

what is criminology?

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CHAPTER

1

The objective of criminology is the development of a body of general verified principles.

—Edwin Sutherland and Donald Cressey³

The whole paraphernalia of the criminal law and the criminal courts is based on the need of the upper class to keep the lower class in its place.

—Jay Frost⁴

KEY CONCEPTS

IMPORTANT TERMS

crime	criminology	social relativity
criminalist	deviant behavior	social responsibility perspective
criminality	general theory	statute
criminalize	integrated theory	statutory law
criminal justice	socialization	theory
criminal justice system	social policies	unicausal
criminologist	social problems perspective	

OUTCOMES

LEARNING

After reading this chapter, you should be able to

- ◆ Understand what criminology is and what criminologists do
- ◆ Define crime
- ◆ Recognize the difference between criminal and deviant acts, and appreciate the complexity of this distinction
- ◆ Understand the legalistic approach to the study of crime, and know why it is limiting
- ◆ Know what a theory is, and explain the role of theorizing in the study of criminal behavior
- ◆ Understand the distinction between the social problems and social responsibility perspectives on crime causation



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INTRODUCTION

On May 5, 2000, 30-year-old Andrew Goldstein was sentenced to 25 years to life in prison after being convicted of murder for pushing 32-year-old Kendra Ann Webdale to her death in front of a speeding New York City subway train more than a year earlier.⁵ Webdale, a music company receptionist, was decapitated and her body badly mangled as it was dragged along the tracks by a train pulling into the 23rd Street and Broadway station in Manhattan. Goldstein, a paranoid schizophrenic who had been in and out of mental institutions for years, had randomly chosen Webdale from among the commuters waiting on the Long Island Railroad platform. When the police arrived, Goldstein told officers he was “crazy” and asked them to take him to a hospital. Goldstein apologized to the Webdale family before he was sentenced, and he blamed the killing on his failure to take doctor-ordered antipsychotic medication.⁶

Shortly after Goldstein entered prison, another random attack grabbed the attention of New Yorkers. Around noon on July 9, 2000, in what was an apparent robbery attempt, 25-year-old Tiffany F. Goldberg was struck from behind by a

man wielding a cantaloupe-sized piece of concrete as she walked from church to a subway station on busy 42nd Street.⁷ Goldberg, an aspiring Broadway actress, had just attended services at Marble Collegiate Church, two blocks from the scene of the attack. Stunned, and with her skull fractured by the blow, Goldstein reflexively held on to her purse while her attacker attempted to pry it from her hands. An off-duty fireman who was driving through the area yelled at the man until he ran off. Following the attack, Goldberg was rushed to the emergency room at Bellevue Hospital and eventually recovered. Her assailant was never found.

The attack on Goldberg was similar to one eight months earlier in which Nicole Barrett, a 27-year-old woman from Texas, suffered serious head injuries when a homeless man ran up behind her at midday and smashed her skull with a six-pound brick as she walked along Madison Avenue in New York. Paris Drake, 34, was arrested shortly after the attack and was charged with attempted murder, assault, and criminal possession of a weapon.⁸ Drake, an ex-con, had served a total of six years in prison for a variety of convictions going back to 1982. Drake has not yet been tried as this book goes to press,



Andrew Goldstein (left) was sentenced to 25 years to life in prison after being convicted of murder for pushing 32-year-old Kendra Ann Webdale (right) to her death in front of a speeding New York City subway train. What do crimes like Goldstein's tell



us about American society today? (Marty Lederhandler, AP/Wide World Photos (left) and Kevin M. Polowy, AP/Wide World Photos (right))

and he claims he was arrested in a case of mistaken identity. His police record includes 21 arrests for robbery, burglary, felony assault, and drug sales and possession. Barrett, who remained unconscious for days after being hit on the head, underwent a series of operations to relieve swelling around her brain and eventually recovered the use of most of her faculties.⁹

Random violent attacks perpetrated by strangers are the kinds of crime that people fear most. Although attacks like those on Kendra Webdale, Tiffany Goldberg and Nicole Barrett are relatively uncommon, they are widely reported in the media and appear to lead to a heightened sense of insecurity among members of the public. This is true even though crime rates have declined in recent years to levels not seen in nearly three decades.

WHAT IS CRIME?

Americans and the American mass media show an unabashed penchant for closely following gruesome and spectacular crimes and for thoroughly documenting crimes and transgressions involving celebrities, athletes, and other well-known people. During the 1990s, for example, the murders of Nicole Brown Simpson (for which football star O. J. Simpson was tried and acquitted), Gianni Versace (internationally known fashion designer), Ennis Cosby (son of entertainer Bill Cosby), James Jordan (father of basketball great Michael Jordan), gangsta rappers Tupac Shakur and Christopher Wallace (known to fans as Notorious B.I.G. or Biggie Smalls), and 6-year-old beauty queen JonBenet Ramsey all received much press coverage. The alleged misdeeds of other celebrities, such as boxer Michael Tyson (who bit off parts of an opponent's ear in the ring), rappers Sean "Puff Daddy" Combs (arrested on assault charges, along with friend Jennifer Lopez) and Snoop Doggy Dogg¹⁰ (acquitted of murder charges), for-

mer Carolina Panthers wide receiver Rae Carruth (convicted in 2001 of conspiracy in the shooting death of his pregnant girlfriend), actor Robert Downey, Jr. (who repeatedly served time for drug possession), Dennis Rodman (convicted in California of DUI and driving without a valid license), and Brad Renfro (arrested for allegedly trying to steal a yacht)—to name just a few—attracted considerable attention. Keep up-to-date with the latest crime news at Web Extra! 1-1.



Web Extra! 1-1 at crimtoday.com

Of course, not all wrongdoing is crime. Crime can be defined in a variety of ways, and some scholars have suggested that at least four definitional perspectives can be found in contemporary criminology.¹¹ These diverse perspectives see crime from (1) legalistic, (2) political, (3) sociological, and (4) psychological viewpoints. How we see any phenomenon is crucial because it determines the assumptions that we make about how that phenomenon should be studied. The perspective that we choose to employ when viewing crime determines the kinds of questions we ask, the nature of the research we conduct, and the type of answers that we expect to receive. Those answers, in turn, influence our conclusions about the kinds of crime control policies that might be effective. Hence when we study crime, it is vital to keep in mind that there are differing viewpoints within the field of criminology as to the fundamental nature of the subject matter itself.

Seen from a legalistic perspective, **crime** is *human conduct in violation of the criminal laws of a state, the federal government, or a local jurisdiction that has the power to make such laws*. This is the definition of crime that we will use in this textbook because without a law that circumscribes a particu-

CRIME IN THE NEWS

Brick Victim's Family Finds "Miracle" in NYC



The family of an Athens, Texas, woman who was hit in the head with a brick on a busy midtown Manhattan street last week says they asked for a miracle when they learned of the brutal attack—and that's what they're getting.

Speaking to the public Monday for the first time since an unknown homeless man struck down Nicole Barrett in an apparent random act of violence near Grand Central Terminal, the 27-year-old temp worker's family said they visited with her in the morning, and she was able to smile.

"We asked for a miracle to start with, and we haven't expected anything less," said Sharon Barrett, flanked by her son, Scott, with New York City Mayor Rudolph Giuliani and Police Commissioner Howard Safir at a news conference at Bellevue Hospital.

"One of the first people to get to Nikki was a priest—so we know she was prayed for from the very beginning—that means very much to us," said the devout Southern Baptist who arrived from Texas with her son and her husband, Arlen, at her daughter's bedside. Barrett said that her daughter doesn't know what happened to her and was told by her boyfriend that she suffered an accident.

"She smiled at us this morning, which is very encouraging for us," said Scott Barrett, 24.

CHEERED BY OUTPOURING OF SUPPORT

Nicole Barrett was hit in the head with a brick while walking on Madison Avenue near 42nd Street on Nov. 16 and remains in critical condition in the neurosurgical intensive care unit since undergoing brain surgery at Bellevue.

The family said they were also cheered by the outpouring of support they've gotten from New Yorkers and said they didn't blame the big city for harming their Nicole.

"We in no way look at New York City in a bad light," said the victim's brother. "It's gorgeous."

"This was an act of one man. It could have happened in Athens," said Sharon Barrett. "Look at Columbine—no one expected that. We just can't believe there are so many kind people in the world, much less in one city—perfect strangers letting us know their thoughts are with us. We appreciate that."

PLENTY OF TIPS, BUT NO ARREST

Scott Barrett said that Nicole had been to the city before moving here, performing in New York's Thanksgiving Day Parade with a drill team from the community college in her hometown. He said her family is hoping that she will improve enough by Thursday to enjoy the holiday again.

"We have had several offers, but our wishes are just for a nice turkey meal by her bedside," he said.

Police have followed up on hundreds of tips but have so far been unsuccessful in finding a suspect, said Safir, holding a police artist's sketch of the attacker.

He asked the public, particularly anyone riding the Lexington Avenue subway the day of the attack, to come forward. "We are just covering all the bases," he said. "At this point we don't know, but since the brick weighs 6½ pounds, perhaps he got on the subway or a bus."

CITY TO CRACK DOWN ON HOMELESS

The attack on Barrett has prompted a controversial crackdown on homeless people in the city, with the mayor ordering police to prevent them from sleeping on the streets.

"They will be told to go—you can't sleep in the street, they're not going to have the choice to sleep in the street," said Giuliani, adding that he doesn't believe the Constitution gives anyone the right to sleep in alcoves and doorways. "The ones that wind up in jail probably have warrants for their arrest."

Source: Howard Stier, "Daughter Smiles as They Visit Her Bedside," APB News, November 23, 1999. Reprinted with permission.

lar form of behavior, there can be no crime, no matter how deviant or socially repugnant the behavior in question may be.

A recent case from Down Under well illustrates the principle that without a law defining an activity as illegal, there can be no crime. A few years ago, an Australian court acquitted Aboriginal activist John Kelly of "making a demand with menaces"—an offense under Australian law that is similar to the crime of extortion. Kelly was charged by prosecutors with trying to extort \$10,000 (Australian) by threatening to "point the bone," or place a death curse, on a well-known Australian comedian. Northern Territory Supreme Court Judge Steven Bailey directed a jury to acquit Kelly after a three-day trial, saying that "there was no evidence of unlawful conduct" in

the Aboriginal activity of "pointing the bone" and that any threat made on the basis of such activity was essentially meaningless.¹² Had Kelly threatened to kill the comedian with a gun, the judge would have probably found otherwise. As in this case, however, the laws of most states would make it difficult or impossible to convict someone of assault charges for putting a voodoo curse on another person or for burning an effigy of the person in a "black magic" ritual.

The notion of crime as behavior¹³ that violates the law derives from earlier work by criminologists like Paul W. Tappan, who defined *crime* as "an intentional act in violation of the criminal law . . . committed without defense or excuse, and penalized by the state as a felony or misdemeanor."¹⁴ Edwin Sutherland,

regarded by many as a founding figure in American criminology, said of crime that its “essential characteristic . . . is that it is behavior which is prohibited by the State as an injury to the State and against which the State may react . . . by punishment.”¹⁵

Although we have chosen to adopt the legalistic approach to crime in this textbook, it is important to realize that while such an approach is useful in the study of criminology, it is also limiting. Many times, those who adhere to a legalistic perspective insist that the nature of crime cannot be separated from the nature of law, as the one explicitly defines the other. Not easily recognized by any legalistic definition of crime, however, is the social, moral, and individual significance of fundamentally immoral forms of behavior. Simply put, some activities not contravened by **statute** nonetheless still call out for a societal response, sometimes leading commentators to proclaim, “That ought to be a crime!” or “There ought to be a law against that!”

Another serious shortcoming of the legalistic approach to crime is that it yields the moral high ground to powerful individuals who are able to influence the making of laws and the imposition of criminal definitions on lawbreakers. By making their own laws, powerful but immoral individuals may escape the label “criminal.” Although democratic societies like the United States would seem to be immune from such abuses of the legislative process, history demonstrates otherwise. In Chapter 9 we will explore this issue further and will focus on the process of criminalization, which is the method used to **criminalize** some forms of behavior—make them illegal—while other forms remain legitimate.

The legalistic definition of crime also suffers from its seeming lack of recognition of the fact that formalized laws have not always existed. Undoubtedly, much immoral behavior occurred even in dimly remembered historical epochs, and contemporary laws probably now regulate most such behavior. English common law, for example, upon which much American **statutory law** is based, judged behavior in terms of traditional practice and customs and did not make use of written statutes. Although all American jurisdictions have enacted comprehensive legal codes, many states still adhere to a common law tradition. In such “common law states,” individuals may be prosecuted for violating traditional notions of right and wrong, even though no violation of written law took place. Needless to say, such prosecutions rarely occur, and when they do they are not often successful.¹⁶ Common law is discussed in more detail in Chapter 4. Learn more about common law at Web Extra! 1-2.



Web Extra! 1-2 at crimtoday.com

Changes in the law will undoubtedly continue to occur, perhaps even legitimizing former so-called crimes or recognizing that fundamentally moral forms of behavior have been unduly criminalized. Over the last decade, for example, state legislatures along with members of the general public have debated the pros and cons of euthanasia. Until recently, Dr. Jack Kevorkian, perhaps the best-known pro-euthanasia activist of modern times, had been waging a crusade to legalize doctor-assisted suicide for terminally ill individuals. Kevorkian ad-

mitted assisting many seriously ill people who took their own lives, mostly in the state of Michigan. Although tried under Michigan common law, which prosecutors claimed criminalized assisted suicide, he was acquitted. In 1999, however, after Michigan enacted statutory provisions outlawing physician-assisted suicide, Kevorkian was rearrested, tried, and convicted of a number of crimes and was sentenced to 10 to 25 years in prison. Evidence against Kevorkian came mostly from a videotape aired on CBS's *60 Minutes*, showing the doctor giving a lethal injection to 52-year-old Thomas Youk, who suffered from Lou Gehrig's disease. Learn more about Kevorkian, the ideology that motivated him, and the criminal trials that eventually led to his imprisonment at Web Extra! 1-3.



Web Extra! 1-3 at crimtoday.com

A second perspective on crime is the political one. From a political point of view, crime is the result of criteria that have been built into the law by powerful groups, which are then used to label selected undesirable forms of behavior as illegal. Those who adhere to this point of view say that crime is a definition of human conduct that is created by authorized agents in a politically organized society. Seen this way, laws serve the interests of the politically powerful, and crimes are merely forms of behavior that are perceived by those in power as direct or indirect threats to their interests. Thus the political perspective defines crime in terms of the power structures that exist in society and asserts that criminal laws do not necessarily bear any inherent relationship to popular notions of right and wrong.

The political processes that create criminal definitions, however, are generally easier to comprehend in totalitarian societies than in democratic ones. Nonetheless, the political perspective, as we shall see in Chapter 15, can also be meaningfully applied to American society. John F. Galliher, a contemporary criminologist, summarizes the political perspective on crime when he writes, “One can best understand crime in a class-structured society such as the United States as the end product of a chain of interactions involving powerful groups that use their power to establish criminal laws and sanctions against less powerful persons and groups that may pose a threat to the group in power.”¹⁷ It is important to realize, Galliher points out, that since legal definitions of criminality are arrived at through a political process, the subject matter of criminality will be artificially limited if we insist on seeing crime solely as a violation of the criminal law.

Some criminologists insist that the field of criminology must broaden its concerns and go beyond those behaviors that are defined as crimes through the political process. Not doing so, they say, restricts rather than encourages inquiry into relevant forms of human behavior.¹⁸ Adherents of our third perspective, the sociological one, would likely agree with this statement. Also called the “sociological viewpoint,” the sociological perspective sees crime as “an antisocial act of such a nature that its repression is necessary or is supposed to be necessary to the preservation of the existing system of society.”¹⁹ Some criminologists have gone so far as to claim that any definition of



Dr. Jack Kevorkian prior to being convicted and imprisoned for violating Michigan's statute against assisted suicide. How does the debate over assisted suicide highlight the changing nature of criminal activity in the United States? Do you think that doctor-assisted suicide should be a crime? *Detroit News, Gary Porter/Gamma-Liaison, Inc.*

crime must include all forms of antisocial behavior.²⁰ Ron Claassen, a modern-day champion of restorative justice (discussed in more detail in Chapter 9), suggests, for example, that “crime is primarily an offense against human relationships, and secondarily a violation of a law—since laws are written to protect safety and fairness in human relationships.”²¹ A more comprehensive sociological definition of crime was offered by Julia Schwendinger and Herman Schwendinger in 1975. It says that crime encompasses “any harmful acts,” including violations of “the fundamental prerequisites for well-being, [such as] food, shelter, clothing, medical services, challenging work and recreational experiences, as well as security from predatory individuals or repressive and imperialistic elites.”²² The Schwendingers have challenged criminologists to be less constrained in what they see as the subject matter of their field, saying that violations of human rights may be more relevant to criminological inquiry than many acts that have been politically or legally defined as crime. “Isn’t it time to raise serious questions about the assumptions underlying the definitions of the field of criminology,” ask the Schwendingers, “when a man who steals a paltry sum can be called a criminal while agents of the State can, with impunity, legally reward men who destroy food so that price levels can be maintained whilst a sizable portion of the population suffers from malnutrition?”²³ Jeffrey H. Reiman, another contemporary criminologist, asks similar questions. “The fact is that the label ‘crime’ is not used in America to name all or the worst of the actions that cause misery and suffering to Americans,” says Reiman. “It is primarily reserved for the dangerous actions of the poor.” Writing about unhealthy and unsafe workplaces, Reiman asks, “Doesn’t a crime by any other name still cause misery and suffering? What’s in a name?”²⁴ While a sociolegal approach to understanding crime is attractive to many, others claim that it suffers from wanting to crim-

inalize activities that cause only indirect harm. In other words, it is easier for most people to appreciate the criminality involved in, say, a holdup, a rape, or a murder, than in cost-cutting efforts made by a businessperson, even when those efforts result in injuries to workers or consumers.

Finally, from a psychological (or maladaptive) perspective, “crime is a form of social maladjustment which can be designated as a more or less pronounced difficulty that the individual has in reacting to the stimuli of his environment in such a way as to remain in harmony with that environment.”²⁵ Seen this way, crime is problem behavior, especially human activity that contravenes the criminal law and results in difficulties in living within a framework of generally acceptable social arrangements. According to Matthew B. Robinson, “The maladaptive view of crime does not require any of the [traditional] elements ...in order for an act to be a crime: no actual harm to others; no prohibition by law before the act is committed; no arrest; and no conviction in a court of law. Any behavior which is maladaptive—i.e., which stands in the way of an individual developing to his or her fullest potential—would be considered crime. If criminologists adopted this view of crime,” says Robinson, “the scope of criminology would be greatly expanded beyond its current state. All actually or even potentially harmful behaviors could be examined, analyzed, and documented for the purpose of gaining knowledge about potentially harmful behaviors and developing strategies to protect people from all harmful acts, not just those that are called ‘crime’ today.”²⁶

As this discussion shows, a unified or simple definition of crime is difficult to achieve. The four points of view that we have discussed here form a kind of continuum, bound on one end by strict legalistic interpretations of crime, and on the other by much more fluid behavioral and moralistic definitions.

THEORY VERSUS REALITY

Should Doctor-Assisted Suicide Remain Illegal?

On June 26, 1997, the U.S. Supreme Court upheld the constitutionality of two laws prohibiting assisted suicide. In *Vacco v. Quill*,¹ the plaintiffs claimed that a New York law banning physician-assisted suicide violated the Fourteenth Amendment's equal protection clause because state law allows those wishing to hasten their own deaths to do so by directing the removal of life-support systems but does not permit terminally ill people to self-administer prescribed lethal drugs to end their lives. The Court disagreed and upheld the New York ban.

The other 1997 case was that of *Washington v. Glucksberg*.² In *Glucksberg*, the Court upheld a Washington State law that makes "[p]romoting a suicide attempt" a felony, and provides, "A person is guilty of [that crime] when he knowingly causes or aids another person to attempt suicide." Respondents in the case were four Washington physicians who occasionally treated terminally ill, suffering patients. The physicians declared that they would assist such patients in ending their lives were it not for the state's assisted-suicide ban. They, along with three gravely ill plaintiffs and a nonprofit organization that counsels people considering physician-assisted suicide, filed suit against the state of Washington, seeking a declaration that the ban is unconstitutional. The basis of their action resided in the claim that the Fourteenth Amendment's due process clause establishes a liberty interest which extends to a personal choice by a mentally competent, terminally ill adult to commit physician-assisted suicide. The Supreme Court disagreed, ruling that Washington's prohibition against causing or aiding a suicide does not violate the due

process clause. In the words of the Court:

An examination of our Nation's history, legal traditions, and practices demonstrates that Anglo-American common law has punished or otherwise disapproved of assisting suicide for over 700 years; that rendering such assistance is still a crime in almost every State; that such prohibitions have never contained exceptions for those who were near death; that the prohibitions have in recent years been reexamined and, for the most part, reaffirmed in a number of States; and that the President recently signed the Federal Assisted Suicide Funding Restriction Act of 1997, which prohibits the use of federal funds in support of physician assisted suicide.

The Court concluded, "In light of that history, this Court's decisions led to the conclusion that respondents' asserted 'right' to assistance in committing suicide is not a fundamental liberty interest protected by the Due Process Clause."

Although the Court ruled that terminally ill people do not have a constitutionally protected right to doctor-assisted suicide, it did nothing to bar states from legalizing the process. Now, inspired by a growing right-to-die movement, some jurisdictions appear ready to lift the traditional ban on such activity.

In 1994, Oregon became the first state to legalize doctor-assisted suicide under prescribed conditions. Although a state judge blocked the Oregon law from taking immediate effect,³ the statute represented a complete about-face in the legal status of medically assisted suicide. In 1997, following a new initiative under which Oregon voters again approved physician-assisted suicide, the U.S. Ninth Circuit Court of Appeals reversed the lower court's ruling and allowed assisted suicides to proceed.

Oregon law allows a terminally ill patient, defined as a person having no more than six months to live, to request a prescription for a fatal dose of medication. The patient must make the request three times—both in writing and verbally. A 15-day waiting period is mandated before the second request can be made. Moreover, two doctors must agree that the patient is terminally ill, and witnesses have to attest that the patient's desire to die is voluntary. If the patient appears depressed, a psychologist must be called, and the patient, not the doctor, must self-administer the lethal medication. Lethal injections are prohibited.⁴

In 1998, the first year the pioneering law was operational, 16 patients took their lives with the assistance of Oregon physicians. In 1999, the number climbed to 27. Still, Oregon's assisted-suicide law continues to face many challenges. As of this writing, opponents of the law are attempting to gain a hearing before the U.S. Supreme Court, and the U.S. Congress has been considering a bill that would make it a crime for any doctor to prescribe controlled substances with the intention of hastening death. As long as the Oregon law remains on the books, however, it provides an example of the fact that what may be a crime in one jurisdiction or location may not be criminal in another.⁵

DISCUSSION QUESTIONS

1. What is crime? Is doctor-assisted suicide a crime? Why or why not?
2. Who is Dr. Jack Kevorkian (discussed elsewhere in this chapter)? Do you agree with the state of Michigan that he is a criminal? Why or why not?

(continued on the next page)

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3. Are there any activities that are not presently against the law that you think should be criminal? If so, what are they?
4. Are there any activities that are against the law but that you think should be legal? If so, what are they?

Sources: Carol M. Ostrom, "Caregivers Torn over Oregon's Assisted-Suicide Law," *Seattle Times*, March 20, 2000. Web posted at http://seattletimes.nwsource.com/news/local/html98/hosp_20000320.html. Accessed October 17, 2000. Alissa J. Rubin, "House Taking Aim at Oregon Law on Assisted Suicide," *Los Angeles Times*, October 22, 1999. Web posted at <http://www.dallasnews.com/national/1022nat6suicide.htm>. Accessed October 17, 2000.

1. *Vacco v. Quill*, 117 S. Ct. 2293 (1997).
2. *Washington v. Glucksberg*, 117 S. Ct. 2258 (1997).
3. Carrie Dowling, "Assisted-Suicide Law Blocked," *USA Today*, December 8, 1994, p. 3A.
4. Carey Goldberg, "Oregon Braces for New Fight on Helping the Dying to Die," *New York Times*, June 17, 1997, p. 1A.
5. See William McCall, "Oregon Assisted Suicide Law in Limbo," Associated Press wire service, June 27, 1997.

CRIME AND DEVIANCE

Sociologically speaking, many crimes can be regarded as deviant forms of behavior—that is, as behaviors which are in some way abnormal. Piers Beirne and James Messerschmidt, two contemporary criminologists, define deviance as "any social behavior or social characteristic that departs from the conventional norms and standards of a community or society and for which the deviant is sanctioned."²⁷ Their definition is flawed, however, in that it does not count as deviant sanctionable behavior that is not punished, nor does it explicitly include the notion of statistical deviance—or those forms of behavior which are neither sanctioned nor disapproved but which are, nonetheless, highly peculiar. Hence we prefer another approach to defining deviance. The definition of **deviant behavior** that we will use in this book is as follows: *Deviant behavior is human activity that violates social norms or is statistically different from the average.*

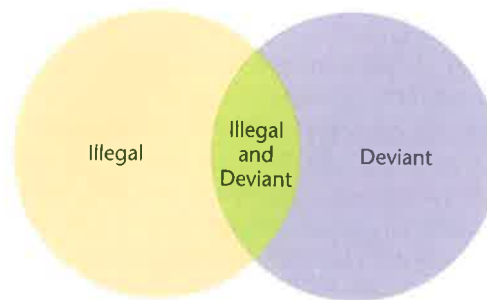
Abnormality, deviance, and crime are concepts that do not always easily mesh. Some forms of deviance are not violations of the criminal law, and the reverse is equally true (see Figure 1-1). Deviant styles of dress, for example, although perhaps outlandish to the majority, are not circumscribed by criminal law unless (perhaps) decency statutes are violated by a lack of clothing. Even in such cases, laws are subject to interpretation and may be modified as social norms change over time.

A decade ago, for example, Patricia Marks, a New York State county judge, overturned the convictions of ten women who had been arrested for publicly displaying their breasts. The women, known as the Topfree Ten, had been arrested after baring their chests during a picnic in a city park. At the time, New York law forbade women from displaying their breasts in public—unless they were breast-feeding or performing onstage. The women claimed that the law discriminated against them and argued that if men have the right to appear in public without a shirt, then the same right should apply to women. Judge Marks agreed and, in reversing the convictions, ruled that the New York statute was sexist and gender biased because "male and female breasts are physiologically similar except for lactation capability."²⁸ The judge relied in part on the testimony of experts who articulated their belief that "community standards have changed and women's breasts are no longer considered a private or intimate part of the body."

The Topfree movement soon spread across the country and into Canada. In 1999, the Florida public nudity conviction of Kayla Sosnow was overturned by Florida's 8th Circuit Court of Appeals. Sosnow, who had been arrested for not wearing a shirt in the Osceola National Forest in 1996, is a member of the Florida Topfree Ten. She was supported in her appeal by the National Organization for Women, the American Civil Liberties Union (ACLU), the Human Rights Council of North Central Florida, the Florida Coalition for Peace and Justice, and the Gainesville (Florida) Women's Health Center. After the court's ruling, Sosnow spoke with reporters, telling them that the court's action removed one more obstacle to equal rights for women. "Who decides that women's breasts are more obscene than men's?" she asked. "By going topfree, we are rejecting the criminalization of our breasts and reclaiming control of our bodies."²⁹

On May 16, 2000, the Brevard Chapter of the ACLU of Florida filed suit in Brevard County Court challenging county and state laws which prohibit women from exposing their chests in public except while breast-feeding. The suit is predicated upon an equal rights amendment to the Florida Constitution passed by state voters in November 1998. The amendment states that all "natural persons, female and male alike, are equal before the law."

The Topfree movement highlights the role that societal interpretation plays in defining a criminal offense. Even if appellate courts are correct, and no noteworthy physiological differences exist between the breasts of men and women, American society nonetheless appears to have turned relatively minor differences of size and shape into a major distinguishing factor between the sexes. In other words, a relatively insignifi-



■ FIGURE 1-1 THE OVERLAP BETWEEN DEVIANCE AND CRIME.

cant biological difference has traditionally been endowed with a great deal of social significance, and laws regulating various styles of dress (or undress) have evolved based on subjective perceptions rather than objective considerations.

Some types of behavior, although quite common, are still against the law. Speeding on interstate highways, for example, although probably something that most motorists engage in at least from time to time, is illegal. Complicating matters still further is the fact that certain forms of behavior are illegal in some jurisdictions but not in others. Adult homosexual behavior, for example, is regarded as a matter of personal choice in many states but is a criminal offense in others. Similarly, some common forms of adult heterosexual activity continue to be criminalized in a number of jurisdictions under the rubric of "crimes against nature," while a growing number of states have rescinded laws originally intended to regulate such activity.

WHAT SHOULD BE CRIMINAL?

As you have probably realized by now, the question "What is crime?" is quite different from the question "What should be criminal?" Although most people agree that certain forms of behavior, such as murder, rape, burglary, and theft, should be against the law, there is far less agreement about the appropriate legal status of things like drug use, abortion (including the use of "abortion pills" like RU-486 or Mifeprex®), gambling, and "deviant" forms of consensual adult sexual behavior (including homosexuality).

