

Should we pay wages for victim participation? Victims' labour at the International Criminal Court

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Victim participation in criminal justice is usually studied as a legal right, a democratic opportunity, or a restorative justice measure. Drawing on evidence from the International Criminal Court's victim engagement in Kenya and Uganda, I instead conceptualize victim participation as a form of unpaid labour. Building on Marxist-feminist theory, I argue that we do not usually recognize victims' labour because of the 'who' (*victims*), the 'what' (*participation*) and the 'why' (*justice*) of victim participation. I then make the case for why we should pay 'wages for victim participation', drawing on the Wages for Housework campaign of the 1970s, not only to compensate victims for their labour time but also to open a broader political perspective on life-making, work and justice.

Keywords victim participation, International Criminal Court, social reproduction labour, Marxist feminism, wages for housework, wages for victim participation

Introduction

In 1977, Nils Christie famously accused lawyers of 'stealing' the conflicts of ordinary people. The victim, he argued, had become 'a double loser, first, vis-à-vis the offender, but second and often in a more crippling manner by being denied rights to full participation' in their own case (Christie 1977: 3). Much has changed in the role of victims in criminal justice since Christie wrote these lines (Rock 2004; Bottoms and Roberts 2010). Victims' rights movements in Europe and the United States secured important legislative victories like the Victims' Code (2004) in England and Wales, which enshrines victims' rights to be informed about the trial, access support services and make a personal impact statement (Rock 2023). Considering these political and legal developments, Christie struck a more cautious note

in 2010, warning that ‘victim power might be a strong driving force towards the punitive society’ (Garland 2002: 9; Christie 2010: 115).

A similar trend has unfolded in international criminal justice, where the victim gradually transformed from a ‘forgotten party’—victims did not have any rights or standing at the Nuremberg Tribunal (1945–1946)—to an ‘active participant’, especially since the establishment of the International Criminal Court (ICC) in 1998 (Karstedt 2010). Widely celebrated as a ‘victims’ court’ (Human Rights Center 2015), the ICC provides victims with extensive rights to participate in the proceedings, including tending evidence and examining witnesses, and to receive reparations (ICC 2019: R 91–92). ‘Victims are not just participants in the Court’s processes’, the ICC claims, ‘they are at the very heart of its mission. Their testimonies, experiences and perspectives are invaluable in uncovering the truth and holding perpetrators accountable’ (ICC 2024a). In 2024 alone, 13,012 victims participated in the ICC’s proceedings, and nearly 4,000 victims received reparations (ICC 2024b: 19–20). The Court also organized more than 500 outreach meetings with affected communities, including town hall meetings, trial viewings and media engagement, reaching over 30 million people in 16 countries, most of which are located in Africa (ICC 2025).

Despite these significant changes, few scholars have been impressed by the implementation of victims’ rights in international criminal justice. Legal critics worry that victim participation erodes the defendant’s rights to a fair trial (Zappalà 2010; McGonigle Leyh 2011), while victims’ advocates fear that victims’ inclusion in legal processes is too limited, distant, juridical and bureaucratic to be meaningful for victims (Pena and Carayon 2013; Kendall and Nouwen 2014; Moffett 2014). Although it is widely acknowledged that victim participation ‘requires enormous effort from victims’ who, moreover, ‘almost invariably feel let down’ by these processes (Holder and Englezos 2024: 26), the literature has, for the most part, not made the connection between participation and labour (although see Lombard and Proctor 2025). Rather than treating victim participation as a legal right, democratic opportunity, or restorative justice measure, this article conceptualizes it as a form of unpaid labour. As I observed the ICC’s victim engagement in Northern Uganda in 2019, I was surprised by how much ‘justice’ looked and felt like work, not only for the court’s field staff but also for victims (Ullrich 2024a).

But what does it mean to say that victim participation is labour? We usually associate labour with the market economy in which we sell our labour power in return for wages. Victim participation works rather differently, not least because it is voluntary and unpaid, and its ‘product’ are values and people (‘justice’, ‘truth’ and ‘victims’) rather than commodities. But in precisely those ways it resembles a form of labour that we all know well, namely what Marxist feminists call social reproduction work: the never ending tasks of birthing, nursing, feeding, cleaning, educating and caring, which daily and generationally reproduce workers and their labour power, capitalism’s main source of surplus value, but are not usually seen or paid as work (Federici 2012; Vogel 2013). We see the worker toiling in the factory or typing away in the office, but we don’t usually see the unpaid domestic labour that makes it possible for him to arrive at his workplace every day, rested and ready to toil or type (Bhattacharya 2017). Indeed, capitalism, as Marxist feminists argue, has disguised the essential character of reproductive labour by hiding it in the home and naturalizing it as part of women’s identity and aspirations (as a ‘labour of love’), thus devaluing their work (Ullrich 2024b).

Although few of the victims or victim practitioners I interviewed in Kenya and Uganda explicitly referred to victim participation as ‘labour’, they often talked about it as if it were work. Victims complained that they are tired of attending the court’s outreach meetings, trial viewings and their lawyers’ updates. They also expected to be compensated for

‘helping’ the court with ‘its’ trials. Victims’ lawyers and field assistants, on the other hand, lamented that victims usually arrive late to the court’s meetings and are not sufficiently focused on, engaged with, and informed about the trial (‘they don’t do their job well’). When I asked the court’s local assistants in Northern Uganda why victims come late to the meetings—we often had to wait more than an hour before everyone had arrived—they replied: ‘because they must tend to their subsistence crops in the morning’; ‘because they have to take care of their children and the elderly before leaving the house’; ‘because they often travel from afar and the roads are bad’. This is an ‘open secret’—everybody knows—just as we *know* about all the work women perform at home, and yet we usually don’t *see* victim participation as labour.

