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Images of Crime II

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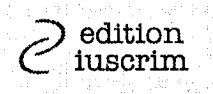**Reihe K: Kriminologische Forschungsberichte**

Herausgegeben von Hans-Jörg Albrecht und Günther Kaiser

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Hans-Jörg Albrecht, Telemach Serassis, Harald Kania (Eds.)

Images of Crime II

Representations of Crime and the Criminal
in Politics, Society, the Media, and the Arts

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Preface

GÜNTHER KAISER

Representations of crime and the criminal, although only recently a specific subject matter in the field of criminological research, have actually been present in society ever since the creation and development of its normative structure. They are functional in stabilising and achieving cohesion in every society. In this respect, they emerged much earlier than the public penal law and the modern state. Nevertheless, since the time of the Enlightenment, with its first approaches to a rational penal policy, changing images of crime have become a focus of study. During various historical periods, different sciences took the lead in constructing images of crime. They were looking for a concept like "natural crime" or *delictum per se*, instead of *delictum mere prohibitum*. But sometimes representations embrace also symptoms of individual or social pathologies, and even of miscarriages of justice. Traditional images like the "alien other", the "born criminal", or the degenerated offender, as opposed to the later growing representations of the "delinquent normal" or "self" or "crime of everyday life", have been known at least since the turn of the nineteenth century. They promote and structure the broader interdisciplinary discussion, as well as the competing streams in the recent field of criminology. While the concept of crime as a normative construct provides an orientation by expressing the basic values and rules of society, the functions of alternative representations of crime are less clear, except for their claim either to restrict social stigma and exclusion or to reinforce it, in the case of the born criminal or the outcast as the alien other. Thus, in the controversial discourse we are confronted with a rich diversity of views on societal manufacturing processes of crime representations, including systematic biases of law enforcement.

Besides academia, the political parties, crime victims, the police, the criminal justice system, international bodies, like the European Union, as

well as the general public and – of particular influence – the mass media
are contributing to the processes of norm creating, criminalisation, and de-
vising alternative sanctions, with less painful consequences, societal
stigma, suffering and exclusion for the convicted. This topic was especially
emphasised by post-structuralist and post-modernist thinking since the
nineteen-sixties, reaching its peak in the deconstructionist movement in the
nineteen-seventies, together with the heyday of critical criminology. So, we
may ask what the motives of that kind of reasoning were. Perhaps it was
the sudden awareness that the search for truth and for a doubtless objective
reality might be futile, because crime and criminals are neither real entities
nor theoretical products, but sheer constructs of socially defined problems.
The insight that crime is more than a notion or a conflict defined by penal
law and is fabricated by the criminal justice system was definitely stimulat-
ing. The discovery that the dimensions and facets of everyday perceptions
of crime are wider and perhaps different from the official normative con-
struct was at the same time disturbing and innovative. It undermined the
traditional concept of consensus and sharpened the outlook for alternative
constructs of realities of crime and of formal penal sanctions. The main
tools of this approach have been empirical research on public attitudes,
content analysis of the mass media, as well as the examination of their role
in the process of manufacturing representations of crime. More than ever
before, it became clear that crime is not a given neutral or ethical concept
of timeless character, despite its affiliation to the biblical Ten Command-
ments, but an expression of power, of values and social structure, depend-
ing on time and place. This meant that the representations of crime and its
consequences call for scrutiny, as a matter both of discussion and of politi-
cal transformation. In consequence, the traditional consensus about the con-
cept of crime could not be taken for granted any more, even within the
discipline of penal law, and contrary to the solid beliefs of traditional crimi-
nology. "Partial blindness", however, does not distinguish only the positiv-
istic - deterministic model of research, but "specified ignorance" can be
considered a characteristic of every theoretical position and perspective.
Further on, we cannot ignore a wide intercultural evidence of normative
beliefs and concepts, which is in contrast to the proposition of a far-
reaching constructivism. Nevertheless, the result of stocktaking after thirty
years of contesting and destructing traditional crime concepts as well as
various attempts at devising functional alternatives to existing sanctions –
less painful for those involved, but effective in restoring moral stability –

appear today less encouraging than initially expected, if not disappointing. Inevitably, the outcome must be considered moderate, since the suggested alternatives and proposals could not always be adequately transformed into public policies. This discourse was often too detached from practice and penal policy, as for example in the case of the penal doctrine of criminalisation and decriminalisation. Yet, the image of the criminal remains a controversial matter. It is as contested as ever and will probably always be problematic. Perhaps the main contribution of this discourse has been a renewed awareness of the unwanted side effects of criminalisation, such as stigmatisation and exclusion, as well as a more persistent quest for less harmful and, at the same time, functional alternatives. In the end, we see very colourful – but not always coherent – pictures, consisting of the ingredients and characteristics of crime.

Looking for images of crime today is similar to scrutinising everyday conceptions of criminality – another focus in the comprehensive discussion on the best direction and the most fruitful approach of modern criminology. As limited as the new insights may be, they nevertheless constitute an enriching contribution, incorporating a dimension that cannot be ignored any longer. The manifold variety of subjects and perspectives in the present volume – often using a non-conventional methodology – demonstrates the promising potential of such an approach. In conclusion, the debate on representations of crime remains current, and the contributions of this second volume of "Images of Crime" are indicative of the stimulating richness of the ongoing research on representations of crime.

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Introduction

HANS-JÖRG ALBRECHT, TELEMACH SERASSIS & HARALD KANIA

Two years ago, the editors of the first volume of *Images of Crime** described it as "a first attempt to bring together scholars from various European countries and representing a variety of disciplines, in order to examine and comment upon 'representations of crime and the criminal in science, the arts and the media'", and expressed the wish for "more intense cooperation ... among scholars from diverse fields, as well as from various countries". The appearance of this volume is a reaffirmation of this goal and an attempt to establish a series on 'Images of Crime', an international forum for the exchange of views and information on the representations of crime and the criminal in politics, society, the mass media, the arts, but also in science and the criminal justice system. *Images of Crime* has attracted the interest of the scientific community and has received favourable reviews, which is both encouraging and stimulating.

Scholars from several European countries accepted our invitation to participate in the present collection, with contributions that examine various aspects of the issue in question, either from a purely theoretical point of view, or by presenting and analysing the results of their research projects. The number of articles exceeded our expectations: a total of sixteen articles are included in this volume, distributed in four sections. It goes without saying that on no account does this distribution represent a strict categorisation; it is rather intended as a 'compass' for the reader.

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* Hans-Jörg Albrecht, Afroditi Koukoutsaki & Telemach Serassis (eds.), *Images of Crime: Representations of Crime and the Criminal in Science the Arts and the Media*, Edition Iuscrim, Freiburg, 2001.

The *first section*, comprising three articles, focuses on crime and *politics*, the representations of criminality constructed and employed by the political system.

Telemach Serassis examines the (manifest) incorporation of the criminal issue into the political discourse in late modernity. He argues that, following the transformations of the post-war state and society, crime has moved to the fore of the political rhetoric, emerging as the primary concern of modern society: drugs, organised crime, and corruption have entered the agenda of political parties of the whole spectrum, but also of public opinion, featuring at the top of the list, together with unemployment and (lack of) social welfare, and exceeding such crucial issues as democratic values and procedures, human rights, the war, or the environment. In his opinion, concurrent phenomena of late modernity, such as social exclusion, poverty and immigration, all too often tend to be associated with crime, in ways that obfuscate their real dimensions. The article – intended more as a cartography of issues that call for thorough examination – considers these processes, with reference to Greece, and Europe in general: how crime and insecurity are employed towards the construction of a new consensus, and how neo-liberal rhetoric and repressive policies are thus legitimised.

Ronnie Lippens analyses the Belgian Parliamentary Report that was published following the 1996-98 inquiry into the handling, by the police and the judiciary, of the so-called 'Dutroux affair'. His essay attempts to reconstruct an imaginary space that seems to have allowed for the articulations of the report. He claims that this imaginary space centres on particular images of governance that express a desire for new forms of social organisation and regulation. This desire, the origins of which are residing in the deep transitions of Belgian social, political and everyday life, seems to have been awoken by the particular images and imagery of crime and immorality, which the 'Dutroux affair', from 1996 onwards, pushed to the surface.

Jonathan Jackson considers the notion of 'fear of crime' within criminological research and its surrounding debate, as seen from a British context. It constitutes a history of the emergence of a political and intellectual idea. By examining the construct of 'fear of crime', describing and diagnosing how the concept has emerged and developed, and evaluating the importance of its theoretical and operational definitions to the wider debate, this article aims to provide an examination of how public attitudes towards crime and the risk of victimisation have been approached within criminological research. The basis for his account is a set of perspectives and arguments drawn from in-depth interviews with twenty-eight UK-based aca-

demic and Home Office criminologists who have researched and written on this subject. In particular, two propositions are considered: The first is that the research instruments used have imposed structure and categories onto the social world. The second is that the policy context has shaped research and debate in deleterious ways.

The *second section* includes five articles, with *society* as their common subject matter, examining such issues as the public's attitudes and values, insecurity and fear of crime.

Susanne Karstedt and *Stephen Farrall* explore the realm and the images of 'crime' that constitute the arena of illegal behaviour of the 'respectable', and thus the space between 'crime in the streets' and 'crime in the suites'. They investigate the characteristics and dimensions of the 'moral economy' of modern consumer society, which is developing in Europe under the pressure of neo-liberal market policies. They argue that unfair practices, unethical behaviour and fraud seem to be rife, and they make an impact upon the everyday life of consumers and citizens who are affected as victims and are often (it would appear) involved as 'offenders'. Such practices influence feelings of trust in markets and of the legitimacy of market institutions, and mediate the moral and legal attitudes of the majority of the population. As invisible to the general public as to criminologists, regulatory agencies and bodies have emerged at the local and national levels, and within government and business. These bodies deal with such fraudulent practices and attempt to control and regulate them. The article presents the first results from a comparative study in England & Wales and Germany and focuses on the results of qualitative interviews with UK experts, businessmen and the general public.

Dieter Hermann explores the question to what extent milieus differ in their perception of criminality and in their criminal activities. His analysis is based on two representative surveys in two German towns, Heidelberg and Freiburg, in which significant differences were found, not only related to structural levels, lifestyles, and value-orientations, but also regarding criminal activities. He also examines the causal influence of milieu-specific factors on criminal behaviour, by using path analysis, and he finds significant effects of structural variables, values and norm acceptance on the prevalence and seriousness of delinquent behaviour. The results suggest that milieu factors function as filter variables that people apply in order to reduce complexity and to process information. He claims that milieu-specific lay perspectives help people in selecting the subjectively important information for their actions, either deviant or not.

Joachim Obergfell-Fuchs and *Helmut Kury* examine attitudes towards punishment. They argue that these reflect a general assumption about which reaction is justified for each crime, and that a sanction is considered essential to restoring justice, which has been disturbed by the committed crime. In their opinion, attitudes towards punishment are influenced by cognitive, emotional, and behavioural processes and do not necessarily reflect the sanctioning practice of the courts. The article is based on a large-scale survey in two German towns, Freiburg and Jena, in which the respondents were asked to propose the justified sanction for different criminal violations. The results show distinct attitudes towards the punishment of different crimes. While abortion, consumption of marihuana, and squatting are seen as least punishable, sanctions of an intermediate severity are considered appropriate for crimes like graffiti, personal theft, consumption of heroin, or drinking and driving. Severe sanctions are proposed for crimes like robbery, assault, burglary, theft of car, indecent assault, or rape. Generally, East Germans favour more severe sanctions, in comparison with West Germans, especially for drug-related crimes, but the more severe the offence, the smaller the differences are. Furthermore, a comparison between proposed sanctions and actual sentences of German criminal courts, in the same time period, confirms the assumption that the public is much more punitive than the courts. The authors claim that everyday views on crime and punishment are not at all uniform, since personal experiences as well as the amount of information on the particular crime and its offender have a strong impact on attitudes towards sanctioning.

Giuseppe Mosconi and *Dario Padovan* present the results of a survey on the relationship between quality of life in different areas of Padua and feelings of safety, as well as attitudes towards crime and the criminal justice. The analysed phenomena include different levels and definitions of feeling of insecurity, crime concern and fear of crime, victimisation, self-protecting behaviours, negative stereotypes, attitudes towards the penal law and the prison. All these aspects are studied in three different town areas, in relation to a range of variables, which include the social network structures, the average social capital, the attitudes towards institutions, the trust in them, the kind of participations, and the social services and infrastructures. This leads to different results for each area, rather complex and contradictory, but in any case very relevant for the correlations between dependent and independent variables. The authors conclude that the better the quality of life, the less fear of crime, insecurity and punitivity emerge.

Werner Greve scrutinises the so-called 'victimisation/fear paradox', according to which older people are more afraid of crime, although they are (statistically) least likely to be victimised. However, recent studies have shown that older people do not actually experience fear more frequently or more intensely than younger adults, though they do behave more cautiously (which could help to explain why older people are less likely to become victims of crime). He sets a series of questions regarding this paradox: Why do older people act more carefully? Is their prudence a by-product of fear? Why do younger people not take more care, though they would be well advised to do so? Do people interpret situations, subjects, and dangers differently? Why does precautionary behaviour in old age not have a detrimental effect on well-being? After providing initial responses to these questions, he goes on to consider a series of research questions that may be helpful in avoiding apparent paradoxes in the future.

The *third section*, with three articles, deals with one of the main sources of representations of crime and the criminal – the *mass media*, both printed and electronic, and their role in late modernity.

Jock Young examines the relationship between the media, violence and youth. He criticises the deterministic 'effects model' and studies the narratives of violence held in common in both fictional and news sources, as well as the notion of these narratives of violence, not as causes of violence but as vocabularies of motive which facilitate the emergence of violence in subcultures of marginalised youth. He also analyses the development of mass media in late modernity, both quantitatively, in terms of an increase in the amount of time spent and the amount of violence presented, and qualitatively, in terms of its multimediated nature and direction at specific audiences. His subjects of study include the rapid development and growth of new media, such as videogames, and their interactive rather than unidirectional nature, as well as the change in the audience in late modernity, with the destabilisation of the grounded narratives of everyday life in work, the community and the family, and hence the appeal of the straightforward narratives available in the media. Finally, he argues that such a breakdown in narratives is most common in subcultures of the excluded, who are – because of economic and ontological insecurity – most prone to violence and also the greatest consumers of violent media.

Afroditi Koukoutsaki deals with the reconstruction of the ideological discourse of the mass media about the criminal. Her analysis focuses on the representation of the murderer in the Greek media. The subject matter of the article is the investigation of the mechanisms by means of which the

law-breaker is transformed into a 'criminal', in a retrospective reversal of his/her identity. Considering the news coverage of crime as one dimension of a more complex system of definitions and interpretations regarding crime, criminals and social control, she examines the ideological unity of the messages being produced, as well as the extent to which these messages reproduce the definitions and interpretations of the institutional primary definers and the 'specialists', at both the theoretical and the practical level. In addition, she investigates their further ideological implications, namely the function of the media in contributing to the shaping of societal reaction towards crime, as part of the practices towards establishing social consensus and legitimising punitive mechanisms. The research material consists of the coverage of three homicide cases by five evening newspapers, and the main body of information is drawn from the elements of the context, including opinions of the agents of the punitive mechanism, specialists' views, and interviews with the public.

Harald Kania proposes a general theoretical model of the social construction of criminality and its various instances, based on the assumption that the TV presentation of crime can be regarded as a 'reality of its own'. Furthermore, he presents results of a questionnaire study, showing the various forms of crime presentation in 5 different TV programmes and their effects on the viewers' mental models of criminality. Finally, he discusses the results in the context of the presented theoretical model and suggests considering TV crime stories as 'modern folk tales'.

The *fourth section*, focuses on the *arts* and consists of five articles, four of which examine the criminal issue in literature, while the fifth deals with crime and criminal policy in comics, continuing a 'tradition' initiated in the first volume.

Michael Walter proposes an alternative approach by associating crime theory with literature. He argues that scientific crime theories are mostly created by observation and experience-guided inspiration, often related to the field of juvenile delinquency, and that, though theories try to discover empirical rules, they have an unsystematic background. Because of the broad variety of life conditions, crime theories are mostly of limited applicability for explaining or predicting the social construction of criminality. Nevertheless, he believes that theories are important and even necessary with respect to the behaviour orientation they provide, and pleads for more frequent application of literary works when seeking such orientation. The relevant literature maintains the demands of covering the essentials of reality, in a sensitive and convincing way, rather than narrow our view strictly

according to selected scientific disciplines. Furthermore, less convenient aspects of the truth, such as social criticism, could also be included. The author uses Friedrich Dürrenmatt's play 'The Visit' to demonstrate the capacity of the proposed theoretical approach.

Heinz Müller-Dietz deals with literary portrayals of crime. He claims that writers regularly treat contemporary or historical aspects of crime and its control. Both from a criminological and literary science perspective, he poses the question, whether these – mostly epic, sometimes dramatic – texts can be regarded as depictions of real persons and events. This question applies not only to documentary stories, which apparently claim to give a factual account of things. He also discusses in which way reality and fiction are related in other literary texts – or at least, in which way they can be related. In that regard the narrative function of real events (as they are seen by the writer) seems to be essential, i.e., which meaning real events have for the writer's literary treatment of reality. It is proposed that, according to the diversity of literary products, a broad variety in the literary exploitation of reality can also be found. The latter assumption is examined using text samples of recent literary works.

Monika Fludernik examines the function of prison in literary texts. She addresses a number of functions of the prison, both as an institution and as experience, in literary texts. She considers 'metaphors of (im)prison(ment)' and discusses to what extent these go beyond, and differ from, the recurring characterisations of the prison in factual accounts (e.g., prison autobiographies or criticism). She analyses a number of selected literary passages that employ prison metaphors, and compares the results of this analysis with the recurring thematic concerns in the factual genres. She also attempts to summarise the functional aspects and relate them to the contrast between the factual and fictional imaging of prisons and the carceral experience.

Frank Neubacher uses Mario Puzo's novel 'The Godfather' as his subject matter, and poses the question to what extent this novel can be regarded as a reflection of the Mafia. Quite surprisingly, and in contrast to a widespread assessment in criminology, he shows that the novel is much more than just the origin of a mystification of the Sicilian mafia. According to the author, Puzo had depicted the Mafia as a structured and hierarchical system of power, long before investigations of the Italian police confirmed its existence in the late 1980s. In addition, the novel proves to be close to reality when referring to the importance of such issues as 'territory' and 'codes of honour'.

Karl-Ludwig Kunz offers an overview of his research on the conception of criminality conveyed in Walt Disney's 'Mickey Mouse' and 'Donald Duck' comic series. The subject matter of the research is a comparative analysis of two complete annual volumes in German (1952 and 1995), using both quantitative and qualitative methods. The nature and the extent of Duckburg's criminality are demonstrated by calculating statistics (based on the categories of Swiss criminal law) that provide offender and victim characteristics for each of the main figures of the comic series. In the qualitative part of the research, a reconstruction of the patterns of action of Duckburg's characters and of the politics of crime control in Duckburg is attempted, especially vis-à-vis a neo-liberal perspective.

The variety of subjects and approaches is yet another proof of the diversity of views concerning the criminal issue. The authors of the volume examine various aspects of the phenomenon, with 'representations' as their central theme, enriching the relevant literature and widening the intellectual spectrum. Furthermore, they often do so in an 'unconventional' way, avoiding (or even criticising) traditional approaches, and offering alternative pathways for the study of such crucial issues in late modernity.

As with the first volume, there has been no interference in the contributions, other than the editing necessary for the linguistic and aesthetic homogeneity of the collection. The editors respect the opinions expressed by the authors and believe that diversity, and even conflict, are invigorating elements for intellectual discourse.

We wish to thank all the friends and colleagues who helped in realising this project, and especially the contributors for accepting our invitation and for their valuable co-operation, as well as those who were supportive of our task but could not provide their contribution for this collection. Hopefully, these will appear in the next volume.