While the question "What should be criminal?" can be answered in many different ways, the social and intellectual processes by which an answer is reached can be found in two contrasting points of view: (1) the consensus perspective, and

(2) the pluralist perspective. The consensus viewpoint holds that laws should be enacted to criminalize given forms of behavior when members of society generally agree that such laws are necessary. The consensus perspective (described in greater detail in Chapter 9) is most applicable to homogeneous societies, or those characterized by shared values, norms, and belief systems. In a multicultural and diverse society like the United States, however, a shared consensus may be difficult to achieve. In such a society, even relatively minor matters may lead to complex debates over the issues involved. Not long ago, for example, a Chicago municipal ordinance banned giving wine to a dog and provided that anyone who did so could be arrested and jailed.³⁰ While the ordinance may have seemed reasonable to those who enacted it (after all, dogs sometimes need to be shielded from their owners' indiscretions, and there are plenty of precedents in the form of laws already on the books that are intended to protect animals), others felt that the law was silly and unnecessary. Still others insisted that dogs should have a right to imbibe just as do humans who are of drinking age. The ordinance pitted wine connoisseurs, collectors, and sellers, as well as animal rights activists, against animal protectionists and some city council members. Those favoring repeal of the ordinance argued that it was old-fashioned and reflected badly on an acceptable consumer product which was also a staple of certain ethnic diets (i.e., the French and Italians frequently drink wine with meals, and their descendants living in Chicago, because of the "bad press" associated with the law, might find their lifestyles negatively affected). Eventually, the ordinance was repealed, and the hub-bub it had inspired ended. The debate, however, shows just how difficult it is to achieve a consensus over even relatively minor matters in a society as complex as our own.

The second perspective, the pluralist view of crime (described in more detail in Chapter 9), recognizes the importance



Deviance is relevant to the social context within which it occurs, as these licensed "sex workers" in Amsterdam show. Why is sex-for-hire against the law in most American jurisdictions? *Todd Haimann, Corbis*

of diversity in societies like ours. It says that behaviors are typically criminalized through a political process only after debate over the appropriate course of action. The political process usually takes the form of legislation and appellate court action. On August, 29, 2000, for example, the U.S. Supreme Court issued an emergency order barring distribution of marijuana to people in California whose doctors recommended it for medicinal purposes.³¹ The Court's action reflected the conflict between federal narcotics laws and a 1996 California voter initiative known as Proposition 215, which allows seriously ill patients to grow and use marijuana for pain relief with a doctor's recommendation. The 9th U.S. Circuit Court of Appeals had earlier ruled in support of Proposition 215, holding that "medical necessity is a legally cognizable defense" to a federal charge of illegally distributing drugs. Reflecting the plurality of perspectives on the issue, not even the Supreme Court justices who heard the case could agree on the appropriate course of action. Justice John Paul Stevens, for example, wrote that the government "has failed to demonstrate that the denial of necessary medicine to seriously ill and dying patients will advance the public interest or that the failure to enjoin the distribution of such medicine will impair the orderly enforcement of federal criminal statutes."

In 2001, the Supreme Court case of *U.S. v. Oakland Cannabis Buyers' Cooperative* (No. 00-151) may have closed the door on any kind of state-support for medical marijuana. In *Oakland*, the Court held that there is no recognizable medical necessity exception to the federal Controlled Substances Act's prohibitions on the distribution or manufacturing of marijuana. Learn more about the medical marijuana movement via Web Extra! 1-4.



Web Extra! 1-4 at crimtoday.com

WHAT DO CRIMINOLOGISTS DO?

A typical dictionary definition of a **criminologist** is "one who studies crime, criminals, and criminal behavior."³² Occasionally, the term *criminologist* is used broadly to describe almost anyone who works in the criminal justice field, regardless of formal training. There is a growing tendency, however, to reserve application of the term *criminologist* to academics, researchers, and policy analysts with advanced degrees who are involved in the study of crime and crime trends and in the analysis of societal reactions to crime. Hence, it is more appropriate today to describe specially skilled investigators, crime laboratory technicians, fingerprint experts, crime scene photographers, ballistics experts, and others who work to solve particular crimes as **criminalists**. A **criminalist** is "a specialist in the collection and examination of the physical evidence of crime."³³ Police officers, corrections professionals, probation and parole officers, judges, district attorneys, criminal defense at-

torneys, and others who do the day-to-day work of the criminal justice system are best referred to as criminal justice professionals.

Academic criminologists and research criminologists generally hold doctoral degrees (Ph.D.'s) in the field of criminology or criminal justice from an accredited university. Some criminologists hold degrees in related fields like sociology and political science but have specialized in the study and control of crime and deviance. Most Ph.D. criminologists teach either criminology or criminology-related subjects in institutions of higher learning, including universities and two- and four-year colleges. Nearly all criminology professors are involved in research or writing projects by which they strive to advance criminological knowledge. Some Ph.D. criminologists are strictly researchers and work for federal agencies like the National Institute of Justice (NIJ), the Bureau of Justice Statistics (BJS), and the National Criminal Justice Reference Service (NCJRS) or for private (albeit often government-funded) organizations with such names as RAND and the Search Group, Inc.

The results of criminological research in the United States are generally published in journals like *Criminology* (the official publication of the American Society of Criminology), *Theoretical Criminology*, *Justice Quarterly* (the Academy of Criminal Justice Sciences), *Crime and Delinquency*, the *American Journal of Criminal Justice* (the Southern Criminal Justice Association), the *Journal of Qualitative Criminology*, *Social Problems*, and *Victimology*.³⁴ International English-language journals are numerous and include the *Canadian Journal of Criminology*, the *Australian and New Zealand Journal of Criminology*, and the *British Journal of Criminology*. Read some of these journals and visit the organizations that sponsor them at Web Extra! 1-5.



Web Extra! 1-5 at crimtoday.com

People who have earned master of arts, master of science, and bachelor's degrees in the field of criminology often find easy entrance into police investigative or support work, probation and parole agencies, court-support activities, and correctional (prison) work. Criminologists also work for government agencies interested in the development of effective social policies intended to deter or combat crime. Many criminologists with master's degrees also teach at two- and four-year colleges and schools.

Private security provides another career track for individuals interested in criminology and criminal justice. The number of personnel employed by private security agencies today is twice that of public law enforcement agencies, and the gap is widening. Many upper- and mid-level private managers working for private security firms hold criminology or criminal justice degrees. The same may soon be true for the majority of law enforcement personnel, especially those in managerial positions.

Anyone trained in criminology has many alternatives (See Table 1-1). Some people with undergraduate degrees in criminology or criminal justice decide to go on to law school. Some

TABLE 1-1 ■ What Do Criminologists Do?

The term *criminologist* is usually applied to credentialed individuals, such as those holding advanced degrees in the field, who engage in the study of crime, criminal behavior, and crime trends. The word *criminalist* is used to describe people who spe-

cialize in the collection and examination of the physical evidence associated with specific crimes. Others working in the criminal justice system are called *criminal justice professionals*. This table lists the activities of all three.

The activities of criminologists include, but are not limited to

- Data gathering
- Data analysis
- Theory construction
- Hypothesis testing
- Social policy creation
- Public advocacy
- Public service
- Analysis of crime patterns and trends
- Scholarly presentations and publications
- Education and training
- Threat assessment and risk analysis

Jobs in the field of criminalistics include, but are not limited to

- Forensics examiner
- Crime laboratory technician
- Ballistics expert

- Crime scene investigator
- Crime scene photographer
- Polygraph operator
- Fingerprint examiner

Jobs in the field of criminal justice include, but are not limited to

- Law enforcement officer
- Probation or parole officer
- Correctional officer
- Prison program director
- Computer crime investigator
- Juvenile justice worker
- Judge
- Defense attorney
- Prosecutor
- Jailer
- Private security officer
- Victims' advocate

teach high school, while others become private investigators. Many criminologists provide civic organizations (such as victims' assistance and justice advocacy groups) with much needed expertise, a few work for politicians and legislative bodies, and some appear on talk shows to debate the pros and cons of various kinds of social policies designed to "fight" crime. Some criminologists even write books like this one!

WHAT IS CRIMINOLOGY?

The attempt to understand crime predates written history. Prehistoric evidence, including skeletal remains showing signs of primitive cranial surgery, seems to indicate that pre-literate people explained deviant behavior by reference to spirit possession. Primitive surgery was an attempt to release unwanted spiritual influences. In the thousands of years since, many other theoretical perspectives on crime have been advanced. This book describes various criminological theories and covers some of the more popular ones in detail.

Before beginning any earnest discussion, however, it is necessary to define the term *criminology*. As our earlier discussion of the nature of crime and deviance indicates, not only must criminologists deal with a complex subject matter—consisting of a broad range of illegal behaviors committed by frequently unknown or uncooperative individuals—but they also must manage their work under changing conditions mandated by ongoing revisions of



A criminalist at work. Crime scene investigators, like the person shown here, can provide crucial clues needed to solve crimes. How does the work of a criminologist differ from that of a criminalist? *Corbis, Sygma*

the law and fluctuating social policy. In addition, as we have already seen, a wide variety of perspectives on the nature of crime abounds. All this leads to considerable difficulties in defining the subject matter under study.

There is some evidence that the term *criminology* was coined in 1889³⁵ by a Frenchman, Paul Topinard, who used it to differentiate the study of criminal body types within the field of anthropology from other biometric pursuits.³⁶ Topinard, while he may have coined the term, did little to help define it. As with the concept of crime, various definitions of *criminology* can be found in the literature today. A little more than a decade ago, criminologist Joseph F. Sheley wrote, "There seem to be nearly as many definitions of *contemporary criminology* as there are criminologists."³⁷

One straightforward definition can be had from a linguistic analysis of the word *criminology*. As most people know, *ology* means "the study of something," and the word *crimen* comes from the Latin, meaning "accusation," "charge," or "guilt." Hence, linguistically speaking, the term *criminology* literally means "the study of crime." In addition to this fundamental kind of linguistic definition, three other important types of definitions can be found in the literature. They are (1) disciplinary, (2) causative, and (3) scientific. Each type of definition is distinguished by its focus. Disciplinary definitions are those which, as their name implies, focus on criminology as a discipline. Seen from this viewpoint, criminology is a field of study or a body of knowledge. Some of the earliest criminologists of the past century, including Edwin H. Sutherland, who is often referred to as the "dean of American criminology," offered definitions of their field that emphasized its importance as a discipline of study. Sutherland, for example, wrote in the first edition of his textbook *Criminology* in 1924 that "criminology is the body of knowledge regarding the social

problem of crime."³⁸ Sutherland's text was to set the stage for much of American criminology throughout the rest of the twentieth century. Reprinted in 1934 with the title *Principles of Criminology*, it was to become the most influential textbook ever written in the field of criminology.³⁹ Although Sutherland died in 1950, his revered text was revised for many years by Donald R. Cressey and later by David F. Luckenbill. By 1974, Sutherland's classic definition of *criminology* had been modified by Cressey to read, "Criminology is the body of knowledge regarding delinquency and crime as a social phenomenon. It includes within its scope the processes of making laws, of breaking laws, and of reacting toward the breaking of laws."⁴⁰

Causative definitions emphasize criminology's role in uncovering the underlying causes of crime. In keeping with such an emphasis, contemporary criminologists Gennaro F. Vito and Ronald M. Holmes say that "criminology is the study of the causes of crime."⁴¹

Finally, there are those who point to the scientific nature of contemporary criminology as its distinguishing characteristic. According to Clemens Bartollas and Simon Dinitz, for example, "Criminology is the scientific study of crime."⁴² Writing in 1989, Bartollas and Dinitz seemed to be echoing an earlier definition of criminology offered by Marvin E. Wolfgang and Franco Ferracuti, who wrote in 1967 that "criminology is the scientific study of crime, criminals, and criminal behavior."⁴³

Sutherland suggested that criminology consists of three "principal divisions": (1) the sociology of law, (2) scientific analysis of the causes of crime, and (3) crime control.⁴⁴ Another well-known criminologist, Clarence Ray Jeffery, similarly sees three components of the field: (1) detection (of the offender), (2) treatment, and (3) explaining crime and criminal behavior.⁴⁵ In like manner, contemporary criminologist Gregg Barak writes that criminology is "an in-



Criminology examines the causes of crime and seeks ways to prevent or control it. Criminal justice examines the criminal justice system, including police, courts, and corrections. How do the two disciplines complement one another? D. Greco, *The Image Works*.

terdisciplinary study of the various bodies of knowledge, which focuses on the etiology of crime, the behavior of criminals, and the policies and practices of crime control."⁴⁶

For our purposes, we will use a definition that brings together the works of previous writers but that also recognizes the increasingly professional status of the criminological enterprise. Throughout this book, then, we will view **criminology** as an interdisciplinary profession built around the scientific study of crime and criminal behavior, including their manifestations, causes, legal aspects, and control. As this definition indicates, criminology includes consideration of possible solutions to the problem of crime. Hence, this text (in later chapters) describes treatment strategies and social policy initiatives that have grown out of the existing array of theoretical explanations for crime.

Our definition is in keeping with the work of Jack P. Gibbs, an outstanding criminologist of the twentieth century, who wrote that the purpose of criminology is to offer well-researched and objective answers to four basic questions: (1) "Why do crime rates vary?" (2) "Why do individuals differ as to **criminality**?" (3) "Why is there variation in reactions to crime?" and (4) "What are the possible means of controlling criminality?"⁴⁷

As a field of study, criminology in its present form is primarily a social scientific discipline. Contemporary criminologists generally recognize, however, that their field is interdisciplinary—that is, it draws upon other disciplines to provide an integrated approach to understanding the problem of crime in contemporary society and to advance solutions to the problems crime creates. Hence anthropology (especially cultural anthropology or ethnology), biology, sociology, political science, psychology, psychiatry, economics, ethology (the study of character), medicine, law, philosophy, ethics, and numerous other fields all have something to offer the student of criminology, as do the tools provided by statistics, computer science, and other forms of scientific and data analysis (See Figure 1-2).

The interdisciplinary nature of criminology was well stated by Jim Short, past President of the American Society of Criminology, who recently said, "The organization of knowledge by traditional disciplines has become increasingly anachronistic, as the generation of knowledge has become more interdisciplinary. From its earliest beginnings, when philosophers grappled with relationships between human nature and behavior and biologists sought to relate human physiology to behavior, criminology's concerns have reached across virtually all disciplines that focus on the human condition. Additionally, much of the impetus for criminology has come from concerns that crime be controlled. Criminology thus cuts across professions as well as disciplines."⁴⁸

It is important to note that although criminology may be interdisciplinary as well as cross-professional, few existing explanations for criminal behavior have been successfully or fully integrated. Just as physicists today are seeking a unified field theory to explain the wide variety of observable forms of



■ **FIGURE 1-2** CRIMINOLOGY'S MANY ROOTS.

matter and energy, criminologists have yet to develop a generally accepted integrated approach to crime and criminal behavior that can explain the many diverse forms of criminality while also leading to effective social policies in the area of crime control. The attempt to construct criminological theories of relevance is made all the more difficult because, as discussed earlier, the phenomenon under study—crime—is very wide ranging and is subject to arbitrary and sometimes unpredictable legalistic and definitional changes.

Not only must a successfully integrated criminology bring together the contributions of various theoretical perspectives and disciplines, it must also—if it is to have any relevance—blend the practical requirements of our nation's judicial system with emotional and rational calls for morality and justice. Is the death penalty, for example, justified? If so, on what basis? Is it because it is a type of vengeance and therefore deserved? Can we say that it is unjustified because many sociological studies have shown that it does little to reduce the rate of serious crime, such as murder? Just what do we mean by "justice," and what can criminological studies tell us—if anything—about what is just and what is unjust?

The editors of the relatively new journal, *Theoretical Criminology*,⁴⁹ which began publication in 1997, wrote in the inaugural issue that "criminology has always been somewhat of a haphazardly-assembled umbrella-like structure which nevertheless usefully shelters a variety of theoretical interests that are espoused and employed by different disciplinary, methodological and political traditions." Such a structure, they said, "has obvious advantages, notably that it facilitates an interdisciplinary and inclusivist formation rather than supposing an exclusive but contentious 'core.' But one of its weaknesses is that its inhabitants, many of whom shuttle backwards and forwards between it and their parent disciplines, tend to communicate

THEORY VERSUS REALITY

Varying Perspectives on Crime and Criminology

What is crime? What is criminology? Throughout the years, writers have offered contrasting definitions of these terms. This box contains a number of definitions of

both terms. Note that the definitions used in this book appear at the beginning of the table.

CRIME

Our Definition

"Human conduct in violation of the criminal laws of a state, the federal government, or a local jurisdiction that has the power to make such laws."

Legalistic Definition

"Crime is a violation of law."

—Edwin H. Sutherland, *Criminology* (Philadelphia: Lippincott, 1924), p. 18

Crime is "an intentional act in violation of the criminal law (statutory and case law), committed without defense or excuse, and penalized by the state as a felony or misdemeanor."

—Paul W. Tappan, "Who Is the Criminal?" *American Sociological Review*, Vol. 12 (1947), pp. 96–102

Political Definition

"Crimes are acts perceived by those in power as direct or indirect threats to their interests" and which are defined as criminal through a political process.

—Joseph F. Sheley, *Criminology: A Contemporary Handbook* (Belmont, CA: Wadsworth, 1991), p. 40

Sociological Definition

Crime is "an anti-social act of such a nature that its repression is necessary or is supposed to be necessary to the preservation of the existing system of society."

—Ezzat Fattah, *Introduction to Criminology* (Burnaby, British Columbia: School of Criminology, Simon Fraser University, 1989)

Psychological Definition

"Crime is a form of social maladjustment which can be designated as a more or less pronounced difficulty that the individual has in reacting to the stimuli of his environment in such a way as to remain in harmony with that environment."

—Ezzat Fattah, *Introduction to Criminology* (Burnaby, British Columbia: School of Criminology, Simon Fraser University, 1989)

CRIMINOLOGY

Our Definition

"An interdisciplinary profession built around the scientific study of crime and criminal behavior, including their manifestations, causes, legal aspects, and control."

Linguistic Definition

"The study of (*ology*) crime (*crimen*)."

Note: The Latin term *crimen* literally means "accusation," "charge," or "guilt."

Disciplinary Definition

"Criminology is the body of knowledge regarding the social problem of crime."

—Edwin H. Sutherland, *Criminology* (Philadelphia: Lippincott, 1924), p. 11

"Criminology is the body of knowledge regarding delinquency and crime as a social phenomenon. It includes within its scope the processes of making laws, of breaking laws, and of reacting toward the breaking of laws."

—Edwin H. Sutherland and Donald R. Cressey, *Criminology*, 9th ed. (Philadelphia: Lippincott, 1974), p. 3

"Criminology ...is the study of crimes, criminals, and victims."

—Stephen Schafer, *Introduction to Criminology* (Reston, VA: Reston Publishing, 1976), p. 3

Causative Definition

"Criminology is the study of the causes of crime."

—Gennaro F. Vito and Ronald M. Holmes, *Criminology: Theory, Research, and Policy* (Belmont, CA: Wadsworth, 1994), p. 3

Scientific Definition

"Criminology is the scientific study of crime."

—Clemens Bartollas and Simon Dinitz, *Introduction to Criminology: Order and Disorder* (New York: Harper & Row, 1989), p. 548

"Criminology is the scientific study of crime, criminals, and criminal behavior."

—Marvin A. Wolfgang and Franco Ferracuti, *The Subculture of Violence* (London: Tavistock, 1967)

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DISCUSSION QUESTIONS

1. Which definition of *crime* most appeals to you? Why?
2. Which definition of *criminology* seems most useful? Why?

3. Why might varying definitions such as those shown here be useful?

honestly and meaningfully only with those who speak the same theoretical language.⁵⁰ In other words, while the field of criminology can benefit from the wide variety of ideas available via a multiplicity of perspectives, all of which seek to understand the phenomenon we call crime, successful cross-disciplinary collaboration can be quite difficult.

As the earlier definition of *criminology* indicates, however, it is more than a field of study or a collection of theories; it is also a profession.⁵¹ In his 1996 presidential address to the American Society of Criminology, Charles F. Wellford identified the “primary purposes” of the criminology profession. Wellford said, “Controlling crime through prevention, rehabilitation, and deterrence and ensuring that the criminal justice system reflects the high aspiration we have as a society of ‘justice for all,’ characterize the principal goals that in my judgment motivate the work of our field.”⁵²

Notably, criminology also contributes to the discipline of **criminal justice**, which emphasizes application of the criminal law and study of the components of the justice system, especially the police, courts, and corrections. As one author stated, “Criminology gives prominence to questions about the *causes of criminality*, while the *control of lawbreaking* is at the heart of criminal justice.”⁵³ Learn more about the interdisciplinary nature of criminology from the *Encyclopedia Britannica* via Web Extra! 1-6.



Web Extra! 1-6 at crimtoday.com

Theoretical Criminology

Theoretical criminology, a subfield of general criminology, is the type of criminology most often found in colleges and universities. Theoretical criminology, rather than simply describing crime and its occurrence, posits explanations for criminal behavior. As Edwin Sutherland stated, “The problem in criminology is to explain the criminality of behavior. ...However, an explanation of criminal behavior should be a specific part of [a] general theory of behavior and its task should be to differentiate criminal from noncriminal behavior.”⁵⁴

To explain and understand crime, criminologists have developed many theories. A **theory**, at least in its ideal form, is made up of clearly stated propositions that posit relationships, often of a causal sort, between events and things under study. An old Roman theory, for example, proposed that in-

sanity is caused by the influence of the moon and may even follow its cycles—hence the term *lunacy*.

Theories attempt to provide us with explanatory power and help us understand the phenomenon under study. The more applicable a theory is found to be, the more generalizable it is from one specific instance to others—in other words, the more it can be applied to other situations. A **general theory** of crime is one that attempts to explain all (or at least most) forms of criminal conduct through a single, overarching approach. Unfortunately, as Don M. Gottfredson, past President of the American Society of Criminology, observes, “theories in criminology tend to be unclear and lacking in justifiable generality.”⁵⁵ When we consider the wide range of behaviors regarded as criminal—from murder, to drug use, to white-collar and computer crime—it seems difficult to imagine one theory that can explain them all or that might even explain the same type of behavior under varying circumstances. Still, many past theoretical approaches to crime causation were **unicausal** while attempting to be all-inclusive. That is, the approaches posited a single, identifiable source for all serious deviant and criminal behavior.

An **integrated theory**, in contrast to a general theory, does not necessarily attempt to explain all criminality but is distinguishable by the fact that it merges (or attempts to merge) concepts drawn from different sources. As Gregg Barak states, “An integrative criminology . . . seeks to bring together the diverse bodies of knowledge that represent the full array of disciplines that study crime.”⁵⁶ Hence, integrated theories provide potentially wider explanatory power than narrower formulations. Don C. Gibbons, Professor of Sociology at Portland State University, notes, “The basic idea of theoretical integration is straightforward; it concerns the combinations of single theories or elements of those theories into a more comprehensive argument. At the same time, it would be well to note that in practice, integration is a matter of degree: some theorists have combined or integrated more concepts or theoretical elements than have others.”⁵⁷

Both theoretical integration and the general applicability of criminological theories to a wide variety of law-violating behavior are intuitively appealing concepts. Even far more limited attempts at criminological theorizing, however, often face daunting challenges. “As we shall see,” notes Gibbons, “criminologists have not managed to articulate a large collection of relatively formalized arguments in a general or integrated

form.”⁵⁸ Hence although we will use the word *theory* in describing the many explanations for crime covered by this book, it should be recognized that the word is only loosely applicable to some of the perspectives we will discuss.

As we shall learn in Chapter 3, many social scientists insist that to be considered theories, explanations must consist of sets of clearly stated, logically interrelated, and measurable propositions. The fact that only a few of the theories described in this book rise above the level of organized conjecture—and those offer only limited generalizability and have rarely been integrated—is one of the greatest challenges facing criminology today.

CRIMINOLOGY AND SOCIAL POLICY

Of potentially broader importance than theory testing are **social policies** based on research findings. In the mid-1990s, for example, the U.S. Senate heard testimony from then-Attorney General Janet Reno, Senator Paul Simon, and television studio executives over the claim that television is responsible for encouraging violent acts among young people. The hearing grew, in part, from an Ohio mother's claim that the Music Television (MTV) cartoon *Beavis and Butt-Head* led her 5-year-old son to set a fire that killed his 2-year-old sister. The show had featured a lead character chanting, “Fire is good.” As the investigation revealed, experts who study televised cartoons have found that violent episodes average nearly one every two minutes.⁵⁹

In a report presented to the attorney general, the Citizens Task Force on TV Violence recommended, among other things, restricting violence on television between 6 A.M. and 10 P.M.—the time when children are most likely to be watching.⁶⁰ The task force told Reno that networks and cable companies should voluntarily agree to the restrictive period or face regulation through government action.

Copycat violence has also been attributed to films. Touchstone Pictures, for example, reedited the movie *The Program*, cutting scenes in which drunken football players test their nerve by lying end to end in the middle of a highway. Several young men who apparently copied the stunt were either killed or critically injured. Commenting on the incidents, a Touchstone spokesperson said, “While the scene in the movie in no way advocates this irresponsible activity, it is impossible for us to ignore that someone may have recklessly chosen to imitate it.”⁶¹

In July 2000, a number of professional groups—including the American Medical Association, the American Academy of Pediatrics, the American Psychological Association, and the American Academy of Child and Adolescent Psychiatry—issued a joint statement saying that violence in television, music, video games, and movies leads to increased levels of violent behavior among children.⁶² The effects of violence in the media “are measurable and long-lasting,” said the statement. The groups reached the conclusion “based on over 30 years of re-

search . . . that viewing entertainment violence can lead to increases in aggressive attitudes, values and behaviors, particularly in children.” Moreover, they said, “prolonged viewing of media violence can lead to emotional desensitization toward violence in real life.” The statement was prompted by a spate of school shootings that marred the 1990s and by public fears of growing levels of violence among American teenagers.

A few weeks later, the U.S. Senate's Judiciary Committee issued a special report charging media violence with contributing to violent episodes nationwide.⁶³ The report concluded that parents must take the lead in shielding their children against violent images in the mass media and included recommendations for the entertainment industry.

Finally, in late 2000, the Federal Trade Commission (FTC) issued a report on teenage violence that had been commissioned by the President in the wake of the 1999 shooting at Columbine High School in Littleton, Colorado.⁶⁴ The FTC concluded that “Hollywood aggressively markets violent movies, music and electronic games to children even when they have been labeled as appropriate only for adults.”⁶⁵ The complete 116-page FTC report *Marketing Violent Entertainment to Children* is available at Web Extra! 1-7.



Web Extra! 1-7 at crimtoday.com

Both the FTC and the Judiciary Committee reports came amidst arguments in Congress over a proposed new juvenile justice bill that would toughen penalties for violent juvenile offenders and would provide states with \$1 billion a year to fight juvenile crime. As this book goes to press, the Senate is still debating what, if anything, to do about violence in the media and how to reduce its impact on children. It seems, however, that—First Amendment issues aside—legislation can soon be expected to regulate programming if the television, movie, and gaming industries do not do more to regulate themselves and their products. In the words of Senator Simon, “TV is a powerful sales medium, and too often what it sells is violence.”⁶⁶

Professional criminologists are acutely aware of the need to link sound social policy to the objective findings of well-conducted criminological research. A recent meeting of the American Society of Criminology (ASC), for example, focused on the need to forge just such a link. At the meeting, ASC President Alfred Blumstein, of Carnegie Mellon University, told criminologists gathered there that “an important mission of the ASC and its members involves the generation of knowledge that is useful in dealing with crime and the operation of the criminal justice system, and then helping public officials to use that knowledge intelligently and effectively.”⁶⁷ Blumstein added, “So little is known about the causes of crime and about the effects of criminal justice policy on crime that new insights about the criminal justice system can often be extremely revealing and can eventually change the way people think about the crime problem or about the criminal justice system.”⁶⁸

Social Policy and Public Crime Concerns

Although American crime rates have been declining steadily for almost a decade, concern over crime remains pervasive in the United States today. Two decades ago, crime was the number one concern of Americans voicing opinions in public polls. In the interim, concern over crime came to be replaced with cold war and, later, economic worries. Following a spate of seemingly random violence, however, including well-publicized shootings of foreign tourists in Florida, cult-based violence in Texas and elsewhere, gang-related drive-by shootings, terrorist bombings, and highly visible inner-city violence, fear of crime once again moved to the forefront of national concerns.

A Gallup poll conducted in mid-2000 found concerns about crime topping the list of the worst problems facing local communities.⁶⁹ When asked to identify important issues in their area, more than a quarter of the public (27%) mentioned crime, including related problems of gangs, drugs, and guns. Education ranked second on the list, cited by 17%, followed by economic issues (15%), development issues (7%), and poverty (3%). Gallup poll officials noted that “trends on this question date back to 1959, and suggest that the more things change, the more they stay the same. While some issues, such as racial integration and Vietnam, have come and gone from the list of concerns, others—including crime, education, and the economy—appear to be enduring worries. Crime and education are as high on the list today as ever, while concern over the economy is low relative to other years.”⁷⁰

A separate study found that workplace homicide is the fastest-growing type of murder in the United States today and that it is the leading cause of workplace death for women.⁷¹ Experts explained the rise in on-the-job homicides

as the outgrowth of the recession years of the early 1990s, which led to corporate downsizing and increased job-related stresses.⁷² Substance abuse and the ready availability of guns were cited as other contributing factors. Robbery is another. Of all workers, taxi drivers are most at risk of being murdered on the job. A recent National Institute for Occupational Safety and Health study showed that during the past decade, 26.9 of every 100,000 taxi drivers and dispatchers were murdered on the job—nearly 40 times the overall 0.7 per 100,000 job-related homicide rate for all workers.⁷³

Concern over crime is not necessarily related to the actual incidence of crime, however, as crime rates (discussed in detail in Chapter 2) have declined substantially in recent years. Moreover, Americans are feeling as safe today as at any time in the last 40 years. Only 34% of Americans say that they would be afraid of walking alone at night close to their homes, the lowest level since 1965.⁷⁴ Only 15% of those polled say that they frequently worry about the possibility of being murdered—down from 10% in 1993.⁷⁵ See Web Extra! 1-8 for recent public opinion poll releases about crime, concerns about crime, and fear of crime.