Why don’t we recognize victims’ labour? Drawing out the similarities and differences between the ‘labour of love’ that women perform at home and the ‘labour of justice’ that victims undertake for the ICC, I argue that it has to do with the subject, activities, and motivation for reproductive labour. The ‘triangle’ of a subject who is not recognized as a worker, undertaking activities that don’t look like labour, and being motivated by nonfinancial reasons allows reproductive labour, unlike productive labour, to perform a double move: extracting time, energy and knowledge from its workers while also disguising the labour it takes. Yet, while the labour of love makes work disappear through the housewife/care/love triangle (Federici 2012; Jaffe 2022), the labour of justice makes work disappear through the victim/democracy/duty triangle.

More specifically, I contend that both criminologists and criminal justice practitioners overlook the labour of victim participation because of the ‘who’ (*victims*), the ‘what’ (*participation*), and the ‘why’ (*justice*) of victim participation. First, victims’ time is not valued as labour because of *who* victims tend to be, especially in international criminal justice: poor, vulnerable, marginalized and falling short of capitalist norms of productivity. Second, participation is not recognized as labour because it does not look like work in societies in which factory and office labour still define how we imagine work. After all, ‘participating’ in international criminal justice looks quite passive; it involves a lot of sitting, listening and waiting for many years. But, as I will show, even or especially ‘waiting’ is a form of labour; it devours a lot of emotional energy; it depoliticizes people and their causes, and it is an integral feature of the neoliberal capitalist economy in which we all partake. Finally, victim participation does not appear as labour because of *why* victims do it. After all, they do it not because they are compelled to—like we are when we perform wage labour—or because they are obligated by the state—like we are when we do jury service or file taxes—but because they are seeking justice (although the justice they want is often much broader than the justice they end up working for). In other words, what drives them to participate is psychological need, moral commitments, or ideological attachment rather than force or finance.

What are the implications of recognizing victim participation as labour? Inspired by the Wages for Housework campaign of the 1970s, I argue that, as a *practical proposal*, paying ‘wages for victim participation’ runs into many legal and political difficulties, potentially reinforcing the marketization, punitivism and inequalities of existing criminal justice systems—as a form of *prefigurative politics*, however, it could *politicize* that labour in ways that might forge new alliances between different justice workers towards a new justice praxis (Federici 2012). Although criminologists have recently paid more attention to precariously employed criminal justice workers (Bosworth 2024) and the informal ‘justice’, ‘safety’ and ‘relational’ work that both victims and staff do (Johansen 2024; Lombard and Proctor 2025; Miles *et al.* 2026), they have not further explored the theoretical and policy implications of conceptualizing criminal justice as *labour*. By analysing the reproductive

labour of criminal justice through Marxist and Marxist-feminist theory, and by thinking through the policy proposal of ‘wages for victim participation’, this article contributes a deeper understanding of the role of criminal justice in the intimate and everyday reproduction of global capitalist social relations.

I develop my argument in three parts. I first theorize victim participation as socially reproductive labour that extracts and hides work, even from the worker, which poses methodological problems for studying that work empirically. I then draw on a multi-sited ethnography of the ICC’s victim engagement in The Hague, Kenya and Uganda, which I conducted between 2013 and 2019, including 134 interviews with the ICC’s judges, bureaucrats, victims’ lawyers, field assistants and victims, to show that victim participation is labour and why we fail to see it. Finally, I examine the practical and principled challenges which ‘wages for victim participation’ would encounter, not only in international criminal justice, which usually involves victims of mass atrocity violence in the Global South, but also in domestic criminal justice processes in the Global North.

Victim participation as labour: Marxist and Marxist-feminist insights

Work or labour?

Marxists often distinguish between ‘work’ as an anthropological necessity of human life and ‘labour’ as its specific historical and social form (Marx 1990 [1867]: 138; Fuchs and Seignani 2013; Frayssé 2014). Work captures how human beings across history make and remake themselves by *consciously* creating tools and applying them to nature’s resources (Marx 1990 [1867]: 133, 137; Marx and Engels 2007: 48–49). Labour, by contrast, describes work under particular social and historical conditions, for example, slave labour, serf labour or wage labour. Labour is usually bad, but work isn’t. In fact, the problem for Marx was not work per se but the alienated and exploited wage labour form through which capitalists extract surplus value from their workers (Marx 2000 [1844]). ‘Really free labour’, like composing music, he wrote in the *Grundrisse*, was a means of self-realization; it is precisely in exerting effort, in overcoming obstacles, and in unleashing our creative energy that we become who we are as *humans* (Marx 2000 [1844] in McLellan 2000: 90; Marx 2000 [1858] in McLellan 2000: 403; Bhattacharya 2024). Feminist theorists like Arlie Hochschild have further developed that work/labour distinction to differentiate between unpaid ‘emotional work’—our private management of feelings with friends and family—and paid ‘emotional labour’—our public management of the heart as a required job skill, especially in the service industry (Hochschild 2012 [1983]: viii, 68; Gotby 2023).

