

## The Star-Ledger

### Pointing the finger at 'immoral' crime victims

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Is it ever right to blame the victim of a crime?

Generally, no. The guy who gets mugged in broad daylight is not blamed for his misfortune, nor is the woman stalked and murdered by a stranger. In those instances, the finger of blame wags at the perpetrator for violating society's moral and legal codes.

But offenders sometimes share the blame with society, when its institutions have failed to take adequate measures to protect the public. And victims injured after intentionally provoking aggressors are often said to have "brought it on themselves."

Everyday morality places "innocent" victims, people who are harmed due to no fault of their own, in a different category than victims who made imprudent or inherently immoral choices. The john trying to pick up a prostitute, for instance, "should have known better."

But is everyday morality correct? Are there really innocent and guilty victims, the former deserving sympathy, the latter sharing the blame?

As the recent case involving a young North Carolina woman and her allegations of sexual assault against members of the Duke University lacrosse team demonstrates, this can be difficult terrain.

The woman, a college student and mother, is faulted not just for failing to adequately care for herself (because she went without a bodyguard to a house party organized for a bunch of predictably rowdy college men) but also for failing to be a woman of virtue (because she went, as a dancer, to perform an erotic striptease act).

Women are generally blamed for choosing to be strippers, prostitutes, pole dancers, peep-show performers and the like. And they are blamed again when bosses and clients harm them in the course of their employment.

Commenting on the case, University of Pennsylvania legal historian Professor Mary Francis Berry told a public radio audience last month that "there is nothing immoral about being a stripper." That may be true, but I am certain that, even in the liberal Northeast, many people think women who engage in "sinful" occupations bear some responsibility for the crimes committed against them.

This instinct to implicate the victims of certain sex crimes has deep cultural and philosophical roots.

First, Western moral traditions recognize that every competent person has duties of self-care and concern. Other people's lives matter, and so do our own. In light of this, moralists ascribe to individuals a specific duty to take reasonable precautions against becoming victims of wrongdoing. Going out into a dark street in a notoriously dangerous neighborhood, according to this line of reasoning, would violate a moral duty.

Second, religious and secular traditions have prescribed that individuals live in accordance with ideals of good character. Prudence and modesty commonly appear on lists of human virtues. With these ideals in mind, many moralists look at victims who intentionally engaged in demeaning or degrading conduct and think: "Virtue could have spared you this."

It's in this context that some people fault the North Carolina woman who alleges she was sexually assaulted

in a bathroom by Duke lacrosse players -- two of whom face criminal charges, despite an apparent lack of DNA evidence.

I won't go so far as to say that people are never responsible for their own victimization; they can be partly to blame. But it has got to be a mistake to categorically blame certain victims of any class of crimes, including rape.

According to the Rape, Abuse and Incest National Network, there were on average 204,370 victims of rape, attempted rape or sexual assault in 2003 and 2004. The sexual predators of the world should not be given a break by moralizers over-eager to find fault in victims whose choices they disapprove of -- even if that disapproval is understandable.

Most sex entertainment work, after all, is perfectly legal for adult audiences. And while prostitution is illegal in most places in this country, it is widely tolerated.

Sex-industry workers test morality and face familiar dangers for which they bear some responsibility. The problem is, young women don't always have a wide range of experiences or an adequate knowledge of the world. They can feel invincible. They can fail to fear adequately for their own safety.

Moreover, women in the sex entertainment business may assume risks knowingly because of a lack of better employment options. Just as some people go out into dark streets in unsafe neighborhoods because they can't afford to live elsewhere, some people take dangerous sex-industry jobs because they lack viable alternatives.

Victims like these merit the same compassion awarded to other innocent crime victims.

*Anita L. Allen is a professor of law and philosophy at the University of Pennsylvania. She may be reached at [moralistcolumn@yahoo.com](mailto:moralistcolumn@yahoo.com).*

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