Web Extra! 1-8 at crimtoday.com

Even if fear of crime has recently declined, concern over crime remains an important determinant of public policy. Hence political agendas promising to lower crime rates or to keep them low, as well as those that call for changes in the conditions that produce crime, can be quite successful for candidates or incumbents who promote them in an environment where concern over crime is high.⁷⁶

THE THEME OF THIS BOOK

This book builds on a social policy theme by contrasting two perspectives now popular in American society and in much of the rest of the world (see Figure 1-3). One point of view, termed the **social problems perspective**, holds that crime is a manifestation of underlying social problems like poverty, discrimination, inequality of opportunity, the breakdown of traditional social institutions, the poor quality of formal education in some parts of the country, pervasive family violence experienced during the formative years, and inadequate socialization practices that leave young people without the fundamental values necessary to contribute meaningfully to the society in which they live. Advocates of the social problems perspective, while generally agreeing that crime and violence are serious social problems, advance solutions based on what is, in effect, a public health model. Adherents of that model says that crime must be addressed in much the same way as public health concerns like AIDS, herpes, and tobacco addiction.

Proponents of the social problems perspective typically foresee solutions to the crime problem as coming in the form of large-scale government expenditures in support of social programs designed to address the issues that are perceived to



According to pollsters, crime is one of the American public's top concerns. Given recent statistics showing falling crime rates, is such concern justified? *H. Darr Beisner, USA Today*



■ **FIGURE 1-3** THE THEME OF THIS BOOK: SOCIAL PROBLEMS VERSUS SOCIAL RESPONSIBILITY. AT THE CORE OF TODAY'S THINKING ABOUT CRIME EXISTS A CRUCIAL DISTINCTION BETWEEN THOSE WHO BELIEVE THAT *CRIME IS A MATTER OF INDIVIDUAL RESPONSIBILITY* (THE SOCIAL RESPONSIBILITY PERSPECTIVE) AND THOSE WHO EMPHASIZE THAT *CRIME IS A MANIFESTATION OF UNDERLYING SOCIAL PROBLEMS* BEYOND THE CONTROL OF INDIVIDUALS (THE SOCIAL PROBLEMS VIEWPOINT).

lie at the root of crime. Government-funded initiatives, designed to enhance social, educational, occupational, and other opportunities are perceived as offering programmatic solutions to ameliorate most causes of crime.

During the 2000 presidential campaign, for example, a section of the Democratic National Platform advocated "stopping crime before it starts." That section, which exemplified a social problems approach to crime control, read, "Democrats also know that all Americans are better off if we stop crime before it claims new victims, rather than focusing single-mindedly on pursuing perpetrators after the harm is done. That is why we are firmly committed to sound and proven crime-prevention strategies that are good for all Americans. Solid investments in children and youth, in job creation, and in skills development are powerful antidotes to crime."⁷⁷

The social problems approach to crime is characteristic of what social scientists term a *macro* approach because it portrays instances of individual behavior (crimes) as arising out of widespread and contributory social conditions which enmesh unwitting individuals in a causal nexus of uncontrollable social forces.

A contrasting perspective lays the cause of crime squarely at the feet of individual perpetrators. This point of view holds that individuals are fundamentally responsible for their own behavior and maintains that they choose crime over other, more law-abiding courses of action. Perpetrators may choose crime, advocates of this perspective say, because it is exciting, because it offers illicit pleasures and the companionship of like-minded thrill seekers, or because it is simply less demanding than conformity. This viewpoint, which we shall call the **social responsibility perspective**, has a close affiliation

with what is known in criminology as rational choice theory (discussed in detail in Chapter 4). Advocates of the social responsibility perspective, with their emphasis on individual choice, tend to believe that social programs do little to solve the problem of crime because, they say, a certain number of crime-prone individuals, for a variety of personalized reasons, will always make irresponsible choices. Hence advocates of the social responsibility approach suggest crime reduction strategies based on firm punishments, imprisonment, individualized rehabilitation, increased security, and a wider use of police powers. The social responsibility perspective characteristically emphasizes a form of *micro* analysis that tends to focus on individual offenders and their unique biology, psychology, background, and immediate life experiences.

The social responsibility perspective came to the fore during the 2000 presidential campaign, when then-Governor George W. Bush called for ushering in "the Responsibility Era." Bush's message, said the Republican National Committee, "tells children that there are right choices in life and wrong choices in life."⁷⁸ The committee went on to explain that "[President] Bush believes the laws should be fully enforced and that criminal conduct should have serious consequences. In his two terms as Governor he has advocated and signed comprehensive reforms toughening the juvenile justice code, abolishing a mandatory release law for certain violent offenders, effectively ending parole for violent repeat offenders, passing some of the toughest sex offender laws in the country, and restoring a provision making it a felony to assault a police officer. "As a result," the committee claimed, "overall crime in Texas decreased 14 percent and violent crime decreased 20 percent."

The contrast between the social problems and the social responsibility perspectives was spotlighted in the 1997 trial of Jesse Timmendequas, a previously convicted sex offender and admitted killer of 7-year-old Megan Kanka.⁷⁹ The defense for Timmendequas centered on his claims of repeated sexual abuse by his father as he was growing up—an experience his attorneys said left him helplessly attracted sexually to young children. The jury hearing the case rejected Timmendequas's abuse defense, found him guilty of killing Kanka, and recommended that he be sentenced to die. In summing up the feelings of many of those present, prosecutor Kathryn Flicker noted that "Timmendequas's childhood was not a bed of roses." But, she asked, "where does individual responsibility fit into the whole scheme? He was responsible as an adult, as we all are."⁸⁰

In recent years, the social responsibility perspective has substantially influenced national crime control policy. Examples of conservatism in our nation's approach to criminals abound. The Violent Crime Control and Law Enforcement Act of 1994, for example, which is discussed in detail in Chapter 15, expanded the number of capital crimes under federal law from a handful of offenses to 52.⁸¹ The law also made \$8.8 billion available to municipalities to put 100,000 new police officers on the streets, and it allocated \$7.9 billion for states to build and operate prisons and incarceration alternatives like boot camps. Prison funding was

THEORY VERSUS REALITY

A Public Health Model of Crime Control

This book builds upon a theme that contrasts the *social problems* perspective on crime with another approach called *social responsibility*. An example of the social problems perspective can be found in the growing popularity of the public health model of crime control. According to the National Institute of Justice (NIJ), “Looking at violence only as a criminal justice issue has limited crime prevention strategies.” But now, says NIJ, “policymakers are recognizing that violence is a health issue as well.” Excerpts from a recent NIJ report, which are contained in this box, detail how the public health approach can be applied to the study of crime and justice.

Treating violence as a major problem in criminal justice and health suggests some new strategies for prevention. Public health campaigns to induce people to take responsibility for avoiding illness have led many to change their daily behavior. Safer sex practices are a dramatic and widespread personal response to the AIDS epidemic. Although it is decidedly harder to protect oneself against violence than against a virus, the public health approach offers useful lessons in preventing and controlling violence. Three public health concepts that are especially germane to preventing violence are public education, control of contagion, and early detection.

Public Education

Education forms the backbone of public health efforts. Over the past 20 years, full-scale public education campaigns have increased the use of seat belts and have reduced the use of tobacco. Antismoking education has been successful not only in getting a large part of the smoking population to quit, but also in preventing many young people from starting to smoke. An anti-violence campaign even half as effective as the antismoking campaign would dramatically reduce violent behavior. Such a campaign could target youth, could get at the roots of violent behavior (such as a lack

of respect for women, in cases of sexual and domestic assault), and could teach alternative ways to solve disputes (for example, conflict resolution and communication skills).

Control of Contagion

The health care model stresses control of epidemics by targeting people at risk for disease, such as those living in crowded or unsanitary conditions. Who is at risk for violence? Through new research and anecdotal evidence, some profiles of at-risk populations are emerging. For instance, increasing evidence suggests that a predilection toward violence can be transmitted from generation to generation. One research study found that youths who have been abused or neglected are 38% more likely to be arrested for a violent crime by the time they are adults than those who have not been mistreated.

In addition, data indicate that a person who has been shot is more likely to be victimized again than someone who has not. And yet another recent study found that women who were raped or were victims of attempted rape as adolescents were more than twice as likely as other women to be the victim of rape or attempted rape during their first year in college.

How do we inoculate those at risk? Counseling can provide victims of violence with support and constructive ways to channel their rage, which would reduce the likelihood they would lash out at someone else, seek retribution, or continue to feel vulnerable. Counseling can also provide new coping and crime prevention skills to reduce fear as well as the chance of a repeat victimization. When a person comes to the emergency room with a gunshot or knife wound, the hospital staff must report the incident to the police so that the criminal justice system can intervene. Funding is needed for counseling to help victims prevent repeat victimization and to guide them from becoming victimizers themselves.

Early Detection

To treat people at risk for violence, the system must first identify them. The public health model teaches that the earlier an ailment can be detected, the better the chance

of curing it. In cases of violence between strangers, detection is usually straightforward: The victim turns to the criminal justice system. When the victim and the offender have a prior relationship, the criminal justice system may not be involved until the violence escalates into serious assault or murder. In these cases, early detection and intervention can be especially important.

Promise for the Future

An opportunity exists to screen for violence by a medical community that increasingly emphasizes prevention and the family doctor approach to health care. Family doctors are well positioned to notice patterns that suggest that a patient is at risk of violence. Twenty years ago, doctors rarely asked patients about their sexual and drinking habits, but now most doctors routinely ask such questions. Asking, “Do you have trouble controlling your temper? What happens when you lose it?” could be just as routine. If a patient replies that he occasionally “takes a swipe” at his partner or “breaks furniture,” the physician could tell him that this is a health problem and that he needs help.

Treating violence as both a health issue and a criminal justice issue opens the door to more resources. Researchers sponsored by the National Institute of Justice are studying violence, but a vast amount of information still needs to be collected. Computerized records of reasons for injuries and sophisticated studies about prevalence will offer a better grasp of patterns. With data in hand, stronger arguments can be made for increased allocation of limited resources. A better balance is needed: The federal government spends on research about \$794 per year per life lost because of cancer, but only \$31 per year per life lost to violence.

The value of the public health approach is that investing in detection, education, and counseling is cost effective. It is less expensive to incorporate early identification into the health care system and to provide services than to face the burden of escalating emergency room, law enforcement, court, child welfare, and prison costs. But what is truly unbearable is the cost in human lives that the nation will pay if efforts

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to prevent violence fail. Ultimately, early intervention and treatment by the health care system, combined with criminal justice efforts, will start giving the victims of violence what they deserve: for the crime not to have happened.

DISCUSSION QUESTIONS

1. What are the major differences between the social problems and

the social responsibility perspectives on crime?

2. Which perspective do you find most appealing? Why?

3. Which perspective is closest to the public health model of crime prevention discussed here?

4. Do you believe that the public health model is applicable to the

crime problem? Can crime be effectively prevented or reduced using the public health model? Why or why not?

Source: Lucy N. Friedman, "Adopting the Health Care Model to Prevent Victimization," *National Institute of Justice Journal* (November 1994).

intended to ensure that additional prison cells would be available to put—and keep—violent offenders behind bars. A subchapter of the 1994 Violent Crime Control Act created a federal "Three Strikes and You're Out" law, mandating life imprisonment for criminals convicted of three violent federal felonies or drug offenses. Similarly, the law increased or created new penalties for over 70 federal criminal offenses, primarily covering violent crimes, drug trafficking, and gun crimes.

Since the 1994 federal legislation was passed, many states have moved to toughen their own laws against violent criminals. Violent juveniles and repeat offenders have been especially targeted. As the number of people behind bars has soared, legislatures in a number of states have also moved to reduce inmate privileges, such as removing television sets, exercise equipment, and free magazines and reducing the number of hours of visitation and recreation permitted for inmates.

A note about wording is in order: Although the social responsibility perspective might also be termed the *individual responsibility perspective* because it stresses individual responsibility above all else, we've chosen to use the term *social responsibility perspective* instead, as it holds that individuals must be ultimately responsible to the social group of which they are a part and that they should be held accountable by group standards if they are not. In short, this perspective is characterized by societal demands for the exercise of individual responsibility.

THE SOCIAL CONTEXT OF CRIME

Crime does not occur in a vacuum. Every crime has a unique set of causes, consequences, and participants. Crime affects some people more than others, having a special impact on those who are direct participants in the act itself—offenders, victims, police officers, witnesses, and so on. Crime, in general, provokes reactions from the individuals it victimizes, from concerned groups of citizens, from the criminal justice system, and sometimes from society as a whole, which manifests its concerns via the creation of new social policy. Reactions to crime, from the everyday to the precedent setting, may color the course of future criminal events.⁸²

In this book, we shall attempt to identify and examine some of the many social, psychological, economic, biological, and other causes of crime, while simultaneously expounding on the many differing perspectives that have been advanced to explain both crime and criminality. An example of differing perspectives can be found in the Theory versus Reality box in this chapter entitled "The Murder of John Lennon." The box provides insight into the motivation of Mark David Chapman (Lennon's killer) and shows that the assumptions we, as outsiders to the event itself, make about the genesis of criminal purpose are not always correct. As the box reveals, popular conceptions of criminal motivation are typically shaped by media portrayals of offender motivation, which often fail to take into consideration the felt experiences of the law violator. By identifying and studying this diversity of perspectives on criminality, we will discover the characteristic disjuncture among victims, offenders, the justice system, and society as to the significance that each assigns to the behavior in question—and often to its motivation. It will not be unusual to find, for example, that sociological or psychological initiatives with which the offenders themselves do not identify are assigned to offenders by theorists and others.

Another example of misattribution can be seen in the decade-old case of Damian Williams, the black man sentenced in December 1993 to ten years in prison for beating white truck driver Reginald Denny during the Los Angeles riots. Most reporters and many attorneys assumed that Williams was motivated during the beating by his knowledge of verdicts of innocence that had been returned earlier that day in the state trial of California police officers accused of beating black motorist Rodney King—an incident captured on videotape that galvanized the nation. An infuriated Williams, the media supposed (and reported), attacked Denny in response to frustrations he felt at a justice system that seemed to protect whites at the expense of blacks. Williams, however, told a reporter at his sentencing that he knew nothing about the verdicts at the time he attacked Denny and that he was just caught up in the riots. "Maybe other people knew about [the King verdict], but I wasn't aware of it until later. ...I was just caught up in the rape," Williams said.⁸³ Williams served three years in prison and was released. In an interesting footnote to the Denny beating, however, Williams was arrested again in 2000 and charged with the murder of 43-year-old Grover Tinner, a South Central

Los Angeles resident who died after being shot in an alley in a dispute that apparently involved drugs.⁸⁴

Making Sense of Crime: The Causes and Consequences of the Criminal Event

This book recognizes that criminal activity is diversely created and variously interpreted. In other words, this book depicts crime not as an isolated individual activity, but as a *social event*.⁸⁵ Like other social events, crime is fundamentally a social construction.⁸⁶ To say that crime is a social construction is not to lessen the impact of the victimization experiences which all too many people undergo in our society every day. Nor does such a statement trivialize the significance of crime prevention efforts or the activities of members of the criminal justice system. Likewise, it does not underplay the costs of crime to individual victims and to society as a whole. It does, however, recognize that although a given instance of criminal behavior may have many causes, it also carries with it many different kinds of meanings—at least one for offenders, another (generally quite different meaning, of course) for victims, and still another for agents of the criminal justice system. Similarly, a plethora of social interest groups, from victims' advocates to prisoner "rights" and gun control organizations, all interpret the significance of lawbreaking behavior from unique points of view, and each arrives at different conclusions as to what should be done about the so-called crime problem.

For these reasons, we have chosen to apply the concept of **social relativity** to the study of criminality.⁸⁷ Social relativity means that social events are differently interpreted according to the cultural experiences and personal interests of the initiator, the observer, or the recipient of that behavior. Hence, as a social phenomenon, crime means different things to the offender, to the criminologist who studies it, to the police officer who investigates it, and to the victim who experiences it firsthand.

Figure 1-4 illustrates both the causes and the consequences of crime in rudimentary diagrammatic form. In keeping with the theme of this textbook, it depicts crime as a social event. The figure consists of a foreground, describing those features which immediately determine the nature of the criminal event (including responses to the event as it is transpiring), and a background, in which generic contributions to crime can be seen along with interpretations of the event after it has taken place. We call the background causes of crime *contributions*, and use the word *inputs* to signify the more immediate propensities and predispositions of the actors involved in the situation. Inputs also include the physical features of the setting in which a specific crime takes place. Both background contributions and immediate inputs contribute to and shape the criminal event. The more or less immediate results or consequences of crime are termed *outputs*, while the term *interpretations* appears in the diagram to indicate that any crime has a lasting impact both on surviving participants and on society.

As Figure 1-4 shows, the criminal event is ultimately a result of the coming together of inputs provided by the

- offender
- victim
- society
- justice system

Offenders bring with them certain background features, such as personal life experiences, a peculiar biology (insofar as they are unique organisms), a distinct personality, personal values and beliefs, and various kinds of skills and knowledge (some of which may be useful in the commission of crime). Background contributions to crime can be vitally important. Recent research, for example, tends to cement the existence of a link between child-rearing practices and criminality in later life. Joan McCord, reporting on a 30-year study of family relationships and crime, found that self-confident, nonpunitive, and affectionate mothers tend to insulate their male

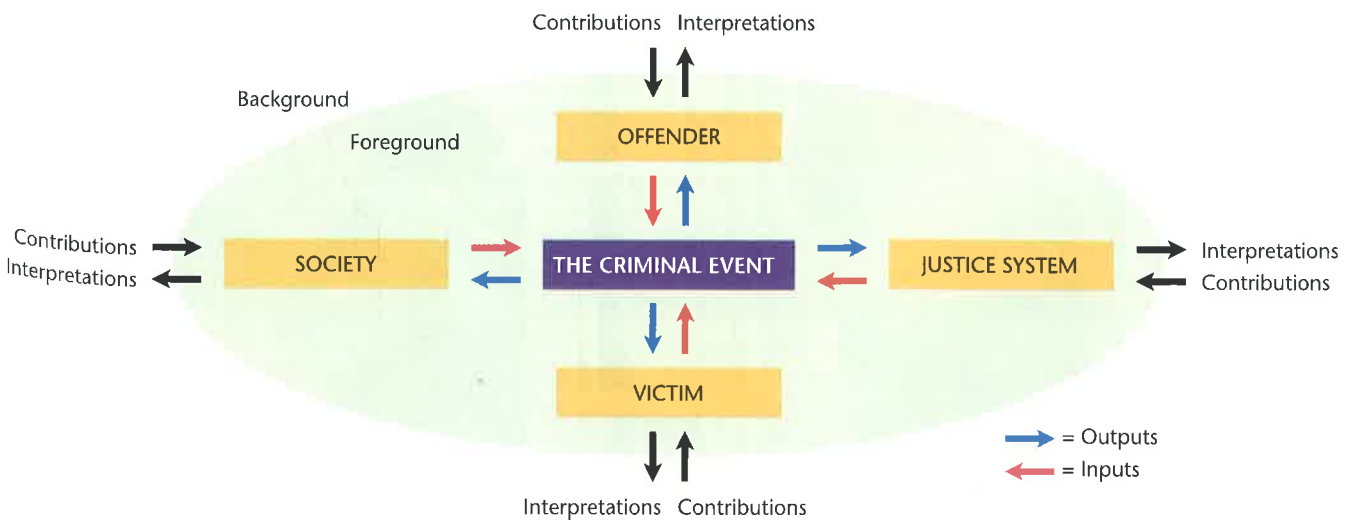


FIGURE 1-4 THE CAUSES AND CONSEQUENCES OF CRIME.

THEORY VERSUS REALITY

The Murder of John Lennon

At 10:50 P.M. on December 8, 1980, Mark David Chapman, 25, killed famous musician and former Beatle John Lennon. Lennon, who was returning home from a recording session with his wife, Yoko Ono, died in a hail of bullets fired from Chapman's .38-caliber pistol. As a musical luminary, John Lennon was well known to the world. Even his private life—from his residence in the exclusive Dakota Apartments in New York City to his dietary preferences and investment portfolios—was the subject of popular news stories and media exposés.

Following Lennon's death, the public generally assumed that Chapman had chosen his murderous course of action due to innate, albeit perverted, needs fed by a twisted rationale—specifically, to become famous by killing a celebrity. In similar assassination attempts involving Gerald Ford, Ronald Reagan, and others, the media has assumed much the same type of motivation. News stories have

communicated to the public the image of would-be assassins sparked by the desire to make headlines and to see their names become household words. To assign such motivation to the killers of famous people is understandable from the media's perspective. Many of the people encountered by newscasters and writers in their daily work have an obvious interest in seeing their names in print. Constant experiences with such people do much to convince byline authors and narrators that the drive for glory is a major motivator of human behavior.

Such "pop psychology," however, probably does not provide an accurate assessment of the motivation of most assassins. We know from recent conversations with Chapman that he, at least, was driven by a different mind-set. In an interview ten years after the killing (the first one he gave since the shooting), Chapman related a story of twisted emotions and evil whisperings inside his own head. Just before the shooting, the

unemployed Chapman, living in Hawaii, had gotten married. Faced with a difficult financial situation and rising debts, he became enraged by what he perceived as Lennon's "phoniness." Lennon, he reasoned, had become rich singing about the virtues of the common person, yet Lennon himself lived in luxury made possible by wealth far beyond the reach of Chapman and others like him. According to Chapman, "He [Lennon] had told us to imagine. ...He had told us not to be greedy. And I had believed!" In effect, Chapman shifted responsibility for his own failure onto Lennon. For that, he reasoned, Lennon must pay. In preparation for the killing, Chapman recorded his own voice over Lennon's songs, screaming such things as, "John Lennon must die! John Lennon is a phony." Once a born-again Christian, Chapman turned to Satanism and prayed for demons to enter his body so that he could have the strength to carry out the mission he had set for himself.

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Mark David Chapman (left) killed well-known musician John Lennon (right) in 1980. In 2000, Chapman's bid for parole was denied. What can crimes like Chapman's tell us about criminal



motivation? *A. Hill, SIPA Press (left) and Sunset Boulevard, Corbis/Sygma (right)*

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Today, says Chapman, he has changed. Much of his time behind bars is spent writing religious tracts and other stories, with inspiration drawn from verses Lennon made famous. In an interview that Chapman gave shortly before his first parole eligibility date in September 2000, the now-repentant killer indulged in psychological self-analysis and blamed the killing on a father who never showed love. "I think the main problem," said Chapman, "was

that my father never talked about life or problems . . . and I guess the more I look back on it, I didn't feel any love from him. Perhaps I was getting back, killing John Lennon, ruining my life as well." Parole officials were unimpressed with Chapman's self-assessment and denied his bid for parole.

DISCUSSION QUESTIONS

1. Why did Chapman kill Lennon? Will we ever be sure of his true

motivation? How can we know when we have uncovered it?

2. Was Chapman insane at the time of the killing? What does insanity mean in this context? How can it be determined?
3. Should Chapman be paroled? Why or why not?

Sources: Jack Jones, "Decade Later, Killer Prays to be Forgiven," *USA Today*, December 3, 1990, p. 1a. "John Lennon's Killer Blames His Own Father," Reuters wire service, September 26, 2000.

children from delinquency and, consequently, later criminal activity.⁸⁸ Difficulties associated with the birthing process have also been linked to crime in adulthood.⁸⁹ Birth trauma and negative familial relationships are but two of the literally thousands of kinds of experiences individuals may have. Whether individuals who undergo trauma at birth and are deprived of positive maternal experiences will turn to crime depends on many other things, including their own mixture of other experiences and characteristics, the appearance of a suitable victim, the failure of the justice system to prevent crime, and the evolution of a social environment in which criminal behavior is somehow encouraged or valued.

Each of the parties identified in Figure 1-4 contributes immediate inputs to the criminal event. Foreground contributions by the offender may consist of a particular motivation, a specific intent (in many cases), or a drug-induced state of mind.

Some crimes are especially difficult to understand, no matter how they are viewed. In 1995, for example, the town of Union, South Carolina, was devastated by the trial of Susan Smith. Smith, who originally claimed that a carjacker had forced her from her car and had driven off with her two young sons still in the vehicle, confessed to the murders of both Alex, 1, and Michael, 3. Smith admitted she drove the car, with her sons still strapped into child safety seats, off a pier and into a nearby lake. An exhaustive ten-day nationwide search for the boys had failed to turn up any significant leads, and the case might have gone unsolved until investigators discovered a letter from Smith's lover saying that he felt unable to accept both her and the children. An autopsy revealed that the children were still alive as the car went into the lake but that both drowned as the car flipped onto its roof and sank. Smith again made headlines in 2000 when a sexual affair she was having with a correctional officer at Women's Correctional Institution in Columbia, South Carolina, came to light. Smith had been serving a life sentence at the facility.⁹⁰ The officer, 50-year-old Lieutenant Houston Cagle, was fired, and the incident prompted investigations in women's prisons nationwide.

Like the offender, the **criminal justice system** also contributes to the criminal event, albeit unwillingly, through its failure to (1) prevent criminal activity, (2) adequately identify and inhibit specific offenders prior to their involvement in

crime, and (3) prevent the release of convicted criminals who later become repeat offenders. Such background contributions can be seen in prisons (a central component of the justice system) that serve as "schools for crime," fostering anger against society and building a propensity for continued criminality in inmates who have been "turned out." Similarly, the failure of system-sponsored crime prevention programs—ranging from the patrol activities of local police departments to educational and diversionary programs intended to redirect budding offenders—helps set the stage for the criminal event. On the other hand, proper system response may reduce crime. A recent study by Carol W. Kohfeld and John Sprague, for example, found that police response (especially arrest) could, under certain demographic conditions, dramatically reduce the incidence of criminal behavior.⁹¹ Additionally, Kohfeld and Sprague found that arrest "constitutes communication to criminals in general," further supporting the notion that inputs provided by the justice system have the power to either enhance or reduce the likelihood of criminal occurrences. Immediate inputs provided by the justice system typically consist of such features of the situation as the presence or absence of police officers, the ready availability (or lack thereof) of official assistance, the willingness of police officers to intervene in precrime situations, and the response time required for officers to arrive at a crime scene.

Few crimes can occur without a victim. Sometimes the victim is a passive participant in the crime, such as an innocent person killed on the street outside of his or her home by random gunfire from a drive-by shooting. In such cases, the victim is simply in the proverbial wrong place at the wrong time. Even then, however, merely by being present the victim contributes his or her person to the event, thereby increasing the severity of the incident (that is, the random shooting that injures no one may still be against the law, but it is a far less serious crime than a similar incident in which somebody is killed). Sometimes, however, victims more actively contribute to their own victimization through the appearance of defenselessness (perhaps because of old age, drunkenness, or disability), by failing to take appropriate defensive measures (leaving doors unlocked or forgetting to remove the key from a car's ignition), through an unwise display of wealth (flashing large-denomination bills in a public place), or simply by



Some crimes are especially difficult to understand. Susan Smith, of Union, South Carolina, confessed to drowning her two young sons, Alex, 1, and Michael, 3, in 1994. The boys are shown in



happier times in the photo on the right. *Spartan Herald Journal*, *Corbis/Sygma* (left) and *American Fast Photo*, *SABA Press Photos, Inc.* (right)

making other unwise choices (walking down a dark alley off of Times Square at 2 or 3 A.M., for example). In a recent study of Canadian victimization, Leslie W. Kennedy and David R. Forde found that violent personal victimization “is contingent on the exposure that comes from following certain lifestyles.”⁹² This was especially true, they found, “for certain demographic groups, particularly young males.”

Although lifestyles may provide the background that fosters victimization, a more active form of victimization characterizes “victims” who initiate criminal activity, such as the barroom brawler who picks a fight but ends up on the receiving end of the ensuing physical violence. Victim-precipitated offenses are those that involve active victim participation in the initial stages of a criminal event and that take place when the soon-to-be victim instigates the chain of events which ultimately results in the victimization.

Finally, the general public (termed *society* in Figure 1-4) contributes to the criminal event both formally and informally. Society’s formal contributions sometimes take the form of legislation, whereby crime itself is defined. Hence as we shall discuss in considerable detail in Chapter 15, society structures the criminal event in a most fundamental way by delineating (through legislation and via statute) which forms of activity are to be thought of as criminal.

Society’s less formal contributions to crime arise out of generic social practices and conditions like poverty, poor and informal education, various forms of discrimination by which pathways to success are blocked, and the **socialization** process. Socialization has an especially important impact on crime causation because it provides the interpretative foundation used to define and understand the significance of particular situations in which we find ourselves, and it is upon those interpre-

tations that we may (or may not) decide to act. Date rape, for example, can occur when a man concludes that his date “owes” him something for the money he has spent on her. That feeling, however inappropriate from the point of view of the victim and the justice system, probably has its roots in early learned experiences—including values communicated from television, the movies, and popular music—about gender-related roles under such circumstances. In other words, society, through the divergent values and expectations it places upon people, property, and behavior under particular conditions, may provide the motivational basis for many offenses.

The contributions society makes to the backgrounds of both offender and victim and to the structure of the justice system, and the influences each in turn have upon the general social order, provide for a kind of “feedback loop” in our vision of crime (even though the loop is not shown in Figure 1-4 for fear of unnecessarily complicating it). Through socialization, for example, individuals learn about the dangers of criminal victimization; but when victimization occurs and is publicized, it reinforces the socialization process, leading to an increased wariness of others, and so on. An example can be seen in the fact that children throughout the United States are routinely taught to avoid strangers and to be suspicious of people they do not know. A few decades ago, stranger avoidance was not ordinarily communicated to children; it entered cultural awareness following a number of horrendous and well-publicized crimes involving child victims. It is now a shared part of the socialization process experienced by countless children every day throughout the United States.

The contributions made by society to crime are complex and far reaching. Some say that the content of the mass me-

dia (television, movies, newspapers, popular music, etc.) can lead to crime by exposing young people to inappropriate role models and to the kinds of activity—violence and unbridled sexuality, for example—that encourage criminality.