Prof. Padelis Lekas, Dr. Samuel Lindsey and Ms. Corene Rathgeber read some of the texts and helped in improving them. We express our thanks to them. We are also grateful to the Max Planck Institute for covering part of the translation costs and Iuscrim Edition for the publication. And once again, Michael Knecht has proved a valuable associate.

Professor Günther Kaiser was kind enough to write the preface. As always, his views are substantiated and constructive. It is an honour to our collection and we express our gratitude to him.

We look forward to continuing the *Images of Crime* project – not only does it raise important issues and bring together scholars from different countries and disciplines, but it is also a pleasure working on!

Politics and Crime
The Criminal Issue in Political Discourse

TELEMACH SERASSIS

*Crime and punishment sit centre stage in the theatre of American po-
litical discourse. For much of the past three decades, politicians have
made crime-related problems central campaign issues and struggled
to identify themselves as tougher than their competitors on crime, de-
linquency, and drug use. Popular concern about these social problems
has reached record levels during this period and public opinion polls
indicate that members of the public have become more likely to sup-
port punitive policies such as the death penalty and "three-strike"
sentencing laws.*

(Beckett, 1997: 3)

*Barry Goldwater started it. The 1964 Republican presidential candi-
date was the first to put crime on the national agenda in response to
soaring rates of violence in the 1960s. [...] The conservative senator
from Arizona vowed during his acceptance speech at the Republican
national convention to make "enforcing law and order" a campaign
issue. He railed against "violence in the streets" and said he would
"do all that I can to see that women can go out on the streets of the
country without being scared stiff." Goldwater failed miserably at the
ballot box against incumbent Lyndon Baines Johnson, but LBJ and his
advisers did not fail to notice the resonance of the Arizonan's stinging
demands for law and order.*

(Gest, 2001: 5)

Michael Dukakis, the 1988 Democratic candidate for the United States
presidency, was to become a most characteristic example (and eventually
the unfortunate victim) of the impact of the law-and-order rhetoric that had

successfully penetrated American politics, thereby superseding crucial issues of the American society, such as health, employment and social welfare:

> "In the midst of that campaign [the 1988 presidential campaign between Michael Dukakis and George Bush], Willie Horton, who was on furlough from a prison in Massachusetts, raped and murdered a woman. Bush was quick to blame Dukakis, a former governor of Massachusetts, for allowing dangerous criminals to be released from prison. Political analysts agree that this incident contributed to George Bush's victory." (Chambliss, 1999: 24)

In the twenty-four years between the two elections of 1964 and 1988, western societies experienced the transition from modernity to late modernity,[1] with crime undoubtedly being one of the pivotal issues in this transition. If Goldwater's attempt to strike a chord among the electorate had been rather premature, in the next election Nixon was already doing much better.[2]

Jock Young (1999) has brilliantly described the transition from the *inclusive society* of modernity to the *exclusive society* of late modernity. In particular, he stresses the shift from the relative stability of the post-war period to the *ontological insecurity* characterising the last three decades of the twentieth century. "Because of ontological insecurity," writes Young, "there are repeated attempts to create a secure base. That is, to reassert one's values as moral absolutes, to declare other groups as lacking in value, to draw distinct lines of virtue and vice, to be rigid rather than flexible in one's judgements, to be punitive and excluding rather than permeable and assimilative." (Young, 1999: 15). Two parallel processes can be observed regarding crime: On the one hand, there is a rise in crime rates – especially crimes of violence; on the other hand, attitudes towards crime and the criminal have become less tolerant and more punitive. Of particular interest is the intensified concern about crime, which has risen to a major social – and eventually political – issue.

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[1] "The history of the twenty years after 1973 is that of a world that lost its bearings and slid into instability and crisis." (Hobsbawm, 1994: 403).

[2] "In the 1968 presidential campaign between Richard Nixon and Humbert H. Humphrey, Nixon and his running mate, Spiro Agnew, hammered away at the issue of law and order. It is ironic that two of the highest-ranking politicians in U.S. history exposed for systematic criminality while in rank ran for election on a platform of 'law and order'. Vice President Spiro Agnew was convicted of accepting bribes and payoffs, and President Richard Nixon was forced to resign to avoid impeachment and consequent trial by the Senate for a host of crimes, including conspiracy to commit burglary and obstructing justice." (Chambliss, 1999: 19).

Whereas until the 1960s crime – with few exceptions – was not regarded as an alarming phenomenon – hence Goldwater's miscarriage – since then fear of crime has escalated to the point of panic, bringing insecurity to the top of social problems, as expressed in public opinion polls, mass media coverage, and, also, in political discourse.[3] Yet, as Anthony Platt so pointedly put it:

> "The current political preoccupation with crime and justice has little to do with either. With the collapse of liberalism and the Keynesian regulatory state, the old Fordist social pact has been broken, giving rise to more coercive and exclusionary forms of social control. What poses as moral outrage about crime is in fact a recognition of the weakening political authority of the state. Some 20 years of structural unemployment in the former industrial zones, ruthless cuts in public spending, declining participation in the electoral process, plus sustained policies of malign neglect of the racial divide, have ripped open the social fabric and created widespread anxieties about personal well-being and security." (1994: 4-5).

David Garland (1996, 2000, 2001) offered an outstanding analysis of crime control in contemporary *high crime societies* and coined the term 'crime complex' to describe the current situation:

> "A cultural formation has grown up around the phenomena of high crime rates and increased insecurity and that this formation now gives the experience of crime a settled institutional form. This cultural formation – which we might term the 'crime complex' of late modernity – is characterized by a distinctive cluster of attitudes, beliefs and assumptions:
> – high crime rates are regarded as a normal social fact,
> – emotional investment in crime issues is widespread and intense, encompassing elements of fascination as well as fear, anger and resentment;
> – crime issues are politicized and publicly represented in emotive terms;
> – concerns about victims and public safety dominate public policy;
> – the criminal justice state is viewed as inadequate or ineffective;
> – private, defensive routines are widespread and there is a large market in private security;
> – a 'crime consciousness' is institutionalized in the media, popular culture and the built environment." (2000: 367-368).

The transformations effected by the transition of Western societies from modernity to late modernity – especially the weakening of the sovereign

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[3] "The first direction – already obvious thirty years ago and hardly open to dispute – is the embedding of the crime problem into political discourse. [...] It was not predictable in the 1960s that the crime problem would so come to dominate the political rhetoric of Western democracies." (Cohen, 1996: 7). See also Serassis (2001: 67-68).

state[4] – led to the emergence of new (or newly-defined) phenomena, in-
cluding new forms of criminality and social exclusion. Thus, there has been
a new focus on corruption,[5] violent crime, drugs and organised crime, and
terrorism, accompanied by repressive policies, rising prison populations
and expanding (and dispersed) social control.[6] A vicious circle developed
thereby, involving high records of criminality, escalating public concern
(resulting in intensified fear of crime and moral panics), the media, and –
most important – political rhetoric.[7] Although the constituents of this con-
struction are in interaction with each other, they, nonetheless, often func-
tion autonomously. For example, such is the impetus, that any decline in

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[4] "There is more than happy coincidence between the tendency to conflate the troubles
    of the intrinsic insecurity and uncertainty of the late modern / postmodern being in a
    single, overwhelming concern about personal safety – and the new realities of nation-
    state politics, particularly of the cut-down version of state sovereignty characteristic
    of the 'globalisation' era." (Bauman, 2000: 215). "The limitations of the state's abil-
    ity to govern social life in all its details have become even more apparent in recent
    times." (Garland, 1996: 449). See also Young, (1999, especially chapter 1); Serassis
    (forthcoming).

[5] See Serassis (forthcoming: 376-377).

[6] "The western world is faced with the highest rates of imprisonment and of socially
    excluded segments of the population. Institutionalised control systems, such as the
    Schengen Information System, meet no substantial reaction whatsoever. On the con-
    trary, they are widely accepted together with other repressive measures, such as
    harsher penalties, more prisons, intensive ("zero-tolerance") policing, disregard of
    human rights, and so on, all in the name of moral panic and fear of crime, masterly
    fostered, to a great extent, by the dominant ideology and the mass media." (Serassis,
    2001: 75).

[7] "Americans are being scared to death about crime. In a circle with no end, we are fed
    distorted and misleading information and then told that the only solution to the prob-
    lem (which has been manufactured by government officials in the first place) is to
    spend more money on policies that contribute to the problem. We are becoming a
    country obsessed with an imaginary plague, spending scarce resources on failed
    remedies while refusing to recognize both the reality of the problem and the social
    policies that do work. We must bring about a revolution in our thinking lest, too late,
    we realize that our fears generated policies that created the plague we feared."
    (Chambliss, 1999: xi-xii). Stanley Cohen spoke of the 'constructionist triangle': "In
    the first of its corners, there is the actual incidence, severity and risk of victimization.
    In the second, there is the public perception of the seriousness of the crime problem
    (crime is increasingly ranked a more important social problem than unemployment,
    health care, nuclear risk, environmental damage, etc). And in the third, there is the
    rhetorical manipulation of the crime problem and public anxiety in media and politi-
    cal discourse." (1996: 8).

crime rates tallies neither with the number of convictions or imprisonment rates, nor with the feeling of insecurity or the panicking media discourse.[8]

A characteristic indication of the disconnection of crime in public and media representations from the actual nature of the phenomenon is this: while in 1996 only 18 percent of the households in the European Union experienced 'vandalism or crime in the area',[9] according to a report of the European Opinion Research Group,[10] in the same year 32 percent of the respondents said that they felt unsafe in the street – a number that increased in the 2000 survey (33 percent) and further in the 2002 (35 percent). As far as Greece is concerned, the data are even more revealing: whereas Greece is considered one of the safest countries – and this is expressed both in recorded rates of criminality and in the Eurostat survey with only 5 percent of the households mentioning experiences of 'vandalism or crime in the area' – 28 percent of the respondents of the European Opinion Research Group survey expressed feelings of insecurity, a rate that climbed to 51 percent in 2000, and 43 percent in 2002.

Another dimension of this discursive framework has to do with the fact that crime is considered a major problem (and treated accordingly), regardless of its significance in each society, either in itself or in comparison to other social phenomena. For example, 'terrorism' has come to dominate Western societies as their principal concern, irrespective of its actual dimensions: If after 11 September 2001, there has been reason for alarm[11] for New Yorkers or residents of other North American cities, it was merely political manipulation – reinforced by media propaganda – that led to the cur-

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[8] "Once established, this view of the world does not change rapidly. It is not much affected by year-to-year changes in the recorded crime rate, even when these involve reductions in real rates of criminal victimization. This explains the apparent absence of a relationship between crime trends and fear of crime sentiments. Our attitudes to crime – our fears and resentments, but also our common sense narratives and understandings – become settled cultural facts that are sustained and reproduced by cultural scripts and not by criminological research or official data. The development of a 'crime complex' produces a series of psychological and social effects that exert an influence upon politics and policy. Citizens became crime-conscious, attuned to the crime problem, and many exhibit high levels of fear and anxiety." (Garland, 2000: 368).

[9] *Eurostat, Living Conditions in Europe – Statistical Pocketbook (2000 Edition).*

[10] *Public Safety, Exposure to Drug-Related Problems and Crime – Public Opinion Survey (May 2003).*

[11] Even in this case, though, the anxiety and the reactions – both domestic and international – have been by far disproportionate.

rent '*tromo-phobia*' in the Western world, with all its consequences in everyday life – xenophobia, repressive measures, intensified surveillance, and so on.[12] Similar cases are: illegal arm and drug dealing; human trafficking and organised crime in general, which has come to replace the Cold War 'communist danger';[13] new definitions of and approaches to corruption;[14] and violent criminality, mainly associated with immigration (the 'dangerous foreigner') or sexuality (sexual harassment, wife battering, child pornography and molestation). Within this framework, a strategy can be traced towards an association of various phenomena of late modernity: poverty, economic and labour instability, immigration, cultural divergence, the demise of traditional family ties, plus the ontological insecurity described by Young.[15] In a social environment resembling the Durkheimian notion of *anomie*, political discourse is attempting to establish a new *status quo* based on punitiveness, zero tolerance and the *new penality*,[16] rather than on the welfarism of the first post-war decades, which has persisted as a mere *façade* of the rhetoric and proclamations of party programmes and pre-election campaigns.[17]

As mentioned above, crime has also superseded most other issues related to risk and insecurity in late modern society. These include not only the on-

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[12] For example, although the terrorist organisation '17 November' ceased to operate, since most of its members have been arrested and brought to trial, there still exists a public concern for 'terrorism', freely combined with racism and xenophobia. The coming Olympic Games (Athens 2004) also offer good justification both for intensified repressive measures, willingly and eagerly accepted by the public, and for blatant foreign interventions. On that, and the economic implications involved, see Serassis (forthcoming: 386, 387).

[13] It is no coincidence that the rhetoric does sound very similar to the one used during that period, and also that it is the same agencies – mostly intelligence and security services, rather than police – that are mobilised against organised crime. See also Cohen (1996: 9, 11-12).

[14] See Serassis (forthcoming).

[15] As Melossi wrote, in a parallel line of thought: "The fact is that in a society obsessed with anxieties, in which many traditional identities having to do with class, politics, ethnicity and gender are rapidly declining, the criminal presents respectable society with the gift of ideological, if not social and economic, recomposition." (1997: 67).

[16] Garland (1996, 2000, 2001). See also Downes (2001); Young (1999).

[17] As welfarism was promoted and canonised by both conservative and progressive governments in the post-war era, so is neo-liberal discourse and politics embraced by social-democratic or right-wing political powers nowadays. On the politics of law and order in the United States and Great Britain, see, among others, Ryan (1999); O'Malley (1999); Brownlee (1998); Downes & Morgan (1997); Chambliss (1999, especially chapter 2); Beckett (1997, especially chapters 1 and 7); Platt (1994).

tological insecurities related to poverty, unemployment, and exclusion, but also several (and pretty lethal in themselves) risks which remain irrelevant, at least officially, to criminal activity *per se*.

> "In any given year almost 90 percent of Americans are not the victims of any criminal offence. The risk of being a victim of a violent crime is even less: In any given year fewer than 3 percent of Americans are victims of a violent crime. Every year 50,000 people die and hundreds of thousands are injured in automobile accidents. There are fewer than 20,000 homicides every year, and violent crime does not approach automobile accidents for the number of injuries caused." (Chambliss, 1999: 2).

In the European Union, according to *Eurostat*,[18] in 1998 there were 42,290 traffic deaths – a rate of 11.3 per 100,000 population – compared to 5,677 homicides – a rate of 1.8 per 100,000 population. For Greece the contrast is even more overwhelming: 2,380 traffic deaths (22.5 per 100,000) compared to 176 homicides (1.9 per 100,000). According to the same survey, in an even more crucial field, work safety, the rate of fatal work accidents in 1996 was 5 per 100,000 employed for the European Union, and 4 per 100,000 employed for Greece. In simple words, this means that for someone living and working in Europe the chances for being killed in a traffic accident are more than six-fold compared to the risk of death due to criminal victimisation (in particular for Greece it's almost twelve times as much), and it is almost three times more likely to die in a work accident. The list could be expanded to include extensive loss of life due to lack of adequate or timely medical care, due to physical disasters, such as floods or earthquakes, as well as due to starvation, excessive heat or cold.[19] Nevertheless, people do not consider such risks so significant (not even indirectly, in reference to quality of life, infrastructures, medical care, or road and work safety), let alone bring them to the top of the list. Accordingly, such issues hardly ever enter the political agenda – with the exception perhaps of small left-wing parties – and in no case do they threaten the pre-eminence of criminality in political discourse.

Crime is employed in late modern governance as a cohesive element in a society "of pluralism, debate, controversy and ambiguity" whose "compass

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[18] *Eurostat, Living Conditions in Europe – Statistical Pocketbook (2000 Edition)*.

[19] These are not 'third-world phenomena'; they are experienced – with increasing frequency – even in developed Western countries.

has failed" (Young, 1999: 2);[20] a discursive practice aiming at moving the focus away from social phenomena such as unemployment, poverty and exclusion, and even interweaving them with criminality itself. Hand in hand with this strategy, new crime control policies – of purely punitive and exclusionary nature – prevail globally and become legitimised in a social setting characterised by moral panic and lack of tolerance.

> "Unlike the penal-welfare strategy, which was linked into a broader politics of social change and a certain vision of social justice – however flawed in conception and execution – the new penal policies have no broader agenda, no strategy for progressive social change and no concern for overcoming of social divisions." (Garland, 1996: 466).

In fact, law and order politics seek to deepen social divisions and set stricter boundaries than already exist. This is accomplished to a large degree by constructing various categories of 'otherness'. Such 'otherness' may be based upon nationality, religion, culture, social, economic, even marital status, or usually a combination of them. In an era characterised by ambiguity, diversity and lawlessness, there is an appeal to 'eternal values' and 'traditional principles and traits',[21] in a strained attempt at constructing new identities and new consensuses.

> "[The] 'demonisation of Others' is at work in many different European member-states, notably in the treatment given immigrants and other outsiders who want to be part of the new market Europe (refugees, asylum-seekers and others). This demonisation of Others, of course, works to legitimise the denial or withdrawal of national or European support and services from these 'Others' [...] and it may also contribute to the ascription of these Others into a specifically criminal or villainous category, both in media reports and in commonsense descriptions." (Taylor, 1998: 25).

The politics of exclusion literally create 'deviant others', thus reifying the phantom of 'dangerousness'. In an impressive regression, crime is once

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[20] Again, the whole framework appears very 'Durkheimian' in its conception. See Melossi's analysis of the role of crime and social control *vis-à-vis* the constitution of *New Europe* (1997: 66 ff.).

[21] For example, "the most publicised attempt at redrawing moral lines more rigorously is the 'back to the basics' initiative of the British Conservatives in 1995, which was a replay of the Back to Family Values campaign of the Bush administration." (Young, 1999: 15). There is little doubt that similar policies were followed by both the Labour Party in Britain and the Democratic (Clinton) and Republican (Bush Jr.) administrations in the United States, as well as by conservative, liberal, and social-democratic governments all over Europe.

more considered the outcome of personal and/or familial pathologies. Perhaps more than in any other field, neo-liberal ideals are herewith employed to construct new stereotypes that shift the focal point from social dysfunctions to individual traits: Crime is associated with immigration, racial and religious diversity, unemployment, disrupted families, and so on. Political discourse and the respective penal and social policies[22] construct new 'images' of criminals, which in turn are projected in the media and impressed upon the public, thereby forming part of the late modern mythology: the 'Arab (or Muslim) terrorist'; the 'Albanian (or black) criminal'; the 'psychopathic murderer (or rapist)'; the 'deranged paedophile'; and so on. Immigrants are bad because 'they take our jobs', but also because 'they steal, rape and kill'. Although, at the political level, only a few ultra-right-wing groups explicitly adopt such a standpoint,[23] these views are quite popular among the public, as confirmed by opinion polls, but they also smoulder within the whole political spectrum.[24] It seems that, in the present state of affairs, electoral success depends largely upon the rhetoric about criminality and criminal policy, and accordingly no political party can afford to disappoint the electorate in this field. Regardless of their ideological stance, political parties find themselves obliged to wheedle the public, responding to both media and political pressures.[25] And very often they excel themselves in reassurances about their ability to guarantee law and order:

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[22] Even through 'affirmative action'. For example, the categorisation of the target groups of the national and European 'programmes against social exclusion' very often functions in a stigmatising and further exclusionary manner.

[23] Sometimes quite successfully too, if one takes into account the electoral success of nationalist and ultra-right-wing parties in Europe.

[24] The role of 'specialists' – in particular criminologists – ought not to be underestimated (see Serassis, 2001). The fact is that 'managerial criminology' has considerably influenced law and order politics not only in the United States, but also in Europe.

