

The Victim as a Public Actor: Understanding the Victim's Role as an Agent of Accountability

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Abstract : This paper argues that the scholarship to date on victims in the criminal process has mainly adopted a private conception of victims -as bearers of individual interests, rights, and remedies- rather than a conception of the victim as an actor with public functions and interests, who has historically and continuously taken on an active role in the common law tradition. This conception enables a greater understanding of the various developments around victim participation in common law criminal justice systems and provides a useful analytical tool to understand the different roles of victims in England and Wales and the United States. Indeed, the main focus on individual rights and the conception of the victim as a private entity undermines the distinctive and increasing role victims play in the wider criminal justice process as agents of accountability through administrative-based processes within and outside courts, including private prosecutions, internal review processes within prosecutorial agencies, judicial review, and ombudsmen processes.

Keywords : victims, participation, criminal justice, accountability

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