That said, the distinction between (unpaid) work and (paid) labour is problematic for several reasons. Marx himself often used the terms interchangeably—in German, both are captured by *Arbeit* (Fuchs and Seignani 2013: 240)—and in his later writings, he moved away from the idea that humans realize their essence through unalienated work (Mau 2023: 118). From a Marxist-feminist perspective, the distinction is even more misleading because it fails to account for unpaid domestic and reproductive activities, which are neither wage labour nor freely chosen, self-actualizing work under capitalist conditions. In fact, the whole point of Marxist-feminist theory was to unmask the naturalizing assumptions which render birthing, nursing, caring and cleaning part of women’s nature or ‘calling’, thereby making that labour politically and economically invisible (Dalla Costa and James 1971; Ferguson 2019). Rather than treating work and labour as a binary, it is more useful to see them on a continuum between freedom and exploitation, life-making and profit-making (Jaffe and Bhattacharya 2020)—a continuum further blurred by family

and corporate ideologies, making it difficult, even for the worker, to know where work stops and life begins. Whether resented or loved, and regardless of whether it produces exchange or 'merely' use value, social reproductive activity expends time, energy and skill and should therefore be understood as work/labour, wherever it falls on that continuum.

The labour triangle: subject, activity and motivation

How does reproductive labour perform the double move of taking our time, energy and knowledge while making 'the theft' invisible? I argue that this has to do with the triangle of reproductive labour, which combines a self-denying labourer, a caring activity and a loving motivation that conspire to disguise the work. In the productive labour triangle, the worker is recognized, the activity defined and the motivation implied through the 'wage contract' (the labour is undertaken for pay). In the reproductive labour triangle, by contrast, the housewife is not recognized as a worker; she doesn't create a product or service that can be sold, and her motivation for doing the work centres on non-financial incentives like affect, ideology and values (Federici 2012: 16). While subject, activity and motivation all matter, it is the *why* more than the *who* and the *what* that makes reproductive labour disappear. After all, reproductive labour is also undervalued when the person who performs it is recognized and paid as a worker (nurses or nannies) or when they are men (stay-at-home dads), meaning that it is the labour as such which has become *feminized* due to its association with the loving mother and wife.

Yet, while the labour of love masks work through the housewife/care/love triangle (Federici 2012; Jaffe 2022), the labour of justice veils it through the victim/democracy/duty triangle. Victims do the labour of international criminal justice out of duty to others ('I owe it to my relatives and friends who died'), out of conviction ('justice must be done') and to obtain recognition for the harm they suffered ('as a victim, I deserve to have my voice heard'). Indeed, the sense of duty and calling that the promise of justice instils makes it arguably closer to the realm of religion than the realm of the household—tellingly, the discourse of international criminal justice is awash with religious metaphors (e.g. Stahn 2012)—while its public character and its emphasis on listening to victims' voices makes it more analogous to a citizens' assembly than to the kitchen table. In other words, the labour of justice has more vocational qualities than the labour of love; the victim and the lawyer are both 'called' as justice workers, even if on very unequal terms. Conceptualizing justice as labour also de-exceptionalizes victims as another category of justice workers and can thus help us cut through the binary categories of international criminal justice (e.g. defendants/victims, lawyers/clients).

Recognizing victim participation as labour matters in the same way that it mattered for Marxist feminists to demonstrate that housework is labour. First, it denaturalizes that labour as something people do rather than something they are, revealing the political possibility of organizing and distributing that work differently. Second, it could create new forms of solidarity between formally antagonistic categories (e.g. men/women, defendants/victims, lawyers/clients) by recognizing them as differently situated labourers of justice. Third, it raises the question of pay. But before we can decide whether we should pay wages for victim participation, we first must demonstrate that participation is work/labour.

Justice as work and why we usually do not see it

Methodology

My realization that victim participation is a form of unpaid work/labour emerged at the end of a six-year multi-sited ethnography of the ICC's victim engagement in The Hague, Kenya

and Uganda. I was an intern at the ICC's Registry in The Hague between October 2013 and February 2014, interviewing 26 ICC employees and seven civil society representatives. I then spent three months in Kenya and Uganda in 2014, interviewing 50 local ICC staff, field assistants, NGO workers and victim intermediaries. I returned to Northern Uganda in July 2019 to conduct a further 35 semi-structured interviews, a Focus Group Discussion (FGD) with victims, and to observe the Court's outreach events in Gulu and Lukodi.

I came to the idea that justice demands labour from victims quite late in my research for two reasons. First, a shift in the empirical context: when I returned to Northern Uganda in 2019, the start of the trial against Dominic Ongwen in 2016 meant the ICC was far more active on the ground. This allowed me to observe numerous outreach events, victims' meetings and trial screenings that I had not encountered during earlier fieldwork. As I observed these activities, victim participation felt very draining to me. Second, I began analysing my data in the political context of the Covid-19 pandemic in 2020, when health, care and cleaning workers were suddenly relabelled as 'essential workers', prompting broader questions about who performs the labour that sustains society and why it is so often overlooked and underpaid.

Although I arrived at the concept somewhat by chance, it is striking that the labour involved in victim participation has so long gone unnoticed—not only by myself and other researchers, but even by victims, who rarely directly designated their participation as 'work' in my interviews. That said, when discussing the challenges of participation, both victims and staff repeatedly used language that we associate with labour: fatigue, exhaustion, frustration and a sense of being undervalued, uncompensated, or unpaid. Victims in Lukodi, for example, told me that 'financial support' should be given to those victims who 'help' the court by attending its trial viewings (FGD, Lukodi, 25 July 2019). Wittgenstein's concept of family resemblance is helpful here to make the connection between 'victim participation' and 'work/labour'. Instead of looking for a defining essence or feature of concepts like work and participation, family resemblance invites us to follow these words through a mesh of related meanings, a family of connected expressions (Wittgenstein 1958: PI 66; Fox 2014: 53).