[25] "Crime has been raised to the level of a national crisis by a coalition of interests (sometimes strange bedfellows, to be sure) including (1) conservative politicians concerned primarily with repressing civil rights activism and political dissent; (2) the media, ever hungry to attract readers and viewers with issues that captivate the imagination and fears of the public; and (3) the law enforcement establishment, with an insatiable appetite for public funds and public approval." (Chambliss, 1999: 27-28). Another factor are the vast economic interests invested in the "crime-industrial complex". This has been further intensified by the privatisation processes in the criminal justice system. See Serassis (forthcoming).

"In the 1997 general election the Labour Party highlighted the issues of
crime and fear of crime in ways quite unprecedented in its history. Rather
than merely trying to neutralise their opponents' traditional electoral advan-
tage on this issue, Labour campaigned to establish itself in the public's mind
as the party most likely to instigate 'tough' and effective measures against
law-breakers." (Brownlee, 1998: 313-314).

Similar practices can be observed all over Europe. In Greece, the governing
socialist party (PASOK) managed to overcome the advantage of the con-
servative party ('New Democracy') in criminal matters, by making law and
order one of the top items in its 2000 electoral agenda.[26]

One of the most celebrated accomplishments of the Greek socialist gov-
ernment's second term was the unravelling of the terrorist organisation '17
November', which was hailed with great contentment both in Greece and
abroad, and was publicised as one of the major achievements of the ad-
ministration. On the whole, the government has been promoting a stricter
framework of control – including intensified surveillance – on the grounds
of the 'high risks' of terrorism, organised crime and illegal immigration,
and in view of the 2004 Olympic Games. Such policies are not only gener-
ally accepted, but to a large degree encouraged by the public, in spite of the
given sensitiveness of the Greek people *vis-à-vis* repressive measures, due
to the turbulent history of the country.[27]

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[26] In an opinion poll by the private firm *Metron Analysis*, a few months before the 2000
general elections (July 1999), 'criminality and foreigners' (*sic*) were considered the
second most important problem of Greece, with 22.8 percent, close to 'economy'
(23.4 percent) and unemployment (21.5 percent). There followed 'foreign policy'
(16.7 percent), 'education' (3.5), 'lack of organisation and infrastructures' (1.6) and
'health and welfare' (1.3). The message was conveyed and Prime Minister Konstan-
tinos Simitis stressed his government's determination to 'combat crime' and 'guaran-
tee order and security'. During the presentation of his electoral programme, he stated
that "the elimination of crime, delinquent behaviour and hooliganism is a condition
for the subsistence and prosperity of society", a position which he repeated during
his pre-election rallies ("We are determined to get it over with crime. We are relent-
less against criminality."). After his re-election, he reaffirmed this standpoint in his
Statement of Policy before the Parliament (22 April 2000): "We want a better quality
of life for all our fellow-citizens, and this is a priority for the next four-year term.
Fighting crime and establishing a sense of security at home and in the neighbour-
hood, in the city and in the countryside, are elements of this quality of life."

[27] In its short history, Greece has experienced a Civil War (1945-49) and two dictator-
ships (1936-41 and 1967-74). See Serassis (forthcoming: 379). All things considered,
the situation is quite similar in Germany, another European country with acute de-
mocratic reflexes due to its recent history.

In Greece, as across the whole of Europe (and probably all over the world), the criminal issue is being incorporated into political discourse to such a degree that one cannot really "spot the difference" between crime and politics, to use Cohen's perceptive remark. In this respect, it is hardly surprising that we are even witnessing the criminalisation and demonisation of political views and activities, such as the 'anti-globalisation' movement or even civil rights activism. This situation has obvious negative effects on society and puts in jeopardy such fundamental principles of Western culture as freedom, equity and human rights. It therefore goes without saying that Europe needs to resist such a course, if it really stands for a free and open society. Otherwise, the European dream may too easily degenerate into a nightmare.

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White Integrity

A Speculation on Images of Sovereignty in a Belgian Parliamentary Inquiry Report

RONNIE LIPPENS

Bataille and Dutroux

One picture of Dutroux, the indicted child abductor and child molester (his trial has been scheduled to take place in 2003), will probably have been etched in the mind's eye of Belgians and, possibly, of many more. The picture was taken shortly after his arrest in 1996. It shows an unshaven face, tangled hair, a drooping mouth, and eyes that, glancing somewhat awry, appear to be looking away from anyone to communicate with, looking away to some marginal, dark space. There were other pictures of Dutroux, to be sure. But this is the one that has dominated newspaper coverage and newsreels, and therefore public imagination, ever since that day in August 1996, when Marc Dutroux was arrested by the police. There is something animal-like about the image in this photograph. Perhaps it's in the wildly unfocused eyes. Perhaps it's in the roaming absent-mindedness that seems to ooze from the picture. Perhaps it's in the absence of what some of us would recognize as clean-shaven, orderly rationality, or as communicative openness. Or perhaps it's something around this drooping mouth that seems to suggest unfettered lust and desire. The picture, according to the newspapers, showed an "evil beast", a monstrous entity that, as we were told soon after Dutroux's arrest, dwelled in shady dungeons where young girls were sexually abused or otherwise tortured, or left to die.

Now let us focus a little on this beast-like character. One could of course consider a wild, untamed, unordered beast that lustfully dwells in marginal darkness as a useless and expendable thing. But to someone like Bataille for example, the "beast" Dutroux, like de Sade, is well on "its" way on the

road to sovereignty. This is perhaps the place to expand on Bataille's writings. One of Bataille's theses (1988 and 1992), particularly in the volumes of *The Accursed Share* (La Part Maudite), holds that what he calls the "restricted economy", i.e. the economy of scarcity, utility, focus and process, is not really all that important for an adequate understanding of the ways of the world. Underneath the thin veneer of the restricted economy lurks the dark but very real force of the world. This force, a "general economy" of energy, according to Bataille, is what really matters. Now real sovereignty, although impossible to reach, if anywhere, should be looked for in this general economy of energy, that is, as far away as possible from the strictures of social and economic utility and dependency. Real sovereignty, at least according to Bataille's "heterology", cannot be found in centres or cores. It dwells not in the light of day, but rather lurks in the shade of darkness, in marginal spaces, at or beyond the limits of ordered, focused, disciplined, restricted life. Real sovereignty then is not so much a quality of centred power as is it something that dwells unreachably at or even beyond the limit of the strictures of restricted life, that is, beyond the strictures which we *depend* on in our manifold illusions of sovereignty. Real sovereignty is not dependent on anything and as such it is out-of-this-world, where utter and absolute independency is impossible even to imagine. Real sovereignty, writes Bataille, does not reside in the greatness of plans and projects, nor in the power in and through which machineries of domination and control are established. Great plans and projects, powerful machineries, and so on: they all are utterly dependent. They are dependent on all that allows them to remain in a state of dependency. They are dependent on the strictures of domination/submission in a restricted economy. The greatness of real sovereignty, in Bataille's scheme, is to be reached for – an impossible task, to be sure – in the infinite smallness of the limit, that is, in that space of unrestricted infinity that, unreachably, stretches out beyond plans, projects, schemes, centres, and strictures. Now this space cannot be reached. Indeed, that kind of real sovereignty is "wholly other" to life as we know it – there seems to be no *dependency* there. But one could read Bataille's work as an attempt to imagine, think, or write this limit, and this would explain his relentless explorations into marginality, excess, desire, lust, and, more conspicuously so, the pornographic, the vile, the beastly, and the sadistic. It is during such imaginative explorations in what Foucault (1986) was later to call "heterotopia" that something of sovereignty, real sovereignty, independent sovereignty, can be sensed. Says Bataille.

And here is where we need to go back to Dutroux. Marginal Dutroux. Excessive Dutroux. Lustful Dutroux. But also pornographic Dutroux. Vile, sadistic, beastly Dutroux. This is the Dutroux who figures on the photograph that has been etched on so many a mind. But if we were to use Bataille's language here, then, in a way, this Dutroux – the Dutroux on the picture – had, just possibly, been caught somewhere on the road towards the limit, the road towards a marginal space of excess and real (albeit unattainable) sovereignty. The case *could* be made for a Bataillean reading of Dutroux. As it quickly transpired after Dutroux's arrest, the man (with the help of a few accomplices, including his wife) managed, for quite some time, to successfully avoid apprehension by either the police or social services, despite their watching him closely after his release from prison a few years before. Hiding in the dark cellars of his many properties (a fact that escaped the gaze of his unemployment benefit officers), where he abused the kidnapped girls, and where some of them were left to die, in these marginal, smallish places, shadowy limits ("dungeons", the newspaper would later claim), Dutroux appeared to have lived something approaching a life of sovereign, unbounded, unrestricted excess. None of the systems that are usually in place to restrict excessive desire and unbounded energy (state apparatuses in particular) seemed to have been able to prevent this. Dutroux's may have resembled de Sade's sovereignty – something approaching real, infinitely small, marginal, dark sovereignty. Now this, sovereignty, or, more specifically, the loss of state sovereignty, and the apparent surfacing of sovereignty in the form of beastly practices in shadowy dungeons, and in photographs in newspapers, is an important issue. It certainly was an important one in mid-nineties Belgium, a country that, during the 1980s and 1990s in particular, was in full social and political transition. Much has been written on the "legitimation crises" of Western states already (whether in a Habermasian vein or not) and it is certainly not my intention here to rehearse these discussions and debates. But something about the peculiarities of the Belgian situation need to be said here, as they will hopefully shed a light on why the Dutroux case (which some have called a "fait divers") had such a tremendous impact on Belgian minds and lives and, through CNN, on the rest of the world as well, and why the Parliamentary Inquiry that emerged in the wake of the affair produced reports (1997 and 1998) that were imbued with a particular, though implicit, *imaginary* of sovereignty. I will try to say something, briefly, about all this in the next section.

Whiteness and Integrity

In September 1996, just a few weeks after Dutroux's arrest, it became clear that a popular magistrate who was involved in the investigation of the case had accepted to take part in a dinner that was organised by one of the civil parties in the case. He had therefore shown to be less than completely "impartial" in his investigations. The highest judicial authorities, against severe popular protest, and discarding public warnings from politicians, saw no alternative than to assign a new magistrate to the case. This decision ignited a massive amount of popular unrest that had been culminating for a number of weeks. It led to the biggest demonstration Belgium had ever witnessed, when around 350,000 demonstrators gathered in Brussels to form a silent protest march. All participants were dressed in white and marched silently. One may wonder why a "fait divers" and a legally defensible High Court decision managed to bring the country in a "pre-revolutionary climate" (as it said in the newspapers) whereby "politics", the police as well as the judiciary, in the popular imagination, all came to be associated (and often graphically so) with phrases like "underground activities", "darkness", "corruption", "false", "unworldly", "bad", "corrupt", "lies, deceit, and cover-ups", "crime", "closed", "chaotic", "cold and impersonal", "hiding behind a screen of silence" and therefore "arrogant", and "untruthfully" "hiding behind legal abstractions", such as "professionalism" or "impartiality". The law, and the forces of order, thus came to be imagined as shadowy, dark forces, who "hide", "corrupt", "cover-up", and who "deceitfully" deploy "lies", "abstractions" and other tricks to go about their unsavoury practices. Not unlike Dutroux himself, in a way, who also seemed to have wallowed in a kind of absent, though very real, hidden, slimy, and ultimately unaccountable and non-*restrict*-able sovereignty. Indeed, already by the end of October 1996, rumours spread that particular politicians and magistrates were either involved in Dutroux's affairs directly, or were protecting him from prosecution. In order to understand this, a few notes on the political and social landscape of Belgium during the 1980s and 1990s are necessary.

Dutroux entered the stage at a time when the country was, socially as well as politically, in full transition. The country used to be highly *pillarised* until about the mid-eighties. "Pillars" are ideologically bound networks of service providing organizations who, particularly in the post-war welfare state era, as executive sub-contractors of state-funded policies, were able to structure social and political life and everyday experience towards the predictabilities within largely separated communities, and to si-

multaneously facilitate the "pre-packaged" or streamlined solution of social unrest and/or political conflict. This era of pillarized stability and predictability had largely run its course about a decade before the outbreak of the Dutroux case. Budgetary restraints and austerity did not allow for the total funding (by the state) of those ideologically bound networks anymore, and, gradually, a phase of partial disintegration set in. At the same time a consumer culture emerged that encouraged huge swathes of the population, who would previously have been willing to loyally accept the services provided by and within *their* particular pillar, to start shopping around. The ideological glue that, previously, kept particular segments of the population within their particular pillars, "from cradle to grave" so to speak, started to melt away. The stabilities of pillarized political life, which were also the stabilities and predictabilities of everyday life, gradually made way for an often uneasy and unpredictable mixture of unstable market opportunities and volatile consumer choice. Political elites trying to manage this social change, particularly from the mid-eighties onwards, just like the newly emerging consumers who, in their everyday lives, were shedding or at least transforming their former pillarized citizenship, had to adjust to the ever-changing contingencies of political as well as everyday social life. To put it in other and by now familiar words, life, in Belgium, certainly by the end of the eighties, ceased to be a life of *belonging*, and began to turn into life as ever-unstable *becoming*. Now this change was (and still is) not particular to Belgium of course. However, the clear shift into what one might call *de-pillarization*, and the pervasive impact this had on an already growing consumer culture of contingent choice, to a certain extent, *was* highly significant in a place like Belgium. While some of the old pillarized beacons of reference gradually crumbled away, and some of them persisted, and new beacons of reference emerged abundantly, the country's social and political atmosphere slid into a blend of uneasiness.

It is against this backdrop that, I think, the White March and its aftermath should be considered. Almost a decade of political and everyday uneasiness (i.e. the decade before the arrest of Dutroux), coupled with a growing consumer culture, provided a breeding ground on which rumours, urban legends and conspiracy theories flourished. At the core of those there were often notions of "corruption" and "dark conspiracies" whereby, allegedly, unsavoury, "underground" "networks" of politicians, police officers, magistrates, and brutal criminals, "states within the state" really, were trying to "destabilize" the country in order to seize power. This imaginary was further fed by the workings of a number of Parliamentary Inquiry Commis-

sions that looked into these issues between, roughly, 1985 and 1995, and that focussed heavily on the organization and functioning of the police and the judiciary, i.e. the *forces of order* in particular. So when Dutroux finally emerged from his dark dungeons, into a society in full contingent, disorderly transition, there was already a public imaginary in place that allowed for readings of police and judicial "incompetence" to be almost instantly superseded by readings of "corruption" and malicious underground "networking".

This may lead us to the massive whiteness of the White March (see also Lippens, 2003). Some commentators thought that the whiteness of the White March somehow expressed "innocence", the innocence of the murdered children for example. Others have labelled the White march as a "march for Truth". Whiteness here symbolizes the Truth that is aspired to, the Truth that, in a place like Belgium, was allegedly constantly falling prey to "cover-ups" by incompetent/corrupt criminals/officials/politicians. Or this Whiteness, according to yet others, symbolized political "neutrality", seemingly much desired for in a de-pillarizing, *consumerizing* country that, almost out of necessity, previously always cherished a culture of party-political patronage. But whiteness could also simply have been speechlessness, as it often accompanies "shock", or "anger", as when, for example, people come to realize that the police and the judiciary, in an uncertain, de-welfarizing, de-pillarizing society where opportunities and dangers seem to be popping up and disappearing everywhere, and unpredictably so, have very little on offer that might be able to replace yesteryear's steady comforts. Or it may have been the result of tactics pure and simple, of a carefully crafted decision not to speak at all in order to be able to keep a very fragile momentum of sociality, of emotional solidarity, going, and this, emotional solidarity, or a sense of community perhaps, was something that was on the wane in a transitional society that was well on its way to silently leave the old, pillarized, close communities of yore behind. Or maybe whiteness was all of these dimensions simultaneously, as well as an unspoken or unspeakable nostalgic desire for some kind of humaneness, a desire to recover something lost perhaps, something that was in danger of being stolen or prevented by an absent state that had withdrawn in "dark" corners and "networks" of "corruption" where a cruel, Dutroux-like, "impersonal" "coldness" reigned. As such, whiteness may also have expressed a desire for something like *integrity*, and by this I mean both wholeness (to make up for the sense of loss) *and* humane openness, honesty, transparency (as opposed to "underground" "networking"), indeed ... *integrity* (see also

Lippens & Van Calster, 2002). Emerging consumers won't settle for much less. Whiteness, however, could also be read as that which appeared when the uneasy hybrid, transitional blend of codes and regulations just, for a brief moment, blocked (see Lippens, 1998). Either all codes – the beacons of reference I mentioned earlier – shut down during the outbreak of the Dutroux case, or they just started to function frantically, all at the same time, clogging up social life completely, ending up into mere, silent whiteness. The only thing that could be spoken, the only code that was allowed to function as a kind of negative counterbalance, would then have been *non*-whiteness, and this dark space seemed to have been very quickly filled up with the shadowy images that had been building up this particularly Belgian public imaginary for about a decade previously.

Read this way, whiteness opened up imaginary space – or, better still, it *cleared* a space – for the re-imagination or possibly re-invention of political as well as everyday, personal sovereignty. It became clear, in other words, that a new imaginary was necessary. An imaginary that would generate notions of sovereignty beyond the old ones that imagined sovereignty as the origin and result of either comfortable discipline and control (pillarized welfare provision), as contingent choice (sheer consumer subjectivity), as absence (the absence of a caring welfare state for example), or as *withdrawal*, into marginal, dark, unsavoury, unaccountable un-*restrict*-ability (Dutroux-style, *real* sovereignty). None of these would do in a post-whiteness society. This is where the Parliamentary Inquiry Commission and both its reports come in.

The Reports' Sovereignty

Immediately after the White March, on the very same day, the then Prime Minister agreed to the installation of a parliamentary, cross-party Inquiry Commission. It's important to note that the Inquiry was to be an inquiry "into the handling by the police and the judiciary of the Dutroux and Consorts case". Social problems and issues relating to the prevalence of or conditions for paedophilia, or its links to particular forms of informal economy (Marc Dutroux has also been found to be a highly skilled car thief and fraudster, as were a few others named in this case), for example, were not the issue. Neither was government, or governance, as such. The Inquiry Commission's task was to "draft an inventory of all grievances", and aimed "towards an improvement of legislation", wanted "to gather facts in order to reconstruct the most important steps in the decision process" made by

the police and the judiciary in the Dutroux case, and set out to "describe how relatives of the victims were informed about the modalities of the investigation, on the progress of the investigation, and on the manner in which they were involved in the proceedings" (*Report* Vol. I: 10).

There is no space here to expand in any detail on the contents of both Inquiry reports. However, the broad outline can be sketched here. The first volume, after a painstakingly detailed analysis of all errors and anomalies that surfaced during the inquiry, focussed on proposals that allowed for a much more active role of "victims" (and relatives of victims) in criminal investigations and proceedings. Measures towards a more "humane" judiciary were also proposed. A significant part of the first report included further proposals towards a complete overhaul of the police. All police *forces* would have to merge into one, much more "integrated", police *service* that was to function within democratically discussed and annually revised, that is, orderly, regular, or even systemic planning cycles. Magistrates, according to the report, would be appointed by a politically "impartial" body, and would be compelled to re-school and re-educate so as to adjust to the requirements of a reformed, responsive, humane, "compassionate" judiciary that, it was envisaged, would need to move beyond the strictures of tradition and hierarchy. The second Inquiry Report only dealt with one issue: the investigation into whether there really were "networks" of "protection" and "corruption". The Commission, by the way, did not find any, but, in the highly tense atmosphere of 1996-98, did not dare to state this explicitly, and instead resorted to reporting (vague notions such as) "corruptive behaviour" and "norm erosion" that, possibly, might have been witnessed in a number of instances related to Dutroux's "car swindle" activities. In the final section, I will develop some notes on the imaginary space that was opened up by both reports, and that, as later became clear, would have a significant impact not only on the (re-)organization of the police and the judiciary, but also on the country's political culture more broadly. But first I would like to say a few words on the stakes that were involved in the wake of the White March. The stakes, I think, just like their sources (hidden away as they were underneath mute whiteness), were muddled, hybrid, diverse, and highly contradictory.