Society's foreground contributions to crime largely emanate from the distribution of resources and the accessibility of services, which are often the direct result of economic conditions. In a study of the availability of medical resources (especially quality hospital emergency services), William G. Doerner found that serious assaults may "become" homicides when such resources are lacking but that homicides can be prevented through the effective utilization of capable medical technology.⁹³ Hence societal decisions leading to the distribution and placement of advanced medical support equipment and personnel can effectively lower homicide rates in selected geographic areas. Of course, homicide rates will be higher in areas where such equipment is not readily available. In Doerner's words, "The causes of homicide transcend the mere social world of the combatants."⁹⁴

The moments that immediately precede any crime are ripe with possibilities. When all the inputs brought to the situation by all those present coalesce into activity which violates the criminal law, a crime occurs. Together, the elements, experiences, and propensities brought to the situation by the offender and the victim, and those that are contributed to the pending event by society and the justice system, precipitate and decide the nature, course, and eventual outcome of the criminal event. As one well-known criminologist recently explained, "An understanding of crime and criminality as constructed from the immediate interactions of criminals, control agents, victims, and others, and therefore as emerging from a tangled experiential web of situated dangers and situated pleasures, certainly refocuses theories of criminal causality on the criminal moment."⁹⁵ While focused on the criminal event as it unfolds, however, it is important to note that some of the inputs brought to the situation may be inhibiting; that is, they may tend to reduce the likelihood or severity of criminal behavior.

As mentioned earlier, the causes of crime, however well documented, tell only half the criminological story. Each and every crime has consequences. Although the immediate consequences of crime may be relatively obvious for those parties directly involved (for example, the offender and the victim), crime also indirectly impacts society and the justice system over the longer term. Figure 1-4 terms the immediate effects of crime *outputs*. As with the causes of crime, however, the real impact of such outputs is mediated by perceptual filters, resulting in what the figure terms *interpretations*. After a crime has taken place, each party to the event must make sense out of what has transpired. Such interpretations consist of cognitive, emotional, and (ultimately) behavioral reactions to the criminal event.

Interpretations are ongoing. They happen before, during, and after the criminal event and are undertaken by all those associated with it. In an interesting and detailed study of the interpretative activity of criminal justice system personnel, James F. Gilsinan has documented what happens when callers reach the 911 operator on police emergency lines.⁹⁶ Because many prank calls and calls for information are made to 911

operators, the operator must judge the seriousness of every call that comes through. What the caller says was found to be only a small part of the informational cues that the operator seeks to interpret before assigning the call to a particular response (or nonresponse) category. Honest calls for help may go unanswered if the operator misinterprets the call. Hence quite early on in the criminal event, the potential exists for a crucial representative of the justice system to misinterpret important cues and to conclude that no crime is taking place.

Other interpretative activities may occur long after the crime has transpired, but they are at least as significant. The justice system, taken as a whole, must decide guilt or innocence and must attempt to deal effectively with convicted offenders. Victims must attempt to make sense of their victimizations in such a way as to allow them to testify in court (if need be) and to pick up the pieces of their crime-shattered lives. Offenders must come to terms with themselves and decide whether to avoid prosecution (if escape, for example, is possible), accept blame, or deny responsibility. Whatever the outcome of these more narrowly focused interpretative activities, society—because of the cumulative impact of individual instances of criminal behavior—will also face tough decisions through its courts and lawmaking agencies. Society-level decision making may revolve around the implementation of policies designed to stem future instances of criminal behavior, the revision of criminal codes, or the elimination of unpopular laws.

Our perspective takes a three-dimensional integrative view of the social event called *crime*. We will (1) attempt to identify and understand the multiple causes that give rise to criminal behavior, (2) highlight the processes involved in the criminal event as it unfolds, and (3) analyze the interpretation of the crime phenomenon, including societal responses to it. From this perspective, crime can be viewed along a temporal continuum as an emergent activity that (1) arises out of past complex causes; (2) assumes a course that builds upon immediate interrelationships between victim, offender, and the social order that exist at the time of the offense; and which, after it has occurred, (3) elicits a formal response from the justice system, shapes public perceptions, and (possibly) gives rise to changes in social policy.

The advantages of an integrative perspective can be found in the completeness of the picture that it provides. The integrative point of view results in a comprehensive and inclusive view of crime because it emphasizes the personal and social underpinnings as well as the consequences of crime. The chapters that follow employ the integrative perspective advocated here to analyze criminal events and to show how various theoretical approaches can be woven into a consistent perspective on crime.

THE PRIMACY OF SOCIOLOGY?

This book recognizes the contributions made by numerous disciplines to the study of crime and crime causation including biology, economics, psychology, psychiatry, physiology, and political science. It is important to recognize,

however, that the primary perspective from which many contemporary criminologists operate is a sociological one. Hence, a large number of today's theoretical explanations of criminal behavior are routinely couched in the language of social science and fall within the framework of sociological theory. The social problems versus social responsibility theme, around which this book is built, is in keeping with such a tradition.

Many, however, would disagree with those who claim that the sociological perspective should be accorded heightened importance in today's criminological enterprise. Those who argue in favor of the primacy of sociology emphasize the fact that crime, as a subject of study, is a social phenomenon. Central to any study of crime, they say, must be the social context of the criminal event because it is the social context that brings victims and criminals together.⁹⁷ Moreover, much of contemporary criminology rests upon a tradition of social scientific investigation into the nature of crime and criminal behavior that is rooted in European and American sociological traditions that are now well over 200 years old.⁹⁸

One of sociology's problems, however, has been its apparent reluctance to accept the significance of findings from other fields, as well as its frequent inability to integrate such findings into existing sociological understandings of crime. Another has been its seeming inability to demonstrate conclusively effective means of controlling violent (as well as other forms of) crime. As Diana Fishbein, Professor of Criminology at the University of Baltimore, says, "Sociological factors play a role. But they have not been able to explain why one person becomes violent and another doesn't."⁹⁹

SUMMARY

At the start of this chapter, the term *crime* was simply defined as a violation of the criminal law. Near the end of this chapter, we recognized the complexity of crime, calling it an "emergent phenomenon." In the process, crime was effectively redefined as a lawbreaking event whose significance arises out of an intricate social nexus involving a rather wide variety of participants. As we enter the twenty-first century, contemporary criminologists face the daunting task of reconciling an extensive and diverse collection of theoretical explanations for criminal behav-

DISCUSSION QUESTIONS

1. This book emphasizes a social problems versus social responsibility theme. Describe both perspectives. How might social policy decisions based on these perspectives vary?
2. What is *crime*? What is the difference between crime and deviance? How might the notion of crime change over time? What impact does the changing nature of crime hold for criminology?
3. Do you believe that doctor-assisted suicide should be legalized? Why or why not? What do such crimes as doc-

tor-assisted suicide have to tell us about the nature of the law and about crime in general?

While sociological theories continue to develop, new and emerging perspectives ask to be recognized. The role of biology in explaining criminal tendencies, for example, appears to be gaining strength as investigations into the mapping of human DNA continue. Charles F. Wellford, past President of the American Society of Criminology, explained the current state of affairs, saying, "I strongly believe that the future development of causal theory is dependent upon our movement toward integrated theories that involve biological, social, and cultural dimensions. Our failure to achieve much in the way of understanding the causal sequences of crime is in part a reflection of our slowness in moving toward multidisciplinary, integrated theoretical structures. The fact is that for two-thirds of this century, as criminology developed, we remained committed to a small number of sociological models for which there is extensive proof of their important but limited value. Fortunately in the last 20 years, this has begun to change. Today we see under way substantial research efforts that are based upon models of explanation that far exceed the traditional sociological approaches."¹⁰⁰

Nonetheless, whatever new insights may develop over the coming years, it is likely that the sociological perspective will continue to dominate the field of criminology for some time to come. Such dominance is rooted in the fact that crime—regardless of all the causative nuances that may be identified in its development—occurs within the context of the social world. As such, the primary significance of crime and of criminal behavior is fundamentally social in nature, and any control over crime must stem from effective social policy.

ior. All these perspectives aim to assist in understanding the social phenomenon of crime—a phenomenon that is itself open to interpretation and that runs the gamut from petty offenses to major infractions of the criminal law. At the very least, we should recognize that explanations for criminal behavior rest on shaky ground insofar as the subject matter they seek to interpret contains many different forms of behavior, each of which is subject to personal, political, and definitional vagaries.

4. Do you think that policymakers should address crime as a matter of individual responsibility and accountability, or do you think that crime is truly a symptom of a dysfunctional society? Why?
5. Describe the various participants in a criminal event. How does each contribute to an understanding of the event?

6. What do criminologists do? Do you think you might want to become a criminologist? Why or why not?

WEB QUEST!

Web QUEST!

Learn what criminologists do by visiting some of the professional associations they have formed. The American Society of Criminology (<http://www.asc41.com>) and the Academy of Criminal Justice Sciences (<http://www.acjs.org>)—each with over 2,000 members—are among the oldest and most established of such organizations and are easily accessible via the Internet. Regional associations include the Midwestern Criminal Justice Association (<http://mcja.nmu.edu>), the Northeastern Association of Criminal Justice Sciences (<http://www.neacjs.org>), the Southern Criminal Justice Association (<http://www.scja.net>), and the Western Society of Criminology (<http://www.sonoma.edu/cja/wsc/wscmain.html>). Many state organizations exist as well, and most can be found on the Internet.

LIBRARY EXTRAS!

The Library Extras! listed here complement the Web Extras! found throughout this chapter. Library Extras! may be accessed on the web at crimtoday.com.

Library Extra! 1-1. Elliott Currie, “Reflections on Crime and Criminology at the Millennium,” *Western Criminology Review*, Vol. 2, No. 1 (1999).

Library Extra! 1-2. Richard Hil, “Toward a More ‘Progressive’ Criminology? A Rejoinder to Elliott Currie,” *Western Criminology Review*, Vol. 2, No. 2 (2000).

Library Extra! 1-3. Elliott Currie, “Response to Richard Hil,” *Western Criminology Review*, Vol. 2, No. 2 (2000).

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⁷ “Robber Bashes Woman with Concrete Block,” Associated Press, July 10, 2000.

7. Why is the sociological perspective especially important in studying crime? What other perspectives might be relevant? Why?

You might also want to visit some forensic Web sites, including the American Academy of Forensic Sciences (<http://www.aafs.org>), the American College of Forensic Examiners (<http://www.acfe.com>), and the British Forensic Science Society (<http://www.forensic-science-society.org.uk>). Hundreds of other criminology-related professional associations can be found by searching Dr. Frank Schmalleger’s Criminal Justice Cybrary (<http://talkjustice.com/cybrary.asp>) and using search terms like “association,” “academy,” “society,” and so on. The Cybrary also contains an “Associations” category that you can use to speed your search.

If asked to do so by your instructor, visit the Web sites listed here, and write a brief description of what each contains. Include in your descriptions the mission statement for each organization that you visit.

Library Extra! 1-4. Matthew B. Robinson, “What You Don’t Know Can Hurt You: Perceptions and Misconceptions of Harmful Behaviors among Criminology and Criminal Justice Students,” *Western Criminology Review*, Vol. 2, No. 1 (1999).

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crimes against persons

OUTLINE

Introduction

Violent Crime Typologies

Homicide

*The Subculture of Violence Thesis
and Structural Explanations*

The Victim-Offender Relationship

Instrumental and Expressive Homicide

Victim Precipitation

Weapon Use

Alcohol and Drug Use

Gangs

Serial Murder

Mass Murder

Rape

Rape Myths

The Common Law Definition of Rape

Rape Law Reform

The Social Context of Rape

Theoretical Perspectives on Rape

Typologies of Rapists

Robbery

The Lethal Potential of Robbery

Criminal Careers of Robbers

Robbery and Public Transportation

The Motivation of Robbers

Drug Robberies

The Gendered Nature of Robbery

Assault

Stranger Assault

Assault within Families

Stalking

The Extent of Stalking

*Victim-Offender Relationships
in Stalking*

*Stalking in Intimate-
Partner Relationships*

Consequences of Stalking

Cyberstalking

Terrorism

Countering the Terrorist Threat

10

CHAPTER

Crime is committed by people who are tempted more
and controlled less.

—Marcus Felson⁴

Can it really be that there is something unique about
the genotype of the U.S. population which so
dramatically predisposes it to violence?

—Steven Rose⁵

KEY CONCEPTS

IMPORTANT TERMS

acquaintance rape	nonprimary homicides	stalking
crime typology	personal robbery	terrorism
cyberstalking	primary homicides	victim precipitation
exposure-reduction theory	rape myths	Violence against Women Act (VAWA)
expressive crimes	rape shield laws	Violent Criminal Apprehension Program (VICAP)
institutional robbery	selective disinhibition	
instrumental crimes	separation assault	
intimate-partner assault	sibling offense	
National Violence against Women (NVAW) Survey	spousal rape	

IMPORTANT NAMES

Larry Baron	Mary P. Koss	Diana E. H. Russell
Ann Burgess	Jack Levin	Diana Scully
Andrea Dworkin	Catherine MacKinnon	Cassia Spohn
James Alan Fox	Jody Miller	Murray A. Straus
Nicholas Groth	Craig T. Palmer	Randy Thornhill
Robert R. Hazelwood	Robert Nash Parker	Neil Websdale
Julie Horney	James Ptacek	

OUTCOMES

LEARNING

After reading this chapter, you should be able to

- ◆ Describe typologies of violent crime
- ◆ Understand the key issues in explaining patterns of homicide
- ◆ Understand the key issues in explaining patterns of violent crime
- ◆ Explain why the context of familial assault is so important
- ◆ Explain the major patterns of stalking
- ◆ Identify the major characteristics of terrorism



Hear the author discuss this chapter at crimtoday.com

INTRODUCTION

On November 3, 2000, Texas millionaire Allen Blackthorne was sentenced to two life terms for taking part in a murder conspiracy. Blackthorne was convicted of arranging the murder of his ex-wife, Shelia Bellush, in order to gain custody of their two daughters. At the time that she was shot and her throat slit, Bellush was in her Florida home with her toddler quadruplets. Bellush had remarried after the divorce from Blackthorne and had moved from Texas to Florida, where she lived with her current husband, their four toddlers, and her

two daughters by Blackthorne. When police discovered Bellush's body, her two-year-old children had been crawling in her blood.

As you will discover in this chapter, the Bellush killing has some characteristics that make it a typical violent crime and some that do not. While many people who are involved in homicide are known to each other, a murder-for-hire is not a typical homicide. Most homicides are both local and situational in nature. In contrast, Blackthorne was convicted of interstate conspiracy to commit murder-for-hire and interstate domestic violence—federal crimes that carry a life



Allen Blackthorne, the Texas millionaire who was convicted in 2000 of the murder-for-hire of his ex-wife, who was the mother of quadruplets. What motivates such criminals? *San Antonio Express, Liaison Agency, Inc.*

sentence. Because they occur locally, most homicides do not fall under federal jurisdiction, and most do not involve the type of planning typical of murder-for-hire. While no one social class has an exclusive claim on violent offending, there are identifiable patterns in offending, and social class determines some of those patterns.

This chapter discusses violent criminal offending by focusing on homicide, rape, robbery, assault, stalking, and terrorism. These offenses, especially the first four, have long been identified as violent because they involve interpersonal harm or threat of harm. The range of possible harm varies from death, as is the case with homicide, to the loss of property, as is the case with robbery. As we have said in earlier chapters, there are many different theories that attempt to explain involvement in crime. Many focus on particular kinds of crimes, and all identify a variety of factors as important in explaining crime. While there is no such thing as the typical crime, criminologists use crime typologies to make sense of the patterns that characterize criminal offending.

VIOLENT CRIME TYPOLOGIES

A **crime typology** categorizes offenses against persons using a particular dimension, such as legal categories, offender motivation, victim behavior, situational aspects of the criminal event, and offender characteristics. Statutory definitions of crimes provide a typology based on legal categories. While this chapter will rely on legal categories as the basis on which to distinguish among types of violent crimes, we will also discuss some of the

explanatory factors associated with violent offending. Crime typologies “are designed primarily to simplify social reality by identifying homogeneous groups of crime behaviors that are different from other clusters of crime behaviors.”⁶ To be useful, the basis around which a typology is organized should serve a particular purpose. Some typologies use a single variable as the primary explanation for variation in criminal offending, while other typologies offer a number of variables that are thought to interact to produce certain patterns in violent offending. An example of a single-variable typology can be found in the general theory of crime advanced by Michael R. Gottfredson and Travis Hirschi (see Chapter 8), where the authors emphasize low self-control as the crucial determinant of variations in offending. Other theories, such as developmental and life course theories, focus on different explanatory variables or on a combination of factors. No one typology can perfectly capture all violent offending, and a given set of factors may explain better one type or facet of offending. For example, the individual-level factors that give rise to violent offending may not be the same factors that contribute to an increased frequency of offending, especially in terms of criminal careers.⁷

HOMICIDE

State and federal statutes on criminal homicide distinguish between several different forms of this offense based on intent, circumstances, age, and other considerations discussed in Chapter 2. As we noted in that chapter, homicide represents a small fraction of all violent crimes reported to the police in any given year—less than 0.1% in 1999.⁸ Only about 12% of all homicides involve strangers, and the most frequent circumstance that precedes a homicide is an argument.⁹ Approximately 17% of homicides occur during the commission of another felony, with robbery being the most common.¹⁰ While homicide offenders include men and women, young and old, rich and poor; homicide offending is very much patterned according to certain sociodemographics, with some groups being disproportionately involved as offenders. Distinctive patterns of homicide emerge based on such factors as individual sociodemographics, cultural norms, community characteristics, geographic region, weapons, gangs, and the victim-offender relationship. All of these have been used to further our understanding of homicide patterns and to create typologies surrounding homicide. Much research within criminology has centered around two competing theoretical frameworks, subcultural and structural explanations, which have been offered to explain variation in homicide offending both at the individual level, by focusing on the sociodemographic characteristics of offenders, and at the community level, by focusing on neighborhood and regional variations in homicide. Learn more about the crime of homicide at Web Extra! 10-1.



Web Extra! 10-1 at crimtoday.com

The Subculture of Violence Thesis and Structural Explanations

Within the United States, there has been strong research interest in the subculture of violence thesis originally formulated by Marvin Wolfgang and Franco Ferracuti,¹¹ which was discussed in Chapter 7. These authors stressed the role of norms and values characteristic of certain groups in lifestyles of violence. Ethnic and racial differences in criminal activity reflect distinctive patterns of interaction with others, which are characterized by a shared sense of history, language, values, and beliefs. The existence of a subculture necessitates a sufficient number of people who share not only values and beliefs, but also a forum which expresses membership. Such a forum may be something as elusive as a street corner. It is primarily this subtlety associated with subcultural theory that makes it difficult to test empirically. The subculture of violence thesis has been the primary theoretical perspective used to explain the similarity between homicide victims and offenders. First, homicide statistics reveal that victims and offenders share similar sociodemographic characteristics, such as age, gender, and race. African-Americans are disproportionately represented in the homicide statistics as both victims and offenders.¹² Second, victims and offenders who are intimately known to each other are disproportionately represented in homicide statistics. An analysis of supplemental homicide reports shows that approximately 60% of victims and offenders have some prior relationship.¹³

The subculture of violence thesis has also been explored at the community level, where the emphasis is on the importance of "critical masses" as support for the existence of subcultures.¹⁴ Early research argued that the disproportionate rate at which African-Americans commit homicide is associated with the presence of a large black population, the "critical mass" necessary for the "transmission of violence-related models" and subcultural behavior patterns.¹⁵ However, most of the research that found higher homicide rates to be associated with higher percentages of African-Americans in the population did not take into consideration things like socioeconomic status, level of education, and so on.¹⁶ Research by Robert Sampson using more sophisticated measures and stronger research designs revealed that the racial composition of an area alone did not have a significant effect on the homicide rates for either whites or blacks.¹⁷

Regional Variations in Subcultural Patterns

Other researchers employing subcultural perspectives have focused on regional variations in patterns of violent crimes, particularly in the South. The South has a long history of high homicide rates.¹⁸ Subcultural theorists have proposed that the high rate of violent crime in the South reflects adherence to a set of violence-related norms that were generally accepted in earlier times but that have since become outdated in other regions.¹⁹ While some researchers found that Southern origin had a significant effect on the production of high homicide rates in particular areas,²⁰ other researchers

challenge subcultural theories for their inability to control for noncultural factors that might explain the findings.²¹ Specifically, Colin Loftin and R. H. Hill conclude that the influence of structural variables, especially poverty, must be considered as alternative explanations for regional differences in homicide rates.²² While no definitive answers exist on whether the high rates of violence in the South are attributable to a specific subculture of violence or to structural factors, there still remains evidence (that is, arrest statistics) that the South differs from other regions in terms of the frequency of homicides.

The Victim-Offender Relationship

Several researchers have expanded upon Emile Durkheim's original insight that "while family life has a moderating effect upon suicide, it rather stimulates murder."²³ Wolfgang's 1958 study of homicides in Philadelphia revealed that approximately 25% of all homicides were between family members and that women were far more likely than men to be both offenders and victims within this category than within any other.²⁴ Males were more likely to be killed by friends and strangers than by their family members. However, when a male was killed by a female, the offender was most likely to be his spouse.²⁵ Other researchers have emphasized qualitative differences in the pattern of homicide within the victim-offender relationship. The work of W. Dwayne Smith and Robert Nash Parker represented the first systematic research which focused on differentiating homicide according to the victim-offender relationship.²⁶ Their work used two classifications of homicide: primary and nonprimary. **Primary homicides** are the most frequent and involve family members, friends, and acquaintances. These are usually characterized as **expressive crimes**²⁷ because they often result from interpersonal hostility, based on jealousy, revenge, romantic triangles, and minor disagreements. **Nonprimary homicides** involve victims and offenders who have no prior relationship and usually occur in the course of another crime such as robbery. These crimes are referred to as **instrumental crimes** because they involve some degree of premeditation by the offender and are less likely to be precipitated by the victim. The difference between instrumental and expressive motives for homicide continues to be important in criminological research, and we will return to more research on this shortly.

Parker and Smith hypothesized that because of these qualitative distinctions in homicides, the effects of subcultural and structural measures could be very different once the distinction between the type of homicide was taken into account.²⁸ Using state homicide rates, these researchers found that structural variables like poverty and the percentage of the population age 20 to 34 are important predictors of differences in primary homicide but are insignificant predictors for non-primary homicide rates.²⁹

Further attention to the heterogeneous nature of homicide is found within the work of K. R. Williams and R. L. Flewelling.³⁰ They disaggregated homicide rates according to

CRIME IN THE NEWS

Most Female Violent Criminals Knew Their Victims



Two out of three violent female offenders in the United States know their victims, and half the time they assaulted victims at home or near a school, according to a report released today by the Department of Justice.

Annually, about 2.1 million women are identified as violent criminals, according to the results of the National Crime Victimization Survey by the Bureau of Justice Statistics.

Some criminologists say this indicates domestic violence is a more serious problem than ever before.

But in an interview Friday, Deputy Attorney General Eric Holder cautioned against overreaction to the findings, which measure victimizations between 1993 and 1997.

CRIME STILL A MAN'S WORLD

"Although the number of women engaged in violent crime has gone up, the number of women compared to men who commit violent crimes is still very small," he said.

Women make up only 14 percent of all violent criminals. Of those, 60 percent said they had been sexually or physically abused prior to their incarceration, the report stated.

"Women are victimized, then they victimize others," said Mary Lee Allen of the Children's Defense Fund. "All of it goes back to child abuse and neglect, which isn't paid enough attention in this country."

The Justice report said 950,000 women were in the care of federal, state or local corrections officials in 1998. These women had an estimated 1.3 million children.

Years before he was nominated as the number two authority at the Justice Department, Holder served the District of Columbia as a superior court judge from 1988–93.

Reflecting back on the women who appeared before his criminal court then, he recalled that their pasts seemed to distinguish them from male defendants.

"The women I saw before me who were charged with violent crimes had really bad histories," Holder said. Sexual and physical abuse going back years was common, as was drug and alcohol abuse. "These were people who, even physically, were in bad shape."

WOMEN ARE FASTEST-GROWING PRISON POPULATION

Eleanor Pam, a professor at New York's John Jay College of Criminal Justice, agreed that histories of childhood abuse and neglect are typical of female offenders.

"Women and girls are sexually molested at much larger rates than boys," she said, noting that women are the fastest-growing prison population in America.

Holder cited research indicating that abuse or neglect during childhood increases the likelihood of arrest as a

juvenile by 53 percent and the likelihood of arrest for a violent crime as an adult by 38 percent.

Once abused or neglected kids reach their teenage years they cannot be easily turned around and persuaded to avoid lashing out with violent or criminal activity.

"It might sound like this is not the sort of area that law enforcement ought to be involved in," Holder said. "The reality is, unless we get intimately involved in this prevention and intervention effort, you never really solve the problems."

That means getting to kids while they're still young, he said.

MENTAL HEALTH IMPORTANT TO LAW ENFORCERS

Some experts believe that children exposed to violence are susceptible to its lure in adulthood. For that reason, a few police departments now bring mental health professionals to crime scenes where children are witnesses or participants.

As a judge, Holder said he sympathized more often with women defendants than men.

"When I looked at the women, and looked at their histories and what they had endured before they got to me in court, it was sad," Holder said.

Source: James Gordon Meek, "Histories of Abuse Common Among Women in Jail," APB News, December 5, 1999. Reprinted by permission.

two criteria: (1) the nature of the circumstances surrounding the homicide, which included whether there was some indicator of a fight or argument precipitating the homicide, and (2) the victim-offender relationship, distinguishing between victims and offenders who were family members, acquaintances, or strangers. By comparing how factors like poverty and population size have different effects on different types of homicide, Williams and Flewelling found that certain factors are more important in explaining one form of homicide over another. Poverty is a stronger predictor of family homicide, and population size is more important in explaining stranger homicide. Both the victim-offender relationship

and the context of the homicide (for example, as the end result of a robbery) are crucial factors to take into account in explaining patterns of homicide.

Beginning in the 1980s, the intimate-partner homicide rate began to decline, a decline that has continued to the present day. Using homicide data from a sample of 29 large cities within the United States from 1976 to 1992, Laura Dugan, Daniel S. Nagin, and Richard Rosenfeld offer an **exposure-reduction theory** of intimate-partner homicide.³¹ These researchers examined the ability of the "decline in domesticity, improved economic status of women, and growth in domestic violence resources" to explain decreases in intimate-partner

homicide in urban areas.³² These three factors, they argued, reduced intimate-partner homicides by reducing exposure to the on-going violent dynamics that conventionally precede this form of homicide. Declining domesticity was measured by a decrease in marriage rates and by an increase in divorce rates, with divorces being one means by which individuals can peacefully exit a violent relationship. As women gain equality, more opportunities are available to them that may relieve their economic dependence on men. Finally, the greater the availability of domestic violence resources, such as advocacy, shelters, and other services, the lower the rate of intimate-partner homicide. These resources provide support and offer a way to relieve violence before it escalates to the point of homicide. Given the fact that intimate-partner homicide is often the final outcome of an ongoing violent relationship, “factors which facilitate exit from a violent relationship or inhibit the development of such relationships should reduce the rate of intimate partner homicide by a simple mechanism—the reduction of exposure to a violent partner.”³³ Analysis of the data did support the major hypotheses offered by Dugan, Nagin, and Rosenfeld. Generally, as resources supporting dissolution or a nonviolent exit from a violent relationship increased, rates of intimate-partner homicide decreased.

Instrumental and Expressive Homicide

Not all homicide offenders intend to kill their victims. This may be the case when the incident begins as a robbery motivated by instrumental ends, such as getting money. An argument may also precede a homicide, but this circumstance is expressive rather than instrumental because “the dominant motivation is the violence itself,” even if lethal violence is not planned in advance.³⁴ The importance of instigating incidents is explored in research by Carolyn Rebecca Block and

Richard Block, who use the instrumental-expressive continuum to formulate a discussion of homicide syndromes, or mechanisms that serve to “link lethal violence to nonlethal sibling offenses . . . [and that can] provide a mechanism by which the explanation and prevention of homicide can be organized.”³⁵ The Blocks use the term **sibling offense** to refer to the incident that begins the homicide. A sibling offense may be a crime, such as robbery, or another incident, such as a lovers’ quarrel. It is crucial to take these sibling offenses into account because they help explain why some robberies end in murder while others do not. The Blocks developed a rather elaborate typology of homicide to illustrate how an understanding of the patterns of nonlethal violence can assist in the prevention of lethal violence. For example, there are a great many incidents of street gang violence, most of which do not end in death, and understanding those nonlethal incidents can assist in preventing homicides. An ongoing project in Chicago aimed at reducing street gang violence is an example of how homicide syndromes can be used to reduce the escalation of events that lead to death. As the Blocks state, the purpose behind the street gang violence project in Chicago “is to develop an early warning system for identifying potential street gang-related and competitive confrontational violence crisis areas.”³⁶

Victim Precipitation

When discussing homicide, the concept of **victim precipitation** focuses on the characteristics of victims which may have precipitated their victimization. Victim precipitation unfortunately seems to blame the victim, and the concept has been quite controversial at times. From a scholarly point of view, however, the thrust of the concept of victim precipitation is not to blame the victim for the event but to examine both individual and situational factors that may have contributed to



Purse snatchers in action. Why do victimologists suggest that some people contribute to their own victimization? *Buu-Turpin, Liaison Agency, Inc.*

and initiated the crime. This is especially important in studying patterns of homicide because quite often a homicide begins as a fight or an argument between people who know each other. The circumstances of the particular encounter determine whether the event will end as some type of assault or as a homicide. In his classic 1958 work on homicide, Marvin E. Wolfgang designated as many as 60% of cases where women had killed their husbands as victim precipitated, but only 9% of incidents where men had killed their wives as victim precipitated.³⁷ The gendered patterns of victim precipitation have not changed significantly since Wolfgang's investigation. Based on data on intimate-partner homicides in St. Louis, Missouri, Richard Rosenfeld analyzed data from 1980 to 1993 and designated slightly more than one-half of all homicides committed by women and only 12% of those committed by men as victim precipitated.³⁸

Wolfgang also identified alcohol use as a factor in homicide cases where the "victim is a direct, positive precipitator in the crime."³⁹ He concluded that the positive and significant association between alcohol and victim-precipitated homicides may be explained by the fact that the victim was the "first to slap, punch, stab, or in some other manner commit an assault" and that if the victim had not been drinking, he or she would have been less violent.⁴⁰ Wolfgang's research on homicide revealed that most victims of spousal homicide had been drinking at the time of the incident, a situation that did not apply to homicide offenders.⁴¹ Learn more about victim precipitation at the Howard League for Penal Reform via Web Extra! 10-2.