The victims I met in Lukodi, a small village in Northern Uganda which was at the heart of the ICC's case against Dominic Ongwen—a former brigade commander of the Lord's Resistance Army, later convicted of 61 charges of war crimes and crimes against humanity, including forced marriage, forced pregnancy, torture, rape and sexual slavery—not only demanded that they should be paid for participating in the court's processes, but they also reminded me of my own role in the political economy of participation:

there are many researchers that come and then when they go eventually, they forget about this place. So, please, you should be different ... Don't forget about this place. You come back to the place that has given you that knowledge. The recording that you write from ... These products are made but where they are to be sold, that's the problem. (FGD, Lukodi, 25 July 2019)

I had been reassured by the presence of my recorder because I wasn't sure I understood everything as the intermediary translated our conversation. I had, of course, asked for permission to record but naïvely assumed that the unsuspecting device would not elicit too much attention. But they knew; the little machine was creating a product that I might sell (as a book, for example). And they also knew that it was them who were co-producing it. While I paid participants £2 for one hour of work (which was double the going rate) and donated to the Lukodi memorial site, that does not take away the ethical problems of doing

research across vast material divides. Research, of course, is no less extractive than justice, but we (the researchers) and they (the researched) often recognize it more readily as work than justice.

Victim participation as reproductive labour

Once we pay attention to the family of expressions around work/labour rather than merely the naming of the concept, the resemblance between victim participation and labour becomes rather obvious, and not just in my research.¹ From their interviews with forcibly married ‘wives’ of Dominic Ongwen, who all testified as victim-witnesses at the ICC, *Atingo et al.* (2024: 798) drew the following conclusion:

The women were mainly pleased that Ongwen was convicted but they also felt they had been ‘used’ by the ICC. Whatever the precise nature of discussions regarding future reparations, *the women had clear expectations of material benefits resulting from participation in the trial.* They all claimed a lack of financial support, and an apparent lack of follow-up or engagement from the ICC or TFV ... It made them feel ‘dropped’.²

It seems quite clear from that conclusion and the interview material presented that those victim-witnesses expected compensation for their work for the court, independently of reparations for the harm they suffered. As Christine put it:

If being visited by a white man would make you rich, I would be by now! The number of white people I have received is more than *the money* I get ... They all come to talk to me and leave ... *After getting testimonies, ICC had promised they would continue helping but I have seen nothing.* (Ibid: 797)

Sara put it equally starkly:

I was invited by ICC to give my testimony ... I gave it in Kampala ... *but the only money I received was my accommodation and transport refund money* ... I feel very bitter that ICC *used me and dumped me* ... They went quiet and never came back to me ... I have no idea if there will be reparation, and I do not care whether they pay reparation or not, because I am fed up with them. *They worked for their money and they have become rich but I have not ... I am fed up with all these white people asking me questions and I just remain poor ... If asked again to testify, I would not do it because ICC is full of liars.* (Ibid: 797)

Although these women do not explicitly claim they ‘worked’ for the ICC or deserved a ‘wage’ for their testimony, they clearly object to the fact that the Court benefitted from what they produced while they did not. This feels profoundly unfair, especially as these forced ‘wives’ still live near Dominic Ongwen’s family and supporters and continue to bear the risks associated with testifying.

One reason the researchers may not have recognized the labour expressed in these statements is that victims and witnesses perform a specific kind of work for the court: *reproductive labour*. Their participation or testimony cannot be sold by the ICC, but it reproduces the institution (which can now deliver trials and verdicts) and its white, legal workers (who

¹ For a qualitative study of over 600 victim participants at the ICC which reveals their expectations of material support from the court, see [Human Rights Center \(2015\)](#).

² Italics in all quotes reflect my emphasis.

receive their wages), while failing to reproduce victims. Consider, for example, how a field assistant in Uganda explained the challenges of victim participation on the ground:

They [the victims] still don't understand fully how it works and even what is expected of them. At the beginning, we had clients who were telling us that they are tired of attending meetings, but one would expect that this is something that someone who has *chosen to participate* would understand, this is the *expectation*: this is *their duty*. So, this is something we had to go through over and over again and tell them, step by step: 'Do you remember when you came in to apply? This is what participation means. This is what is *expected of you*, to share your views. *The trial cannot go on* without you *giving us your views*. It becomes pointless if we are *to work* without you'.... (Interview, Kampala, 9 July 2019)

Here, victim participation is framed akin to reproductive labour in three respects. First, participation is portrayed as a voluntary commitment, meaning that victims are not workers (*the who*). Second, participation does not look like work: attending a meeting, 'giving us your views', feels like voting more than working (*the what*). But, while going to a meeting once may not count as work, what makes victims 'tired' is the repeated nature of these activities: going to many meetings, over many years. Third, participation is something that 'is expected' (*the why*). Once you agree, it becomes your duty. Ironically, even though participation is voluntary, it is also 'essential work' ('the trial cannot go on without you giving us your views'). And in all three ways, the labour of justice resembles the labour of love in the home, which is both voluntary (women can choose whether to marry or have children) and an 'expected' choice, which creates a duty, not least because it is socially necessary work (society cannot exist without reproductive labour).

Why don't we see justice as work?