In October 1996, in the immediate wake of massive mute, white protest, any newly emerging imaginary space for the re-invention of the regulation of Belgian political and everyday social life would have to lead towards a renewed legitimacy, not only of the political elites (as well as their *forces of*

order), but also of state authority as such. However, this could not occur in a move whereby the political elites themselves, or the State as such, imbued as they were in a dark imaginary, would, in the report, take centre stage conspicuously. As we will see below, state authority is very much implicit in both reports. The focus almost completely rests on the reform of the police and judiciary, and on the *activation*, as it were, or at least the mobilization, of the mobile and critical energies that were emerging in a transitional society of flexible consumers. State authority, and the political system that embodied it, in both reports, remained in the margins, and kept a low profile. From this space (a space of withdrawal, in the public imaginary, but also a possible space of real, unrestricted sovereignty, in Bataille's vision) efforts were nevertheless made to firmly, though unobtrusively, reconstruct legitimate authority. As I have argued elsewhere (Lippens, 2003) the way this was done in the reports could be reconstructed as the result of a move whereby political elites appeared as *givers* (not as forceful authorities) of *help* (and not force, or indifference, or rigid from-cradle-to-grave closeness) to those in *need* (victims/consumers) in the form of a piece of *machinerie* (a reformed police and a reformed judiciary). This piece of machinerie could be used both as a "technology of the self" in times of contingent subjectivity (on Foucault's notion, see e.g. Martin, *et al.*, 1988) and, simultaneously, also as a technology of social engineering, i.e. as a technology that, who knows, in its moves towards "integrity", just might help to recover or, if not, reconstruct some sense of community or solidarity, and, ultimately, perhaps even some sense of predictability, regularity, and security (which were becoming scarce commodities in a de-pillarizing society of contingent, volatile consumer choice). This *gift* (in a Maussian sense; see Mauss, 1980), it seems, basically implied a move towards the further devolution of social regulation, with the state withdrawing even further, while at the same time regaining some legitimacy on a road towards real, that is, small, vanishing, sovereignty. For this unobtrusive manoeuvre to stand any chance of succeeding, the marginal space of withdrawal and the issue of unobtrusive, call it *real* sovereignty, could of course not be allowed to figure predominantly in both reports. This, I think, may explain why neither governance, or "politics" as such, nor Dutroux – beastly Dutroux and his magical, hidden context – are the object of both reports. Let us now have a closer look at a few aspects of the imaginary space that was opened up by both reports.

Democratic Machine of Integrity

The first volume of the report, in its proposals, deals first and foremost with victims (and their relatives). Subjectivity appears here largely as victim subjectivity. Victims, and only victims, seem to carry active subjectivity. It's the victims who seem to be *moving*. But this movement, and the energies that it generates, seemingly, are just that: movement and energy. Nobody apparently had realized until the report what all this movement and energy should be done with. It's at this point that the gift of a *machine* – a piece of technology – comes in. This machine, a reformed, adjusted, and, most of all, an *integrated* machine, is to absorb victims' (consumer) demands, needs, and choices. The current machine, a fragmented, clogged-up machine, will not do anymore. Indeed, the days of fragmentation, when "all work on their square metre" (*Report* I: 173), the days of "saucissonization" (a neologism that refers to the slicing of a sausage into separate slices, coined in the *Report* on page 120), and the days of "baronies" (*ibid.*: 107) competing against each other, are now over. There is now a need to "do away with the rust in the cogs" (*ibid.*: 172) of the old machine.

This new, integrated machine, should be able to fluently deal with the manifold desires, wishes, needs, and choices of ever-moving victim subjectivities. It was (and is) hoped that all this will not only lead to a reconstruction of at least some sense of integrity, coherence, stability, and possibly also security, in wandering consumer selves, but also to a reconstruction of some form of social regularity and stability ("social texture" in the words of the Chairman of the Inquiry; quoted in Ponsaers & De Kimpe, 2001: 78), all of which was now on the wane. But the integrated machine of integrity should be able to do a lot more. While unrestricted movements have to be dealt with in and through the machine, the machine is also geared towards the conversion of rigidity, abstract formalism, and hierarchy (of *immobility*, say) into flowing, communicative, humane integrity. As such, it would aim to recover, or at least retain some of the old solidarities and comforts of a bygone age, without, however, the patronising strictures of discipline and the often suffocating ideological closeness that now had become obsolete in an age of ever-moving subjectivities of need and *active* choice. One of the (new) parts of this machine of integrity, envisaged in the report, i.e. the High Council for the Judiciary, entrusted with the appointment and training of magistrates, was also endowed with *ombuds*-service duties. After its installation, it tried to establish, within the judiciary, a consumer-responsive logic that, in the words of its current president, tries to manage complaints

and emotions "with intellectual force and integrity", with "sympathy", "honesty", "impartiality", "reason and common sense", "pragmatism and goal-orientedness" (Kloeck, 2002: 60) in the somewhat ambivalent and un-easy zone between abstract justice (which is not wanted in an emotional age of victim needs and consumer choices) and mere particularist sensitiv-ity (which is not wanted in a de-pillarizing society either).

The machine of integrity, nevertheless, is just that: a machine, a piece of "technology of the self" (allowing wandering victim/consumer subjectiv-ities to *actively* regain some illusion of coherence, or sovereignty even), and, at the same time, also a *technology of community,* a technology that, it is hoped, will help to regain a lost "social texture". In this machine, a lot of talk is supposed to be going on. This machine of integrity is basically a ma-chine of communication, of talk. Victim/consumers are supposed to make their needs and wished heard, while the components of the machine are supposed to deal with those responsively. As such, the *exhausting white-ness* (Lippens, 2003), this mute whiteness that paralysed the country, in and through the speech or the talk that goes on in the machine, will hopefully be exhausted, that is, turned into open, *transparent* integrity (the machine is not to have dark dungeons or dark corridors), or, to put it otherwise, into open *community* that respects individual, wandering *choice*. But it is only a machine. Although victim/consumers are allowed to wander freely towards and into the machine, fashioning themselves in the process, they are de-pendent on it. Ultimately it's the machine that will help them to produce and adjust their selves, and, through this, also community. And the machine itself is dependent on what wandering victim/consumers feed into it. It is not the home of sovereignty. The machine of integrity, in the report, ap-pears as a piece of technology that keeps victim/consumer subjectivities and various state apparatuses (the police and the judiciary in particular) locked into a mutual and therefore "restricted economy" of interdepend-ence, placed as they are before the devolved task of producing *integer* selves and, subsequently, integrated communities. The result of the work-ings of this interdependence, as it is supposed to play out in and through this machine of integrity, should embody some of the old communal com-forts and regularities of the pillarized age (but leaving out its patronising immobilities) as well as some of the open mobilities of a dawning new era (but avoiding at least some of the dangers of *real* independent sovereignty such as marginal, underground, non-transparent, silent, hidden, covered-up, beastly excess, or utter, unrestricted, "chaotic" (*Report* I: 93) fragmentation and disintegration). The road to real and ultimately unaccountable sover-

eignty – this secret desire to be independent from any sort of *machinerie* whatsoever – remains largely unspoken in the reports. But the invention, in the report, of a devolved and devolving machine of integrity fit for a transitional society in a transitional age, I think, could give us some clues as to where this road begins. The road begins where the machine ends. If the machine is white, then the road is likely to be shadowy black. If the machine turns out to be black, then the road, just possibly, might be white.

Final Word

Almost all recommendations in the Inquiry Commissions report were later poured into new legislation and have led to a thorough overhaul of Belgium's criminal justice system. But the final decision towards this overhaul was only taken when, in 1998, Dutroux escaped from prison, that is, when real sovereignty once again surfaced and showed one of its faces in the newspapers and on newsreels (see on this Lippens & Van Calster, 2002).

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An Analysis of a Construct and Debate

The Fear of Crime[*]

JONATHAN JACKSON

This article considers the notion of 'fear of crime' within criminological research and its surrounding context. The form is an analysis of the debate as seen from a British perspective. In many ways complementing the work of Lee (1999, 2001), this is a history of the emergence of a political and intellectual idea. By examining the construct of fear of crime, by describing and assessing how the concept has emerged and developed, and by evaluating the importance of its theoretical and operational definitions to the wider debate, I analyse how criminology has approached public emotions about crime over the past few decades. Because of the peculiar nature of the subject matter, a fundamental feature of this endeavour is the consideration of the political context of scholarship and debate – particularly how policy concerns have shaped the development of the construct, and how research has fed back into political action and discourse.

The basis for the narrative is data from in-depth interviews with 28 British-based academic and Home Office criminologists who have researched

and written on this subject. In particular, two overlapping propositions are considered. The first is that research instruments have imposed structure and categories onto the social world. Techniques, or theoretical and operational definitions of the construct, have changed and developed, providing different conceptions of the social phenomenon; critically, there has been significant criticism of the validity and reliability of the majority of approaches. At the very least, there is a lack of clarity concerning what is being studied: the criminologists who were interviewed provided their views on these issues.

The second proposition is that the policy context – its imperatives and priorities, its focus and attention on particular issues and perspectives, and the governmental sponsorship of national surveys – has deleteriously shaped study and debate. Research into the fear of crime has clearly interacted with political discourse and action. But have policy concerns (or more precisely a criminology that has engaged with these) held back a more rigorous and theoretically informed consideration of public responses to the risk of crime? This is particularly with regard to using rather simplistic notions of 'objective' and 'subjective' risk. Indeed, is the concept a reflection of political and academic discourse as well as a valid approximation of social reality? Again, these expert-interviews provided a range of views on questions such as these.

So, what is to be gained by this? Well, there are two over-lapping contributions. First, by looking at its history one can place key moments against their social and political context, and examine how theory, method and context have interacted. This analysis traces how fear of crime has been variously formulated, showing the importance of conceptual assumptions and methodological tools in criminological study and political debate and discussion. The motivation is a current degree of scepticism in the literature concerning the methodological and theoretical tools of research: this article considers the key points of dispute.

Second, by asking twenty-eight researchers for their perspectives on such issues, one can produce a more balanced account of events, contexts, studies and arguments than already exists. One can gather convergent and divergent opinions from those who were themselves actors in research and debate. Therefore, in order to inform this balanced but critical history, care was taken to approach scholars who had been powerful voices. A wide range of perspectives was elicited, and these helped form the narrative's structure, as well as flesh out key issues of controversy.

And by doing all this, one can assess how criminology can considered this social issue, as well as document where current thinking lies. We will consequently be in a better place to judge the directions empirical study might most fruitfully take.

The Beginnings: United States of America during the 1960s and 1970s

There is ample historical evidence that public concerns about dangerous localities and people are not new phenomena (see, amongst others: Curtis, 2001; Pearson, 1983; Shaw, 1931); the consideration of crime has historically formed a part of public consciousness and discourse, a detail often forgotten in contemporary proclamations and diagnoses. For example, Curtis (2001) analyses the newspaper reporting of the famous 'Jack the Ripper' murders in late 19th-century London. He describes how the mass media heightened already high public alarm about crime and examines how the murders were linked to debates regarding the inability of the police to protect the public and the growth of a semi-criminal social underclass. This dramatic case reflected (and refracted) a public already fascinated by sensational crimes, and typified how such events are 'embedded in a matrix of moral and political imperatives about law and order' (*ibid.*: 15).

Of course, societies create their own characteristic forms of deviance and criminality. The Jack the Ripper case was but one (particularly dramatic) instance. One need not to be reminded that a particular behaviour becomes labelled as criminal according to formally codified legal rules and normatively prescribed codes, and this occurs according to an array of complex social, institutional and cultural processes. At different times, and in different places, some crimes have represented greater threats to individuals, societies and governments than others, and the reasons may be many and shifting.

Particularly relevant to public perceptions of crime is Pearson's (1983) argument that many generations have had their 'respectable fears' about social groups and behaviours, especially regarding young people and youth subcultures perceived to be based around delinquency and criminality. These have often represented a society whose secure, stable moral centre is under threat. Bound up in this concern and stigmatisation surrounding particular groups is the expression of more inchoate anxieties about the direction and character of social change.

But the furthest point back that interviewees traced the genesis of the modern idea of 'fear of crime' – the contemporary manifestation of public

attitudes and responses to crime, an object of study, a category of description, and a topic of considerable political salience – was the President's Crime Commission on Law Enforcement and the Administration of Justice (1967) in the United States of America (U.S.). In particular, we turn to the reports of three crime surveys commissioned by this body (Biderman *et al.*, 1967; Ennis, 1967; Reiss, 1967), conducted at the same time as other projects that sought to count unrecorded victimisation. These all partly led to the emergence of National Crime Surveys conducted regularly by the Bureau of Justice Statistics.

Public concerns and emotions were a key motivation behind the President's Crime Commission itself. Not only was the Government concerned about rising crime rates; it was also concerned about public attitudes and responses to these rising levels. Research would address this anxiety, assess whether it was a realistic response, and begin to uncover what can be done to allay such fears (President's Commission, 1967: 49).

For the first time, these (pilot) studies included questions about public attitudes towards crime and perceptions of their own safety. The report of the first survey (Biderman *et al.*, 1967) contains a chapter entitled 'fear of crime' that reports the combination of five questions to create an 'index of anxiety' (*ibid.*: 121). These included subjective reports on the chances of being beaten up, whether neighbours created disturbances, if respondents would move if they could for reasons of 'trouble', and whether safety and moral characteristics were important in their neighbourhood. The measures clearly elicited an unstructured range of attitudes, behavioural intentions, beliefs and evaluations that were directed towards crime, safety, disorder and 'moral characteristics'.

A number of important findings and arguments were documented in the report of this study. These revolved around the comparison of public perceptions of the crime problem (using the index) to the reported incidence of crime (using police recorded crime statistics, and crime experienced by the survey respondents). Finding that anxiety did not mirror these statistically estimated risk profiles, the authors argued that attitudes towards 'the gravity of the crime problem and its dangers to themselves' were primarily based on factors 'other than their [people's] own circumstances and experiences' (*ibid.*: 122). Similarly they argued that 'fear of personal attack', where respondents were asked whether violent crime (such as shootings, stabbings or rapes) had increased in Washington during the past five years[1],

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[1]   Treating beliefs about changing crime rates as synonymous with fear of victimisation
     was not considered problematic or commented on in any way in this report. Simi-

appeared: '... disproportionate to the relatively low objective probabilities of these dangers in comparison with other perils to life and property.' (*ibid.*: 133-134).

Yet despite arguments that public anxieties are not based on experience (with an implicit suggestion that they were exaggerated and based on a misunderstanding of the reality of the situation), the concluding chapter of this report attempted to contextualise public anxieties by discussing the symbolic nature of crime (*ibid.*: 164). The authors suggested that citizens' concerns were also understandable because of the meanings and resonance that the incidence of crime has for the moral and social consensus and direction of a neighbourhood or society:

> 'The special significance of crime is at the social level. The intensity of public reaction to it is understandable in that it reveals weaknesses of the moral order on which not only everyone's safety depends but also almost everything else that is important and precious in life. Crimes therefore have significance in proportion to the extent to which they affront the moral sensibilities of persons ... Perceptions of changes in the prevalence of crime can be expected to evoke particularly intense public reactions in that these can be taken as signs of threats to the fundamental moral order. This clearly is the case with much of the current public reaction to news of increasing crime'.

Just as this perspective illuminates public anxiety, so it is instructive to take one step back and look at the wider social and political context of this research.

The concept grew out of a particular social and political climate: of rising levels of recorded crime; a new government focus on law and order; the commissioning of a series of victim surveys (and the broader context of a State increasingly gathering information about its citizens); racialised concerns about 'black rioting' and 'black crime'; high-level debate about the extent of police powers; and right-wing White concern about the extension of rights to the poor and the Black (see: Harris, 1969; Furstenburg, 1971; Ditton and Farrall, 2000; Stanko, 2000; and Lee, 1999, 2001).

President John F. Kennedy was assassinated in 1963, riots flared up in twenty inner-city 'ghettos' in the mid-1960s, the issue of civil rights boiled over in numerous arenas; disorder and unrest had become national anxieties. Race was a hot topic. The Government was concerned about these is-

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larly, there was no theoretical elaboration of how the five measures that were combined to form the index of fear.

sues and how they were affecting the general mood of the public. Stanko (2000) describes how the McCone Commission (1966, but quoted in the President's Commission on Law Enforcement and the Administration of Justice, 1967) examined the cause of unrest in U.S. cities, concluding that the structural conditions of poverty and disadvantage in many predominantly Black areas were leading to anger, hostility and resentment. The President's Commission report clearly located White anxieties about crime within this context of racial tension and unrest (Stanko, 2000).

Against this backdrop, public anxieties are more explicable. Crime gathered its resonance not just from the meaning of the event itself, but also from wider social changes in society that it connects to, and in a more diffuse way typifies and expresses. People believed crime was a problem; that they themselves were more at risk than previously; and that these issues reflected broader changes and threats in society. Self-reported attitudes in surveys expressed a range of judgements, values and everyday experiences of emotion and perceptions of risk, and articulated responses to and interpretations of a range of connected changes in society that shaped the importance, salience, and cultural meaning of crime.

But the initial focus on the wider context of fear of crime gradually became lost in research and debate. As Stanko (2000: 16) proposes, 'the social tensions that gave rise to the creation of the crime survey initially – that of white American anxiety about personal safety within a climate of racialised frustration – have been forgotten in the rush to embrace the democratic possibilities of the crime survey'.

The label 'fear of crime' was born out of these early studies. It emerged as an object of social scientific investigation against a backdrop of increasing governmental interest in 'Law and Order' (cf. Lee, 1999, 2001) and a State in the throes of becoming ever-more a 'knowledge society' (see Melanson, 1973; Lee, 2001), accruing increasing amounts of information about its citizens. With growing sophistication of statistical collection and analysis, combined with the political will to understand and intervene in the lives of its population, so a context emerged where national surveys were commissioned.

The debate quickly honed in on the relationship between fear, experience of crime and 'objective' risk. Surveys allowed the populace to articulate their feelings, beliefs and behaviours in a rather ill-defined and unstructured manner. The resulting data were ordered and interpreted using a set of restrictive and normative precepts and propositions concerning the rationality or otherwise of public perceptions. Were people too anxious? How did

anxiety levels compare to official estimates of the actual threat? Biderman *et al.*'s (1967) interpretation of the data as an expression of wider concerns about moral and social order suggests that the questions were engaging with more than just public experience of 'fear' relating to their perceptions of the immediate threat of crime. But this notion (that fear of crime might not be reducible to actuarial assessments of risk) was quickly lost.

What was the public being asked; how was fear of crime defined within these questionnaires; and are there any problems with the techniques used? It is to these questions that we now turn. For only once we consider what was being measured can we begin to unravel the logic of comparing data from surveys to the prevalence of crime.

Crime Surveys of the 1960s and 1970s: Conceptual and Methodological Issues

The survey questions employed in research of this period shaped the measurement tools used in much of the proceeding empirical work; a number of questions have become standard, others only slightly modified. Let us look at another of those influential pilot studies commissioned by the President's Commission, this time Ennis (1967), which collected data from a nationally representative sample. Measures that were fielded included:

- How safe do you feel walking alone in your neighbourhood after dark?
- How concerned are you about having your home broken into?
- How likely is it a person walking around here at night be held up or attacked?

There is no published discussion about how these survey questions were developed, but there is little doubt that they set the tone for future studies (Baumer, 1978; Hale, 1996).

Discussion about problems with these measures began soon after they were first used. A number of articles were published that were critical of the conceptual and methodological foundation (e.g.: Furstenberg, 1971; Baumer, 1978; and DuBow *et al.*, 1979). For example, DuBow *et al.*, (*ibid.*: 1) opined: '"fear of crime" refers to a wide variety of subjective and emotional assessments and behavioural reports. There is a serious lack of both consistency and specificity in these reports'. Despite the political importance placed on these surveys and the issue itself, the effect of these doubts was minimal to say the least.

A key problem was that questions vaguely tapped into a broad range of emotions, behaviours and cognitions directed towards crime, safety and the risk of victimisation: with hindsight it seems clear that these are different things (even if they are linked), and studies offered little distinction between concepts and even less theoretical definition.