Web Extra! 10-2 at crimtoday.com

Weapon Use

As previously noted, there are different perspectives on the role that weapons play in crime, with most of the discussion centering on the role of firearms in homicide. In examining the relationship between guns and homicide, Philip J. Cook and Mark H. Moore differentiate between instrumentality and availability. *Instrumentality* refers to the fact that the type of weapon used in a particular encounter has an effect on whether the encounter ends in death. For example, the involvement of a gun may mean the difference between a criminal event ending as an assault or as a homicide. When guns are used in robberies, the fatality rate is "three times as high as for robberies with knives and 10 times as high as for robberies with other weapons."⁴² However, Cook and Moore warn, an examination of fatality rates in isolation does not necessarily support the idea that the involvement of a gun caused the fatality. Other factors must be considered, such as the intent of the offender. Offenders may select a weapon on the basis of their intent; those who bring more lethal weapons to a crime may be more prepared to use deadly force.

Availability refers to issues surrounding how access to guns may increase their presence in all types of interactions, including criminal ones. As Cook and Moore argue, "Availability can be thought of relative to time, expense, and other costs."⁴³ The ease of availability is important given the relative spontaneity of some violent encounters. The availability of guns is important at the individual level as well as the community level because the greater the presence of guns in a particular neighborhood, the easier the access for individuals beyond their immediate households. Cook and Moore argue that gun availability is a much stronger factor in explaining lethal violence than gun instrumentality. Specifically, Cook and Moore recommend that "rather than a general effort to get guns off the streets, a more focused effort can be directed at prohibiting guns in particularly dangerous locations such as homes with histories of domestic violence, bars with histories of drunken brawls, parks in which gang fights tend to break out, and schools in which teachers and students have been assaulted."⁴⁴

Alcohol and Drug Use

An important conceptual typology detailing the relationship between drugs and crime was developed by Paul J. Goldstein in an article first published in 1985.⁴⁵ According to Goldstein, the association of alcohol and illicit drugs with violent offending generally takes one of three forms. Drugs may be linked to violent offending through a *psychopharmacological* model, whereby either infrequent or chronic use of certain drugs produces violent behavior by lowering inhibitions or elevating aggressive tendencies. However, not all drugs produce such effects and the relationship appears to hold only for people with certain types of personalities, using certain substances, in certain settings.

When crimes are committed to support a drug habit, Goldstein says that the concept of *economic compulsion* best describes the relationship between crime and drug use. Finally, he uses the idea of *systemic violence* to describe the connection between drugs and trafficking. Systemic violence can take several forms, ranging from rival drug wars to robberies of drug dealers.

Although distinct types of relationships between drugs and violence can be described, these relationships are not necessarily mutually exclusive. Thus, one or more of the kinds of relationships Goldstein describes may be present in a single criminal incident.

Goldstein and his colleagues attempted to apply this typology to a sample of 414 homicides in New York City during the 1980s. More than half of the homicide cases in the sample involved drugs, with the vast majority of these being classified as systemic. Most of these cases involved drugs other than alcohol, and all of the homicides where alcohol was present were classified as psychopharmacological.⁴⁶

Researchers from the Drug Relationships in Murder Project (DREIM), which analyzed incarcerated homicide offenders in New York State, found that in the majority of

homicide cases involving both alcohol and illicit drugs, the primary basis for the connection with the crime was psychopharmacological, which is not in line with Goldstein's research in New York.⁴⁷ Furthermore, there appears to be a bias in Goldstein's typology that favors the classification of incidents as systemic. Because the categories of the typology are not mutually exclusive, the same incident may fit in more than one category, and common incidents like robbing a drug dealer are often classified as systemic even though they clearly involve an economic motivation.⁴⁸

One theoretical approach focused on explaining the role that alcohol plays in homicide is **selective disinhibition**, advanced by **Robert Nash Parker** and others.⁴⁹ According to this perspective, the "disinhibiting" effect of alcohol is social in nature rather than biochemical. In particular situations or interactions, the presence of alcohol may operate to suspend certain factors that could restrain the occurrence of violence and may operate to put into play certain factors that could increase the occurrence or lethal nature of violence. This perspective relies on the existence of norms that operate both to prohibit and to proscribe the use of violence in particular situations. According to Kathleen Auerhahn and Robert Nash Parker, "Norms that have the least institutional support are more likely to be disinhibited in a particular situation—that is, to lose their effectiveness in discouraging or inhibiting violence."⁵⁰ When violence is easily and readily recognized as being inappropriate in a particular situation, this is referred to as "passive constraint." In other violent encounters, "it takes active constraint—a proactive and conscious decision not to use violence to solve the dispute—to constrain or preclude violence."⁵¹ Because alcohol can reduce both of these forms of constraint, "the selective nature of alcohol-related homicide is dependent on the interaction of an impaired rationality and the nature of the social situation."⁵² Parker and his colleagues tested this model by analyzing data on homi-

cides in several cities in 1980, in several cities between 1960 and 1980, and in several states from 1976 to 1983. One of the key findings from this research was the ability of alcohol as a variable to significantly predict primary homicide. In relationships between individuals who are known to each other, alcohol may operate to disinhibit restraints against violence, they found. The norms that operate to govern interactions between strangers are more rigid in terms of the type of conduct that is proscribed, whereas relationships between individuals who are known to each other exist on a broader continuum. Just as we can physically embrace our friends and loved ones in a way that is not deemed appropriate with a stranger, the use of violence against those who are known to us is treated with greater tolerance—a tolerance that can be increased even further in the presence of alcohol.⁵³

In his research using state-level data, Parker tested several hypotheses derived from competing theoretical perspectives about the effect of alcohol on homicide.⁵⁴ Five types of homicides were identified, based on the victim-offender relationship: "robbery, other felony, family intimate, family other, and primary nonintimate."⁵⁵ The theoretical perspectives that Parker compared were the economic deprivation, subcultural, social control, and routine activity theories. Concerning the power of variables derived from the economic deprivation approach, poverty had a stronger effect on both robbery and other felony homicides in states with "above average rates of alcohol consumption."⁵⁶ Alcohol consumption had direct effects on two of the three types of primary homicide.

Gangs

Gang membership may influence homicide in a number of ways. Analyzing data from Los Angeles, researchers found several differences between homicides involving gang mem-

Los Angeles gang members show off their weapons. Scott Decker applies Colin Loftin's theory of violence as a contagion to the processes that are set into play as more gang members begin to carry guns. How does Loftin view assaultive violence as a contagious social process? *Daniel Laine, Corbis*



bers and nongang members. They found that gang homicides were more likely to involve minority males, to make use of guns, to occur in public places, and to involve victims and offenders with no prior relationship.⁵⁷ Richard Rosenfeld and colleagues state that the association of gangs and homicide may be one of two general types: (1) gang-motivated violence, in which violent crime is the direct result of gang activity, and (2) gang-affiliated violence, in which individual gang members are involved in crime but not as a purposeful result of gang activity.⁵⁸ Using data from St. Louis, these researchers compared cases of gang-motivated homicide with gang-affiliated homicide and nongang youth homicide. Across all three homicide types, black males were more likely to be participants, and there was very little difference in the neighborhood context. All three types of homicides clustered in disadvantaged communities—communities whose populations were predominantly black. While gang-motivated homicides declined in the early 1990s, gang-affiliated homicides rose, leading the researchers to conclude that their continued increase “results from increased involvement of gang members—not gangs—in the drug trade.”⁵⁹ This finding supports the work of other researchers who argue that youth gangs are primarily not organized enough to allow for a role in organized drug trade.

Serial Murder

As defined in Chapter 2, serial murder is criminal homicide that “involves the killing of several victims in three or more separate events.”⁶⁰ Serial killers are both a source of fascination and horror in our culture. Our fascination with serial killers is based on our disbelief that seemingly ordinary individuals could commit such atrocities. While seedy losers are found among serial killers, so too are charismatic, charming, and handsome college men like Ted Bundy. Across the continuum of types who are serial killers, “there is one trait that appears to separate serial killers from the norm: many are exceptionally skillful in their presentation of self so that they are beyond suspicion and thus are difficult to apprehend.”⁶¹ One factor that makes it difficult to identify serial killers, even with modern technology, is that these individuals often change the pattern of their offending, including their method of killing.⁶²

James Alan Fox and Jack Levin have written extensively on both serial killing and mass murder. They offer ten myths of serial murder: (1) serial murder is at epidemic proportions, (2) serial killers have a distinct appearance, (3) all serial killers are insane, (4) all serial killers are sociopaths, (5) serial killers are primarily motivated by pornography, (6) traumatic childhoods are at the root of most serial killers’ problems, (7) identification of serial killers prior to killing occurs is a straightforward task, (8) serial killers are primarily sexual sadists, (9) the victim’s resemblance to a family member, (usually the killer’s mother) is the primary source of victim selection, and (10) serial killers want to be apprehended.⁶³ While annual figures as high as 5,000 victims of serial killers have

been cited, this figure was based on the erroneous assumption that killings without a motive were attributable to serial killers, and it was also based on an accumulation of cases over time.⁶⁴ More reasonable estimates suggest that perhaps 100 murders each year are the result of serial killings.⁶⁵ While serial killers have been found among various age groups, different races, and both genders, the more typical serial killer is “a white male in his late twenties or thirties who targets strangers at or near his place of residence or work.”⁶⁶ While acknowledging that the motivations for serial homicide are numerous, Fox and Levin contend that “murder is a form of expressive, rather than instrumental violence.”⁶⁷ Unlike homicide generally, serial killing is more likely to involve strangers and rarely involves the use of guns.

The vast majority of serial killers are not legally insane or medically psychotic. “They are more cruel than crazy,” according to Fox and Levin. “Their crimes may be sickening but their minds are not necessarily sick.”⁶⁸ Many serial killers are diagnosed as sociopaths, a term for those with antisocial personalities. As discussed in Chapter 6, since they lack a conscience, sociopaths do not consider the needs or basic humanity of others in their decision making or their view of the world. They do not see themselves as being bound by conventional rules or by the expectations of others. Sociopaths view other people as “tools to be manipulated for the purpose of maximizing their personal pleasure.”⁶⁹ However, many sociopaths are neither serial killers nor involved in violent crime, even though “they may lie, cheat, or steal.”⁷⁰

Although not an exclusive characteristic of serial killers, sexual sadism is a strong pattern. In many of the typologies developed by researchers, this characteristic forms the basis for a type of serial killer. Typologies of serial killers are organized around different, but generally related, themes. Ronald Holmes and J. DeBurger developed a taxonomy based on an analysis of 400 cases. Their four different types of serial killers are differentiated by offender motivation, selection of victim, expected gain, and method of murder.⁷¹ *Visionary serial killers* hear voices and have visions that are the basis for a compulsion to murder. *Comfort serial killers* are motivated by financial or material gain. *Hedonistic serial killers* murder because they find it enjoyable and derive psychological pleasure from killing. *Power seekers* operate from some position of authority over others, and their killings usually involve a period where the killer plays a kind of cat-and-mouse game with the victim. The nurse who poisons a patient, restores his health, and continues to repeat the cycle until the patient finally dies is an example of this kind of serial killer. Through the game, the killer gains attention or a boost in self-esteem.⁷²

Refining the typology of Holmes and DeBurger, James Fox and Jack Levin offer a three-part typology. They classify serial murderers as either thrill motivated, mission oriented, or expedience directed. *Thrill-motivated killers*, the most common type of serial killer, may be of two types: the sexual sadist and the dominance killer. *Mission-oriented killers* are

not as common and generally have either a reformist or a visionary orientation. Reformists want to rid the world of evil, and visionaries hear voices commanding them to do certain activities. Visionary killers are quite rare and tend to be genuinely psychotic. *Expedience-directed serial killers* are either driven by profit or protection. Profit-driven killers may kill for financial or material gain, and protection-oriented killers commit murder to mask other crimes, such as robbery.⁷³

Female Serial Killers

Although the vast majority of serial killers are male, there have been female serial killers, and the patterns of their activities are sometimes distinct from those of male serialists.⁷⁴ The serial killer typology of Holmes and DeBurger, presented earlier, applies to women as well as men, except that women are rarely hedonistic serial killers.⁷⁵ Female serial killers typically select their victims from among people who are known to them, unlike male serial killers, who tend to target strangers.⁷⁶ A type of serial killer found primarily among women is the *disciple killer*, who murders as the result of the influence of a charismatic personality. The women who killed at the behest of Charles Manson were of this type. The geographic area in which serial killers operate may be either stable or transient, with no clear preference among male serial killers. However, geographic stability characterizes almost all of the known female serial killers.⁷⁷

Michael D. Kelleher and C. L. Kelleher researched female serial killers from a historical perspective and developed a typology based on motivation. Arguing that there are two broad categories of female serial killers—those who act alone and those who work in partnership with others—Kelleher and Kelleher present a typology based on distinct motivation, selection of victim, and method of killing.⁷⁸ The categories include the *black widow*, who generally kills spouses and usually for economic profit, and the *angel of death*, who generally kills “those in her care or who rely on her for some form of medical attention or similar support.”⁷⁹ The typical career of a female serial killer is longer than that of her male counterpart. Other than women who commit their crimes with others, usually men, female serial killers tend to approach their crimes in a systematic fashion—a characteristic that may explain their longer careers.⁸⁰

Apprehending Serial Killers

Fox and Levin contend that it is extremely difficult to identify and apprehend serial killers because of the cautiousness and skill with which they operate. Ironically, it is these very factors that allow them to operate long enough to be labeled serial killers. Individuals who are less skillful or cautious are generally apprehended because of physical evidence at the crime scene or the selection of a familiar victim. The Federal Bureau of Investigation (FBI) established the **Violent Criminal Apprehension Program (VICAP)** in 1985 to increase the efficiency and effectiveness of serial killer apprehension. Although Fox and Levin call VICAP an “excellent

concept in theory,” they note several practical problems with the program.⁸¹ First, the complexity of the data and the associated record keeping have limited the degree of compliance by law enforcement officials, seriously affecting VICAP’s potential usefulness. Second, the recognition of patterns among serial killers, even with the assistance of powerful computers, is not easily achieved. Finally, VICAP functions more as a detection tool than as an apprehension tool.

In addition to VICAP, the FBI employs profilers who assist local law enforcement. According to Fox and Levin, “The FBI has done more to advance the art and science of offender profiling than any other organization.”⁸² Employing a primary classification system based on two prongs, FBI profiling theory distinguishes between *organized nonsocial killers* and *disorganized asocial killers*. Organized killers have a higher level of intelligence, better social skills, and a greater ability to function in all areas of life than do disorganized killers. These two types differ in the method of killing. Although variation certainly exists among them, the “organized/disorganized continuum is used as an overall guideline for drawing inferences from the crime scene to the behavioral characteristics of the killer.”⁸³ Profiles typically do not yield high success rates in terms of actually leading law enforcement to apprehend a killer, but they are not intended to be the primary tool for apprehension. More recent attempts to identify serial killers rely on “geomapping” techniques to approximate the killer’s probable location.⁸⁴ Most categorizations are based on the case histories and activities of known serial killers after apprehension. While we know a great deal about the patterns of serial murder, this does not necessarily translate into the ability to identify these killers easily before they have committed enough murders to come to the attention of the FBI—a rarity in itself since only the “unsolvable” cases receive FBI attention. Learn more about serial killers from the FBI’s Behavioral Analysis Unit via Web Extra! 10-3.



Web Extra! 10-3 at crimtoday.com

Mass Murder

As defined in Chapter 2, *mass murder* refers to the killing of more than three individuals at a single time.⁸⁵ Mass murder can follow the political motivations of the offenders, as was the case with the 1995 Oklahoma City bombing in which 168 individuals, including children, were killed. Other mass murderers kill for more personal reasons. The mass killing at L’Ecole Polytechnique in Montreal, Canada, on December 6, 1989, by Marc Lepine was motivated by a hatred of women; feminists in particular. Lepine, who blamed feminists because he was denied admission to the engineering program at the school, shot and killed 14 female students. Lepine entered a classroom and ordered the male students and the professor to leave the room. Before he began firing, Lepine shouted, “I want the women! You’re all a bunch of f-ing feminists! I hate feminists!”⁸⁶ He began firing, killing six of the nine women

in the room. Lepine then went down the halls and into other parts of the university, killing women as he came across them, before finally turning the gun on himself. Mass murders are usually a shock because they often occur in everyday locales that are thought of as safe and because they erupt spontaneously. Although mass murders do not occur with great frequency, they cause great concern because they shatter the sense of safety that characterizes everyday life.

Jack Levin and James Alan Fox offer a four-part typology of mass murder that differentiates these crimes by motive and then further subdivides them by “victim-offender relationship, degree of planning, and randomness and state of mind of the perpetrator.”⁸⁷ The four motive categories are revenge, love, profit, and terror. Mass murders that are motivated by *revenge* represent the largest category of such killings and may be against either particular individuals or groups of individuals, as was the case with Marc Lepine in Canada. Other revenge-motivated murderers may be less specific in the selection of a target, as in the case of George Hennard, who hated “all of the residents of the county in which he lived.” In 1991, Hennard drove his truck through the front window of Luby’s Cafeteria in Killeen, Texas, and then “indiscriminately opened fire on customers as they ate their lunch, killing 23.”⁸⁸

Some mass murders are motivated by *love*, Levin and Fox contend, though not in the way that most individuals would conventionally define actions that reflect love. Mass murders motivated by *profit* may result when the killer wants to eliminate witnesses to a crime. Mass murders motivated by *terror* include the killings by the Charles Manson family. Levin and Fox argue that mass murders motivated by anger or love are expressive in nature and that those motivated by profit and terror are more instrumental because there is some concrete goal to be achieved through the killings.⁸⁹

Although most mass murders strike the public as senseless acts of a crazy person, Levin and Fox contend that “most massacrers are not madmen.”⁹⁰ Yet why would someone like James Huberty, a former security guard, walk calmly into a fast-food restaurant in 1984 and fatally shoot 21 victims at random, most of whom were children? Why would Patrick Edward Purdy shoot and kill five children and wound 30 others at Cleveland Elementary School in Stockton, California, in 1989?⁹¹ Levin and Fox argue that factors like frustration, isolation, blame, loss, and failure and other external and internal motivations and situational elements help make sense of these mass murders. They delineate three types of contributing factors: “*predisposers*, long-term and stable preconditions that become incorporated into the personality of the killer, which are nearly always present in his biography; *precipitants*, short-term and acute triggers, i.e., catalysts; and *facilitators*, conditions, usually situational, which increase the likelihood of a violent outburst but are not necessary to produce that response.”⁹² Using this typology to explain why, for example, most mass murderers are middle-aged, Levin and Fox contend that it takes a long time to accumulate the kind of rage and frustration that sets off some mass murderers.

Mass murderers often select targets that have some significance for them, such as workers at a site of former employment. As Fox and Levin state, “A majority of mass killers target victims who are specially chosen, not just in the wrong place at the wrong time. The indiscriminate slaughter of strangers by a ‘crazed’ killer is the exception to the rule.”⁹³ Unlike serial murderers, mass murderers are easy to apprehend because they rarely leave the scene of their crime, either because they commit suicide after the killings or because they stay long enough to be detected.

RAPE

The violent crime of rape has generated much discussion and controversy over the years. To understand why, we must examine the changing legal definitions of rape, our societal understanding of rape, variations in the ways in which theoretical explanations of rape have evolved, and the development of rapist typologies. Concerns with improving the social, legal, medical, and social service response to rape were at the forefront of changes that have brought greater awareness of the extent and nature of violence against women. The significant evolution of this awareness is evidenced by federal legislation first enacted in 1994 and known as the **Violence against Women Act (VAWA)**. VAWA was reauthorized in October 2000. Additional information on VAWA is available in Chapter 15.



A battered woman in a domestic violence shelter. Crimes against women have come under close scrutiny since Congress passed the Violence against Women Act (VAWA) in 1994. Should these crimes receive special attention from criminologists? Mark Burnett, Stock Boston

CRIME IN THE NEWS

All Men Potential Rapists, Claim Authors



A storm of controversy is brewing around an upcoming book by two evolutionary biologists who argue that rape is rooted in sex, not violence, occurring as part of a “natural biological phenomenon.”

In *A Natural History of Rape: Biological Bases of Sexual Coercion*, scheduled for release by MIT Press in March, authors Randy Thornhill and Craig Palmer state that until society accepts science as the basis for sexual crimes, prevention programs are “doomed to failure.”

“Rape is, in its very essence, a sexual act . . . which has evolved over millennia of human history along with courtship, sexual attraction and other behaviors related to the production of offspring,” writes Thornhill, a professor at the University of New Mexico, and Palmer, an instructor at the University of Colorado.

BOOK: POTENTIAL EXISTS IN ALL MEN

At the heart of their controversial argument is the idea that all men—under the right circumstances—could be potential rapists, Thornhill told APBnews.com.

“It has to do with conditions under which men are raised that influence their proneness [to rape], like the characteristics of men’s upbringings, boys who are raised in poverty or conditions where social relationships are not enduring. Those things are important conditions for influencing rape proneness,” said Thornhill.

But there are certain conditions, he said, such as being isolated with a woman, or in the context of warfare, which may influence “rape proneness.”

“A guy, regardless of how he has been raised . . . finding a female in a real vulnerable situation . . . in some conditions rapes her,” Thornhill said.

REJECTS “AGGRESSION” MOTIVE

The authors reject the position of many social scientists who see rape primarily as an act of aggression. They say for 25 years, the course of rape treatment and preven-

tion has been steered by feminist ideology, an argument being vociferously challenged by social historians.

Social theorists see rape as an “unnatural behavior that has nothing to do with sex” and a “symptom of an unhealthy society,” write Thornhill and Palmer in an article about their book in the journal *The Sciences*.

The theory that rape is a violent crime motivated by the urge to exert power and control was put forth by Susan Brownmiller in her highly-acclaimed 1975 work, *Against Our Will: Men, Women and Rape*.

Brownmiller’s book debunked the Freudian idea that “no woman could be raped against [her] will” and prompted new laws shifting the burden of proof away from the victim.

FEMINISTS INCENSED

She said the publication of *A Natural History* shows that women are being forced to once more fight the “Victorian notion that men can’t help themselves.”

Brownmiller and others are incensed by Thornhill and Palmer’s position, fearing that by characterizing rape as a biological imperative, they are turning back the clock on society’s thinking.

“We are an evolved society. Why didn’t they choose to look at burglary? They did it on rape because they have this theory that women should be blamed,” Brownmiller said.

“I accept there is some evolutionary influence on rape, but it’s a complex problem with a multitude of causes,” said Mary Koss, a psychology professor at the University of Arizona, who co-chaired the American Psychological Association’s Task Force on Violence Against Women.

ACADEMICS: BOOK IS “CONFUSED”

Other scientists and academics feel the book’s premise is based on sloppy science, dismisses the important contributions of social science to rape prevention

and could have potentially harmful consequences.

“It’s confused, scientifically weak and naïve,” said Jerry Coyne, a professor of evolutionary biology at the University of Chicago. “The big question is, is it nature or are we responsible? I don’t believe that [it is nature]. It’s a pathology, a byproduct of aggression. If they say that men will rape if they think they can get away with it, why are the vast majority of men incapable of rape?”

Thornhill said most men do not rape because of the costs involved. “Men’s sexual psychology pays attention to the costs of their actions. Studies show those who expect to live a long life don’t engage in risky behavior. Men in the ghetto or in war are willing to accept more costs because they don’t think they’re going to live very long.”

AUTHORS: SUFFERED DISCRIMINATION

The ideas in the book are not new but Thornhill and others contend they have suffered discrimination and hostility within academia and outside for their views.

Thornhill’s theories about rape have appeared in scientific publications for almost 20 years. But with his first book on the topic for a mainstream audience, Thornhill is finding out just how provocative his views are as he tries to tackle a deluge of media inquiries and requests to appear for debates on network television.

Critics say the suggestion that rape is mostly a threat to women of childbearing age neglects the high number of sexual assaults on children and older women, as well as sexual assaults on men.

The authors say current prevention methods based on the existing theory are “doomed to fail.”

“DARWINIAN SELECTION” IS BLAMED

In the authors’ view, a young man should take into account that it’s “Darwinian selection” motivating him to demand sex

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even if he knows that his date truly doesn't want it. And again, it's "Darwinian selection" causing him to "mistake a woman's friendly comment or tight blouse as an invitation to sex." They recommend young women be taught that "the way they dress can put them at risk."

But many others disagree strongly. "It's harmful and inconsistent with the American way of life. Not to go out or wear provocative clothing takes away constitutional freedoms to move about, freely associate and self-expression," said Koss. Rapists have been acquitted when defense

attorneys argued the woman was "provocatively dressed in a turtleneck and knee-length skirt," she said.

CONTROVERSY COULD AFFECT RAPE CASES

Some fear use of an "evolution defense" could further reduce the number of rape convictions. Brownmiller said that expert witnesses could argue such a defense in high-profile cases, and "it's hard enough to get a conviction in a rape case."

"Nothing in our book says that just because rape is biological it is justified,

including in the courtroom," Thornhill said. "Rape is as rape is. Science has no opinion about what is right and wrong."

Koss said she is afraid the controversy could damage progress that has been made in the past 25 years toward combating rape.

"I view sexual violence as a unifying issue," said Koss. "It's not a conservative or liberal issue. Any attempts to create polarization are unwelcome."

Source: Amy Worden, "New Book Says Rape About Sex, Not Violence," APB News, January 28, 2000. Reprinted with permission.

Attempts to measure the extent of rape have occupied a number of different researchers across various disciplines. The diversity of the scholars who have investigated the prevalence and incidence of rape partially explains why findings vary across research studies. There is no agreement on the number of women who are raped each year.⁹⁴ What is on the surface a simple matter is very difficult to pinpoint. The final number derived is determined by how rapes are counted and what data sources are used. According to the Uniform Crime Reports (UCR), 89,107 completed or attempted rapes were reported to the police in 1999, and "an estimated 65 of every 100,000 females in the country were reported victims of forcible rape."⁹⁵ However, the ability of official statistics to accurately assess the incidence of rape is hampered by victim reporting; most rapes are not reported to the police. Information reported from victims in the National Crime Victimization Survey (NCVS) reveals 183,440 rape incidents during 1999, or almost two attempted or completed rapes for every 1,000 residents age 12 or older.⁹⁶ Other problems with both measurement of rape and disclosure to researchers by victims also characterize the NCVS data and have led several researchers to question the accuracy of rape incidence based on these data.⁹⁷ The best current measure of the prevalence of rape comes from the **National Violence against Women (NVAW) Survey**. According to estimates from the NVAW survey, 17.6% of women reported either a completed or attempted rape at some point during their lifetime. The prevalence rate for one year was 0.3% for attempted and completed rapes combined, which translates to slightly more than 300,000 rape victims and 876,064 rape incidents annually in the population.⁹⁸ The lifetime likelihood of being the victim of a violent crime or the victim of a particular violent crime is higher because risk accumulates over time.

Rape Myths

The ability to capture the extent of sexual violence against women remains hampered by sociocultural factors that contribute to underreporting. **Rape myths** are false assumptions

about rape that continue to characterize much of the discourse surrounding sexual violence. Rape myths include notions that women bring false rape charges to "get even" with men, that women bring rape upon themselves by wearing provocative clothing, that women are "asking for it" by going to bars alone, and that women say "no" when they really mean yes. Since 1980, when Martha R. Burt first began researching rape myth ideology,⁹⁹ numerous other studies have supported widespread acceptance of these myths.¹⁰⁰ Rape myths serve to undermine the traumatic nature of this offense and to compartmentalize women into "good girls" and "bad girls," only one of whom is seen as a credible or sympathetic rape victim. Rape myths are culturally based and reflect attitudes toward women and their proper role and place in society. As feminists have long argued, rape myths serve to discount the experiences of women by placing stereotypical parameters around who can and who cannot be raped. Rape myths inhibit the reporting of rape and also serve to normalize rape as a crime of violence.¹⁰¹ Largely as a result of such myths women continue to report that agents of the criminal justice system do not respond with sensitivity and compassion toward their victimization. To argue that sexual violence is associated with rape myth ideology to the same extent that existed 20 years ago is just as naive as to argue that rape myths do not continue to play a role in minimizing societal accountability for the level and acceptance of violence against women.

The Common Law Definition of Rape

Rape myths both fueled and supported the common law understanding of rape. Until the 1970s in the United States and the 1980s in Canada, rape was a common law offense. By this definition, rape was "carnal knowledge of a woman not one's wife by force or against her will." Although rape was clearly understood as a crime under the common law, it was a crime in which the legitimacy of the victim as a victim was chal-

lenged. Rape was construed quite narrowly, and the experience of many individuals regarding rape was not represented within this understanding because laws restricted the range of eligible rape victims. Specifically, the common law did not recognize men as victims, did not recognize rape within marriage, did not allow for acts of sexual penetration other than vaginal penetration by a penis, and did not allow for various means by which force could occur. Moreover, the rules of evidence required that the victim who brought forth a rape charge must demonstrate physical resistance to the attack and must have some form of corroboration that the rape occurred. The victim's previous sexual history could be admitted as relevant information. Furthermore, the sociocultural understanding of rape that predominated in the criminal justice system and in the wider society relied on gender stereotypes in which only certain kinds of women were deemed to be credible victims and only certain kinds of men were regarded as possible offenders. The sexual aspect of rape dominated both the legal construction of rape as a crime and the handling of rape cases by institutions.