I argue that we usually don't recognize justice as work because of (1) *who* the victims are, (2) *what* they do when they participate and (3) *why* they choose to participate in legal processes. For one, victims of mass atrocities in the Global South are usually subsistence, reproductive and informal workers whose time is not valued (Mezzadri 2019). When I asked a victims' lawyer how their meetings fit with the life and work cycle of victims in Northern Uganda, she admitted:

we treat them [victims] as if their time is not valuable, because their time is not monetized. Because all they would be doing with their time—'all they would be doing with their time' like it's nothing—is ploughing their field and doing subsistence work that is not remunerated, then we feel we can ask them to attend a meeting whenever we want. (Interview, London, 10 September 2018)

Lawyers' time is measured to the minute ('billable hours'), while victims' time does not count: the devaluation of their work in real life means that their participation in the legal process does not have 'opportunity costs' and can't really be work.

Second, victim participation is not recognized as labour because it does not *look* like work. For most victims (who are not witnesses) in Kenya and Uganda, participation means travelling on muddy and unsafe roads, sometimes for hours, sitting on white plastic chairs in a dark conference hall or outdoors under mango trees, listening to speeches and updates by ICC officers and victims' lawyers, and waiting for a chance to speak up. In fact, much of what victims do, as investigations are sluggish, suspects are not apprehended, or trials are delayed, is waiting. Waiting is a big concern in domestic and international criminal justice, as victims frequently complain about it, but it is hardly ever conceptualized as a form

of emotional work/labour. International criminal legal processes are particularly lengthy, plodding along for years or even decades, with many victims dying before a judgement is handed down (Redress 2013). Emotionally invested in criminal justice processes, victims may be too exhausted to seek alternative forms of justice or engage in political campaigns to assert their demands.

Waiting, however, is not merely a side effect of a broken justice system, as the *Guardian* (2025) headlines about ‘courts in crisis’ in England and Wales insinuate; it is integral to the neoliberal capitalist system. In fact, there is a connection between victims waiting outside the courtroom and Deliveroo drivers waiting for the next food order. After all, the platform-based gig economy, which promises its customers to deliver services ‘just in time’, achieves that goal by keeping a huge pool of underutilized workers waiting for the next ‘gig’. As Attoh *et al.* (2024) argue, while much of the critique of the gig economy revolves around its legal veiling of workers as ‘independent contractors’, for many of the delivery drivers they interviewed, ‘unpaid waiting’ was just as much of an issue. This waiting is not ‘wasted time’ from the perspective of capitalists, however, because they don’t have to pay for it. At a more structural level, global capitalism depends on the constant production and reproduction of a ‘waiting population’, a surplus population, which is ready to work whenever and wherever new possibilities for capitalist accumulation emerge (Marx 1990 [1867]: 784–785). Flexible and hungry, these waiting workers can be mobilized quickly when new investment pours in or when production is moved to ever-cheaper places. Waiting also has a tranquilizing effect—those who wait and hope for their moment of productivity or their day in court will not roam the streets or smash windows.

But it is not only victims who are ‘tainted’ by the unproductive looks of victim participation. Victims’ lawyers, who are paid for their work, are made to look idle, too. One judge told me indignantly:

It [victim participation] has led to the emergence of a new caste of lawyers who make big money out of the suffering of the people... To be a legal representative of victims is a relatively easy job. It is not the same as being a defence counsel of an accused, because the Prosecutor does all the work... They get a mandate of the victims and otherwise they don’t care about them. It’s just a piece of paper they care about. I have a mandate of 100 victims in the DRC [Democratic Republic of Congo] or in Ivory Coast and this allows me to sit in the courtroom to earn 30,000 or 20,000 Euros a month for this ‘work’. (Interview with Judge, The Hague, 19 December 2013)

Work is named here, but only in air quotes. ‘Sitting’ in the courtroom is not really work, as more productive lawyers are doing the work for you, which overlooks the emotional labour victims’ lawyers shoulder when they meet, talk and listen to victims. In the same way that feminization (the association of reproductive labour with women) devalues all social reproduction work, even when men do it or when it is paid, ‘victimization’ (the association between participation and gendered and racialized victims) devalues all victims’ work, even when lawyers do it, and are paid for it, especially when they, like the victims, are Black or Brown.

This tendency to devalue victims’ work through feminization and racialization becomes even clearer when we turn to *the why*, the motivation for undertaking the labour. Consider this quote by a fictitious victim-witness who speaks to the exhibition visitor as part of a multimedia installation at the ICC’s premises in The Hague. The victim (female voice, broken English) tells us:

I felt a very *heavy responsibility*, *having to take part in a process of justice*. I was a little afraid at the beginning of my testimony. And I felt vulnerable and faced a lot of emotions. My heart was beating very fast. But after a while I calmed down and I was fine. Now I know I have been heard. Morally I feel relieved. I do not know how to explain. It did not change anything physically, *but morally it is one way for me to honour people who perished during the crisis*. Testifying felt like letting go of something I had been holding on to. I felt free and very proud that I had done *my work* well. We would be forgotten without the Court. The Court is there so our voice is heard. (Schwöbel-Patel 2018: 704)

Although victims are not legally obligated to participate in international criminal justice, and even witnesses (effectively) cannot be subpoenaed (IBA 2013: 15), they often feel a ‘heavy responsibility’ to take part in the legal process ‘to honour people who perished during the crisis’. After giving her testimony, she ‘felt very proud’ that she had done her ‘work’ well. The quote, presumably an amalgam of thousands of such statements by victims, indicates that the pursuit of justice is often driven by moral duty in addition to the hope for reparation, the need for validation and the desire for retribution (Human Rights Center 2015; McGlynn and Westmarland 2019; Brooks-Hay 2020).³ Victims do appreciate having their voices heard, but what is often cherished as ‘procedural justice’ (Tyler 2003) is also difficult and painful emotional work for them.

