family members.

Chivite-Mathews and Maggs (2002) claim that survey analysis demonstrates that although victimisation surveys indicate that young men have the highest risk of victimisation, older women's fear of crime is three times higher than that of older men. They further suggest that in order to analyse the holistic nature of old age and fear of crime then we must recognise that it is a gendered phenomenon inter-related to age.

As this article demonstrates, what has been constructed as a 'problem' for elders – being potential victims of crime – may not be perceived as such by all older people. The analysis of the relationship between older people, victimisation and the criminal justice system (See Brogden and Nighar, 2000) certainly challenges the stereotype that the elderly are a homogeneous, vulnerable social group. Where the elderly are identified as the most vulnerable in our communities is in terms of the abuse of those who are dependent upon their assailant for essential daily care and who are also vulnerable to fraud (Bennett et al 1997). Older victims tend to report that crime has a high and long-lasting impact upon them compared to younger victims (Skogan, 1987). Pain succinctly argues:

'The structures of class, gender, race and ability are the key determinants of how older people experience old age. It is these which underpin where older people live, their socio-economic status and their risk of victimisation, whether from property crime, harassment in the community or abuse by carers within domestic spheres' (Pain 2003:62).

One of the main reasons for low victimisation rates amongst the elderly are that women and older people avoid going out at night because they do not feel safe doing so. Fattah and Sacco (1989) conclude in their study of crime against older people in North America that:

'While it may be fashionable to view fear of crime as an irrational response on the part of the elderly to a world that does not truly threaten them, such a conceptualisation is probably not appropriate. Rather than irrationality, elderly fear of crime may represent the exercise of caution by a group in society that frequently lacks the control necessary to manage the risk of criminal harm or to marshal the resources necessary to offset its consequences' (226).

While they may be relatively unlikely to become victims of crime, their fears are understandable: if they are poor, in poor health, isolated, house bound and if they feel vulnerable, their ability to withstand victimisation may be substantially reduced. As Powell (2001) explains, the level of feeling unsafe among older people is conditional upon their level of deprivation and multiple deprivations increase fear levels. The combined determinants of gender, poverty and age result in potentially higher rates of fear and vulnerability amongst elderly women than in other social groups. Older people are more fearful of crime than other groups within society. More research is required to identify the interrelationships between age, neighbourhood, poverty and fear of crime and its contribution to the social exclusion of older people.

Future Research Directions

Having explored the relationship between the sociological study of old age and victimisation and highlighted a number of implications for the study of age and its relationship to 'vulnerability', in this section we suggest that the marginalisation of older people adds to hegemonic criminal justice practices leading to injustice, oppression and marginalisation in contemporary society. In order to prevent marginalisation and multiple victimisation, it is crucial to examine the role of victimological 'dominant assumptions' (Pain 1997), criminal justice policy and social practices. A fusion of theoretical enquiry and active participation of older people and victims in victim policy process and victimological research would address pervasive cultural values central to the empowerment-marginalisation nexus based on 'age' and victimisation'.

So how can the relationship between later life, crime and victimology be addressed? In our discussion we have examined how and why age and ageist discourses are deployed in the study of crime and later life. As the reader, you may ask why the older victim is presented by media reports, government policy and in some research as the archetypal victim. Secondly, you may ask why criminologists, victimologists and government policy advisors have produced a wealth of literature on young persons and offenders but have neglected problematising age. One possible reason for the neglect of later life issues is that youth as with the study of offenders unleashes the voyeur and allows us to reminisce about our own youth styles. In contrast the study of old age and crime, as Pollak (1941), astutely observed approximately 60 years ago, evokes a different reaction:

'Old criminals offer an ugly picture and it seems as if even scientists do not like to look at it for any considerable amount of time ... On the other hand, if the thesis of the interrelationship between age and crime is to hold, an investigation of all its implications has to yield results, and with the tendency of our population to increase in the higher age brackets, a special study of criminality of the aged is required' (1941: 212).

If Pollak's view was accurate in 1941, it is even more so today. With the elder prison population representing the fastest growing age group in our prison system, we have reached an important juncture in the disciplines of gerontology and criminology.

Women and men in later life need improved health services, different types of housing, age-sensitive regimes, and a variety of aids when they become disabled. We have to recognise that the elderly inmate, due to the effects of ageing, has far different needs and places far different demands on a system that is designed for the younger inmate. But they also need a reason for using these things. 'In our society the purpose of life in old age is often unclear... Old age is seen as a 'problem' with the elderly viewed as dependants; worse still, they are often described as a non-productive burden upon the economy' (Phillipson, 1982:166). Hence, it is not surprising that elders experience isolation and alienation when they are denied access to the sources of meaning valued by the society in which they live (Phillipson and Walker, 1986; Turner, 1988).

Summary and Conclusions: An Agenda for Change

The limited knowledge about elders and crime and the absence of relevant policies and planning in this area suggest that the criminal justice system should be turning its attention to:

1. An examination of existing formal and informal practices regarding elders, as the first step in developing an explicit and integrated set of policies and programmes to address the special needs of this group.
2. Developing a comprehensive and gender sensitive programme for elders, which fosters personal growth and accountability and value-based actions that lead to successful reintegration into society.
3. Preparing all personnel of the criminal justice system to understand and appropriately address elder-specific topics and issues.

In terms of being able to address the needs of elders in the criminal justice system, the Prison Policy Unit for England and Wales should be able to institute the following:

- Adopting the age of 50 as the definition of an older victim.
- Compiling comprehensive data on the over 50s in the criminal justice system about processes of victimisation.
- Introducing specific programmes geared towards the needs of older people.

For many years, both gerontologists and criminologists have concentrated their attention exclusively in their respective fields (Malinchak, 1980). In this paper, we have synergised criminological and gerontological theory to understand and problematise the complexity of ageing, victimisation and crime and, in turn, place the needs of elders firmly on the criminological research and policy agenda.

The evidence presented here demonstrates that although older people are portrayed as victims of crime, statistically they are least likely to be and the actuality of being a victim of crime in this respect is inversely disproportionate to the fear of crime. However, one must stress that the experience of *fear* is very real to the individual and thus makes measuring degrees of fear, arguably, impossible (Box et al 1988). Sparks (1992) rhetorically asks, 'What is a rational level of fear? In other words, we argue, that if *fear* is *experienced* then ultimately it is *real*.

The consequences of Sparks' (1992) question are immense: there is the creation of what Estes, Biggs and Phillipson (2004) describe as 'No Care Zones', where victim supports may disintegrate in the face of inadequate services and benefits for older people. On the other side, there may equally be the emergence of 'No Identity Zones', these reflecting the absence of spaces in which to construct a viable identity for later life compared to other age groups.

Traditionally, questions concerning discrimination in criminal processing have focussed on the effects of factors such as gender, ethnicity, disability, sexuality, socio-economic status and age (for those between 10 and 18), but have neglected later-life issues. Elder's experiences have remained marginalised in the debates around policy, and how the criminal justice system responds to these changes remains yet to be seen.

In future work, theorising age, victimisation and crime we hope to dispel and challenge some of the myths surrounding later life, crime and the older victim.

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