Over time, certain questions became more regularly used than others. In particular, variants of questions about perceptions of safety out in the street became standard – for example: 'How safe do you feel or would feel being out alone in your neighbourhood at night'; and, 'Is there any area right around here – that is within a mile – where you would be afraid to walk alone at night?' But ironically, these measures attracted the most critical comment. Garofalo and Laub (1978) pointed out that they did not mention crime, failed to provide a specific frame of geographical reference, and specified a situation that may be hypothetical to many of us.

Furthermore, Garofalo and Laub (*ibid.*: 250) argued that this perception of safety measures tapped into things above and beyond the 'fear' of actually becoming a victim of crime. They reflected a broader issue: that crime is tied up with symbolic issues, with a 'disrupted sense of community ... the fear of actual criminal acts as well as the feeling that one's social situation is unstable, anxiety about strangers, the belief that one's moral beliefs are being offended, and so forth'. The Figgie Report (Figgie, 1980) continued the theme, differentiating between 'formless' and 'concrete' fear, between abstract threats to security and concern about becoming victimised. Note an echo of Biderman *et al.*'s (1967) contextualisation of fear against the moral and social significance of crime. Yet the key issue is that there was no theoretical or operational explication of the various dimensions.

Findings and Themes from the Studies of this Period

Certain themes emerged from the findings of the studies carried out in the 1970s in the United States. Reflecting the focus on the relationship between the prevalence of crime and public attitudes, it was initially assumed that there would be a strong relationship between fear (however vaguely measured) and actual victimisation, whether it is direct experience of crime, or indirect experience such as hearing of events experienced or recounted by friends and family, or consumption of mass media reports (DuBow *et al.*, 1979). Yet the findings were inconsistent: some studies found an effect of direct experience, others did not.

Two empirical themes were proposed to refute that there was a strong relationship. Firstly, fear was more widespread than victimisation, and more

prevalent amongst groups who were least victimised. Three counter-arguments were raised (Skogan and Maxfield, 1981). Firstly, crime figures do not capture all crime. Secondly, some groups may be more fearful because the consequences of victimisation, whether they are physical, psychological or economic, might be more severe than for others. Finally, low victimisation rates of women and the elderly may be partly to do with the greater precautions they take as a result of their anxiety about the possibility of victimisation. However, little empirical research directly addressed all of these issues – particularly the last two.

Additionally, acknowledgements continued that one should broaden out the notion of 'crime' as a stimulus to emotions and judgements (e.g.: Garofalo and Laub, 1978; Hunter, 1978). Biderman *et al.* (1967: 160) suggested that people assess the threat of victimisation from information communicated through interpersonal relationships and the media and through the interpretation of symbols of crime in their immediate surroundings. This was particularly through what Biderman *et al.* (*ibid.*: 160) referred to as 'highly visible signs of what [people] regard as disorderly and disreputable behaviour in their community'. Incivilities, or signs of low-level disorder that included graffiti, abandoned cars and buildings, drunks, and groups of youths, were potential signifiers of crime and the threat of victimisation. Furthermore, Hunter (1978) proposed that the impact of witnessing disorder on fear of crime was partly mediated by inferences that the community and local authorities were unable or unwilling to manage such problems. They can indicate a breakdown in norms of behaviour and informal social control (e.g.: Lewis and Maxfield, 1980).

Yet in a review essay of the criminological literature, Baumer (1978: 254) argued that most of the research had been: '... descriptive, seldom multivariate, and distinctly atheoretical. As a result, we know who is afraid but very little about why they are afraid'. Research lacked a broad theoretical framework that allowed one to interpret the processes or mechanisms that linked key constructs, that explored more directly some of the interpretations of key correlations. Baumer (*ibid.*: 255) concludes his review by arguing that the: '... major task confronting studies of the fear of crime is the development of a conceptual framework which will draw together the results cited ... [investigating] the means by which people come to define a given situation as threatening'.

Britain during the 1970s and 1980s

The next period identified by those interviewed as important in the debate was Britain during the 1970s and 1980s. A number of interviewees identified two features of the social scientific literature in the 1970s as salient to this conceptual history (also see: Lee, 1999, 2001). Both were radical positions: the so-called 'moral panic theorists' within criminology, and feminist sociologists and criminologists (operating against a backdrop of women's movements more generally). Although the term 'fear of crime' was not used, these analyses increased the salience of the topic of public anxiety in criminology, bringing it forward as an issue to be explained and diagnosed. They created what Lee (2001: 232) describes as 'a phenomenon that now required criminological explanation', as well as providing a set of concepts and perspectives that would resurface in later debates.

The notion of a moral panic (Hall *et al.,* 1978) was used to analyse how public concerns about crime and deviance can be stirred up by the mass media, and how the hyping of these issues can serve an ideological purpose. These scholars examined what they identified as a moral panic over young, black and male muggers that developed in the second part of that decade. A central part of their thesis was that mugging became a metaphor for a breakdown of order and cohesion, of declining stability and standards of living. It was also capable of attracting racial tensions amongst the white population.

The other intellectual current involved feminist scholarship on male violence, abuse and harassment of women against a wider critique of patriarchy. Put simply, feminist arguments about violence, victimisation and their effects stressed the pervasive and insidious nature of experience and of fears. Directly and indirectly, male abuse acted as a form of social control. Female concerns were certainly not to be seen as misplaced or exaggerated. Rather, as women's refuges and rape crisis centres were opening and women's movements in general were raising public and political awareness of male abuse, a body of literature was highlighting the inherently gendered nature of such violence and its reality in women's lives.

Political Interest in Public Anxieties about Crime

The late 1970s saw crime and public concerns about crime in Britain become increasingly salient social and political issues. As Rock (1990: 254) describes, the Home Office, noting the rising crime rates, became more and

more concerned about knock-on effects for the criminal justice system and the seemingly intractable nature of the crime problem. It '... had become defensive about its performance. It was said to be "locked into a gloomy cycle", spending more without apparent effect.' (*ibid.*: 255).

The public were becoming more vociferous about crime and their concerns, yet there was also a sense in Government that these anxieties were somehow misplaced – that they were partly driving popular 'get tough on crime' attitudes. The context was a government thinking that its citizens had begun to feel unprotected by the State. Rock (*ibid.*: 257-258) observes that:

> 'It was supposed that public confidence was the foundation upon which crimes were reported, co-operation with the police was secured, victims and witnesses came forward, vigilantism and anarchy were discouraged, public fear was suppressed, and Governments were respected. Without public confidence, it was argued, the criminal justice system would have to be presented in an even more severe guise'.

It was felt that policy and the public needed facts and reassurance to calm down excessive concern and elevated demands that were being stoked up by public debate. The British Crime Survey (BCS) series was commissioned by the Government, and would measure the 'dark figure' of unreported and unrecorded incidents, but also show that most crime in the country was trivial, non-violent and mundane. As one interviewee remarked: '... the British Crime Survey was doing ideological work as well as producing factual information about crime'.

The first sweep (and all subsequent sweeps) contained the measure of 'fear for personal safety' (Hough & Mayhew, 1983: 34) replicated from Ennis (1967): 'How safe do you feel walking alone in this area after dark?' Analysis of these data produced findings that mirrored many of those in the United States. High levels of anxiety, particularly amongst women and the elderly, gave rise to what became known as the 'risk-fear paradox'.

Home Office reports quickly deprecated the reality these findings indicated. This reflected orthodoxy that public fears were misplaced and exaggerated; that they were '... a serious problem which needs to be tackled separately from the incidence of crime itself' (Hough & Mayhew, 1983: 26). The authors continued: '... excessive anxiety about crime not only impoverishes people's lives, but also makes it difficult to secure rational discussion of criminal policy' (*ibid.*: 33-34). If public fear of crime exceeded the actual reality then re-education and public involvement in

community safety became a serious and important objective. To downplay public concern could also be to downplay embarrassing levels of concern by a Government proud of its 'Law and Order' image; a number of interviewees argued that it was politically expedient to partly displace the problem of crime onto the fear of crime. But the deprecation was also partly a function of frustration that uninformed public opinion might deleteriously affect more reasoned Home Office policy, coupled with a sense that crime was not as serious a problem as public opinion might have it.

Fear of Crime as a Broader Cultural and Political Theme of 1980s Britain

Meanwhile crime rates continued to rise in Britain. Garland (2001) argues that beginning in the 1970s, crime moved from a problem that afflicted the poor to increasingly become a daily consideration for many. Liberal sensibilities about the seriousness of crime as a problem were dented as victimisation became a prominent fact for the middle-classes. Increasing direct and indirect experience, a mass media raising the salience of crime and 'institutionalising' public concern, and the growing visibility of signs of crime – in the form of physical incivilities, such as vandalism, and social incivilities, such as groups of intimidating youths hanging around in the street – all helped to bring crime and the risk of victimisation into people's everyday lives. As Garland (*ibid.*: 153) puts it, 'rising crime rates ceased to be a statistical abstraction and took on a vivid personal meaning in popular consciousness and individual psychology'.

Garland (*ibid.*: 154) continues: '... diffuse middle-class anxieties [became shaped] into a more focused set of attitudes and understandings, identifying the culprits, naming the problem, setting up scapegoats'. Events such as the urban riots of the early 1980s (alongside media reports and commentary) transformed crime as a major issue, linked it to questions of race and class, and fixed it as a target for more diffuse anxieties about social change. In particular, images of the excluded and disaffected young males of the inner city became resonant as the perception grew of them 'as a newly dangerous, alien class' (*ibid.*: 154).

During this decade the issue of fear of crime became infused with two other discourses and policy formations. First, there was a real increase in expenditure on the criminal justice system and crime control in general as 'Law and Order' emerged as a politically charged topic. For Garland (*ibid.*:

11): 'the emotional temperature of policy-making ha[d] shifted from cool to hot ... the new discourse of crime policy consistently invokes an angry public, tired of living in fear, demanding strong measures of punishment and protection'. Along with a greater concentration on the victim, some interviewees argued that the empirical 'discovery' of fear of crime was invoked to support 'tougher' neo-conservative political agendas and policies, exemplified by the vast increase in the funding of the criminal justice system (Lee, 1999). However, there were divergent views on this matter. Other interviewees argued that the Home Office actually pursued relatively liberal policies during this decade, despite the popular punitive rhetoric.

Second, fear of crime became linked to crime prevention. The Government encouraged the public to be more crime literate (Garland, 1996); to be more responsible both for crime and their fears. People should take responsibility for reducing the risk of victimisation became partly focused on the individual. They should act cautiously and sensibly, restricting their own lifestyle if it meant it made them safer and decreased the chances of victimisation. 'At its most extreme, the discourse of victim carelessness operates as a way of removing responsibility from a failing police service, and poor political tactics' (Lee, 1999: 240). Paradoxically, the rapid proliferation of CCTV cameras and other aspects of crime prevention may have contributed to public concerns by encouraging: '... mutual suspicion and a profoundly anti-communitarian fortress mentality' (Gilling 1997: 186).

Research, the mass media and political rhetoric and response all had the effect of further sensitising the public to crime and fear once again (cf.: Lee, 1999: 240). Raising the salience of crime and reifying the category of 'fear of crime' (feeding back into the social world largely through the media) may have helped frame the topic in an emotional manner. It may have further encouraged the use of the notion of crime to express concerns about related social issues such as poverty, race and social cohesion. Another potential effect was the recognition and classification of certain behaviours as criminal. Furedi (1998) argues that the public have been encouraged to see a number of interpersonal relations as potentially victimising, and ourselves as vulnerable and susceptible to harm or injury. Thus, a whole range of experiences can be seen in a new light: as disruptive and threatening.

The Rationality Debate

The rationality question in British criminology during the 1980s was partly an artefact of methods that enumerated fear and risk: one could look at so-called 'disparities' between these estimates. But the debate also attained a

level of polemic because there were real political points to be made and agendas to be played out. As one interviewee put it, it was 'a question around which positions solidified', an issue that could be interpreted in divergent ways to serve different agendas.

From 1985 onwards, a branch of criminology named 'left realist' came to define itself partly in its differentiated attitude towards the fear of crime (cf.: Sparks, 1992a, 1992b). The concept had become inculcated with the notion of rationality. The focus on why people were concerned – whether this was through experience, reception of mass media reports or perceptions of a disorderly and uncivil environment – became conjoined with the question of whether the causes somehow made the level of concern 'reasonable' or 'appropriate' to the actual level of threat of victimisation.

'Left Realism' attempted to assert the real basis for fearfulness. The position was explicitly in opposition to that of the 'administrative' criminology of the Home Office (to use Young's, 1987, descriptor) – that fear was often exaggerated and misplaced. Young (*ibid.*) argued that there had been a 'great denial' of the impact of crime on contemporary urban social life, diminishing the reality of crimes and its consequences. This perspective also rallied against those left-wing criminologists who played down the harmfulness of conventional crime, who saw fear of crime as a moral panic generated by the mass media, and who emphasised corporate and white-collar crime as the real problem.

Stressing the very real damage that crime can have, the Left Realist research programme tried to push crime onto the Left Wing political agenda and reinstate its seriousness as a criminological topic. Local crime surveys were used to examine the myriad experiences that various victims had which national surveys do not take into account. Commissioned by radical local authorities, hostile to central Government and the police, and committed to the problems being faced in inner-city areas, many focused on public perceptions of police, and particularly their satisfaction with the service and their opinions on accountability. In one sense then, they operated like consumer surveys seeking to audit police performance (Zedner, 1997).

Researchers used these instruments to argue that harassment, abuse and frightening and stressful events can contribute to general levels of anxiety, but also fall outside the law (Anderson *et al.*, 1990). Indeed, some groups have a greater sensitivity to personal safety as a result of peripherally visible forms of victimisation and other harassments (Crawford *et al,*. 1990;

Jones *et al.*, 1986). When you took all this into account, the apparent disparity between risk and fear is entirely dispelled (Young, 1987).

The other intellectual strand that contested that women's fear was irrational was feminist sociology and criminology. Several studies in the U.S. had documented a large discrepancy between rates of rape and physical assault published in official crime reports and those acknowledged by women during interviews (e.g. Gordon and Riger, 1989). Crime surveys and police statistics were also seen to fail to capture the full nature and extent of victimisation and low-level issues, such as sub-legal harassment. Studies used ethnographic and life-history methods and surveys of women conducted by female researchers, allowing people to talk, uncovering much low-level harassment, abuse and violence that remains 'hidden'. Feminists listened to women's accounts and treated their experiences as 'expert' knowledge (Stanko, 1990).

Additionally, much victimisation occurs within relationships, by persons known to the recipient. Male abuse can become pervasive reminders of vulnerability, enacted because of the sexual identity of the individual as a woman (Hanmer and Saunders, 1984; Stanko, 1990). As such, sexual danger is at the heart of women's fear of crime (Stanko, 1990). It constitutes one end of a continuum of experiences (Kelly, 1988) in which women routinely learn to manage their daily lives structured and informed by their relationships with men. Many women learn during their lifetime to deal with harassment, incest, violence, and rape. These learning experiences are not easily separable into a public and private domain; feeling safe in the street, at home or on public transport. Overall, Stanko (1990) argued that diagnosing female fear as irrational completely ignores its gendered and pervasive nature; its roots in structural issues of a patriarchal society.

Finally, crime prevention advice that proceeded to put the responsibility for male violence onto women was ' ... like a red-rag to a bull' to one interviewee. It was seen as another way in which women are encouraged to self-regulate their behaviour and treated as 'other'. Thus, behaviour is restricted both by the possibility of harassment and victimisation, and by the fear of unknowingly provoking a tendency to 'blame the victim' (Smart, 1977). Fear of sexual assault restricts movement and self-experience and reinforces gender roles (Gordon and Riger, 1989; Stanko, 1990).

Continuing Themes in the Fear of Crime Literature
and Debate about Methods

Meanwhile, the research literature continued to grow during the 1980s. Most studies were conducted in the United States, using the survey as the methodological tool, and the central themes were similar to those of the previous decade.

The 'broken windows' theory (Wilson & Kelling, 1982) and the notion of incivilities (see Merry, 1981; Maxfield, 1984; and Skogan, 1986) developed the idea that perceptions of the physical and social environment and 'behavioural improprieties of some individuals, which may not be specifically criminal' (Maxfield, 1984: 24) affected public perceptions of crime. Scholars widened out the concept of incivility to include an indication of social disorganisation, a lack of social cohesion and trust, and an unstable neighbourhood in decline, as well as a factor in a particular sequential process in a downward spiral of a community. However, these interpretations remained empirically under-specified.

Another key focus was the role of direct and indirect experience of victimisation. Evidence was accruing for a stronger effect of indirect experience of victimisation on perceptions of safety than direct experience. Indirect or vicarious victimisation includes knowing others locally who have been victimised, and hearing information about criminal activity through conversations with others or from the mass media. This perspective interprets a criminal event in a community as sending out 'shock waves' via local social networks. People who hear about a crime become indirect victims if their levels of fear increase, and local social contacts can actually serve to amplify the impact by disseminating news.

However, this decade saw continued dissatisfaction with the theoretical and operational definitions of fear of crime. For Maxfield (*ibid.*: 6): 'Feelings of safety on neighbourhood streets has come to be a *de facto* standard [measurement tool], but this reflects as much a desire to conform with prior usage as it does an uncritical consensus'. The need for comparability was partly because the main studied were government-sponsored, and they needed to track changes over time as an early form of 'performance indicator'.

The Rationality of the Rationality Debate

In the late 1980's, there was a growing conviction within the police force and the 'liberal middle-classes' (to quote one interviewee) that public fears

were exaggerated, inflamed by the mass media, and disproportionate to the actual threat of serious victimisation. The Home Office report of the Working Group on the Fear of Crime (Home Office, 1989), or Grade Report, was influential in this respect.

Ironically though, this was a time when academics had begun to examine the logic of comparing statistically estimated risk to public attitudes and fears. A number also came to see that the level of empirical detail that surveys had furnished had outstripped conceptual development. The work of Sparks (1992a, 1992b) stands as the exemplar on these matters. As one interviewee described: 'it had a real ground-clearing effect'. Many echoed this sentiment.

Sparks (1992b) began by stating that the Left Realists had done criminology a service by correcting 'earlier conventional wisdom' with respect to exaggerated fears. But he argued that to insist on a real and rational basis for fears is to wield 'some blunt theoretical instruments' – it is 'simply to invert the logic of the moral panic thesis rather than to correct it' (*ibid.*: 122).

The critical question is, when and under what circumstances is it rational to be afraid? To describe fear as rational because it is 'wholly accounted for an antecedent level of objective risk' (*ibid.*: 123) begs the question: what are the criteria for proportionality (cf. Reiner, 1988)? To decide the basis of when a fear is 'wholly accounted for' involves moral and political choices. Furthermore, the actuarial approach presupposes a theory of risk perception that assumes that people go about their lives actuarially estimating the likelihood of victimisation. Sparks (*ibid.*: 123) argued that: ' ... this is such a simplification of processes of social cognition as to constitute precisely the kind of derogation of lay knowledge which the realists are concerned to avoid'.

The risk of victimisation experience should really be seen as a product of uncertainty: 'the resources available to us in making the necessary judgements are both enormously extensive, varied, complex and inherently incomplete' (*ibid.*: 132). We have partial information and a range of experiences and beliefs, all of which render some situations, people and places threatening, unsafe or dangerous.

Sparks (*ibid.*) refers to socio-cultural work that conceives risk perceptions as sophisticated ways of making sense of complex possibilities in the social world. The risk of victimisation denotes individual and cultural meanings and resonance, both in the fact that it exists at all and in the value

placed on the magnitude of its outcome. Some risks are more salient than others, and this is related to the salience of their broader cultural meanings (Douglas, 1985).

This broader conceptualisation offers up the possibility that we attend to information about crime because it allows us to frame and interpret our experience, concerns and beliefs? In such a way, fear may be seen more helpfully as a 'mode of perception' (Sparks, 1992a: 14), a way of approaching and interpreting the world. It also:' ... intelligibly summari[ses] a range of more diffuse anxieties about one's position and identity in the world ... . [and] concerns the way in which people understand the fear-inducing environment which they are forced to inhabit.' (*ibid.*: 14).