Labourers of justice

Justice is not the work of victims alone but a collective labour that cuts across unequal roles—bringing victims, field assistants, intermediaries and lawyers together as justice workers, even if they are recruited on markedly unequal terms. What makes the labour of justice different from the labour of love is that the former is driven by love for the work, while the latter is motivated by love for the people we work for (e.g. children, partners). ‘There’s little doubt’, Tokumitsu (2014) argues ‘that “do what you love” (DWYL) is now the unofficial work mantra for our time’. Law has long been regarded as a ‘calling’, as lawyers already reminded each other in ‘the vocational address’ at law school graduations, gatherings of the bar, or memorial services in Victorian America (Gordon 2000: 7). Just as God ‘calls’ the clergy to serve him, society calls the lawyer to serve the public good, ‘a calling that could lead a man to honour, social usefulness and self-respect’ (Floyd 1998; Gordon 2000: 7). The profession of the international criminal lawyer is couched in particularly strong moral and ideological terms, demanding that lawyers ‘maintain the highest standards of honesty, integrity and fairness’ while devoting themselves to the pursuit of justice ‘for the victims of unimaginable atrocities that deeply shock the conscience of humanity’ (ICC 2002: 1; IBA 2006: 2; Koller 2008). The international criminal lawyer, like the human rights lawyer more generally, is the one who followed his heart rather than his purse, embarking on a rocky path of expensive LLM degrees, unpaid internships and precarious contracts.

The expectation or demand that justice workers do their work out of passion is evident from the ICC’s (2026) website, which celebrates the dedication of its diverse employees, revering the stenographer as a ‘courtroom pianist’, and the courtroom officer as ‘the captain of a ship’. ‘I can honestly say I love the challenge of my work’, the ‘courtroom pianist’ says, ‘it’s an obsession of sorts, a passion’. For Cynthia, a lawyer from Costa Rica, becoming a legal officer in the court’s chambers was ‘meant to be’. Like many of the court’s staff

³ Victims’ motivations for justice in domestic and international criminal justice are complex, but often recognition, voice, reparation, truth, prevention and social transformation are more important than retribution.

members, she started as an intern. When she was finally interviewed for a proper position, she told them: ‘This is what I’ve wanted to do my whole life—this is *it*. This is my calling’ (Ibid). ‘We are really passionate about our work. That’s why we are here. We love it. We love working at the ICC, but the conditions are really, really poor’, a defence advocate told journalists in December 2022, as defence and victim support staff went on a ‘historic strike’ in The Hague to draw attention to their deplorable working conditions at the ICC: no contract, no job termination period, no sick leave, no vacation or parental pay and 30 per cent less income than their prosecution counterparts (Dinneny 2022). Support staff make up two-thirds of defence teams, most of whom, as is often the case with precarious staff, are women and racialized people. In other words, the labour of justice, like the labour of love more generally, can be very exploitative, as the court extracts a great deal of free labour above and beyond paid work across its diverse categories of workers. While the relations between these different justice workers are often tense (victims feel used by lawyers; defence support staff resent the better working conditions of prosecutors), their exploitation as reproductive workers could also create conditions for joint struggle. Above all, it raises the question of pay.

Wages for victim participation: implications of a labour perspective

What are the political and normative implications of considering victim participation as labour? Should victims be paid for their labour? Do we need to monetize their contribution to criminal justice to value it? Or should we abolish participation altogether and return to victimless criminal justice? And what would we lose if we did? Are the implications different for domestic and international criminal justice? Drawing on the analogy of the Wages for Housework campaign, I will first lay out the case for why we should pay victims’ labour, before explaining some of the risks of doing so, and how they could be mitigated. While wages for victims will likely fail as a practical proposal within existing criminal justice systems, I argue that it could succeed as a form of prefigurative politics, transforming how we value victims in the present and thereby creating new justice imaginaries and practices for the future. Given that the basic idea that victim participation is a form of reproductive labour is applicable to both domestic and international criminal justice, I will use examples from both domains to identify entry points and risks of paying wages to victim participants.

A wage for victim participation would recognize victims’ contributions to the criminal justice system, specifically the time, knowledge and energy they invest. First, victim participation consumes time which victims could use differently, productively or reproductively. Second, victims, as witnesses, perform essential labour, as investigations and prosecutions often fail without their testimony (HMICFRS 2023). If victims collectively refused to report crime, cooperate with the police, and testify in court, the criminal justice system would come to a screeching halt. Third, victims deplete their life resources, going through a roller coaster of hope, anxiety, disappointment, and exhaustion, as they grapple with the unpredictability of legal processes. Finally, their participation does ‘legitimation work’ for criminal justice, producing that precious intersubjective quality of legal processes being perceived as ‘just’ or ‘fair’ by the public, because victims support them (Glasius 2012; McEvoy and McConnachie 2013: 490).

Of course, a wage raises all sorts of practical questions: should an hourly wage be paid or a lump sum? How much should victims receive? Should courtroom time be paid more than waiting time? Or does this reproduce a hierarchy of labour in which certain forms of work are more valuable than others? And who should pay for it? The state, domestically, and the

‘international community’, internationally? Or should the defendant pay for it? And what about defendants? Should they be paid, too? After all, they also participate in the process. If the criminal justice system really presumes that defendants are innocent until proven guilty, shouldn’t we value their engagement in the process like everyone else’s?