Rape Law Reform

Rape law reform aimed to make the legal understanding of rape compatible with other violent crimes. Characterized as the second rape, rape investigations, especially at the trial stage, too often forced the victim through further trauma rather than focusing on assessing offender culpability.¹⁰² Feminist groups, at the forefront of organized efforts to bring about rape law reform, were joined by law enforcement officials and prosecutors who supported efforts "to remove obstacles to the apprehension and conviction of offenders."¹⁰³ In 1975, Michigan became the first state to dramatically redefine rape to encompass a broader range of sexually assaultive behaviors, and circumstances and a greater variety of victims. Other states followed Michigan's lead, and by 1992, all states had made significant statutory changes to the common law offense of rape.¹⁰⁴ **Cassia Spohn** and **Julie Horney**, two of the most prolific researchers in the area of rape law reform, identify four common themes in all rape law reforms:¹⁰⁵

- Redefining rape and replacing the single crime of rape with a series of graded offenses defined by the presence or absence of aggravating conditions
- Changing the consent standard by eliminating the requirement that the victim physically resist the attacker
- Eliminating the requirement that the victim's testimony be corroborated
- Placing restrictions on the introduction of evidence of the victim's prior sexual conduct

In some states, broad and sweeping changes were made to existing rape statutes.¹⁰⁶ This was certainly the case in Michigan, which for a time was considered the model for rape law reform. In other states, legal reform was more grad-

ual, with slight changes being made to statutes in a step-by-step fashion. In Texas, for example, only very minor changes were made to existing rape statutes at any one time. Jurisdictions also varied in how the legal redefinition of rape occurred, with many states adopting a tiered approach, renaming the offense *sexual assault* of varying levels, similar to other crimes of assault. The change in terminology from *rape* to *sexual assault* was intended at a symbolic level to more fully capture the violent nature of the crime. Because of the history of sexism surrounding conventional rape laws and the processing of cases, it was argued, the term *rape* implied that the crime was fundamentally a sexual one. The more the sexual aspect of the crime was emphasized, the less the crime was seen as violent.

In one key way, individual rape law reform in states and at the federal level proceeded in different routes: the **rape shield laws**. These laws, first introduced in the 1970s as part of the legal reforms then underway, were intended to protect rape victims by ensuring that defendants did not introduce irrelevant facts about the victim's sexual past into evidence. Previously, no guidelines prevented the defense from bringing into evidence the victim's past sexual history as a way to discredit her and to play to rape myth ideology. The rape shield laws varied in the amount of discretion left with the judge in terms of the type of evidence that could be introduced. However, these laws were quite necessary and sent the message that the courts would no longer be a party to a "second assault" on the victim.¹⁰⁷

A number of expectations attached to rape law reform. Spohn and Horney identify four general changes that were anticipated in the wake of rape law reform. First, an increase in the reporting of rapes was expected because legal reforms would mean that victims would receive more sympathetic and effective treatment within the criminal justice system. Second, the reforms were expected to produce symbolic change that would emphasize the violent nature of rape. Third, legal reforms were expected to alter the decision-making structure of the criminal justice system by eliminating the consideration of extralegal evidence (for example, what the victim was wearing). Finally, reform was expected to remove the barriers preventing more effective prosecution and higher conviction rates for rape.¹⁰⁸ Learn more about rape law reform at Web Extra! 10-4.



Web Extra! 10-4 at crimtoday.com

The Effects of Rape Law Reform

What have been the effects of rape law reform? Have the reforms changed the way rape cases are handled by the criminal justice system? Have legal changes altered the social landscape enough to affect the reporting behavior of rape victims? Questions like these, which highlight some of the goals of rape law reform, have been addressed in research by Spohn and Horney in the most thorough empirical assess-

ment of rape law reform to date.¹⁰⁹ The researchers selected six urban jurisdictions in which to evaluate rape law reforms. Three jurisdictions represented areas of strong legal reform, and three represented areas of weaker reform. This distinction was important because Spohn and Horney expected that the effects of rape law reform would be the most dramatic in areas where reforms had been comprehensive and strong. Strong reforms were represented by jurisdictions in which the entire rape statute had been revised and where elements of reform, such as the rape shield laws, offered little discretion to judges. Spohn and Horney analyzed data from court records of all processed rape cases in the six jurisdictions from 1970 through 1984. They also collected all police reports of rape during this period. To assess the impact of legal reform, the researchers looked at several outcome measures, such as whether there was a change in the reporting of rapes to the police, in the indictment of rape cases by prosecutors, and in the conviction rates for offenders. In addition to statistical analysis of cases and reports, the researchers conducted interviews with a sample of more than 150 judges, prosecutors, and defense attorneys.¹¹⁰

As previously noted, Spohn and Horney hypothesized that the impact of rape law reform would be the most pronounced in jurisdictions characterized by strong reforms. While their findings supported this hypothesis in some ways, there was far from uniform support. Detroit, Michigan was one of the three jurisdictions they included with strong reforms. The reforms in Michigan did accomplish some of the expected ends, such as an increase in reports, indictments, and convictions. However, other expected outcomes of reform, such as a greater percentage of convicted rape offenders being sentenced to incarceration, did not materialize. In jurisdictions like Illinois, where reform efforts were less comprehensive, the effects of reform were weak to nonexistent on all of the outcome measures used. Jurisdictions with weak reforms, like Houston, saw significant increases in reports of rape following reform implementation—an effect not seen in Philadelphia, a jurisdiction implementing stronger reforms.¹¹¹

One of the common findings of studies of this type is that new legislation has only a limited effect on changing the behavior of courtroom work groups unless they embrace the reforms or unless the reforms actually force instrumental changes. Spohn and Horney used interviews with criminal justice officials to place their statistical analysis within the context of the legal environment in which rape cases are processed. One of the explicit goals of legal reform was to change the way in which agents of the criminal justice system respond both to the crime of rape and to the victim. Similar to other legal changes that emerge from grassroots activism, the reforms had to be “interpreted and applied by decision makers who may not share the goals of those who championed their enactment and who therefore may not be committed to their implementation.”¹¹² The officials that Spohn and Horney interviewed expressed strong support for the legal changes in their jurisdictions and claimed that the treat-

ment of rape victims had improved significantly. While the statistical analysis revealed no dramatic changes in how officials handled rape cases as the result of legal reforms, the interviews helped interpret this. Some changes, such as more serious attention being given to simple rape cases (that is, cases without aggravating characteristics like the presence of a weapon), were already occurring in jurisdictions prior to rape law reforms. Case law in several jurisdictions had already produced changes such that “a scintilla of corroboration” to a rape charge was sufficient in many rape cases.¹¹³ The researchers stated that “reformers should find encouragement in some evidence for the effectiveness of rape shield laws. Officials in all jurisdictions rated evidence relating to a complainant’s sexual history low in importance.”¹¹⁴ Spohn and Horney conclude with the key observation that legal reforms take time to produce large-scale change and that rape law reforms must be continually evaluated for more evidence of how change is occurring.

The Social Context of Rape

Although rape can occur in almost any social context, certain social situations are characterized by a higher prevalence of rape and by a difference in the offender’s motivation. A number of contexts within which the crime of rape occurs are described in this section.

Acquaintance Rape

The vast majority of rapes occur when the victim and the offender have some prior relationship—though not necessarily an intimate or familial one. Some researchers and activists who work with rape victims have stated that **acquaintance rape** is the most common scenario for rapes. Acquaintance rape has been referred to as a “hidden crime” because it represents a type of sexual assault that is not reported to the police and that is quite susceptible to rape myth ideology. Among adults, acquaintance rape usually occurs within the context of a dating relationship. For this reason, a great deal of the empirical research on acquaintance rape has focused on the college setting, where dating is a salient characteristic of the social life of undergraduate students.

Rape on College Campuses

Researchers have identified college campuses as places that typically have a high incidence of rape. Although E. J. Kanin had reported in a 1957 *American Journal of Sociology* article that as many as 20% of college women had experienced either a completed or an attempted rape,¹¹⁵ societal awareness and concern for rape on college campuses did not emerge until the 1980s. Helping to publicize the problem have been a number of high-profile rape cases on college campuses in which the victims not only went public with their experiences but grabbed headlines and the covers of major publications like *Time*, *Newsweek*, and *People*.¹¹⁶ Some of these cases include the rape of Katie Koestner at the College of

William and Mary, the rape of Kristen Buxton at Colgate University, and the rape of Christy Brzonkala at the Virginia Polytechnic Institute and State University. In the last case, the victim filed for civil relief under the Violence against Women Act. The case ultimately went before the U.S. Supreme Court, which affirmed the rulings of lower courts that invalidated a VAWA provision that provided a federal civil remedy for the victims of gender-motivated violence. The Court held that the clause could not withstand constitutional scrutiny.¹¹⁷ Not only has media publicity emphasized the reality of the college setting as a site of rape, but in 1992 the Campus Sexual Assault Victims' Bill of Rights Act became law.¹¹⁸ It requires campus authorities to "conduct appropriate disciplinary hearings, treat sexual assault victims and defendants with respect, making their rights and legal options clear, and cooperate with them in fully exercising those rights."¹¹⁹

One of the most prolific researchers on rape, especially of rape among college students, is **Mary P. Koss**. Koss found that approximately 28% of women reported having experienced an attempted or completed rape since the age of 14.¹²⁰ Based on incidents occurring in the last 12 months, Koss calculated an incidence rate of 76 per 1,000 women. Based on comparable estimates from the National Crime Survey (NCS), Koss's estimate was 10 to 15 times the rate obtained with NCS data.¹²¹ Approximately 57% of the rapes involved dating partners, and 73% of the rape victims reported that the offender was drinking. Other studies on college campuses have found similarly high levels of rape and sexual assault.¹²²

A great deal of the research on rape in college settings has focused on identifying the unique factors of campus life that may be conducive to rape. Some researchers contend that college fraternities "create a sociocultural context in which the use of coercion in sexual relations with women is normative and in which the mechanisms to keep this pattern of behavior in check are minimal at best and absent at worst."¹²³ Rather than focusing on the pathological nature of individual males in fraternities, these researchers have identified characteristics of the social organization of fraternities that contribute to the formation of attitudes and behaviors which objectify women and normalize sexual coercion. These characteristics include "a preoccupation with loyalty, group protection and security, use of alcohol as a weapon, involvement in violence and physical force, and an emphasis on competition and superiority."¹²⁴ Learn more about campus rape at Web Extra! 10-5.



Web Extra! 10-5 at crimtoday.com

While social organizations like fraternities may reinforce rape myth ideology, other social organizations exist on college campuses around the country that challenge this ideology. The increased awareness of campus rape has led to the development of services and programs that assist victims of

sexual violence and that present information that challenges rape myths. State and federal funding has produced a variety of programs that aim to alter the atmosphere surrounding sexual violence on college campuses. Initially, most of these programs either were aimed at women or focused on rape as primarily a women's issue, but newer programs treat rape as an issue for men. Groups like Men against Rape at Tulane University and Men Overcoming Violence (MOVE), which is active throughout New England, were organized to develop programs and initiatives that involve men in the effort to stop rape. Programs range from anger-management groups to male mentoring. For more information about some of these groups, you can visit the National Coalition against Violent Athletes via Web Extra! 10-6 or Mentors in Violence Prevention via Web Extra! 10-7.



**Web Extra! 10-6 and 10-7
at crimtoday.com**

Marital Rape

As previously mentioned, under common law there was no such crime as **spousal rape**. One of the most challenging aspects of rape law reform was the elimination of the marital exemption for rape. In 1978, one year after Oregon removed the marital exemption from its rape statutes, John Rideout became the first American husband indicted for raping his wife.¹²⁵ The Rideout case captured media attention not only because it was the first case of its kind, but also because of the sensational nature of the back-and-forth relationship between the Rideouts. A made-for-television movie of this case was even produced in 1980. In her analysis of rape cases that received enormous media attention, Lisa M. Cuklanz examined the Rideout case and argued that the central issue in this case was the credibility of the new law.¹²⁶ The first case that goes to court under any new law should be as strong as possible, but the Rideout case did not fit this scenario because "the preponderance of damaging personal information about Greta Rideout suggested a verdict of 'not guilty' for John even at the very beginning of the trial."¹²⁷ At the time of the Rideout case, evidence of the victim's sexual history was allowed. Such evidence damaged Greta Rideout's credibility as a rape victim and illustrated that "she was on trial as much as her husband." Cuklanz notes that in this case, the victim was tried first, "the law second, and the defendant third."¹²⁸ At the trial's conclusion, John Rideout was acquitted, and the Rideouts briefly reconciled before finally divorcing.

As Cuklanz notes in her analysis, the media coverage of the Rideout case did not include commentary about the nature of marital rape that could have helped the audience understand the interactional dynamics of the case. In the absence of such information, "character evidence underscored the validity of the traditional interpretation that posited confusion, manipulation, and personal gain as mo-

tives.”¹²⁹ In research on judicial treatment of battered women, James Ptacek highlights the crucial role that such information can play in how criminal justice personnel understand the motivations and situations of both the victims and offenders who come before them in the courtroom. Judges that Ptacek interviewed in his research commented that an understanding of the dynamics of battering greatly assisted them in responding to victims because this understanding “challenged the prevailing ‘commonsense’ understandings embodied in both written law and judicial practice that dismiss woman battering as ‘trivial’ and enforce the barrier of ‘family privacy’ on behalf of violent men.”¹³⁰

In an article published in 1982, David Finkelhor and Kersti Yllo said that “the marriage license is a raping license.”¹³¹ The first research to systematically examine spousal rape was **Diana E. H. Russell’s** random sample of 930 women in San Francisco in 1990.¹³² Approximately 14% of women who had ever been married reported at least one attempted or completed rape by their husbands. Based on an analysis of the interview data, Russell developed a four-part typology of men who rape their wives:¹³³

- Husbands who prefer raping their wives to having consensual sex with them
- Husbands who are able to enjoy both rape and consensual sex with their wives or who are indifferent to which it is
- Husbands who would prefer consensual sex with their wives but are willing to rape them when their sexual advances are refused
- Husbands who might like to rape their wives but do not act out these desires

Thus rather than being one-dimensional, rape within marriage has several forms that reflect the various nuances of motivation on the part of offenders.

Rape in Prison

Correctional institutions provide a setting in which same-sex rape can be common. Charles Crawford, Professor of Sociology at Western Michigan University, refers to males who are sexually assaulted in prison as the “forgotten victims.”¹³⁴ While the high prevalence of rape within prisons has been documented by prison researchers for some time, the victimization of prisoners does not raise the type of societal outrage that is reserved for crimes against “law-abiding” victims. Rape has been documented in both men’s and women’s prisons, but the patterns differ. Based on published research, rape within women’s prisons primarily takes the form of male staff attacking female inmates, whereas in men’s prisons, the assaults involve only inmates. While precise estimates of the extent of rape in prison are difficult to develop because of a lack of data, researchers who studied three prisons in Nebraska found that 22% of respondents reported to have been sexually assaulted.¹³⁵

Theoretical Perspectives on Rape

Several theoretical perspectives have been offered to explain individual motivations for rape, why rape is more prevalent in particular contexts, and how certain cultural values may reinforce rape. Many of these perspectives attempt to explain how rape is patterned according to the context, the victim-offender relationship, and the motivations of the rapist.

Feminist Perspectives

There is no one feminist perspective on rape, but for the sake of simplicity we will discuss the common elements that run through the various feminist perspectives. As discussed in Chapter 9, feminists view gender as a social construct rather than as a biological given, and they regard as problematic the way in which gender is used to structure social relations and institutions. The patriarchal relations and structures within our society that contribute to the privileged status of men are inseparable from rape itself because rape serves as a social control mechanism, some feminists argue. Rape is viewed as an act of power or domination in which the “tool” used to subordinate is sexual. Rape is a crime of violence that is sexual in nature, but this aspect is considered to be secondary to the power dynamics that occur in rapes.¹³⁶

Socialization patterns, cultural practices, structural arrangements, media images, norms surrounding sexuality, and women’s status in society all combine to create a rape culture in which both men and women come to view male aggression as normal, even in sexual relations.¹³⁷ Within this culture, women are blamed for their own rape by virtue of the fact that males are naturally incapable of controlling their sexual desire. For feminists like **Catherine MacKinnon**¹³⁸ and **Andrea Dworkin**,¹³⁹ rape and sex are not easily distinguishable under patriarchy because the male dominance that characterizes patriarchy is inherent in both the act of rape and the social construction of sex. Who women are and what women choose for themselves become problematic in the perspectives of these feminists because heterosexuality is “compulsory” under patriarchy. The views of feminists like MacKinnon and Dworkin are often met with resistance by others and are misunderstood as “male bashing.” MacKinnon and Dworkin do not focus on individual males as somehow being either “good” or “bad.” Rather, they focus on the construction of gender and all that flows from it under patriarchy. Patriarchal relations construct male and female to be opposite poles of social existence and being, with *male* defined by dominance and *female* defined by that which is not male—and is generally inferior and subordinate. Under such constructions, MacKinnon and Dworkin ask, how can anyone ever freely choose any kinds of relationships, sexual or otherwise?

The work of Dworkin, MacKinnon, and others also stresses the existence of a rape culture that has the effect of equating sex with violence and objectifying women to the point that they lack an identity separate from that which is defined by men. Pornography is often thought to contribute

to the manner in which women are objectified. In pornography, violence and sex are combined in a manner that makes the association normative. In an essay first published in 1974, Robin Morgan asserted that “pornography is the theory, and rape the practice.”¹⁴⁰ Susan Brownmiller also discussed both pornography and prostitution as institutions that encourage and support social patterns and responses to rape.¹⁴¹ While not everyone shares the same view of the role of pornography in supporting the inequality of women and in justifying violence against women, pornography is frequently associated with rape in the writings and research of many prominent feminists.

James W. Messerschmidt acknowledges the positive contributions of feminist thought but critiques these perspectives for their often one-dimensional view of masculinity.¹⁴² Ngaire Naffine also shares Messerschmidt’s positive evaluation of this body of work and says that “Dworkin is trying to shatter our complacency about everyday life for women, to get us to see the daily criminal violence and injustice done to women that has been rendered utterly ordinary and so invisible.”¹⁴³ In his critique of feminist perspectives, Messerschmidt analyzes the various expressions of masculinity that are constructed within particular situations and as a response to particular social conditions. He says, “Middle-class, working-class, and lower-working class young men exhibit unique types of public masculinities that are situationally accomplished by drawing on different forms of youth crime.”¹⁴⁴ Just as there is no one single strain of femininity, so too with masculinity. Messerschmidt also contends that the response of the state to violence against women is not monolithic. While there are limits to how the state will respond in behalf of women, the state is viable as a site for positive change in terms of women and feminist ideals. The emergence of rape crisis centers, changes in institutional protocol regarding rape victims, and other similar strategies illustrate that a state that is basically patriarchal in nature can be pushed to respond to women in ways that are positive and that increase women’s autonomy. Neil Websdale echoes these sentiments in his research on rural woman battering by stating that “organizations set up by the state to further women’s interests have played a significant role in improving the status of women.”¹⁴⁵ Websdale maintains that some settings, such as those within rural areas, display stronger adherence to patriarchal relations than others; this distinction is crucial to understand that any setting contains many individuals and groups that do not use violence against women and that do not view rape as normative.

The Psychopathological Perspective

The psychopathological perspective on rape is based on two assumptions: (1) Rape is the “result of idiosyncratic mental disease,” and (2) “it often includes an uncontrollable sexual impulse.”¹⁴⁶ Diana Scully contends that, while acknowledging that rape is connected to issues like power and anger, the frequently cited work of Nicholas Groth,¹⁴⁷ contains elements of this psychopathological perspective.¹⁴⁸ Groth’s

work was based on an analysis of 348 imprisoned convicted rapists. Approximately half of the rapists had attacked young and middle-aged women, while the other half had attacked children, elderly women, or other men. For rapists who had attacked women, 55% reported that the rape was committed to exert control over the women—a type of crime Groth labeled *power rape*. Power rapists, unlike anger rapists, did not purposefully set out to harm the victim. Power rapes are generally planned, Groth said, “although the actual assault may be opportunistic in origin.”¹⁴⁹ In the attacks that Groth labeled *anger rapes*, which totaled about 40% of the sample, the men attacked their victims in anger, usually an attack that was impulsive and involved no prior planning on the part of the offender. These assaults were often quite brutal, and following the rape, the offender felt relief because he was able to relieve his anger. The remaining 5% Groth called *sadistic rapes*; these involved a combination of power and anger motives.¹⁵⁰ According to Groth, in sadistic rape, “aggression itself is eroticized,” and these rapes frequently involve torture.¹⁵¹ While not denying that these types of rapists exist, some researchers claim that Groth’s model does not appear to successfully characterize the majority of men who rape, and yet this model has been applied as if that were the case.¹⁵² However, Diana E. H. Russell did find elements of Groth’s model to be useful in developing her own typology for men who rape within marriage.¹⁵³ Several of the factors that Groth identifies as important to understanding the motivation and pattern of rapes are found in other typologies of rapists.

An Integrated Theory of Rape

Larry Baron and Murray A. Straus offer what they term “an integrated theory of rape.”¹⁵⁴ They combine elements from other theoretical explanations of rape into one model that argues that higher levels of gender inequality, social disorganization, and support for legitimate violence combine to produce higher rape rates at the state level.

“Support for legitimate violence” refers to norms and institutional arrangements that serve to justify the expression of violence in certain contexts as normative. The norms need not directly relate to a particular crime. As Baron and Straus note, there is a “cultural spillover” effect in which “cultural support for rape may not be limited to beliefs and attitudes that directly condone rape and other criminal violence.”¹⁵⁵ Rather, when a community legitimizes the use of violence to resolve any kind of situation, this creates a type of spillover effect in which other types of interactions and dynamics come to be governed by similar norms and understandings. Thus one would expect to see high rates of rape associated with high rates of other violent crime.

Gender inequality is related to rates of rape because as women’s status in society improves, rape is challenged as a mechanism of social control over women. This occurs as socialization patterns change and as women attain positions of power within society. The connection between gender inequality and rape is supported in cross-cultural and anthro-

pological research.¹⁵⁶ “Social disorganization” refers to the inability of communities to sustain viable social institutions—institutions which serve as a buffer to all sorts of social ills, including criminal activity. Poverty alone is not enough to directly produce crime. However, in the absence of other factors that strengthen institutional structures within communities, poverty is linked to crime by virtue of its association with other factors.

In a test of their theory at the state level, Baron and Straus found support for the direct effect of gender inequality on rape rates. The higher the level of gender inequality—a combination of several measures relating to economic indicators—the higher a state’s rape rate. They also examined the direct effect of pornography and found that higher rates of pornography, as measured by things like circulation rates for certain magazines, were associated with higher rates of rape within the state. High levels of social disorganization, measured by such things as residential mobility, percentage of female-headed households, and divorce rates, were also tied to increased rates of rape. While Baron and Straus found no direct support for the relationship between legitimate violence and rape, they argue that there is an indirect effect in which states with higher rates of gender inequality have higher rates of legitimate violence. This association between legitimate violence and gender inequality also has the effect of increasing rape rates such that in states with greater economic inequality the status of women is lower; and where the status of women is lower, the rate of rape tends to be higher.¹⁵⁷

Evolutionary/Biological Perspectives

Within the evolutionary perspective, “humanity is a product of evolution in which both physical and social traits conducive to survival are selected and survive through a process of natural selection. Propagation is the key to survival of a trait, as a genetic predisposition can be passed on only through offspring.”¹⁵⁸ Natural selection favors those traits that are most adaptive and over several generations, it is these traits that survive. An evolutionary perspective does not identify rape per se as an adaptation but rather focuses on certain motives and ends that are conducive to rape. The environment is also thought to play a role because “genes cannot make traits without environmental causes acting in concert.”¹⁵⁹ According to **Randy Thornhill** and **Craig T. Palmer**, “selection favored different traits in females and males, especially when the traits were directly related to mating. Although some of these differences could have arisen from what Darwin called natural selection, most of them are now believed to have evolved through sexual selection.”¹⁶⁰ *Sexual selection* refers to the observation that some traits appear to survive, not because they are related to survival, but because they further the attainment of mates or defense against competition over mates. This is said to apply primarily to males because “male fitness is limited by access to the opposite sex much more directly than is female fitness, with the result that females compete for mates much less than do males.”¹⁶¹ The specialized jargon and knowledge that in-

forms evolutionary perspectives makes it difficult to understand how they apply to social behaviors like rape, and these perspectives have been severely criticized for justifying rape as “natural.” Proponents of the usefulness of evolutionary perspectives on rape contend that evolutionary perspectives can explain why rape is so prevalent and why it takes the forms that it does, and they argue that “biology provides understanding, not justification, of human behavior.”¹⁶² The conceptualization of rape as sex is not meant to carry only negative connotations because “the view that rape is always motivated at least in part by sexual desire and that sexual desire may be sufficient motivation to produce rape behavior in some situations implies nothing about what people should do. Also, the view that differences in sexual desire between males and females are evolved and biological implies nothing about the ease or difficulty with which these differences can be changed.”¹⁶³ Evolutionary perspectives contend that the feminist position on rape that equates it primarily with expressions of violence diminishes the fact that there is a biologically based sexual motivation and that ignoring this eliminates one avenue by which rape may be understood and prevented. Rather than being counter to the agenda of feminists, evolutionary psychologists offer their perspective as another avenue through which rape can be approached, understood, and thereby prevented.

Typologies of Rapists

Several researchers have attempted to develop typologies of rapists. Nicholas Groth’s work represents one of the first systematic attempts to do this based on empirical evidence, which he gathered in his capacity as a prison psychologist. **Robert R. Hazelwood** and **Ann Burgess** developed a four-part typology of rapists based on the motivation of the offender.¹⁶⁴ Like Groth’s, their typology revolves around the themes of power, anger, and sadism. The four types of rapists they identified are power-assertive, power-reassurance, anger-retaliatory, and anger-excitation rapists. *Power-assertive rapists* plan their crimes and use a great deal of force to subdue the victim. This type of rapist acts out of a hypermasculinity in which the rapist is “simply exercising his prerogative as a male to commit rape.”¹⁶⁵ These rapists often employ a type of seduction to subdue their victims initially, and they generally attack their victims several times during the same incident. *Power-reassurance rapists*, the most common type among rapists who attack strangers, generally act out of a sense of social and sexual inadequacy. Robert Hazelwood contends that these are the rapists who are referred to in popular jargon as the “gentleman rapists.” They select their victims in advance through stalking and may even attempt to contact the victim after the rape. These rapists generally do not set out to consciously degrade their victims, and they generally target victims of their own age. *Anger-retaliatory rapists* are clearly motivated by anger, and rape becomes the means by which the anger is expressed. These rapists may attack either the actual source of their anger or a representative. Hazelwood

contends that this type of rapist “uses the *blitz approach*, subduing the victim with the immediate application of direct and physical force, thereby denying her any opportunity to defend herself.”¹⁶⁶ *Anger-excitation rapists* are “sexually stimulated and/or gratified by the victim’s response to the infliction of physical and emotional pain.”¹⁶⁷ These are generally the rapists whose crimes involve the most planning and the most careful execution, even though the victim selected is generally a stranger. These rapists are “most likely to record activities with the victim,” and the nature of the rape is definitely intended to “create pain, humiliation, and degradation for the victim.”¹⁶⁸

Based on interviews with 61 serial rapists, Dennis J. Stevens offers a typology of his own based on motivations. At the time of the interview, the rapists were all incarcerated in a South Carolina maximum-security prison for the crime of rape. Using Nicholas Groth’s “Protocol for the Clinical Assessment of the Offender’s Sexual Behaviors” to structure the interview, Stevens explored the areas of premeditation, victim selection, style of attack, degree of violence associated with the rape, accompanying fantasies, role of aggression, and other topics. One of the major findings that emerged from Stevens’s research was the role of lust as a primary motive among a large proportion of the rapists (42%). While acknowledging that “lust is not a new idea concerning predatory rape,”¹⁶⁹ Stevens believes it to be a primary rather than a secondary motive for rapists. With those Stevens identified as *lust rapists*, a minimal amount of force accompanied the rape. These men selected victims based on the most available target. *Righteous rape* motives formed the primary element for 15% of the rapists. This group viewed their victims as responsible for the attack because these offenders believed that in some “silent deal” the “sex” had already been negotiated and consented to by the victim. Stevens contends that these men saw themselves as “not guilty by reason of circumstance,” and they spent a great deal of energy justifying the rape. Like the lust rapists, they “characterized sexual intimacy as their primary objective.”¹⁷⁰ *Peer rape* motives, present in 3% of the rapists, took the form of holding friendship responsible for the rape. The rapists claimed, “I had no choice, I ran with bad company.”¹⁷¹ *Control and anger rapes* were committed by 6% of the rapists. These cases included more “violence than necessary to accomplish rape,” and the rape itself was described by the rapists as “secondary to the violence powered by their anger.”¹⁷² *Supremacy rape* motives were held by 13% of rapists and were characterized by more violence than necessary to subdue the victim during all stages of the attack. Stevens stated that with these rapists, sexual contact was insignificant compared to the punishment given to the victim during and after the attack. *Fantasy rape* motives, primary among 16% of the serial rapists, were characterized by individuals “trying to regain some imaginary goal that had been part of their past.”¹⁷³ The sex act involved in the rape was less important to these men than the ideas in their heads—ideas that were sometimes quite violent in nature. Stevens classified the motives of 3% of the rapists he inter-

viewed as unclear.¹⁷⁴ A constant theme that emerged throughout Stevens’s interviews with the rapists was that for most of them, the amount of force that accompanied the rape was just enough to accomplish the victim’s submission. In cases in which extreme violence accompanied all stages of the rape, the violence would have been present regardless of the level of victim resistance. Therefore, one of the conclusions made by Stevens is that advocating the idea that women should not resist their attackers is ill-advised.