Britain during the 1990s

Many interviewees argued that 1992 saw a clear break in governmental policy on Law and Order. Tony Blair became Shadow Home Secretary and, as one interviewee stated, declared an intention 'to take crime and public concerns about crime seriously'.[2] This precipitated a mirror change in the Conservative Party.

The early 1990s consequently saw a decline in interest amongst policy making in the fear of crime as a topic discrete from crime. The emphasis was less on the management of fear through public education and more on public emotions as an indicator of the impact of crime. The BCS would provide information on where priorities lay in tackling crime levels. In this sense, the instrument became a consumer survey, eliciting levels of public satisfaction with the criminal justice system and indicating areas of priority – in a similar way to the local surveys of the 1980s.

The fear of crime remained a salient issue in official Government statements, but it was bound up with the idea that the public were rightly concerned and demanded action. But tension concerning the proportionality of public perceptions bubbled underneath. As Reiner *et al.* (2000: 107) argues: 'The media have consistently been seen by policy makers as a major source of the problem, stimulating unrealistic and irrational fears by exaggerating and sensationalising the risks and seriousness of crime'.

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[2]   A theme in the interviews was the attribution of some success to the Left Realists, one of whose remits was to encourage the Labour Party to take these issues more seriously.

From the early 1990s onwards, the Labour Party began to outmanoeuvre the Conservative government with increasingly right-wing policies. This stimulated what one interviewee called an 'arms race' between incumbent and opposition, from Michael Howard to the present day, with parliament regularly being packed with crime bills. During this time, public fear of crime was regularly used in an occasionally grandstanding manner to justify popular-punitive solutions to issues of law and order.

This at a time of a number of changes in criminal justice system policy, partly in response to public demands. The first was increased pressure for police foot patrols. While it is often argued, in Britain at least, that high-visibility patrols are generally not an effective way of preventing or detecting crime, the public generally seems to like them. They may even be important in sustaining police legitimacy. The second change within police and wider has been the proliferation of the installation and use of CCTV cameras, partly as a response to perceived levels of public fear of crime.

Mirroring an increasing emphasis on the role of disorder, and the notion that the public was sick of everyday incivility, policy began to shift towards more strongly linking fear of crime, anti-social behaviour, and the incidence of crime. These issues became fused under the banner of 'community safety' (see Crawford, 1998). The Crime and Disorder Act 1998 formulated the concept for the first time within public policy. Giving local authorities and the police joint statutory responsibility for crime, this legislation dictated that local agencies were now responsible for carrying out 'audits' of community safety in their local area, including the measurement of fear of crime and some evaluation of the effect of strategies.

Central elements of the Crime and Disorder Act aimed to improve the ability of multi-agencies to address disorder, particularly relating to young people. These included a number of orders: child safety, anti-social behaviour, and parenting. They also include provisions for local child curfews and powers for the police to remove truants.

There was consequently an increasing link between youth, crime and public concerns about both. One interviewee pondered whether this was a response to decreasing margins of tolerance in certain sections of the populace of infringements of privacy, quietness, and the intrusion of signs that the world is not disorderly, out of one's control. Embodying change, of inter-generational difference, young people can represent unwelcome changes in norms, values and standards. They are both a real cause for concern, and an easy and often misunderstood target. And as Hall *et al.* (1978) and Pearson (1983) show, this is not new.

Continuing Themes in the Fear of Crime Literature:
Questioning the Definition of the Concept

Many of the interviewees argued that the beginning of the 1990s saw a decline in interest in fear of crime research in British criminology. One interviewee nicely illustrated what was a common theme: 'A debate that people had come to see as rather stale fizzled out. There was a sense that it had been done and that there was not much more to be gained'.

Yet research continued, particularly in the U.S., but also increasingly in other countries including Germany, Italy and France. Yet again this decade saw more commentary on how the concept was defined using crime surveys. In particular, there was a growing sense that fear of crime was a complex, diffuse 'catch-all' phrase, referring to a range of inter-related but theoretically distinct perceptions and responses to crime and the risk of victimisation. It was at once more complex and subtler than studies assumed.

Words have run ahead of actions in this regard, however. Research practice has not integrated key insights, whether it involve the use of a wide range of measures to accommodate a multi-dimensional concept, or the careful investigation of outstanding dilemmas concerning question wording. Perceptions of safety questions continue to dominate, largely for comparability purposes.

This seems to matter. Research by Jason Ditton, Stephen Farrall and colleagues (e.g. Farrall *et al.,* 1997; Farrall *et al.,* forthcoming) has suggested that not only do these standard tools exaggerate the prevalence of fear; so too do questions about the intensity of worry – at least in the British context. One key issue is the transitory nature of fear; another is the way in which measures ask for summaries of these and present them as stable attributes. A further dilemma is whether data reflect something above and beyond everyday experience of emotional responses to the risk of crime – namely, more generalised attitudes about crime and its significance that express underlying values that orientate the cultural meaning and importance of risk (see: Dowds and Ahrendt, 1995; Girling *et al.,* 2000; Farrall *et al.,* forthcoming).

Of course, measurement problems often reflect conceptual issues, and, in this case, the problem of theoretical under-specification. If a construct has not been theoretically defined then it is difficult to define its operational counterpart. But the problem goes deeper. Without a conceptual framework that allows a cohesive interpretation of the data – a systematic basis for the explanation of key processes and mechanisms – one is left with accounts

that seem only to scratch the surface; piecemeal findings that lack integration to each other and to a broader framework of explanation (Hale, 1996). The one exception here is Ferraro (1995).

Enter Qualitative Studies

Meanwhile, the mid- to late-1990s saw a series of qualitative research projects building on the earlier work of feminist researchers (e.g. Stanko, 1990), and of Sparks (1992a; 1992b). These were projects to reconceptualise fear of crime, addressing the perceived bluntness of survey tools, and to respond to the lack of theoretical specification in much of the quantitative literature.

A number of studies used innovative methods that underpinned theoretical development. For example, Girling *et al.* (2000: 17 and 1-2) argued that listening to people talk about crime and the risk of crime, rather than tick boxes, allows:

> ' ... a more nuanced and contextual approach to understanding the meanings associated with individuals' perceptions of the threats of criminal victimisation ... [research has] left much unsaid about the meanings-in-use of crime and its attendant concerns, anxieties and conflicts for people in the ordinary settings of their lives'.

Their approach removed 'fear' as the 'central organising principle' (*ibid.*: 15). Rather, they listened to people talk about crime, disorder and social order, making connections to the broader cultural significance of crime for individuals. They examined how the interpretative and evaluative function of stories that individuals told imposed coherence on their perceptions and beliefs concerning crime, social relations and social change. Qualitative methods facilitated the investigation of the cultural meanings of crime – a perspective that goes back to Hall *et al.*'s (1978) thesis that crime operates as a symbol, expressing or condensing a number of other issues, conflicts, insecurities and anxieties. Girling *et al.* (2000) found that talk about crime disclosed an array of concerns and perceptions of their neighbourhood, of its social make-up and status, its place in the world, and the sense that problems from outside were creeping in.

Such methods were used in a number of studies (e.g. Taylor *et al.*, 1996; Pain, 1997; Hollway and Jefferson, 1997; Tulloch *et al.*, 1998; Girling *et al.*, 2000) to investigate individual's descriptions of their perceptions, attitudes, emotions and behaviours, when and why these occur, and how they

manage threat and danger. They allowed the investigation of the situations in which they worried or felt at threat, highlighting the extent to which these are specific to certain localities and helped identify particular content and general themes that are relevant in perceptions of safety.

Conclusions: Where Are We Now?

It is sometimes tempting, but always dangerous, to construct history using simple, straight and causal lineages (cf. Osborne and Rose, 1999). The debate surrounding the fear of crime, operating within many arenas, is inevitably more nuanced and multi-faceted than the account offered here. This article is not a definitive account of events as they occurred. Rather, it is a product contingent on its time, its bases, and its purpose, a narrative and a thesis that looks back, with the help of a large number of British-based criminologists, to examine where we are now and how we have got here. Thus, I hoped to sensibly locate the form and impact of future contributions, even if hindsight is a wonderful thing.

In Britain, as in many Western industrialised countries, crime and deviance are not new phenomena. Nor, indeed, are public emotions and fascination towards these topics (see, for example: Curtis, 2001; Pearson, 1983). By their very nature, public perceptions of law and order have been historically bound up with the stability, normative character and makeup of society; with the ability of the State to ensure power and security; with changing labels of legal and social transgression; and with what signifies a threat to the individual, to communities, to society – to the cohesion and consensus of values, norms and morals. These are questions that are central to social life and governance. And perhaps we can only speculate whether current levels of public anxiety about crime and order are quantitatively or qualitatively different to other historical periods.

But one thing that is new to the previous few decades is the concept of 'fear of crime', an idea peculiarly suited to the times. Emerging from a particularly social and political climate – of increasing crime and public awareness of such; of governments concerned about public anxiety, with the tools and will to accumulate information on citizens in order to respond and govern; and of a burgeoning social science increasingly interested in such issues – this construct has been developed and employed over the last few decades by academics, politicians, and journalists. For data from annual crime surveys in the U.S. and Britain have regularly showed that the

risk of crime impinges on many people's consciousness, more indeed than the experience of victimisation.

Crime survey data have consistently thrown up an interesting paradox that quickly became central to the debate. The prevalence of fear, as vaguely defined as it is, does not seem to match estimates of who is most of risk of becoming a victim. It also seems to be more widespread than victimisation experience. These matters, combined with the effects of fear, quickly became wrapped up in policy questions concerning how to respond to public opinion. Issues included: the effect of anxiety on citizens' quality of life, on communities, and on crime; the role of emotion in driving liberal-conservative attitudes towards criminal justice; demands on and confidence in the State and its law enforcement; and whether one should try to allay anxiety by treating it separately from crime.

Yet it remains plausible that the public may not be as fearful as is often presented. This is not to say that crime and concerns about crime are not salient in the public's mind. Rather, by interpreting data in a less literal manner, or by using more sensitive research tools, one could conclude that the threat of crime does not live quite so large in many people's lives (see Farrall *et al.*, forthcoming); rather, anxiety expresses a range of values that underpin concerns about community, law and order, and social change.

For some, growing scepticism about survey instruments means the value of quantitative work is in a state of flux. A significant majority of those interviewed were more strident, viewing the survey as too crude a method for this field of enquiry. Interview and focus group techniques were seen as the more appropriate ways forward. And it is clear that such methods have been used to successfully sidestep the self-imposed limitations of standard survey tools.

But there remains a possibility that the failure to develop theoretical and methodological tools is as much to blame for the lack of convincing explanatory accounts of the phenomenon as much as the methodological form of the survey questionnaire itself. Perhaps one should not be hasty to conflate theory with method; careful development and integration may yet help lift quantitative study out its current trough, leaving us with future studies based on a broad range of techniques that healthily complement, contrast and challenge one another.

With these thoughts in mind, this chapter finishes with an analysis of where the interesting theoretical questions lie at this present time.

First, theoretical and empirical work has begun on the psychological nature of emotion in this field (see: Greve, 1998; Jackson, 2002; and Gabriel

and Greve, 2003). Gabriel and Greve (*ibid.*) distinguish between the state dimension of affect, or the disposition to interpret situations as threatening and evocative of fear, and the trait dimension, or the situationally specific stimuli and experience of fear. They also highlight the multi-dimensional nature of emotion that includes cognitive and behavioural features.

Psychological research on worry (a corpus that has traditionally relied on quantitative studies) also stresses the integral role of threat appraisal, its self-perpetuating nature, and its effect on perceptions of risk and interpretations of one's environment. Theoretical and empirical work indicates feedback loops between worry about crime, risk perceptions, and interpretations of one's social and physical surroundings (Jackson, 2002).

Second, there has been increasing consideration of the mediating role of risk perception and vulnerability. Ferraro (1995) argued that fear was shaped by subjective assessments of the chances of victimisation, which was itself based on intuitive perceptions of one's environment and signs of crime and disorder. Other work has stressed individual vulnerability to the effects of crime (see, for example: Killias, 1990 & Warr, 1987; 1994; Pain, 1993), and differential feelings of control over its occurrence and impact (Jackson, 2002).

Third, and further broadening out the notion of risk perception, work by Girling *et al.* (2000) has shown us how to locate the cultural context. The issue of crime and disorder gathers its symbolic meaning at a range of levels, becoming ways in which people interpret and manage their social and physical environment. A risk becomes salient because of what it represents (cf. Douglas, 1985; 1992), and crime symbolises the breakdown of moral and social cohesion and consensus, and decreasing predictability and familiarity of interaction, of transgressions of commonly shared values and morals, and of a whole host of low-level behaviours violate these 'normal appearances' of Goffman (1971) – signs of danger and normality that we have learned to detect, that we constantly scan for as we negotiate our social world.

For many years, social psychologists have examined the value-expressive function of attitudes. At least in Britain, data may reflect less that people are frequently worried or fearful about becoming a victim. Rather, we have increasingly come to use the language of crime and concern to express daily encounters with anti-social behaviour and the deterioration of social control; with perceived diversity and conflict in the norms and values of individuals and groups; and with a myriad of other related

social changes. Our attitudes articulate the importance we place on cohesion and consensus, on civility and predictability of interaction, on the presence or absence of security and safety for ourselves and significant others, and on changing margins of tolerance for certain behaviours. And these are, one can be sure, social psychological features that are at the heart of everyday life. Thus viewed, public attitudes towards crime become embedded in how we understand and orient ourselves in our complex social environment. To remove it from its context is to reduce our appreciation of this diffuse, contingent and polysemic construct.

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The Moral Maze of the Middle Class
The Predatory Society and its Emerging Regulatory Order[*]

SUSANNE KARSTEDT & STEPHEN FARRALL

1. Into the Realm of 'Everyday-life Crimes'

It is a salient characteristic of "crime" in public perception that it is committed by "others". Whilst there is a well-estbalished notion of 'crimes in the suites' and 'crimes in the streets', there is a vast and unexplored terrain in between the top and the bottom of the social space defined by these popular concepts. These are the 'crimes' and illegal and unfair practices that are committed at the kitchen table, on the settee and from the home computer, from desks and call centers, at cash points in supermarkets or in restaurants. They are commited by those who think of themselves as the 'respectable', who are, as citizens and consumers members of the middle classes, and who would definitely reject the labels of "criminals" and "crime" for themselves and their actions. These 'crimes' are not committed by those who are in vulnerable positions in the modern market society (e.g. those excluded by unemployment), but rather of those who are at the *centre* of modern societies in two respects: they are at the centre of its normative consensus, and at the centre of its social space.

The question 'What is the difference between ripping software and shoplifting' was recently asked on the website of the BBC News (7 July 2003) under the headline: 'The burning question: To rip or not to rip'. All

13 emails that were put on the web ignored this question, and no direct answer was provided. Obviously, the interested public was as unwilling as they were incapable of seeing any similarities or connections between ripping-off software and shoplifting.[1] However, in a survey conducted by the Federation Against Software Theft (FAST), 31% of respondents said they were willing to report their bosses if they knew that they were using illegal software in their businesses (FAST, 2003). Given the widespread and common use of illegal software, we can assume that a majority of these 'whistleblowers' could be accused of the same illegal action. The terrain that we are exploring in this chapter is an area of blurred notions and fuzzy images of 'crime'. The average citizen views him/herself as primarily 'law-abiding', and 'normalizes' illegal behaviour with a variety of excuses and exculpation, justification and 'neutralizations' (Ericson & Doyle, 2002; Ericson, Barry & Doyle, 1999; Karstedt, 1999; forthcoming).

This collective 'blind spot' in the imagery of crime is mirrored in two respects. Only recently have criminologists observed a shift of professional crime from the blue-collar 'underworld' to the middle classes. Shover *et al.* (2003) found in a study of criminal telemarketers that they were well educated, had a middle class background and led the life of the respectable middle classes, however with a not so respectable underside of drug taking and gambling: 'Contemporary professional crime has mutated from an overworld in which the bourgeoisie rather than the blue-collar culture is sovereign' (Shover *et al.*, 2003: 502).[2] More importantly, it is mirrored by the absence of the criminal justice system and its formal controls. Neo-liberal market policies, de-regulation of markets, and privatization of government services have weakened the oversight and regulation of the space of consumption and business. However, an array of new forms of regulation and control is emerging, re-shaping the landscape of control, and slowly slipping from observation by citizens and criminologists alike (Ericson *et al.*, 2000): Associations of insurers and banks establish task forces against fraud, the National Health Service and Health Insurers Associations establish specialist units to detect and procecute fraud, the Department of Social Services (now Department of Work and Pensions) ran advertisement campaigns and a website against benefit fraud, borough

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[1] Reflecting the elicited public opinion, a week later the headline was changed to 'Why is it OK to nick software?'

[2] Other recent studies include Ericson and Doyle (2002) on insurance fraud and regulation.

councils run and build up fraud units to tackle fraudulent parking permits, and so on. These institutions establish their own definitions of 'crime', their own procedures of tracking and prosecuting, and in particular of sanctioning – mainly by excluding citizens from their services[3].

These changes in the traditional images of crime and control reflect the changing economy of the late twentieth century and the emergence of 'neo-liberal' market policies. The net result of these changes has been a 'cornucopia of new criminal opportunities' (Shover *et al.*, 2003: 490; Grabosky *et al.*, 2001; Taylor, 1999). For over a decade, complaints by insurers and representatives from the health services about the increase of fraud committed by their customers have been mounting. Large and small retailers see themselves as victims of those customers who take unfair and often illegal advantage of generous offers and terms. Small tradesmen report that their customers fraudulently try to make them responsible for damages. Citizens do not hesitate to take illegal and unfair advantages. On the other hand, consumers feel victimised by the practices of insurance companies and financial services. They are sold 'useless' insurance and financial packages, they are not properly informed about the products, and feel being 'defrauded' by 'small-print' clauses. They find themselves charged for undelivered services, bogus repairs, and used parts sold as new. New health care, financial and insurance programmes and products have given access to new pools of tax revenue, which have been called a 'licence to steal' (Sparrow, 1996). Consumers and business seem to be engaged in a vicious cycle of unfair behaviour, erosion of good practices and normative standards. Citizens seem to be less willing to comply with rules and regulations in all spheres of life, thus affecting the government as well as business. Is a 'predatory society' emerging from its very centre and the central sphere of the market place and consumption?

However, the new technologies, globalization of markets and neo-liberal market policies resulted in more than a 'cornucopia' of opportunities (as criminologists would term it) or an increase in 'moral hazards' (as economists see it). Ever since our ancestors first bartered beautifully hammered flintstones for food and other goods in their caves, opportunities to cheat have been abundant. What is more important, these policies engendered a sea-change in the 'moral economy' (Thompson, 1963) of

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[3] See e.g. Ericson *et al.* (2000; 2002) on how car insurers define 'bad' and 'good' risks, how they disadvantage groups of the population from insurance or force them to take insurance for extremely high premiums.

societies, that changed the normative fabric of markets, consumption and the 'enterprise culture' (Hollis, 1992). Paradoxically, the imposition of neo-liberal market policies in both the established and in particular in the post-communist market societies brought home the message that the invisible hand fails where markets lack a foundation of legal regulation, and an underpinning of moral rules and trust in such rules that engender reliability and stability in economic transactions. In addition the new e-commerce markets demonstrated how salient and simultaneously fragile such moral rules and trust in them are (Uslaner, 2001; Dieckmann & Wyder, 2002). The mechanisms of market econmies need the underpinning of an institutional and normative framework that defines fair exchanges, moral rules and obligations for all, and a concern for the interests of those who lose out (Hollis, 1992).