Those are important questions with no easy answers. Before we can turn to practical questions, however, we first need to address the principled objections that wages for victim participation would likely encounter. First, far from valuing victims, commodifying their labour would further compound the marketization of justice, ranging from the privatization of prisons to the commodification of security (Loader *et al.* 2014; Schwöbel-Patel 2021). Second, ‘wages for victim participation’ could undermine the fairness of trials and increase the punitivism of criminal justice as victims may have an ‘incentive’ to pursue criminal legal processes, especially if the longer the trial, the more wages they receive. Third, paying wages to victim participants risks amplifying inequalities among victims, as victims who can access courts (just as workers who can access waged jobs) tend to have more education and resources than less ‘privileged’ victims, who are often shut out of the legal system. This tendency is even more pronounced for victims of international crimes, as only a small fraction is recognized by the ICC and able to exercise their participatory rights (in Uganda, for example, just 4,000 of an estimated 50,000 victims participated in the Ongwen trial).

The Wages for Housework (WfH) campaign, founded in 1972 by a collective of women from across the world, confronted similar objections, including by other second-wave feminists who shared its critique of the devaluation and feminization of housework (Federici 2012: 7; Toupin 2018: 4; Callaci 2025: xvi). In the same way that wages for housework risked further tying women to their subordinate roles in the home, wages for victim participation (WfV) threaten to tether victims to their secondary roles in the criminal justice system instead of empowering them to pursue their political demands outside of it. After all, much like the home is the most dangerous place for women (UN Women 2023), the criminal justice system is often a site of ‘secondary victimization’ as victims are overlooked, doubted, and undermined in adversarial proceedings (Wemmers 2013). Just as WfH might consolidate the breadwinner-caregiver division of labour, undermining a fairer burden sharing at home, WfV might reinforce the victim-perpetrator dichotomy, increasing the punitivism of criminal justice. By portraying perpetrators/men as the source of violence/exploitation, WfH and WfV could also end up disguising broader structural violence and societal inequality, which render men/perpetrators, as much as women/victims, losers of a global capitalist order. Besides, just as ‘salarization’ did little to valorize feminized work like caring and cleaning—still among the worst-paid work (Toupin 2018: 4)—‘wages for victim participation’ could become tokenistic, failing to generate more respect and standing for victims in criminal justice processes.

To assuage some of these concerns, perhaps what we are looking for is not an hourly wage tied to the quantity of labour power victims expend but a basic income or lump sum that values victim participation more qualitatively (Cruz and Weeks 2016). Indeed, there are possible entry points for such payments within existing criminal justice systems. State-funded schemes, like the Criminal Injuries Compensation Scheme (CICS) in England and Wales, already award compensation to victims for the harm they suffered independently of the existence or outcome of criminal trials.⁴ If we can monetize the life and limbs of

⁴ That said, the award of compensation is still tied to ‘good conduct and character requirements’ like cooperation with the police and not having unspent criminal convictions.

victims through fixed tariffs (e.g. £33,000 for losing a non-dominant arm) (Gov UK 2026a), why can't we pay victims for participating in criminal justice? Meanwhile, victim-witnesses in many jurisdictions, like England and Wales, can already claim for expenses like travel costs, overnight stays, food and drink and loss of earnings (up to £85.90 for a full day of court hearings), which could be increased and re-labelled to recognize victim participation as essential criminal justice labour (Gov UK 2026b). If the state pays a fixed tariff for victim participation independently of the outcome of criminal trials, just as it pays for compensation and expenses, 'wages for victims' could also be decoupled from the punishment of the perpetrator. Finally, the criminal justice system could be made more accessible to victims to avoid reinforcing inequality by compensating only a select few. In other words, even within existing frameworks, simple measures could recognize victims' labour without deepening the marketization, punitivism or inequalities of criminal justice.

The risk, of course, is that folding victims' labour into existing payment schemes blunts the critical edge of 'wages for victim participation' by co-opting victims into a slightly modified status quo. If the wage as such is not the solution and compensation or expense schemes are ill-suited to recognize victims as workers, should we simply abolish victim participation altogether? We have so far assumed that both court and home are, in essence, valuable institutions, the first reducing harm, the second creating and nurturing life. But we cannot ignore the fact that two of the most energetic left movements in the last ten years have been the movement for prison abolition, on the one hand, and for family abolition, on the other (Davis *et al.* 2022; O'Brien 2023). Put differently, are domestic and international criminal justice worthwhile enterprises in the first place? Are they worth pouring all that labour into?

While participation in both domestic and international criminal justice is labour, that labour may have a different meaning if it is performed in a democratic polity in which victims also have rights as citizens. After all, citizens have some power to shape justice processes, unlike victims in the international system, who tend to be only seen as 'passive', 'innocent', 'women and children' waiting to be 'rescued' by powerful Western institutions (Schwöbel-Patel 2018). The problem with that perspective, however, is that victims in domestic jurisdictions are also often among the most marginalized of society, with little power to shape the product of their legal labour. What is more, vulnerable victims, like victims of sexual and gender-based violence, whose participation is particularly strenuous, are also the least likely to receive 'justice' as reward for their labour, with less than 1 per cent of reported rape cases resulting in convictions (Hohl 2022). And how much do victims really benefit from a conviction? At best, criminal justice has spectacularly failed to achieve its objectives of harm reduction, with most studies showing that prison sentences do not reduce recidivism rates and many indicating that prison conditions may themselves have criminogenic effects (Cullen *et al.* 2011; Drago *et al.* 2011). At worst, the criminal justice system, as abolitionists argue, is an active and deliberate harm producer, an institution of racial and class control that cages the surplus population and disciplines the working class (Gilmore 2007). So why should victims waste their time on ineffective institutions, especially if they could pursue more meaningful, bottom-up restorative and transformative justice processes instead?