Another way to approach a typology of men who rape is represented in the work of Diana Scully, a professor at Virginia Commonwealth University.¹⁷⁵ Scully’s research involved intensive interviews with 114 convicted rapists in seven prisons, all of whom volunteered to be interviewed. Scully rejects the psychopathological perspective on rape and instead employs a feminist sociocultural perspective premised on several assumptions. First, rape is “socially learned behavior,” involving “not only behavioral techniques, but also a host of values and beliefs, like rape myths, that are compatible with sexual aggression against women.”¹⁷⁶ This premise is based on the assumption that both positive and negative forms of social behavior are learned “socially through direct association with others as well as indirectly through cultural context.”¹⁷⁷ Second, Scully does not view rape as a reflection of pathology but as a reflection of a continuum of normality in which it is important to understand “how sexual violence is made possible in a society” and “what men who rape gain from their sexually violent behavior.”¹⁷⁸ Scully thus approached these interviews with convicted rapists from the feminist perspective of wanting to understand the explanations given by the rapists and also their sociocultural beliefs about women and sexual violence.

Scully identified several patterns to the rationalizations used by men who rape, and she organized these according to two broad types of rapists: *admitters* and *deniers*. *Admitters*, the largest category of rapists, included those men who acknowledged that their offense constituted a rape and who provided information that largely corresponded to official records. Even though acknowledging their offense as a rape, *admitters* purposefully downplayed the amount of force used or other key facts about their offense. Scully uses as an example a rapist who appeared to be quite traumatized during the interview as he discussed his offense but who also failed to mention that the 70-year-old woman he had raped was his grandmother. *Deniers* contended that the sexual relations with their victims was consensual and that the rape offense for which they had been convicted was erroneous. With this group, there were more obvious discrepancies between the information they provided and the official records than with the group of *admitters*. Several of those whom Scully designated as *deniers* had in fact used weapons in their offense yet still believed that the sexual relations did not involve force or coercion.

In the interviews, Scully explored how these two groups could operate from an understanding of reality that justified their behavior and tended to normalize it, as well as what they

gained from such behavior. While some of the rapists in the admittor group relied on rape myth ideology, this was a more prevalent pattern among the deniers. The rape myths' definition of a very narrow group of individuals as legitimate rape victims was a common theme in the interviews given by these rapists. While variations existed, the majority of rapists in both groups expressed little guilt or empathy for their victims. Scully states, "Sexually violent men identify with traditional images of masculinity and male gender role privilege; they believe very strongly in rape stereotypes, and for them, being male carries the right to discipline and punish women."¹⁷⁹ While men who rape may not all operate from the same level of adherence to definitions of masculinity, they all benefit by the societal assignment of such characteristics as power, force, and the sexual double standard implicit in such definitions. As Scully states, "Hierarchical gender relations and the corresponding values that devalue women and diminish them to exploitable objects or property are the factors that render feeling rules inoperative and empower men to rape."¹⁸⁰ When the status of women in our society, both economically and socially, is considered along with cultural depictions of women found in everything from seemingly benign advertisements to more shocking pornography, women emerge as a group that can in some ways still be victimized with relative impunity. In a society that equates sex and violence and where gender is socially constructed as a hierarchy of difference, we send messages that provide justifications for rape and sexual coercion. The strength of these messages does not require that all men be rapists; it is enough that the potential for rape is established as well as the ideology that excuses the violence of those who do rape.

ROBBERY

Robbery is classified as a violent crime because it involves the threat or use of force. It is also a property crime in that the express purpose of robbery is to take the property of another.¹⁸¹ Robberies can occur in different locations and are quite often categorized in this manner by both law enforcement agencies and social science researchers. Robberies that occur on the highway or street are often referred to as "muggings." Muggings and robberies that occur in residences are types of **personal robbery**. While residential robberies are most certainly deterred by the presence of security precautions, this effect depends on the type of neighborhood in which the residence is located. Terance D. Miethe and David McDowall found that the security precautions that are effective in neighborhoods characterized by a viable social control structure are ineffective in socially disorganized neighborhoods.¹⁸² Such security precautions as not leaving the home unoccupied are not enough in socially disorganized neighborhoods to compensate for the strong effect of neighborhood context on increasing the likelihood of robbery. The level of precaution at the individual level must be greater if the threat at the neighborhood level is significant. Our homes and persons do not

exist as potential targets to motivated offenders in a vacuum; they take this form based as much on their individual vulnerability as on their neighborhood context.

Robberies that occur in commercial settings, such as convenience stores, gas stations, and banks, are termed **institutional robbery**.¹⁸³ Several research studies have found that institutional robberies may be prevented through environmental and policy changes. As Scott A. Hendricks and his colleagues found in a study of convenience store robberies, "The robber chooses a target based on various situational crime prevention factors."¹⁸⁴ These factors include staffing, hours of operation, cash-handling policy, and characteristics of the surrounding neighborhood. For example, the researchers found that "the odds of convenience store robbery were twice as high for older neighborhoods than newer neighborhoods."¹⁸⁵ Many of the precautions that lower the risk of robbery, are costly, however, and not all businesses can afford them. As Richard T. Wright and Scott H. Decker note, "This puts businesses located in high-crime neighborhoods in a no-win situation because their clientele frequently are too poor to bear increased prices to support crime prevention measures."¹⁸⁶ Additionally, if the business fails as a result of robberies, the community loses again because the exodus of businesses that are forced to relocate makes the community less viable. Most of the robbers interviewed by Wright and Decker in their ethnographic study of robbers who selected commercial targets generally selected liquor stores, taverns, and pawnshops because of the large amount of cash available. They also targeted businesses with low levels of customer activity because they viewed customers as an unpredictable risk factor. The robbers interviewed as part of Floyd Feeney's research in California during the 1970s reported very little planning overall, but those who engaged in commercial robbery were much more likely to report planning than those who engaged in personal robberies (60% compared to 30%).¹⁸⁷

The Lethal Potential of Robbery

Robbery offenses carry the threat of injury for the victim—and too often lethal injury. Injuries of at least a minor nature were found among one in every three robbery victims based on an analysis using the National Incident Based Reporting System.¹⁸⁸ Overall, robbery is the context in which 8% of all homicides occur. In 1999, approximately 17% of all homicides occurred during the commission of another felony. Among these cases, robbery was the most likely felony to result in homicide, accounting for almost one-half (47%) of all felony murders.¹⁸⁹ The weapon most often used in robbery homicides is a firearm, accounting for 73% of all cases; the type of firearm used in the vast majority of cases (85%) is a handgun.¹⁹⁰

Criminal Careers of Robbers

Are robbers specialists or generalists? This distinction refers to whether individuals who engage in robbery specialize in only this crime or whether they vary the types of crimes they

commit. The majority of robbery offenders are generalists who have a fairly lengthy but varied criminal career.¹⁹¹ Research on a sample of inmates in California prisons found that less than 10% of convicted robbers could be labeled specialists who engaged solely in robbery to the exclusion of other offenses.¹⁹² In a survey of inmates sponsored by Rand Corporation, approximately 18% of offenders were primarily involved in only one type of offense.¹⁹³ James Q. Wilson and Allan Abrahamse used data from a Rand survey of inmates in 1978 to explore the type of monetary returns offenders earned from their crimes.¹⁹⁴ For the purposes of this analysis, Wilson and Abrahamse decided to group offenders according to offense type—a task that proved problematic because specialization among offenders was not the norm. The typologies developed by these researchers had to be made on the basis of the percentage of certain offenses engaged in by offenders. Diversity in offense type and selection appears to be the norm for the vast majority of offenders, based on both ethnographic and survey data.

Robbery and Public Transportation

One setting in which crime prevention strategies may be quite effective is public transportation. According to Martha J. Smith and Ronald V. Clarke, “Robbery on mass transit is a rare event, even in systems with relatively high numbers of incidents such as New York City.”¹⁹⁵ Viewing the prevalence of robbery on public transportation as reflecting a “lack of supervision,” Smith and Clarke contend that the majority of these robberies follow one of three scenarios. First, offenders will purposefully select their victims from among passengers in isolated areas of large subway stations, especially when the station is not crowded. Security measures, such as using closed-circuit television monitoring and closing off unused parts of the station, may serve to effectively deter these type of offenders.¹⁹⁶ Second, offenders will select their victims outside the station at particular locales and times that are relatively isolated. Finally, offenders will often “lie in wait” for passengers leaving public transportation.¹⁹⁷ Prevention strategies to deter these types of robberies include a variety of surveillance techniques. In addition to targeting public transportation customers, robbers also target the staff in order to steal the fare money. Smith and Clarke state that policies such as exact fare collection and other similar changes “led to a dramatic fall in the number of bus robberies in New York City.”¹⁹⁸

According to Smith and Clarke, “Transit workers with perhaps the greatest risk of robbery are taxicab drivers, who carry cash, travel by themselves around cities with strangers, and do not choose their destinations.”¹⁹⁹ Derek Cornish offers several strategies that taxicab drivers can use to prevent robberies.²⁰⁰ These tactics range from having a weapon to screening passengers for potential threats. While “drivers can use informal passenger screen practices such as refusing to pick up fares at certain locations,” such screening practices “can discriminate against those who live in poorer ar-

reas or are from certain racial or age groups, making it difficult for them to use the service.”²⁰¹ In fact, these very practices have recently been the subject of debate because of claims of discrimination.

Other strategies, such as the installation of protection partitions between the driver and passenger, can be quite effective in deterring crime. In New York City, such partitions are “required on all yellow cabs and livery cars operated by more than one driver, but individual drivers who own their cars say the partitions are too expensive.”²⁰² In response to the high number of killings of cab drivers in robbery incidents, New York City Mayor Rudolph Guiliani created a \$5 million grant program to assist livery cab companies with the cost of installing the protective partitions. A pilot program begun in August 1999 installed digital surveillance cameras in cabs.²⁰³ Under the New York City Police Department’s special Taxi-Livery Task Force, created in 1992, police in unmarked cars stop taxis in particular neighborhoods, often according to some strategy, such as every fifth taxi. A similar strategy was also adopted in Boston, again as a response to the substantial number of violent crimes, especially robberies, experienced by cab drivers. While the Boston statute withstood court review, the New York Court of Appeals ruled in December 1999 that the policy of the police department “gave officers too much discretion to stop taxis carrying passengers when they had no reason to suspect any crime was afoot.”²⁰⁴ The U.S. Supreme Court was asked to review both rulings and declined, allowing the rulings of the lower courts to stand.

Policies like those in Boston and New York clearly illustrate the tension involved in policing a democratic society; measures that might prevent certain forms of crime must be weighed against the potential violation of individual liberties. This issue becomes even more complex when a high risk of victimization is experienced by members of a particular occupational group who must function within criminogenic settings or who must interact frequently with strangers.

The Motivation of Robbers

Research tends to support the idea that most robberies, of both people and places, involve very little planning on the part of the offender. Floyd Feeney’s research in California during the early 1970s found little evidence that the majority of bank robbers had even been in the bank before the robbery.²⁰⁵ Most of the robbers Feeney studied did very little planning, no matter what the target, and the planning that did occur was minor and “generally took place the same day as the robbery and frequently within a few hours of it.”²⁰⁶ The motivation and decision making of street robbers have recently been evaluated in a series of research studies conducted by Bruce A. Jacobs, Richard Wright, and others at the University of Missouri at St. Louis. We will examine several of the most important pieces of this large qualitative study involving 86 currently active robbers in St. Louis. To be considered an active robber for the purpose of the research study, “the individual had committed a robbery in the recent past,

defined him- or herself as currently active, and was regarded as active by other offenders.²⁰⁷ Jacobs and Wright found that the decision to offend, like other decisions, occurs as part of ongoing social action that is “mediated by prevailing situations and subcultural conditions.”²⁰⁸ “Fast cash” was the direct need that robbery satisfied, but this need can only be properly understood against the backdrop of street culture. Jacobs and Wright hypothesized that street culture was the intervening force that connected background factors (such as low self-esteem, deviant peer relations, and weak social bonds) to the motivation to offend. They found that the majority of robbers gave little thought to planning robberies until they found themselves needing money. For less than half of the robbers, the financial need was for basic necessities; mostly it was connected to a fairly hedonistic lifestyle. The daily activity of most street robbers was characterized as a “quest for excitement and sensory stimulation” with a “general lack of social stability” in terms of residence or ties to conventional activities or institutions.²⁰⁹

Jacobs and Wright considered three alternatives that these individuals could have employed for money: (1) perform legitimate work, (2) borrowing, and (3) committing other crimes. Legitimate employment was not a viable option for these individuals for several reasons. Most of the robbers

had neither the skills nor the education to obtain decent wage jobs, and even if they did have such resources, their perceived need for cash was too immediate for legitimate work to satisfy. Additionally, legitimate work was viewed as an impediment to their “every night is a Saturday night” lifestyle. Borrowing money was not a viable route because many had no one to turn to for a loan, and for those who did, borrowing was not part of the self-sufficient code of the streets. Robbery was preferable to other crimes because it was perceived to be safer than crimes like burglary and quicker than other crimes requiring the translation of stolen goods into cash. Other research has found that some robberies do in fact begin as another crime, such as burglary, and become robberies more by accident than design.²¹⁰ Jacobs and Wright conclude that the economic motivation behind robbery should not be interpreted as “genuine financial hardship,” but rather as a constant, ongoing crisis situation experienced as a result of the logic of the street context of robbers’ daily lives.²¹¹ For the individuals that Jacobs and Wright interviewed, “being a street robber . . . is a way of behaving, a way of thinking, an approach to life.”²¹² Such individuals are unlikely to be easily deterred by legal sanctions, and the rationality of their decision making is unlikely to be adequately explained outside the context of street culture participation.



Some robbers seem to give little thought to planning their crimes until they need “fast cash.” Might this person be an attractive target for such robbers? Ed Bailey, AP/WideWorld Photos

Drug Robberies

In their ethnographic research on armed robbers, Richard T. Wright and Scott H. Decker found that “six out of every ten offenders who specialized in street robbery—forty-three of seventy-three—said that they usually preyed on individuals who themselves were involved in lawbreaking.”²¹³ These are generally the cases that are not reflected in official statistics on crime because the victims do not report their victimization to the police. Due to their involvement in illegal behavior, these individuals can be victimized with relative impunity. Because an overriding motivation behind the robberies for many of the offenders in Wright and Decker’s research was to get high, it follows that drug dealers would be an obvious target. Among offenders who stated that they selected victims involved in crime, the vast majority targeted drug dealers, though rarely major drug dealers. According to Wright and Decker, “Almost all of these offenders targeted young, street-level dealers who sold quantities of crack cocaine directly to consumers.”²¹⁴ According to one robber, the attraction of robbing drug dealers was two-fold because drug dealers carry drugs as well as cash: “It satisfies two things for me; my thirst for drugs and the financial aspect.”²¹⁵ The neighborhoods in which these robbers lived and conducted their routine activities were generally characterized by an abundance of drug dealers, which increased their suitability as targets. Because they were also unlikely to report their victimization to the police, drug customers were also perceived as ideal targets. Wright and Decker further state that within the neighborhoods that these offenders operate, “an ability to mind one’s own business is regarded as a crucial survival



A drug dealer shows his wares. Based on research with active robbers, Richard Wright and Scott Decker found that some armed robbers purposefully target drug dealers for robbery. Why would such individuals make good targets? *Hugh Patrick Brown, Corbis/Sygma*

skill.”²¹⁶ Thus, “from the offenders’ perspective, this made such settings ideal for stickups; bystanders are disinclined to get involved and witnesses are reluctant to make a police report.”²¹⁷ Additionally, the offenders were well aware that the police did not take drug robberies seriously. However, these factors do not consider the one element that makes robbery of drug dealers very risky: “There always is a possibility of violent retaliation” by the drug dealer.²¹⁸

Further analysis of the ethnographic research on the armed robbers in St. Louis by Bruce A. Jacobs, Volkan Topalli, and Richard Wright explored the issue of retaliation by asking, “Why should offenders elect to reduce their chances of getting arrested at the cost of increasing their odds of being killed?”²¹⁹ To answer this, the researchers looked at the findings from 25 in-depth interviews with active drug robbers, which were conducted as part of the larger study of robbers in St. Louis. The researchers conceptualized retaliation as an informal sanction “capable of deterrence in its own right; to be sure, it may be the sole sanction offenders face.”²²⁰ Drug dealers who are victimized are cut off from one avenue of redress, the formal sanctions provided by police, and hence they “have a strong incentive to retaliate.”²²¹

The drug robbers interviewed in the St. Louis study were completely aware of the risk involved in targeting drug dealers. They sought to minimize this risk by selecting one of three strategies: intimidation, anonymity maintenance, and hypervigilance. As a general guideline, drug robbers primarily targeted dealers “whose retributive potential was weak.”²²² These

targets were street corner dealers who were fairly inexperienced, sold drugs in small quantities, and held very little if any status in the organized drug trade. Additionally, the drug robbers used “verbal and physical tactics” in their encounters with these dealers that were purposefully designed to intimidate the dealer to the point that the thought of retaliation was almost eliminated. One offender claimed that he approached drug dealers in a way that left no doubt that “I’m gonna retaliate first.”²²³ In fact, some of the offenders stated that “some street corner dealer simply dismissed robberies as an occupational hazard and accepted their losses with equanimity.”²²⁴ The second strategy used by robbers who targeted drug dealers, anonymity maintenance, involved robbing only those dealers with whom they were totally unfamiliar. In this way, “retaliation becomes moot” because the victim does not know the robber.²²⁵ “Hypervigilance,” the third strategy, refers to how offenders consciously “devoted a significant portion of their day-to-day cognitive resources to minimizing the prospect of postoffense victim contact.”²²⁶ For offenders engaged in a substantial volume of robberies, the chances of running into a victim were increased, even if the victim was initially unknown to them. Offenders avoided the sites of previous robberies until they could be fairly sure that the threat of recognition or retaliation had subsided. The nomadic lifestyle of the drug robbers, involving movement from place to place, allowed them to easily avoid such places.

Even so, the street lifestyle was “an encapsulated social world” and the “streets enmesh participation in an expansive web of relations.”²²⁷ To a large extent, circumstances and situations bring offenders and victims together in unexpected ways, such that “the more members of a network there are, and the denser that network is, the more likely run-ins become. Bus stops, mini-malls, grocery stores, bars, theaters, and fast-food restaurants emerge as contexts fraught with potential risk.”²²⁸ These features of the environment not only hinder the offender’s ability to manage the risk of retaliation, but also increase the potential for violence within the entire community itself, based on the extent of drug robberies. As Jacobs and his colleagues conclude, this community effect represents the “contagion-like processes through which violence is contracted and contained,”²²⁹ and if “street justice” is stronger than the formal justice represented by law enforcement, the community becomes increasingly unstable. “The more entrenched informal justice becomes, and the more likely formal authorities will ‘look the other way,’”²³⁰ the more the community becomes disorganized and violence spreads beyond robbers and their victims. This becomes one set of dynamics that creates and sustains the “tangled web of violence we see in so many high-crime urban locales across the country.”²³¹

The Gendered Nature of Robbery

According to **Jody Miller**, “with the exception of forcible rape, robbery is perhaps the most gender differentiated serious crime in the United States.”²³² Women represent robbery offenders in approximately 10 percent of all incidents.²³³

James W. Messerschmidt contends that the “robbery setting provides the ideal opportunity to construct an ‘essential’ toughness and ‘maleness’ . . . Within the social context that ghetto and barrio boys find themselves, then, robbery is a rational practice for ‘doing gender’ and for getting money.”²³⁴

Miller’s research goal was to assess the extent to which gender organizes robbery offending. To accomplish this, she analyzed a subset of the interviews with active robbers from the research data used by Jacobs and Wright. The sample that Miller used consisted of 37 robbers, 14 of whom were women and 23 of whom were men. The two groups were matched on the characteristics of current age and age at first robbery. In her examination of motivations for robbery, Miller found that economic incentives were the primary motivation among both men and women. There were, however, significant differences in the way in which men and women carried out street robberies. Men exhibited a fairly uniform pattern. Their robberies were characterized by “using physical violence and/or a gun placed on or at close proximity to the victim in a confrontational manner.”²³⁵ The presence of a gun was almost a constant in robberies conducted by men. While perceiving women to be easier targets, male robbers tended to rob other men rather than women because of another perception, that men tended to carry more money. The majority of the males targeted as victims were those involved in “street life.”

Female robbers, on the other hand, did not exhibit one clear style but instead tended to fall into one of three patterns. The robbery of other women in a “physically confrontational manner” was the most prevalent way in which female robbers worked, but also present were the strategies of using their sexuality to attract male victims and acting as accomplices to male robbers in offenses against other men.²³⁶ Except when robbing men, female robbers as a general rule did not use guns. Miller concludes that, rather than reflecting different motivations, the different strategies for robbery selected by men and women “reflect practical choices made in the context of a gender-stratified environment—one in which, on the whole, men are perceived as strong and women are perceived as weak.”²³⁷ While similar cultural and structural forces can drive the offending of men and women in the same way, gender continues to exert an influence on shaping the nature of these interactions in robbery incidents. Learn more about the crime of robbery at Web Extra! 10-8.



Web Extra! 10-8 at crimtoday.com

ASSAULT

Assault is the “prototype of violent crime.”²³⁸ Not only is assault the most common violent crime, but it is also the starting point for more serious incidents of interpersonal violence. While there is a tremendous legal difference between assault and homicide, James Garbarino states that this

legal difference has “very limited psychological significance” in that many assaults represent “potentially lethal violence.” It is important to understand, he says, that assaults can kill, “even if they don’t actually end a human life.”²³⁹ Garbarino supports his point by stating that social scientists have a difficult time predicting which person will end up taking a life, and thus it is “more practical to identify [those] who are at greatest risk for engaging in potentially lethal violence.”²⁴⁰

The profile of a typical offender in aggravated assault mirrors that of homicide, with disproportionate involvement of males, African-Americans, 15- to 34-year-olds, those of lower socioeconomic status, those with prior arrest records, and offenders demonstrating little evidence of offense specialization.²⁴¹ Also consistent with most homicides, aggravated assaults are “spontaneous, triggered by a trivial altercation or argument that quickly escalates in the heat of passion.”²⁴²

Based on statistics from the National Crime Victimization Survey (NCVS), the overall decline in the crime rate between 1993 and 1999 is primarily due to decreases in the rate of simple assault. In 1999, victims reported 6,164,000 victimizations, a rate of 27.4 per 1,000 residents age 12 or older. The majority of assaults reported by victims are simple rather than aggravated assault. The definition of *aggravated assault* used by the NCVS is “attack or attempted attack with a weapon, regardless of whether or not an injury occurred and attack without a weapon when serious injury results.”²⁴³ Aggravated assaults are detailed according to those involving injury and those without injury. The victims and offenders in aggravated assault are for the most part equally likely to be strangers or nonstrangers to each other. When you look at the gender of the victim, a pattern emerges. A slight majority of male victims are assaulted by a stranger, whereas slightly more than one-third (39%) of female victims are assaulted by a stranger in aggravated assaults. Simple assaults, by contrast, are more likely in general to involve nonstrangers (58%). Almost one-half (47%) of male victims are assaulted by nonstrangers, whereas 71% of female victims are assaulted by nonstrangers in these cases. Whether it is an aggravated or simple assault, the largest category of nonstranger offenders of female victims is represented by friends and acquaintances, followed by intimate partners. Weapons are present in less than one-fourth (23%) of all assaults, and when a weapon is present, it is most likely to be something other than a gun or a knife.²⁴⁴

Stranger Assault

The possibility of stranger violence elicits a great deal of fear and concern among most members of the population. Based on research using victimization data in both the United States and Great Britain, “the probability of suffering a serious personal crime by strangers is very low,”²⁴⁵ with this likelihood varying by demographic characteristics like gender, age, marital status, and lifestyle. For example, individuals who have an active social life away from home and in the evening are far more likely to be victimized by strangers, but

this effect depends very much on the community context in which the individuals engage in their leisure pursuits.

Marc Riedel and Roger K. Przybylski propose that stranger violence consists of two primary types of stranger relationships.²⁴⁶ One type of violence between strangers results from the "exploitation of a setting" as is often the case in robberies in which the offenders case the store in advance.²⁴⁷ Some encounters between strangers, however, are less calculated, and violence can "emerge from more spontaneous encounters between strangers in routine settings such as bars or sporting events."²⁴⁸ Generally, this is the situation of the typical assault, where something as benign as an offensive remark escalates into violence. Because "confrontational stranger violence occurs in [certain types of] public settings," there is a strong likelihood that assault victims and offenders will be about the same age. Settings in which assaults frequently occur, such as bars, are generally restricted on the basis of age, and they also "acquire local reputations that attract a clientele that is usually homogeneous in age."²⁴⁹ Thus, compared to assaults within the family, stranger assaults are more likely to involve victims and offenders of similar ages.

Assault within Families

As the statistics from several sources reveal, the majority of assaults involve victims and offenders who are known to each other, quite often in a familial or intimate relationship. In the sections that follow, the familial context of assault is examined, with a special emphasis on how key variables like weapons, alcohol, and other factors help us understand the patterns of these crimes.

Invading the Castle

The current societal awareness of issues surrounding violence among family members did not arise primarily from within criminology. While the statistics on homicide have long supported the violent potential of families, criminologists were not the pioneers in studies centered on the violent aspects of our society's most basic institution. Richard J. Gelles, a leading family-violence researcher, correctly asserted in the 1970s that violence within the family only concerned criminologists when someone was killed.²⁵⁰ Criminology as a discipline began to give more attention to violent behavior within the family just as societal attention turned to viewing the halo of privacy that has long surrounded the family with a bit more scrutiny. Empirical research concerning the phenomenon of family violence encounters several problems due to the nature of the issue itself. The family as a social institution is intensely private. The discussion of physical, emotional, and sexual violence among family members violates this privacy. These types of abuse also represent extremely sensitive parts of a person's experience which individuals may be reluctant to discuss. The very terrain of family violence invades the "image of the castle [which] implies freedom from interference from outsiders."²⁵¹ This image was corroborated in the late 1970s

when Michael Hindelang conducted research on crime-reporting behavior. Two of the most common reasons for not reporting crimes to the police were that it was a "private matter" and that there might be reprisal from the offender. Current research shows that such rationales supporting non-reporting continue to characterize incidents involving violence among family members.²⁵²

Early Studies of Family Violence

The initial research on violence within the family came from official records and small clinical studies. Official records consistently revealed that women were more likely than men to become victims of domestic violence. Based on an examination of emergency room victims in the late 1970s, Evan Stark and colleagues found that approximately 25% of all women who had been injured had been the victim of a spousal attack.²⁵³ Murray Straus and colleagues at the University of New Hampshire were the first to develop a survey methodology for the study of family violence nationally. They conducted the first National Survey on Family Violence (NSFV) in 1975 with a representative sample of 2,146 families. The second NSFV was conducted in 1985 with a sample of 4,032 households.²⁵⁴ In both surveys, the key tool developed for measuring family violence was the Conflict Tactics Scale. This scale contains a series of 18 items that range from calm discussion to the use of a potentially lethal weapon. The questions using this measure are presented in the context of disagreements with family members and how such disagreements are resolved. The questions initially ask about positive techniques, such as calmly discussing an issue, and gradually proceed to more coercive tactics, such as using a knife on a family member. The sequence in which questions are asked serves to legitimate response. The questions begin with parent-child relationships, where the use of physical force, such as spanking, is widely viewed as legitimate, and then proceeds to husband-wife relationships. By the time respondents reach the questions concerning spousal behavior, Strauss reasoned that familiarity with the questions would diminish the respondent's uneasiness about answering whether he or she had ever hit a spouse.²⁵⁵ The rate of violence between spouses in the 1985 National Survey on Family Violence was 161 per 1,000 couples.²⁵⁶ While this rate was lower than that reported in 1975, it still remained higher than estimates produced from other studies not specifically directed at family violence, such as the National Crime Victimization Survey.

Current Survey Information on Family Violence

In the years since survey research was first used to estimate violence against family members, other surveys have emerged to assess this phenomenon, and existing data sources have been improved to better measure family violence. The FBI has started to prepare specialized reports based on available National Incident Based Reporting System

(NIBRS) data. As explained in Chapter 2, NIBRS is the official reporting system that will replace the FBI's Uniform Crime Reports (UCR) Program. The old UCR Program did not include information on victims and offenders for offenses other than homicide, so there was no way in which to analyze nonlethal criminal behavior within the family. NIBRS will provide such information and will allow for more specialized data analysis. Fourteen states submitted NIBRS data during 1998, and the FBI compiled a special report on these data based on an analysis of family incidents. Using a measure of violent crime that includes murder, rape, robbery, and assault, NIBRS data for 1998 reveal that 27% of violent crimes involve victims and offenders who are related. Among all offenses involving family members that came to the attention of the police, the overwhelming majority (94%) were assaults, a percentage that is "4 points higher than the frequency of assault offenses in overall crimes of violence."²⁵⁷ Thus while assault is the most frequently occurring violent crime both among the general population and within the family, the percentage is even higher within the family. While aggravated assault accounted for 18% of all violent offenses, the percentage of all family violence offenses involving aggravated assaults is slightly smaller at 15%.²⁵⁸

Compared to aggravated assaults generally, firearms are less likely to be used within the family, where fists, hands, and knives are more common. A slight majority of aggravated assault offenses involve some type of injury both in the general population (57.5%) and within the family (60.8%). Women are more likely to be the victims of both aggravated assaults and simple assaults within the family than in the general population (60% versus 41% and 72% versus 60%, respectively).²⁵⁹ Learn more about family violence and the crimes it entails via Web Extra! 10-9.