Even if we assume that the more familiar motivations of greed, lust and power (Grabosky *et al.*, 2001) are involved, it is hard to imagine that the seething mass of morally dubious and ethically ambiguous actions, which we have found in our comparative research in England & Wales and Germany (East and West), can be explained through such motives on an individual level. In this chapter, we will argue that the sweeping changes of the moral economy have engendered mass victimization and offending in the market place, and have had an impact on the 'economic morality' in every-day life. Citizens as consumers and consumers as citizens transfer their distrust, moral indignation and strategies for 'getting things done' from the arena of consumption into the arenas of social and political life (see Barber, 1999), and the normative culture of consumption has decisive consequences for society as a whole. The shifts in the moral economy have created a 'moral maze', in which the image of crime and control has become blurred by small-print rules and an abundance of new regulation, where consumers feel victimized and seek redress, where they simultaneously 'hit back' and 'get things done', where they adopt attitudes of 'legal cynicism' (Sampson & Bartush, 1998), and where they surround their shady and 'sharp' practices by neutralizations and justifications, which keep their images of crime and those who commit it, unscathed.

In the current chapter we explore this moral maze from both the perspectives of citizens, business and government agencies. The data we present are the first results from comparative research in England and Wales and Germany (East and West) (see Methodology section below), however we are focussing in this chapter on material mainly drawn from England and

Wales. We will first discuss the changes engendered by neo-liberal market policies and their implications, and then present findings from our qualitative studies, complemented by data from our survey.

2. The Moral Economy of the Neo-liberal Marketplace

Our conceptual perspective on contemporary moral economy is based on the work of the historian E. P. Thompson (1963). In his highly influential essay in *Past and Present*, Thompson argued that the riotous actions of peasants during the corn shortages of the 18th century could be understood as attempts to assert a moral dimension to the market. These 'riots' represented attempts to enforce 'fairness' in the marketplace, and to ensure traditional bonds and obligations against the emerging liberal economy. Hence such actions were attempts to express the 'moral economy' of the production and distribution of food. The 'moral economy' was juxtaposed to the invisible hand, which – without moral constraints – would ensure the proper functioning of markets. However, Adam Smith's perspective of a 'moral-free' market was contested by David Hume, who was convinced that markets do not work properly without 'virtues', and rules and norms of trust and fairness. It is exactly this position that has been revived by the 'New Institutional Economics' (North, 1981; 1990). 'New institutional' economists argue that institutional and legal frameworks as well as 'informal constraints embodied in norms of behaviour, conventions, and internally imposed codes of conduct are critical' (North, 1998: 506) for the functioning of markets, and consequently shape a normative culture, in which these are embedded.

From both perspectives – Thompson's and North's – changes in the economy and its political governance affect the normative culture of markets and consumption. Thompson in particular focussed on the contentious nature of such changes. Though we do not expect 'consumer riots' in modern societies, we still find a high degree of resistance – resistance which takes much more subtle forms. Whilst British peasants once raised-up against millers selling corn or flour at inflated prices, consumers are now exercised by 'value for money', miss-selling, hidden charges and inaccurate product descriptions. One such form of resistance is the 'retreat' into a shadow economy whereby consumers are happy to buy fake watches, 'designer' clothes and luggage, or where they pay cash-in-hand to circumvent tax and social security laws (Schneider & Enste, 2000). They inflate insur-

ance claims as a reaction towards small-print rules or overpriced premiums. A telling example of such form of resistance demonstrates how consumers include government services. When the German health insurers cut down on the replacement of expensive glasses frames a decade ago, household insurers suddenly found themselves showered with claims for broken glasses mainly in the upper range of the price scale, nearly 90% being fraudulent claims (as the expert hired by the insurance industry estimated). Obviously consumers not only took the replacement of glasses as an entitlement, but were willing to use illegal methods on a large scale to ensure they continued to get it.

Which changes in the moral economy were engendered by neo-liberal market policies? Three interrelated processes are seminal. Economic citizenship was transformed into the direction of active self-advancement, and neo-liberal policies were directed at maximizing the 'entrepreneurial comportment' of the individual (Rose, 1996: 340). The consumer became 'sovereign', and was urged to take responsibility and risks. Simultaneously, markets were de-regulated thus creating a new 'risk environment' with little over-sight or regulation (Ericson *et al.*, 2000). Finally, citizens were urged to become 'consumers' in their relations with government agencies, and they were forced into the free market by the dismantling of the welfare state and outsourcing of government services. Neo-liberal market policies reshaped the relation between risk and blame, responsibility and conformity for citizens as consumers as well as for business (Ericson, Barry & Doyle, 1999), and consequently shifted definitions, perceptions and constitutions of criminality.

Neo-liberal governance, by re-distributing responsibilities and risks for consumers, citizens and business, and by re-shaping the weights between governments and markets has engendered a sweeping change of the formal as well as informal rules norms regulating this vital area of the everyday life of citizens. The relentless promotion of self-interest, autonomy and responsibilization has cut deep into the normative fabric of trust, fairness and legitimacy that regulate markets, and produce conformity as well as a consensus on such rules and regulations. The increasing anonymity and commodification of life in market societies (where citizens find themselves caught between "big business" and "big government") impact on wider normative patterns of trust and citizenship values, on legal attitudes and alienation among citizens as consumers and vice versa.

In market and consumer societies, the role and identity of the consumer is intricately linked to that of the citizen. Citizens' experiences in the marketplace affect their attitudes toward the general institutional framework of their societies, and the legitimacy they accord its government and legal institutions. Citizens are clients, voters are customers, and democratic participants are consumers (Barber, 1999: 13). The spheres of consumption have been extended to include the various levels of government – nation-states, local states, communities and agencies – as providers of services to the citizens, and different levels and strategies of privatisation of government services have resulted in a mix of private and 'government markets' for each country. Everywhere, consumers are increasingly urged to perceive of themselves, and hence to act, as consumers in dealing with the various bodies, including the health system, social services and other authorities.

The sovereign consumer actively chooses when to 'conform', when to 'deviate', when to 'complain', when to take risks of unfair behaviour or offending, and how to express their grievances. Thus it is reasonable to predict that their expectations of redress when they feel victimized and complain to private or public institutions may be transferred into increased willingness to engage in "cheating" behaviours (individualised norm-transgressions). The dynamics of consumer sovereignty and responsibilization are intricately linked in the process of defining what constitutes harm and crime in these arenas. The increasing imposition of responsibility and the accompanying myth of 'consumer sovereignty' makes consumers on the one hand an easy prey of corporate illegal and unfair practices, however, simultaneously they act as 'sovereigns' toward rules and regulations in deciding when to conform and when not. While there is some consensus (however incorrect) on the evils of street crime, and perhaps on the damage done by corporate criminals as well, citizens are less judgmental when it comes to those white-collar offences most likely to be available to themselves and people like themselves.

Understanding these shifts in the moral economy is crucial to understanding ongoing definitions of criminal and non-criminal behaviour. Although widespread non-compliance (as e.g. in traffic laws) does not necessarily mean people think the respective behaviour is not (or should not be) defined as criminal, public perceptions are important. The normative pattern and moral framework of modern market and consumer societies, as well as the institutional framework engendered by neo-liberal market poli-

cies, have an impact on definitions of crime in the market place and beyond. Consumer and market societies are characterised by a specific normative and value pattern, which is the foundation of and enhanced by neo-liberal market policies. Equality, autonomy, and the "responsibilized" – and anxious – market citizen are the results. Neo-liberal market policies and rhetoric increasingly dominate government policy and services, with different levels and strategies of privatisation producing increasing levels of fear as well as higher levels of 'Machiavellian' strategies, however, it is unclear if (perhaps) greater "efficiency" comes with costs in the moral economy. Everywhere, consumers are urged to see themselves, and hence act, as consumers of government services, such as health and education, rather than as citizens with shared responsibilities towards collectively beneficial services. A spin-off effect of this is that it is defined as the obligation of citizens (and businesses) to exploit any advantages available to them.

On the other hand, business and government are increasingly tightening up controls. However, it would appear that they rarely use the criminal justice system to prosecute consumer fraud (Ericson *et al.*, 2000; 2002). Insurers devise their own definitions of 'fraud', and execute their own sanctions by defining 'good' and 'bad' risks, which leave the most vulnerable part of the population without proper insurance (*ibid.*). Financial services react in analogous ways by excluding customers from services which are vital for participation in the economy (e.g. by closing accounts). They all design increasingly sophisticated systems of tracking and detecting fraud, as well as rules and regulations which disadvantage citizens and are hard to understand for the normal consumer in many respects, including their legitimacy. The UK Department of Work and Pensions recently ran an advertisement campaign and a website to 'target benefit fraud', during which they offered hotlines and web pages to those who wanted to report cheats.

The dynamics of the moral economy of neo-liberal market policies can be described in four 'vicious cycles':

• Individual autonomy and sovereignty, translated into the normative sphere, may increase the willingness of citizens to engage in illegal and/or "shady" practices when dealing with government or business. Both parties to such transactions trust each other less, which generates more demands for laws, rules and regulation. The resulting increase in complexity and bureaucracy, in turn, increases pressure for rule avoidance and evasion.

- With neo-liberal pressures to "responsibilize the subject", those victimized by business feel an increased pressure to blame themselves for their victimization – they have not been sufficiently "prudent", they have not "done their homework" as risk-takers. This intensification of *caveat emptor* decreases the pressure on business *not* to deceive, to deal fairly with customers, suppliers and government, and to provide full and honest information. Here the definitions of crimes are affected through decriminalization of actors and blaming of victims.
- Celebrating risk-taking as praise-worthy behaviour blurs the distinction between fair, shady or illegal practices, for citizens as business owner-operators, executives, employees and customers alike. Figuring out, what is criminal and what is not, when applied to white-collar and corporate behaviour, becomes idiosyncratic and personalized: if it victimizes *me,* it is (or should be) criminal; if it victimizes *them,* it is in neutral terrain; if it benefits *me,* it is neutral, understandable or even meritorious behaviour. While the effects of anomic moral environments such as this are unknown, it is reasonable to suggest that people become increasingly less oriented to their collective obligations and responsibilities, and adopt an attitude of 'legal cynicism' (Sampson & Bartush, 1998).
- "Too many" rules and regulations decrease the legitimacy of norms and moral obligations, and create incentives for all to circumvent such obligations. To get things done, citizens revert to illegal practices in order to 'cut red tape', which they deem justified and legitimate. This "normalizes" illegal behaviour when carried out by "law-abiding" citizens or by business and encourages disrespect for regulatory law.

3. Methodology

The comparative research is based on a large survey of citizens in both England & Wales and Germany. These countries represent three 'change regions': An advanced market and consumer culture in England & Wales with relatively few state-provided services, a market society with strong 'protective' state provision (the former West Germany), and a 'ready-made' market society in transition (the former East Germany; see Rose & Haerpfer, 1997). All three change regions have been the object of neo-liberal policies, however at different times and with differing levels of in-

tensity and impact. The surveys targeted a random sample of individuals aged 25-65 living in households in these countries. They achieved 1,807 respondents in England & Wales, 1,732 in the old West Germany, and 805 in the old East Germany (which was over-sampled by a factor of two). The fieldwork took place in the autumn of 2002 and dealt with a range of issues including feelings of citizenship, trust, legitimacy etc. and victimisation and engagement in dubious market activities.

The survey is complemented by two qualitative studies. Interviews with experts in a number of agencies and businesses in both countries were conducted. In addition, the survey questionnaire was piloted through in-depth interviews with citizens, which yielded most of our data on the perceptions of citizens towards these issues. In all, we have interviewed, in one form or another, thirty-two individuals. Fifteen people were interviewed as part of the piloting for the survey, and four people as part of a discussion group about fraud at work. Thirteen were experts in fraud or the regulation of fraud, and these people were either seen individually (nine such interviews) or in pairs (the remaining four). Our experts were recruited either by writing or telephoning them, explaining our interests and asking them for assistance, or, via snowballing from other experts. Our interviews asked about the current forms of fraud in the particular market sector under discussion, how these were accomplished, whether they were premeditated or opportunist, (if the latter how people got to know of these opportunities), and for estimations of loss for individual frauds and at the national level. Wherever appropriate to do so, we also asked for details about situational features (moral hazards), which made fraud easier or more tempting. Respondents were asked about the frequency with which frauds were committed and the measures for guarding against such activities. All interviewees were asked to discuss their experiences with regard to specific cases as well as 'in general'. The interviews lasted between forty-five minutes and an hour and a half, and were transcribed in full. The pilot interviews were conducted in and around Newcastle under Lyme, Staffordshire, (England) and were chiefly concerned with assessing the clarity of some of the items in a wider survey of these issues. However, these interviews provoked respondents into discussing the topics at hand in greater depth, and as such further stories about and examples of marketplace frauds were collected.

4. Intentions, Ruthlessness and Opportunities: Illegitimate Consumption Comes to Town

Let us commence our foray into the neo-liberal moral economy by trying to get an idea of the extent of the problem. All of the following estimations are, given the nature of the topic at hand, 'guestimations' rather then firm, reliable figures, and they are based on information gathered from the experts interviewed:

- The UK's Dept. of Work and Pensions (the Government body which provides UK citizens with social security) estimated that five per cent of their claims were fraudulent, resulting in £573 million (€897 million) being defrauded from the British taxpayer *by* British taxpayers (this represented four per cent of total spend on social security payments).
- The Association of British Insurers estimated that four per cent of household insurance claims made in 2000 were fraudulent. It noted an increase in bogus claims and predicted further increases in future years (ABI, 2000).
- The UK's Association for Payments and Clearing Services (who help to regulate credit card fraud) estimated that in 1997 £28.3 million (€44.3 million) was lost to counterfeit credit card fraud. By 1999 this figure had risen to €78.7 million and by 2000 stood at €160.8 million (APACS, n.d.).

But how do fraud and similar crimes compare with 'ordinary' crimes? The 2001 British Crime Survey estimated that there were slightly over 1 million burglaries in the year 2000 (Kershaw *et al.*, 2001) and estimated that the costs of burglaries were £2.7 billion (using 1999 prices; Brand & Price, 2000: 32-33). The Brand and Price report, however, puts the costs of fraud and forgery at £13.8 billion (€21.8 billion). The cost of fraud, it would appear, outstrips the costs of more common concepts and images of what crime is such as burglary.

The statistics collated on fraud are notoriously unreliable – most of our information in this arena gets little above a 'good guess'. As our interviewee from the Association of British Insurers (the body which represents the interests of UK insurers) confirmed:

"I will be completely honest with you, it's no better than an educated guess at the moment because, they are only really just beginning to look at it in a more sophisticated way and as they apply more techniques to protect fraud. We've got quite good estimates we reckon for motor and household [insur-

ance] and we reckon on personal property insurance they [fraudsters] make a billion [pounds sterling, €1.6 billion] a year across the industry. It is a bit of a guess but roughly half is premeditated and half is opportunistic". *(Spokesperson for the Association of British Insurers)*

A Fraud Investigation Officer working for a local Borough Council who was responsible for the regulation of car parking fees and parking licences reported that:

"... we found that the council was losing something like £100,000 per month revenue [as a result of one car-parking scam]". *(Fraud Investigation Officer, Borough Council)*

Like the insurance industry, those working to regulate the UK's social security system similarly reported millions of pounds lost on an annual basis:

"We know that of the £100 billion that we spend per annum [on Social Security], [losses are] in the region of three per cent [i.e. £30,000,000]". *(Social Security fraud expert)*

When we spoke to a representative from a local Trading Standards Office (the UK's body for regulating the marketplace and protecting the rights of consumers) he told us about one scam which had produced

"... 1,500 complaints in seven months regarding the scheme. Millions of pounds of money [misappropriated from consumers]". *(Trading Standards Officer)*

Of course, it is not all 'one-way traffic' – consumers are not innocent lambs sent to fraudulent slaughter. One of the main types of first-party frauds that the High Street Banks and Building Societies come across is associated with card products, which their owners claim have been lost or stolen:

"[Imagine that] you've lost your card in the street somewhere. There's a transaction on your account that you haven't seen before. The question there is how do I know it's not you that did it?". *(Fraud Investigation Officer, High Street Bank)*

"I suppose ... you might exchange cards with your brother who goes on holiday, comes back and declares [his card] as stolen. Something that's been arranged [between the two of you] and that's an issue for us. We've got systems for looking at that sort of thing, but that's one exposure". *(Fraud Investigation Officer, High Street Bank)*

Customers may also try to commit fraud when opening an account by either being selective with the truth or by pretending to be somebody else completely:

> "Another exposure is where a genuine account holder – genuine as in terms of, we know who they are, we know where they live. They'll apply for an account with us but they'll be a bit selective with the true so they'll ... what we call a material fraudster. That's where a potential debt situation becomes a potential fraud situation. So if for example you wanted to exaggerate your salary because you want a bigger loan. That sort of thing that's what we call a potential fraud. But it also takes another form where you may want to decide to be somebody else completely. You may know somebody who's got a great credit rate, got a great salary, and they want to be them, they'll apply as them. As long as you follow certain steps you'll be able to get an application and we'll be looking at that, looking at certain things that may be inconsistent, we would want to verify that it was you that applied". *(Fraud Investigation Officer, High Street Bank)*

Other incidents to do with actual accounts include customers trying to claim that they have not undertaken a particular transaction when it is clear that they have. When this does come to light, the customer's account will be closed:

> "You could get a scenario where somebody says to you 'I didn't do this transaction on this date or this or the next and in fact I've never been to [...]' and we will say 'Well, why is it you'd think somebody else would want to pay your gas bill by cheque?'. So we obviously have had situations where people decide at that point perhaps they are going to give us a scenario that there's been a fraud when in fact there hasn't. Once we're aware of that we'll contact them and we'll close the account". *(Fraud Investigation Officer, High Street Bank)*

Another incident where fraud might occur is when there is a joint account:

> "I mean this isn't true for some institutes like our organisation, but I know of various incidences in the past where we've got certain accounts that are joint, either partner can sign. And if you've got a new cashier in one of your branches then they can be confused about the sort of certain conditions on accounts. You could easily have a scenario where one partner goes in and empties the account. The next partner comes in the next day and says 'where's my money?' And they actually knew this themselves and were trying it on. And got away with it". (Fraud Investigation Officer, High Street Bank)

Similar stories of 'dubious', 'unethical'' or downright 'criminal' acts on the part of consumers were not hard to uncover in other sections of the market.

This applies equally to the local state, in this case a Borough Council. The fraud investigation officer who works within the parking operations division that deals with parking for a very well off London Borough Council recounted the following tale. It is very expensive to park in this particular London Borough and it would cost £5-6,000 a year in parking fees – hence the Council introduced a parking permit system (for a mere £70 a year). However many people from outside the borough, but who perhaps run shops or businesses in the borough, attempted to get hold of such permits illegally. Consequently many cars parked in the borough have forged permits.

"[This is] probably the main area of fraud that I deal with myself. What I was employed for was to counteract fraudulent applications. That is, the majority of the time, people who don't live in [the Borough] but, they are claiming that they do and producing the documents necessary in order to get that permit [i.e. application fraud]. The other aspect [of his work] is actually forging permits themselves, that is when someone has actually copied one of our permits and changed the details, may be used a scanner, people doing it these days with the technology and that was probably the biggest thing we had last year".

Again, these are not from the 'have-nots'. He went on:

"I mean I can remember each one of them because I interviewed them all and was there in court when they got prosecuted. They were all extremely well to do[4]. You can see some of the addresses [produces paper work]. You've got [...] and so on. None of these people were short of cash and you tend to find and still find that it's just pure greed. A lot of these people here had businesses down the [...] Road which is obviously as you know is quite a nice road".

"These weren't stupid people. These were sort of quite intelligent upper-middle class people that you're dealing with".

Some sectors of the economy were also frequent sources of concern for similar 'scams':

"Say if they've got ten employees [at an estate agents] all going out doing the same thing each day. What estate agents are trying to do is [to] produce tenancy agreements for whoever they want. What they'll do is that they'll get a property that they've got on their books which is empty. Then they'll draft a tenancy agreement saying that three or four members of their staff are living at this property, obviously they won't say they are staff, but

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[4]   The expression 'well to do' means not just financially rich, but also implies 'upper class'.

they'll say these three or four people, living at this property for the next 12
months. And they'll submit those documents to [the Council] and then those
people can then register for Council Tax for there. And the estate agent is
quite happy to pay that Council Tax in order that there will be savings of
thousands and thousands of pounds a year in parking fees. And the council
really doesn't have any way of sort of checking".