Yet the challenge with the abolitionist perspective is not only that it does not seem politically feasible now, but also that many victims want criminal justice and choose to participate in domestic and international processes. So, if a wage is problematic and abolition is not on the political cards yet, why still make the case for wages for victim participation? Perhaps what was most important about the Wages for Housework campaign was not the wage as a technocratic fix but as a transformative method to unlock new political

horizons in three ways. First, demanding wages for housework demystified domestic labour as unwaged work (visibilization). Second, it brought women together as workers struggling against uniquely exploitative labour conditions (mobilization), and third, it built their social power and organizational capacity to start creating alternative caring infrastructures (prefiguration) (Federici 2012: 18). Put differently, WfH was a transitional or prefigurative demand that sought to upend rather than deepen market relations, which makes it very different from the struggle of unionized workers:

The waged worker in struggling for more wages challenges his social role but remains within it. When we struggle for wages, we struggle unambiguously and directly against our social role ... We struggle to break capital's plan for women, which is an essential moment of the divisions within the working class, through which capital has been able to maintain its power. (Federici 2012: 19)

To fairly pay reproductive labour is not possible within the logic of capitalist social relations, as that work *must* be free or cheap for capitalism to accumulate profit. Even though the demand for wages, as such, thus likely fails within existing systems, organizing around it, and putting money into women's pockets could empower them to enact new visions of care in their everyday social relations (e.g. collective childcare), thereby creating new pathways towards a society that prioritizes life-making over profit-making. The real objective of WfH was thus not to create a world of waged housewives but a world in which their work would be collectively reimagined, shared and valued (Nanopoulos and Ullrich 2025).

'Wages for victim participation' could be conceived of as a similar three-step strategy. Its immediate objective would not be to abolish victims' labour, nor necessarily to remunerate it, but to politicize it. After all, making something visible and thinkable as labour forces us to ask new questions: who does that labour and why? Could that labour be done differently? Could it be redistributed? Should it be paid? If a wage does not work, what about a basic victim's income or pension? As victims organize around the wage to meet their material and emotional needs in the present, they also come together to discuss, imagine, and experiment with new ideas and practices of justice. In other words, by organizing around a political demand in a bottom-up, collective fashion, victims may democratically shape alternative justice forms and thus move us beyond criminal justice systems. Indeed, 'abolition' is unlikely to work as a top-down demand; it must connect to what people want and need, and come alive in the process or be stillborn.

Conclusion

Why is it helpful to think of victim participation as labour? Beyond valuing victims' time, a labour perspective rethinks what justice is and requires in an era when Christie's call for victims to be 'active participants' has shifted from provocation to academic and policy mainstream. As such, it also corrects a prevalent discourse that portrays justice as something that courts 'deliver' or 'provide' and that victims 'receive'—almost like a gift—or as a legal process in which formally equal, rights-bearing subjects participate. Reconceptualizing justice as unpaid labour reverses the first image—if anything, justice is something that victims 'gift' to courts—and it complicates the second image by showing that justice is also a labour process in which differently valued workers cooperate. Such a 'labour analytic' could also be productive for analysing other criminal justice processes, which are often studied as institutions, practices or discourses but rarely as different forms of labour (e.g. bureaucratic, legal, emotional) which reproduce society and its unequal gendered and racialized relations. A Marxist-feminist perspective, by contrast, makes visible how criminal justice institutions

not only run on the labour of their official workers (e.g. judges, police officers or prison wardens) but also on the unpaid or underpaid labour of victims, witnesses, jurors, interns, communities, and civil society. Ultimately, an ‘invisible labour lens’ can unlock new ways of understanding the role of criminal justice in the intimate and everyday reproduction of global capitalist social relations, not only through repression, control and exclusion but also through ideology, care and inclusion.

Politically, rethinking justice as a joint, if divided, labour process moves us away from the antagonistic roles of criminal law (e.g. victim/perpetrator, prosecutor/defence lawyer) towards potentially building cross-cutting solidarities and coalitions. Even as victims and defendants occupy opposite roles in criminal trials, they often find themselves on the same side in life as vulnerable populations who experience social deprivation at home and war abroad and thus often migrate in and out of ‘victim’ and ‘defendant’ roles. Just as victims do ‘legitimacy work’ for criminal justice, defendants do ‘blame work’ for our societies, shouldering the blame for all harm and violence and thus exonerating the global racial capitalist patriarchal system in which we all have to survive. As such, unmasking victims, defendants, and lawyers as justice workers could create the potential for a struggle of the 99 per cent, as Occupy Wall Street famously called it, a struggle of all productive and reproductive workers, whether waged or unwaged (Arruzza *et al.* 2019). After all, labour struggles do not just unfold in the factory or the office; they also transpire in our bedrooms, hospitals, nurseries, courts, and communities, as people fight not only to secure better wages but also to protect the conditions and means of social reproduction (Ferguson 2019; Fraser 2022). As the conditions of neoliberal capitalism create convergent experiences of precaritization, downward mobility, indebtedness, and time poverty for working people across class lines, forcing us all to do more reproductive labour with less time, energy and resources, it also creates the ground for common struggle and could make us realize the power we already hold as ‘essential workers’.

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