Web Extra! 10-9 at crimtoday.com

Intimate-Partner Assault

Intimate-partner assault is one of several terms used to characterize assaultive behavior that takes place between individuals involved in an intimate relationship. Several researchers have noted that terms like *spouse assault* are inappropriate because they give the misleading impression that male and female spouses are equally likely to be victims.²⁶⁰ Based on research using various data sources, the overwhelming majority of victims of marital violence within heterosexual relationships are women. This empirical reality does not deny that men can be the victims of violence at the hands of their wives; it merely states that based on official records, self-reports, hospital emergency room records, and small clinical samples, it is women who emerge as victims. It is in line with this empirical reality that Neil Websdale entitles his ethnographic exploration of violence in rural areas of Kentucky *Rural Woman Battering and the Justice System*.²⁶¹ However, the terms *woman battering* and

wife assault are biased in terms of heterosexual relationships, and hence some researchers now use the term *intimate-partner assault* because it avoids this bias. We will use this term in our discussion because it now frequently appears in the literature on assault among intimates and because it reflects the changing nature of most sexual assault laws and mandatory arrest laws, which are both gender-neutral and moving away from the legal relationship as the criterion that defines an intimate relationship.

For many individuals, the notion of assault among intimate partners gives rise to the response, "If I was hit, I would leave." This type of response places the burden on the victim to justify why she stayed and takes the burden off of the offending behavior of her partner. More crucially, this type of response ignores the reality that most women do leave violent relationships, a behavior that may trigger a particularly violent response by the male partner, labeled **separation assault** by Martha R. Mahoney.²⁶² Separation assault clearly illustrates what feminists like Liz Kelly mean when they state that "the use of explicit force/violence is in fact a response to the failure of, or resistance to, other forms of control."²⁶³ A woman who attempts to leave a violent relationship is seen as violating the right of her husband to control her, and even if she does manage to leave, many times the husband will follow her and attempt to bring her back. Neil Websdale offers a dramatic example of separation assault from the ethnographic research that he conducted in the early nineties. Glenda Greer worked as a secretary in a local elementary school in Waynesburg, Kentucky, for 11 years. She was a respected member of the community and had come to have an important place in the lives of many children at her school. Glenda had filed for divorce from her husband, Shannon Greer, based on a pattern of abuse within the marriage. On May 11, 1990, Shannon Greer walked into his soon-to-be-former wife's place of employment and shot her with a 12-gauge shotgun, killing her. He then left the school, drove down a back road, and killed himself. When the police found Shannon Greer's body, the divorce papers were in the car, and scribbled on the papers was a note written by Shannon Greer that said, "There was not a divorce."²⁶⁴ While not all assaults upon women by their male partners end in homicide, the reality is that some most certainly have,²⁶⁵ and the dynamics which leaving often set into motion should be remembered. According to a judge interviewed by James Ptacek in a study on judicial treatment of women applying for restraining orders, the increased awareness among the judiciary concerning the seriousness of assaults among intimate partners means that "no judge wants to be the one who didn't grant a restraining order to the woman found face down in the morning."²⁶⁶

Violent relationships between intimate partners are characterized by a cycle of violence in which numerous forms of social control may be used. Neil Websdale maintains that in rural communities, the relative geographic isolation of most families makes it easy for men who batter their wives to also control their movement and everyday activities. Men in

Websdale's research disconnected telephone lines, disabled cars, and threatened women at their place of work. These actions narrowed the abused partner's options to leave, especially in the case of women in rural settings where powerful notions of family loyalty and gender roles work against leaving as an option. As Websdale notes in his research, many women who are battered by their husbands must face the fact that if they leave their husbands, they will in effect be leaving their communities. Physical assaults often involve other tactics of abuse, such as emotional abuse and attacks or threats against children. This is especially salient in that most women who have reported abuse by intimate partners also had dependent children.²⁶⁷

In analyzing the cases of women in two counties in Massachusetts who applied for restraining orders during 1992 and 1993, as well as observations in the courtroom, **James Ptacek** developed a typology of the type of strategies that men used to control women in violent relationships.²⁶⁸ Ptacek analyzed both the types of abuse that women reported in their petitions for restraining orders and the rationales that the women provided in their affidavits that "gave some indication of the objectives behind the men's violence and abuse."²⁶⁹ In 18% of the cases, the woman reported that her male partner had used violence to prevent her from leaving, and in 22% of the cases the woman reported that violence was used to get back at her for leaving. Ptacek argues that women are assaulted in the process of leaving their abusers, and some of the incidents of separation assault had occurred for more than a year following legal separation or divorce. Another tactic used by men was "punishment, coercion, and retaliation against women's actions concerning children,"²⁷⁰ which could take several forms. Some men attacked their wives during pregnancy, others attacked the woman if she challenged his parental authority over the children, and still others attacked partners who had requested child support through the courts. In about 12% of the cases, the affidavits of women revealed that men used violence in response to other types of legal action. Ptacek labeled this "retaliation or coercion against women's pursuit of court or police remedies" in which the men responded with violence to actions that women were thought to have taken, whether those actions were real or imaginary. The final motivation for the violence of males was "retaliation for other perceived challenges to authority." These challenges included comments that the woman made concerning her male partner's behavior, ranging from drinking behavior to financial matters. As with the other motivational categories, the challenge to male authority was viewed as actionable, and violence was considered a justified course of action.²⁷¹ Ethnographic research like that of Neil Websdale and James Ptacek is an important avenue for increasing our knowledge of intimate-partner violence. Another recent source of information comes from survey research, specifically the National Violence against Women Survey, which was mentioned earlier in this chapter.

One goal of the NVAW Survey was to estimate both the extent and the nature of physical abuse among intimate

partners. At some point during their lifetime, 22% of women and slightly more than 7% of men report having been physically assaulted by an intimate partner. During the past year, slightly more than 1% of women and less than 1% of men reported physical assault by an intimate partner. The vast majority of the specific behaviors considered to be physical assault were acts like grabbing and shoving, rather than more serious acts involving a gun or knife. Among both same-sex and opposite-sex relationships, males most often perpetrate intimate-partner violence. "Same-sex cohabitating women were nearly three times more likely to report being victimized by a male partner than by a female partner."²⁷² The increased risk of assault for both men and women who are separated from intimate partners was also confirmed in the NVAW. Both men and women who were separated from their partners were more likely to report physical assault than those currently living with their partners. This supports Ptacek's findings, as well as other research that establishes that leaving an abusive partner is common, as is the violence that follows.²⁷³

On the extent of injury in intimate-partner assaults, the NVAW reveals that women are more likely than men to report injuries and that most of the injuries received are minor in nature. More findings from the NVAW are presented in the next section of this chapter, which examines stalking. Learn more about intimate-partner violence via Web Extra! 10-10.



Web Extra! 10-10 at crimtoday.com

STALKING

While **stalking** behavior is not new, the labeling of this behavior as one worthy of societal concern, and hence undesirable enough to be criminalized, is relatively new. Several high-profile cases have illustrated the dangerous potential of **stalking** behavior. John Hinckley was obsessed with actress Jodie Foster and thought to capture her attention and admiration by shooting then-President Ronald Reagan in 1981. Mark David Chapman, the man who shot John Lennon in 1980, considered himself to be "one of Lennon's biggest fans." Talk-show host David Letterman was stalked from 1988 to 1993 by a woman who professed her love for him by breaking into his house repeatedly, trespassing on his property, and stealing his car. While the high-profile cases may capture media attention because they involve celebrities, stalking often involves average individuals as they go about their lives.

The first antistalking statute was passed in 1990 in California.²⁷⁴ At present, all states and the federal government have antistalking laws. Rather than being an offense that occurs once, stalking is conceptualized as a pattern of behavior that causes victims to fear for their personal safety. The definition used in the Model Antistalking Code for States, developed by the National Institute of Justice, is "a course of conduct directed at a specific person that involves

repeated visual or physical proximity, nonconsensual communication, or verbal, written or implied threats, or a combination thereof, that would cause a reasonable person fear."²⁷⁵ *Repeated* is defined to mean at least two occasions. Individual antistalking laws vary in terms of the type of definition given to the term *repeated* and in terms of the requirements connected to threats by the perpetrator and fear by the victim. While the majority of states require that the perpetrator make a "credible threat," some states include threats against family members. Other states demand that the conduct of the perpetrator constitute an implied threat, and they evaluate this in relation to the level of fear expressed by the victim.²⁷⁶

Statutory definitions of stalking encompass a number of diverse but interrelated behaviors, such as making phone calls, following the victim, sending letters, making threats in some manner, vandalizing property, and watching the victim. Rather than viewing these behaviors in isolation from one another, antistalking laws take into account the totality of the circumstances so that seemingly benign behaviors are seen in light of how they are connected to other behaviors. This acknowledges that while sending unwanted letters might be seen as innocuous behavior, when this activity is combined with following the victim and standing outside his or her place of work or residence, the behavior takes on a more threatening tone and may be the precursor for more serious offenses like assault, rape, and murder.²⁷⁷

The Extent of Stalking

The only national-level data on the nature and extent of stalking come from the National Violence against Women Survey. The survey data are used in several of the sections that follow to identify and characterize a number of the key issues concerning stalking. The definition of stalking used in the NVAW closely follows the Model Antistalking Code for States.²⁷⁸ For the behaviors in their totality to satisfy the definition of stalking used in the NVAW, the respondents had to have reported victimization on more than one occasion and also that they were "very frightened or feared bodily harm."²⁷⁹

The same definition of stalking was used to ask individuals to report the relevant experiences both over their lifetime and during the past 12 months. In the late nineties, approximately 8% of women and 2% of men reported being stalked at some point during their life. Using the survey data to generate estimates for the general population, this means that about one in every 12 women (8.2 million) and one in every 45 men (2 million) are stalked at some point in their life. The annual prevalence rate was 1% of all women surveyed and 0.4% of all men, translating to roughly 1,006,970 women and 370,990 men every year. An overwhelming majority (90%) of individuals surveyed reported being stalked by only one individual during their life.²⁸⁰ These estimates were based on the strictest definition of stalking, which required that in addition to repeated behaviors that fall within the scope of stalking, the survey respondent had to report a

high level of fear. When a lower threshold of fear is used to construct the measure, the estimates are even higher; 12% of women and 4% of men reported being stalked at some point in their life, and 6% of women and 1.5% of men reported being stalked annually.²⁸¹

Upon examination of the type of behaviors that stalkers engaged in, Patricia Tjaden and Nancy Thoennes, the principal investigators for the NVAW survey, conclude that antistalking laws that require an overt threat be made against the victim are ill-advised. While victims reported high levels of fear, stalkers in less than half of the cases made overt threats. In the case of both male and female victims, the vast majority repeated being followed or spied on in some way; many received unwanted telephone calls, and similar percentages reported receiving unwanted items through the mail and being victims of vandalism.²⁸²

Victim-Offender Relationships in Stalking

The majority of stalking victims identified in the NVAW survey are women (78%, or four out of every five victims). The majority of individuals who stalk are men; 94% of women and 60% of men identified a male as the stalker. The majority of stalking victims are young, with 52% between the ages of 18 and 29 years and 22% between the ages of 30 and 39. Results from the NVAW survey confirmed previous research that showed that the majority of victims know their stalker. A stranger was identified as the stalker in only 23% of the cases where a woman was stalked and 36% of the cases where a man was stalked. For women who are stalked, the majority (59%) are more likely to be stalked by an intimate partner than by a stranger, acquaintance, or relative other than the spouse. On the other hand, the majority of men are stalked by strangers or acquaintances (70%), usually a male in both cases (90%). Tjaden and Thoennes state that while there is no clear explanation for this finding, it may be related to a greater risk of stalking among homosexual as opposed to heterosexual men. The survey found that stalking was more likely to be experienced by male respondents who indicated that they had lived as a couple with another male. According to Tjaden and Thoennes, "In some stalking cases involving male victims and stranger or acquaintance perpetrators, the perpetrator may be motivated by hatred toward homosexuals, while in others the perpetrator may be motivated by sexual attraction."²⁸³ The belief that stalkers suffer from mental illness or personality disorder was not confirmed by the survey findings, as only 7% of the victims stated that they were stalked by offenders who were "mentally ill or abusing drugs or alcohol."²⁸⁴

Stalking in Intimate-Partner Relationships

Almost one-fourth (21%) of female respondents in the NVAW survey who had been stalked by an intimate partner, stated that they were stalked before the end of the

relationship; 43% indicated that the stalking occurred after the relationship had ended, and slightly over one-third (36%) reported that they were stalked both before and after the end of the relationship with their partner.²⁸⁵ The survey found that other forms of violence often accompany stalking. For women stalked by an intimate partner, 81% were also physically assaulted and almost one-third were sexually assaulted by their stalker. The percentage of women experiencing assault of either kind by a current or former intimate partner who stalked them was higher than the percentage experiencing some form of assault but no stalking (20% of women who had ever married or lived with a male partner had experienced physical assault by that partner and 5% had experienced sexual assault).²⁸⁶ Men who stalked their former wives were “significantly more likely than ex-husbands who did not stalk to engage in emotionally abusive and controlling behavior toward their wife.”²⁸⁷

Consequences of Stalking

Respondents in the NVAW Survey reported a number of diverse consequences of stalking that affected their life negatively. Women who had been stalked reported a significantly higher level of concern for their personal safety than those who had not been stalked. Almost one-third reported seeking counseling, and slightly more than one-fourth lost time from work due to the stalking incidents. Women took a variety of extra self-protective measures as a response to the stalking, with 17% stating that they bought a gun, 11% stating that they changed residences, and 11% moving out of state. Women who had been stalked were more likely than the men to have obtained a protective order against their stalker (23% versus 10%, respectively).²⁸⁸

Since the definition used in the NVAW survey to assess stalking required high levels of fear on the part of victims, it is worthwhile to explore the data on whether the victims reported these activities to the police. A higher percentage of women than men reported the stalking to police (55% versus 48%, respectively). When asked reasons for not reporting to the police, the responses of stalking victims were consistent with the more general reasons often given for not reporting crimes to the police: 20% defined it as not a police matter, 17% did not believe the police could do anything, 16% were afraid of reprisal from the stalker, 12% resolved it on their own, and smaller percentages reported that the police would not believe them or that it was a private matter.²⁸⁹ Responses to questions on satisfaction with law enforcement’s handling of the case indicated that about half of respondents approved of police procedure. In cases where an arrest was made in the stalking, three-fourths of the victims in those cases were satisfied with the police handling of the case.²⁹⁰ Learn more about the crime of stalking at Web Extra! 10-11.



Web Extra! 10-11 at crimtoday.com

Cyberstalking

Another type of stalking, **cyberstalking**, has received attention as efforts progress to better understand the consequences of our increased reliance on electronic communication and the Internet.²⁹¹ While no standard definition of cyberstalking exists, this term refers to the use of electronic communication like e-mail or the Internet to harass individuals. A 1999 report from then-U.S. Attorney General Janet Reno made the following recommendations to help control cyberstalking:²⁹²

- A review of all stalking laws at the state level is needed to ensure that provisions for cyberstalking are included.
- An amendment to federal law is needed to make transmission of communication in specified forms of commerce actionable if the intent involves threatening behavior or causes the recipient fear.
- Training on cyberstalking should be offered at all levels of law enforcement.
- The creation of a Web site with information on cyberstalking should be made available to the public.

TERRORISM

The Federal Bureau of Investigation defines **terrorism** as “a violent act or an act dangerous to human life in violation of the criminal laws of the United States or of any state to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.”²⁹³

The primary distinction between violent criminal acts and terrorist acts has to do with the political motivation or ideology of the offender.²⁹⁴ Hence bombings, hostage taking, and other similar terroristlike acts which are undertaken for mere individual or pecuniary gain, when no political or social objectives are sought by the perpetrators, would not qualify as acts of terrorism. Politically motivated terrorists, however, probably do not think of themselves as “criminal,” preferring instead the “revolutionary” label.

Today, the United States is faced with two types of terrorism: international and domestic. Although the number of terrorist attacks on U.S. interests around the world has shown an overall decline in recent years, it would be a mistake to assume that international terrorism is no longer a serious threat. As one observer on the subject states, “While the number of terrorist attacks generally is declining, the audacity of terrorists and their choice of targets . . . are in some ways more alarming than ever. As long as the United States remains actively engaged in the world, as it clearly must, there will be governments and groups committed to the use of violence to attack U.S. interests and further their own political goals.”²⁹⁵

In 1996, the horrific truck bombing of U.S. military barracks in Dhahran, Saudi Arabia, validated that observation. Nineteen U.S. Air Force personnel were killed and more than 250 others were injured in the blast, which destroyed the

Khobar Towers housing complex. A 40-person Pentagon task force headed by retired U.S. Army General Wayne Downing later concluded that the Pentagon had failed to take terrorist threats seriously.

Truck bombs pale in comparison with the destructive power of nuclear weapons, the availability of which appears to be rapidly increasing in today's black market. In 1997, for example, two Lithuanian nationals, Alexander Porgrebeshski, 28, and Alexander Darichev, 36, were arrested in Miami and charged with trying to sell Soviet-era nuclear weapons to federal agents posing as arms brokers for drug dealers. The two were caught on videotape negotiating the sale of Bulgarian-made tactical nuclear weapons. Dennis Fagan, chief agent at the U.S. Customs Service's Miami office, said that the incident "shows there are people out there who have the ability to move weapons—strategic weapons—around the world."²⁹⁶ Today's loose control over nuclear weapons and weapons-grade fissionable materials is the direct result of the collapse of the Soviet Union at the close of the 1980s. That country's dissolution seriously lessened the ability of Russian and former Eastern bloc authorities to retain control over cold war stockpiles of nuclear weapons.

In a 1997 press briefing,²⁹⁷ Ambassador Philip C. Wilcox, Jr.,²⁹⁸ who at the time had primary responsibility within the U.S. government for developing, coordinating, and implementing American counterterrorism policy, said, "Terrorists appear to be using much more lethal explosives against mass noncombatant targets." Ambassador Wilcox noted that "American businesses have been singled out for scores of terrorist attacks overseas," and he added, "Terrorism is also a more lethal threat than it has ever been in the past because of growing access of terrorists to technology." He provided an interesting analogy, saying, "In the year 1605, a would-be terrorist named Guy Fawkes tried to blow up the British House of Commons. He used 29 barrels of gunpowder. Fortunately, the plot was foiled. Today, that job could have been done with a small plastic charge concealed in a briefcase. Now, conventional explosives are readily available and the technology to

make them and, worse yet, terrorists have increasing access to materials of mass destruction—nuclear, chemical, and biological." Ambassador Wilcox also noted that "in today's volatile mix of religious fanaticism, pathological terrorists . . . and their access to modern technology increases the danger of terrorism tremendously. Terrorists not only have access to these materials of technological resources, another form of technology—the expansion of international media and communications—gives them a much, much broader stage upon which to perform, to intimidate, and to terrorize."

According to the U.S. State Department, 392 international terrorist acts took place in 1999—an increase of 43% over the previous year.²⁹⁹ As a result of these attacks, 223 people were killed, and 706 were wounded. View the latest government statistics on terrorism at Web Extra! 10-12.



Web Extra! 10-12 at crimtoday.com

A more accurate measure of terrorism may be that produced by Pinkerton Risk Assessment Services, which uses a much broader definition of terrorism (one that counts politically motivated violence committed inside a country by its own citizens) than does the State Department. Pinkerton says that terrorist attacks worldwide have increased to record levels and claims that the number of people killed yearly in worldwide terrorist attacks recently rose above 10,000 for the first time since the company began keeping records.³⁰⁰

The possibility of terrorism within U.S. borders was highlighted by the 1993 bombing of the World Trade Center in New York City. The ensuing fire and smoke caused six deaths and nearly 1,000 injuries. The bombing, which left a five-story crater under the building, was the only externally directed terrorist incident in 1993 that claimed American lives. One year and six days after the explosion, Nidal Ayyad, Ahmad Ajaj, Mohammad Salameh, and Mahmud Abouhalima—all Islamic fundamentalists who had entered the United States from the Middle East—were convicted of



Pipe bomb damage at the 1996 Olympics in Atlanta, Georgia. How might criminologists explain acts of terrorism? *McDermid, SIPA Press*

all charges that the U.S. government had brought against them, including conspiracy to bomb buildings, explosive destruction of property, and assault on a federal officer. After the bombing, it was discovered, however, that plotters had targeted other vital city areas, including the United Nations and the Holland and Lincoln Tunnels. Had those plots been successfully implemented, many more lives would have been lost, and an untold amount of social disruption would have occurred within the northeastern United States. In 1995, Sheikh Oma Abdel-Rahman, the mastermind behind the Trade Center bombing, and eight other Muslim fundamentalists were convicted in a federal court on charges related to the bombing. Evidence showed that they plotted to start a holy war and conspired to commit assassinations within the United States and to bomb the United Nations.³⁰¹ The sheikh was sentenced to life in prison.

The United States may soon experience more international terrorism. As one terrorism expert recently put it, "The U.S. and its Arab allies are losing steadily to Islamic forces energized by several new trends in the Middle East. . . . It is tempting to dismiss the fundamentalists accused of bombing the World Trade Center and planning a host of other violent actions in New York as deranged fanatics, and amateurish ones at that. Yet, to do so is to ignore the fact that radical Islamists, in the U.S. and the Middle East, are pursuing an ambitious political agenda. It also is tempting to characterize the fundamentalists as a fringe group on the periphery of Middle Eastern politics, when, actually, their destabilizing activities are at the center of the region's troubles. Without illusions, Washington must recognize that the slow triumph of militant Islam in the Middle East not only will pose a major threat to the U.S.'s position in the region, but also will bring terrorism to American shores."³⁰²

The 1995 terrorist bombing of the Alfred P. Murrah federal building in downtown Oklahoma City, Oklahoma, in which 168 people died and hundreds more were wounded, demonstrated just how vulnerable the United States is to terrorist attack from domestic sources. The nine-story building, which included offices of the Social Security Administration, the Drug Enforcement Administration, the Secret Service, and the Bureau of Alcohol, Tobacco, and Firearms, as well as a day-care center called America's Kids, was devastated by a homemade bomb. The fertilizer and diesel fuel device used in the attack was estimated to have weighed approximately 1,200 pounds. It was left in a parked rental truck on the fifth Street side of the building. The blast left a crater 30 feet wide and eight feet deep and spread debris over a ten-block area.

In June 1997, a federal jury found 29-year-old Timothy McVeigh guilty of 11 counts ranging from conspiracy to first-degree murder in the bombing. Jurors concluded that McVeigh had conspired with Terry Nichols, a friend he had met while both were in the army, and with unknown others to use a truck bomb to destroy the Murrah Building. Prosecutors argued that the attack was intended to revenge the 1993 assault on David Koresh's Branch Davidian complex in Waco, Texas, which left 78 cult members dead. The Waco incident happened two years to the day before the Oklahoma City attack. Following the guilty verdicts, McVeigh was sentenced to death.³⁰³ In late 1999, he requested that all appeals on his behalf be dropped and he was executed on June 11, 2001. Although the execution had been stymied by the discovery of case-related documents that the FBI had inadvertently failed to share with McVeigh's defense attorneys, McVeigh became the first person under federal jurisdiction to be put to death since 1963. McVeigh's co-conspirator, Terry Nichols, was convicted of eight counts of involuntary manslaughter but escaped the death penalty.

Terrorist bombings can be devastating. Here an Israeli soldier examines the aftermath of a terrorist bombing of a Tel Aviv bus. Is the United States adequately prepared to deal with the threat of international terrorism? *Shaul Golan and Yedioth Aharonoth, Corbis Sygma*



CRIME IN THE NEWS

Study: Hate Groups Merge, Get More Dangerous



While the number of smaller hate factions may be declining in the United States, larger hard-line groups are gaining in power, according to a report released today by a hate crimes monitoring group.

"The smaller groups that were less active are joining the more serious and potentially dangerous groups," said Mark Potok, spokesman for the Southern Poverty Law Center, an Alabama-based nonprofit group.

The report identified 457 hate groups operating in the United States last year, a 15 percent decline over 1998. The groups, ranging from Ku Klux Klan chapters to neo-Nazi and black separatist organizations, are centered primarily in the eastern United States with the heaviest concentrations in Florida, Ohio and California.

In order to be included in the survey, hard-line groups had to engage in clearly racist behavior such as crime marches, leaflet distribution or rallies, the center said.

VIOLENT WTO PROTESTS CITED

Potok pointed to the neo-Nazi National Alliance and Hammerskin Nation, a skin-head organization, as groups that have the greatest potential for violence.

He said the National Alliance, led by *The Turner Diaries* author William Pierce, who is believed to have provided the blueprint for the Oklahoma City bombing, is increasing its presence in the youth market.

"Pierce brought Resistance Records [a radical right-wing record label] back to life and is positioning himself to reach out to younger people," Potok said.

The study also cites the violent protests at the World Trade Organization meeting in Seattle last November as evidence of a growing convergence of right- and left-wing groups.

"THE SAME ENEMY: GLOBALIZATION"

While many blamed the violence on anarchists, neo-Nazis also were involved in the rioting, Potok said.

"I'm not saying the left is moving into the arms of the Nazis," he said. "But the hard left and the hard right have seen, in effect, the same enemy: globalization."

Potok cited the rise of Web sites devoted to "Third Position" ideology, which includes a mix of left- and right-wing ideas, as another example of efforts to attract generally disenfranchised people, rather than those who espouse a particular political viewpoint.

"They are younger, more Nazified and less Christian," he said. "It's the wave of the future."

BIGGEST DANGERS ARE LONE EXTREMISTS

But some scholars disagree, saying the extremist groups are far less dangerous today as a whole than they were in almost any decade in the last century.

"Hate groups had greater influence in the past," said Brian Levin, a criminology professor at California State San Bernardino. "The movement today has not coalesced in any meaningful way."

Levin said he feels the most potentially dangerous force are the "freelancers," independent individuals who do not belong to a particular group, but draw inspiration from different groups.

"Look at Timothy McVeigh—he wasn't a member of a group," he said. "With the exception of some well-known shootings, the people committing the most violent crimes are not members of hate groups. My fear is not hate groups themselves, but their ability to influence the 'ticking time bombs' and their ability to do damage."

Source: Amy Worden, "Left, Right Ideologies Mesh in Violent Cliques," APB News, March 15, 2000. Reprinted with permission.

Countering the Terrorist Threat

In the mid-1990s, Timothy E. Wirth, U.S. Undersecretary of State for Global Affairs under the Clinton Administration, testified before Congress on the growing threat of international terrorism. "Working in close consultation with the Congress," Wirth said, "successive Administrations have developed a set of principles that continue to guide us as we counter the threat posed by terrorists."³⁰⁴ According to Wirth, these principles dictate that the U.S. government must

- Make no concessions to terrorists
- Continue to apply increasing pressure to state sponsors of terrorism

- Forcefully apply the rule of law to international terrorists
- Help other governments improve their capabilities to counter the threats posed by international terrorists

"Our counter-terrorism strategy," testified Wirth, "has three key elements—to implement our policy of 'no concessions,' to keep pressure on state sponsors, and to apply the rule of law. These basic policies," Wirth added, "have served us well in the past, and will do so in the future." They apply "equally well to groups such as the Abu Nidal Organization, or a small and unnamed group that may come together to undertake only a single attack."

SUMMARY

Violent offending is a very diverse activity that ranges from cold-blooded, calculated murder to simple assaults that result in little to no injury. Biosocial factors, weapon availability, developmental factors, and the victim-offender relationship have all influenced the violent crime typologies developed by different researchers. Homicide represents the rarest form of violent crime and can take many forms, ranging from the terror caused by serial killing and mass murder to the shock and confusion associated with murder in intimate settings.

DISCUSSION QUESTIONS

1. Why are crime typologies useful for understanding violent crime patterns?
2. What are the most common forms of violent crime? What characterizes these types of crimes?
3. What are the least common forms of violent crime? What characterizes these types of crimes?
4. Why was rape law reform necessary? What have been the beneficial aspects of this reform for rape victims?
5. Is robbery primarily a rational activity? Why or why not?

WEB QUEST!

Visit the FBI's National Center for the Analysis of Violent Crime (NCAVC) on the Web at <http://www.fbi.gov/programs/cirg/ncavc.htm>. NCAVC, part of the FBI's Critical Incident Response Group, investigates and researches unusual and repetitive violent crimes in this country and abroad.

LIBRARY EXTRAS!

The Library Extras! listed here complement the Web Extras! found throughout this chapter. Library Extras! may be accessed on the Web at crimtoday.com.

Library Extra! 10-1. Attorney General of the United States, *Cyberstalking: A New Challenge for Law Enforcement and Industry* (online document, 1999).

Library Extra! 10-2. Bureau of Justice Statistics, *Female Victims of Violent Crime* (Washington, D.C.: BJS 1996).

Library Extra! 10-3. Bureau of Justice Statistics, *Four Measures of Serious Violent Crime* (online document, 2000).

Library Extra! 10-4. Bureau of Justice Statistics, *Serious Violent Crime Victimization Rates by Race, 1973-1996* (online document, 2000).

Patterns of murder have been found to vary along subcultural dimensions and along social structural dimensions, such as economic inequality and community social disorganization. The unique motivational context of homicide has been the subject of extensive research for some time. Most recently, attention has focused on extending the public health approach to all forms of violent offending and exploring ways in which response to nonlethal violence may more effectively control the level of lethal violence.

Describe in your own words the three major organizational components of NCAVC and explain the mission of each. Submit your completed assignment to your instructor if asked to do so.

Library Extra! 10-5. Bureau of Justice Statistics, *Violent Crime* (Washington, D.C.: BJS, 1994).

Library Extra! 10-6. Patricia Tjaden and Nancy Thoennes, *Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence against Women Survey* (Washington, D.C.: National Institute of Justice, 2000).

Library Extra! 10-7. Barbara Tatem Kelley et al., *Epidemiology of Serious Violence* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 1997).

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