Data from our survey in both countries show that in fact both victimization
and offending are widespread in the market place. In both countries, Eng-
land & Wales and Germany, a total of 75% of the respondents experienced
at least one victimization (during their lifetime), while 64% had engaged in
illegal or "shady" practices. More than half of the total sample (54%) re-
ported experiences as *both* victim (of small and large business and private
transactions) and offender (against business, government and in private
transactions). In addition, when comparing those who have experienced
high levels of victimization *and* been involved in high levels of offending,
with a group with respectively low levels of both in our sample, we found
that high-level victim/offenders: come from the higher social strata; were
better educated; had higher incomes and were more likely to be employed,
a result which is confirmed by US data (Rebovich & Layne, 2000). Victims
and offenders in the market place do not fit the image of the 'criminal', but
to the contrary they are average citizens and even more the 'haves' than the
'have-nots'. Professional fraudsters as well as the respectable 'opportun-
ists' equally inhabit the same social space of the middle classes. The fol-
lowing account from a Trading Standards Officer demonstrates how the
well-to-do take advantages of generous offers of a no-questions-asked pol-
icy of taking back clothes:

"...particularly in the more up market there is times of the year when it is
known that women will go and buy a dress that is suitable for a company's
big dinner dance, Christmas, New Year and because they know they (the
shops) operate a policy ... of money back without question, they will go to
the do and take it back. And they will do that year after year and I know lo-
cal traders in Stafford that have got consumers that they won't sell clothes
to. Because they feel, they were giving a kind of a generous bonus, money
back without question to their customers, legally they don't have to. But it
was being abused and they clamped down on it".

In addition we found a quite widespread prevalence of intentions or will-
ingness to engage in such practices. We asked our respondents if they
might one day consider paying in cash to avoid tax, padding an insurance
claim, not disclosing faults in second hand goods for sale, making unwar-

ranted claims for compensation and refunds, and lastly, taking something from work. Here we present data from just two of these – willingness to pay in cash to avoid VAT and padding an insurance claim (the other items elicited similar response patterns).

Table 1: Agree to pay in cash to avoid paying tax

	England & Wales	Western Germany	Eastern Germany	Total (%)
Would consider	426 (24%)	742 (43%)	288 (36%)	**34**
Depends/don't know	549 (30%)	512 (30%)	244 (30%)	**30**
Would not consider	832 (46%)	474 (27%)	274 (34%)	**36**
Total	**1807 (100%)**	**1728 (100%)**	**802 (100%)**	**100**

What is clearly detectable from both Tables (One and Two) is that sizeable proportions of respondents in each change region appeared prepared to engage in these underhand activities, and, importantly, that this varied by country. In England & Wales, around a quarter of the respondents said that they would consider paying 'cash in hand' to avoid paying tax, whilst in Western Germany this rose to 43%.

Table 2: Pad insurance claim to make money

	England & Wales	Western Germany	Eastern Germany	Total (%)
Would consider	164 (9%)	336 (19%)	182 (23%)	**16**
Depends/don't know	338 (19%)	406 (23%)	183 (23%)	**30**
Would not consider	1305 (72%)	988 (57%)	436 (54%)	**63**
Total	**1807 (100%)**	**1728 (100%)**	**804 (100%)**	**100**

Preparedness to pad insurance claims – that is the addition of items that were not damaged or the inflation of the values of items that were damaged – appeared to be less widespread. Again, however, Germans appeared far more likely to be prepared to do so than did the English and Welsh. These variations in the extent to which Germans and the British are prepared to 'cheat' point to variations in opportunities and moral hazards as well as to differences in the normative culture.

In our interviews as well as in the surveys we found evidence that consumers and citizens have the impression of a widespread 'arrival' of certain types of fraud and changes in the moral economy.[5] Amongst our interviewees, some did point to a 'sea-change' (in this case insurance fraud):

> "Well I think a key moment [which] is often cited is the big storms of late '80's. And because obviously there was a huge number of claims, a huge amount of damage, you know the word went out [from insurers], 'just get the work done, send us the bill, we'll pay'. 'Get a quote, get a builder in ...', to help people. Well a lot of people, a lot of builders went crazy, I think. It generated, it sort of got this ball rolling off, 'we won't ask any questions and you know if it's under a certain value, just get it done, just get it repaired'. I think the culture developed. Insurers were made very vulnerable by that and trying to sort of improve customer service and moving over to telephones and all the rest of it. They detached themselves from this relationship with their customers". *(Spokesperson for the Association of British Insurers)*

During an interview with a private citizen, similar sentiments about 'trust' and efforts to defraud people emerged:

> "I have to say, going on my own experience, I had to just say, using the car mechanic as an example, now my feeling is that these are people who you don't have a regular interaction with therefore you don't have an opportunity to build up a bond of trust with them and they are then in a position to exploit your ignorance of ... the tools of their industry, of the parts and the charges of labour which is there jobs, that someone like me doesn't understand they are then in a position to charge me over and above what I should be paying for these things. And that is what I was thinking is them ripping me off – charging me more for goods than I should possibly do".

It is clear to see from the preceding quotes that a number of issues are raised when these sorts of activities are considered. First, there is an abundance of opportunities for defrauding someone or something. Banks, insurers, the local Council and small business cannot treat everyone with suspicion: to do so would be to alienate their customers or those that they have a statutory duty to provide for. The assumption of innocence is therefore both a legal nicety and a tactic for retaining one's client-base and, in the case of statutory bodies, one's legitimacy. These opportunities present themselves on an almost daily basis for many UK citizens: parking permits, local taxation, gym membership, store discount cards, and the paperwork that attends insurance, domestic bills and loan applications all present opportunities for

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[5] In particular differences between the age groups in the three 'change regions' point to cohort and generational changes in the experience of moral economies.

the manipulation of the truth for one's own gain[6]. However, presumably only a minority of these opportunities are acted upon. What, then, provides the motivation for such actions? In particular the cases of fraudulent parking permits give an insight into the *motivational mix* of the middle class when they engage in illegal practices. "They will avoid basically doing anything they can that's legal to pick up these permits", "they spend considerable sums of money on forged permits, which are offered to them under the most unbelievable pretexts", and they are going at any length "to park their Mercedes outside their shop" (all quotes from the interview with Borough Council Fraud Officer). A sense of entitlement to the amenities of a specific way of life, and a defiance of however reasonable regulatory systems that aim at distributing a scarce good according to the common weal are the most salient features of this mix.

Our research shows in addition that people become engaged in acts of *resistance*. For example, the exaggeration of one's salary when applying for a loan or mortgage could be construed as an attempt to maintain a lifestyle in the face of economic realities. Similarly, 'well to do' shopkeepers' forging parking permits can be construed as attempts to resist the 'marketisation' of a service once free (in this case free car parking). In the following chapter, we are exploring in particular attitudes towards legal regulations and the emergence of 'legal cynicism' amongst consumers and citizens.

5. 'The Law of the Jungle' and 'The Jungle of the Law'

The complexity, perceived or otherwise, of the mode of regulation is another factor in many citizens' preparedness to cheat. From interviews with several citizens we repeatedly encountered a deep-seated sense that insurance policies, purchase contracts, or refund agreements were too complicated to be understood, let alone followed (see Table Three). Overwhelmingly, then, respondents in our surveys reported that they found insurance claims too complicated.

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[6] True, credit checks and the such like do exist (there are three such companies providing credit referencing in the UK), but even here things can go awry. One of the authors of this piece (Farrall) recently submitted his own name for a credit check. Of the three addresses he supplied (current and two former address) only one (the oldest) was known to the credit agency concerned. This listed not only Farrall but also other people known to have lived at this address during the recent past. A quick glance at the list of names confirmed that it was incomplete.

Table 3: Levels of Agreement with the statement:
    'The small-print rules for insurance claims are far too complicated'

	England & Wales	Western Germany	Eastern Germany	Total (%)
Agree	1689 (94%)	1443 (84%)	713 (90%)	**89**
Disagree	118 (6%)	277 (16%)	82 (10%)	**11**
Total	**1807 (100%)**	**1717 (100%)**	**789 (100%)**	**100**

True, insurance claims are not easy matters to deal with and care has to be taken when collecting important information and ensuring that brokers are not left open to unjustified claims. However, from our in-depth interviews we gained the impression that in some instances, the feeling was that this situation was favoured by firms as it provided either an impenetrable barrier to comprehension which no right-minded individual could fathom, or hid from view those rules which in particular disadvantaged customers:

> "I've just been talking to my friend who has been trying to claim on [her] travel insurance. I think insurance companies in particular do get on my wick a bit. There seems to be so much palaver in writing here, writing there, millions of phone calls and then you end up tending not to get what you have claimed for. Getting through lots of different people to get to whatever you want to get to in the end". *(Female Pilot Interviewee)*

An allied issue relates to 'red tape' – that seemingly endless parade of paperwork and form-filling, caused as a by-product of modern bureaucracies. Table Four provides our respondents' answers when asked about such matters.

Table 4: Levels of Agreement with the statement: 'There is so much 'red tape'
    everywhere these days, it is impossible to get anything done quickly'

	England & Wales	Western Germany	Eastern Germany	Total (%)
Agree	1624 (90%)	1552 (90%)	751 (94%)	**91**
Disagree	183 (10%)	175 (10%)	52 (6%)	**9**
Total	**1807 (100%)**	**1727 (100%)**	**803 (100%)**	**100**

When asked, as part of a piloting exercise for the surveys on these very issues, what the term 'red-tape' meant to them, ordinary people gave us the

following definitions – some of which hint at a suspicion of deliberate impediments to understanding:

> "All the little literal small print rules. They are never in proper straightforward English. I just don't tend to read them".

> "It's all that detail that is on the back of any contract or hire-purchase agreement, where it explains "in this document the 'we' means so and so, the 'you' means that ..." all that stuff that people can't be bothered to read".

> "Well, I took that literally, because if you read an insurance policy or an insurance application form it literally is small print and is in language that the ordinary member of the public cannot understand. It is very difficult to interpret insurance-speak".

> "Well, hidden things really. Which are sometimes there just to fox the consumer. Personally, I always make sure that I look for these things. So I'm informed". *(All Pilot Interviewees)*

The following was typical of the sort of story we would encounter during our interviews with people:

> "I got some holiday insurance before I went away. Now, when I went to make a claim, at the hospital in America, they said 'you can't contact the insurance company, you have to go through an American company'. And as I read the small print in the insurance brochure they'd mentioned nothing about it, it says that your claim will be void if you call them [the UK insurance company] direct, you have to go through an American company who'll set your case up. Then, they'll claim it back through the British company. Now, that is not explained at all". *(Male Pilot Interviewee)*

In this case, the customer is sent into the maze of call-centres for his claim and he has not got his money yet:

> "I got it through [UK insurance firm] and I had to call [US insurance firm] in America and I called maybe six times and they never called back. Never called back at all. I called [UK insurance firm] and they said you have to go through [US insurance firm], we can't do anything about it. But [US insurance firm] never called back, so basically the first time I went to the hospital, I got a $700 medical bill.

> *Farrall*: So, does it look like you're going to get the money?

> I'm not too sure". *(Male Pilot Interviewee)*

This 'density' and opacity in small print and regulations appeared to be a further source of motivation to defraud. Sometimes, it can be speculated, people who 'padded' their insurance claims were doing so in order to claim

for losses for which they were inadvertently not covered, or attempting to 'reclaim' previous losses or their 'excess':

> "... in a sense people *getting back what they think they're owed from organisations*. And a lot of it is to work out the excess in a policy and things like that. People will often, I think in [the] industry, I don't know if any research has been done on this, but the feeling is people will often try and think it's just *claiming back their excess*".

> "One thing I was going to say was travel insurance, there's no great figures, but all the travel insurers got, probably loads that are fraudulent. That I think is quite an interesting example of a product that's ... People who buy travel insurance don't really care who they buy them from do they? There's no relationship with the insurer there probably at all. They probably buy them through their travel agent. I think a lot of people feel that when they come to claim under it, *it doesn't cover the things that they expect it to*".

> *(Both quotes from the Spokesperson for the Association of British Insurers, emphasis added)*

A point echoed by a central government official involved in the detection and prosecution of fraudulent Social Security claims:

> "I think, there are complexities within the benefit system that can make understanding for some of our clients rather difficult".

Herein lies another source of motivation for fraud: irritation with 'service-providers' and the regulatory mechanisms that they have produced to ensure 'fair-play' as they understand it. There seemed to be a clear suspicion amongst the consumers whom we spoke to that the small print rules, red tape and endless forms and telephone calls were merely mechanisms by which insurance companies ensured that they were not obliged to pay out. Real or otherwise, these beliefs reinforced two perceptions: firstly that as consumers, citizens were disadvantaged, and that in order for 'justice' to be achieved a certain level of dishonesty on their part was required. Secondly, that in the face of underhand practices and reliance upon carefully crafted small print rules, which deliberately were made to the advantage of the company, a certain level of dishonesty on their part was legitimate.

6. Temptations, Justifications and Neutralisations in the Moral Maze

Viewing him/herself as primarily 'law-abiding', the average citizen needs to 'normalize' illegal behaviour with a variety of excuses and exculpations, justifications and 'neutralizations'. Citizens are aware of a *reservoir* of

such neutralizations, which they can draw upon, as the type of behaviour and the situation requires. However, most of them will not be able to refer to a traditional model of resistance as one bar tender we interviewed, who played 'Robin Hood' to his employers' 'King John':

> "Over Christmas we had some of my old teachers come in for a meal and they'd run out of the house wine and they had to serve the next [cheapest] wine for that house wine out of the bottle. But the supervisors were trying to put it all through as the most expensive wine even though they only ordered the house wine. So in the end when it came to them paying for the bill, I just deducted half the wine off the bill and voided it, as though it hadn't been sold. Really, sometimes when they [the management] think they are getting more, the staff will just turn round and just turn it back round".

> "We have a regular booking over Christmas, they book out all the [restaurant]. This one man [who owns the firm which books the restaurant], every year he seems to spend more on alcohol because his company pays for it. And we got to about four grand [4,000 pounds sterling in takings]. At about two in the morning, the manager says "before you lock up, we want six grand", and we were like "well he's not buying anything more", but the manager just like stipulated that we had to just pour drinks even if you've not bought them. And that was like the manager, just so he could reach his targets.

> *Farrall*: So you were asked to add on £2,000 in drinks?

> But then the rest of the staff had got really like pissed off about it, so all the drinks they were adding on they like kept a tally of half of them and then like took half out of the fridge and didn't pay for them".

During the pilot interviews we conducted for our survey, the moral maze of consumer practices became obvious. When asked to discuss how he felt about being asked to describe his reactions to three scenarios describing opportunities for paying cash in hand, padding an insurance claim and not disclosing faulty goods in a private sale, all including sizeable amounts of financial gains, one interviewee said:

> "I know it's morally wrong, but the temptation would be very great, I think. I'd like to think that I would be honest, but whether I would or not, I'm not sure".

Another man also felt awkward about the topics at hand:

> "I think that, probably a couple of them, I have come across quite often and people doing building work and they'll say 'if you pay cash you won't pay VAT' and things like that.

> *Farrall*: And did you feel awkward or embarrassed about being asked to imagine yourself ...?

Yeah, yeah.

Farrall: Why was that?

Er ..., because to be truthfully honest, because, y'know, you've done that at sometime or another. Maybe not so much the car thing[7], 'cos I don't tend to ... I mean I have when I was younger bought second hand cars, it was quite a while ago really. I try to get somebody else to look at them and make sure you're not being ripped off or anything ... I suppose because you know it's strictly not er ... , it's strictly not honest, and obviously the person who is doing the job is avoiding paying the VAT, or maybe they are not VAT-able or whatever. But it is something that people quite often do. It's not the sort of thing you want to own up to really".

Another respondent when asked to discuss a case study which involved padding one's insurance claim after a small household plumbing accident implied that she would exaggerate her claim up to a point. She drew a fine line between outright dishonesty and an action she felt to be more excusable, and not interfering with her honesty:

"No not particularly [did she feel awkward] I would never even have thought to claim for something like that. *I'm far too honest – I may try to claim for something in the same room where the damage was done ...*

The difference she is making here is actually the same distinction that is used by insurers (see Ericson & Doyle 2002). The same middle-class housewife in her 50ies provided another technique of neutralization, which points to the collusive nature of many of the illegal practices in the market, and which are similarly found for white collar offenders. Her answer refers to a scenario to pay cash in hand for a plumbing job:

The VAT, well I have considered that, if the plumber says to me 'oh you pay by cash I won't charge the VAT' *I'd feel that was him being bad, not me*. So, in that situation, I might take him up. *I wouldn't feel as if I was doing wrong there*".

And so the 'far too honest' woman would exaggerate her insurance claim (as long as it was something in the same room as the main spillage) and would avoid paying VAT, obviously ignoring the fact that she has a considerable financial gain from this illegal transaction.

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[7] Respondents were asked to imagine that they were selling a used car in the free-ads and that they had the chance to get more than the car was worth if they did not admit to various faults with the car.

7. Controlling and Regulation in the Neo-liberal Market Place

As Ericson *et al.* (1999; 2002) point out in their study of the insurance in-
dustry, the new risk environment of the neo-liberal market place has en-
gendered a growth of regulations and controls mainly exerted by business
and their associations. Our interviews with representatives from insurance,
financial services, the Trading Standards Office and local council confirm a
widespread use of new technologies and techniques of control, as well as
definitions of 'crime', which mainly are perceived of and handled as
'risks'. This regulatory order and control can be described in four distinct
features. First, industries are merging their data on customers, in particular
insurers and financial services in order to detect these 'risks' and to sort
and classify them; second, they are designing sophisticated methods of
tracking and interrogating their customers where they suspect fraud; third,
they are employing procedures and 'sanctions' that are inclusive for those
customers, who represent 'good' risks, and exclusive for those, whom they
classify as 'bad' risks. Finally, they rarely relate to the criminal justice sys-
tem for prosecution and sanctioning.

> "We've divided the types of fraud insurers suffer into *premeditated and op-
> portunistic.* Those are the words we use. So, premeditated is more the or-
> ganised attempts. Now, at one end of the scale that can be really quite or-
> ganised criminal type activity, in which getting money off an insurer is per-
> haps just a means of funding something else. ... Or you could put in that
> scale the sort of slightly less sophisticated, ... it could be somebody who has
> for example maybe taken out proper motor policies to get a couple of claims
> going. So, it's really, you take out a policy with a specific intention of
> committing some kind of fraud, ...so that's more on the scale of deliberate
> criminal activity.
>
> The opportunistic is really about claimant's fraud. You realise you can get
> away with it, you think you can get away with it, so you have a go at that
> kind of thing. That's inflating a claim, when you've genuinely had a bur-
> glary or ... spilt paint all over the carpet and you fancy a new one. You
> know it's that".

This distinction is complemented by an electronic tracking system and by
"cognitive interviewing" of suspicious claimants. The method employed
puts increasing pressure on claimants to come up with a "story", and more
and more evidence. Many of the claimants are "backing out" at an early
stage of such an interrogation. But insurers take care "always (to) give the
people an escape-route".

"So next day they get a phone call, oh I've found it, guess what. And that's quite common because a lot of opportunistic fraudsters are very ordinary people who aren't actually as clever as they think they are or devious as they think they are. And it's probably a friend's said, oh go on, give it a shot. And as soon as they get challenged they back away. ... Now the firm, the insurer will probably have an internal flag against them. But, they won't share that with anyone because obviously there's been no proof and so they have got to be very careful about that. For internal purposes, if she puts a claim in again she's going to get the works. She's going to get really investigated.

(All quotes from the Spokesperson for the Association of British Insurers, emphasis added)

Notwithstanding the tracking and pressure put on customers, there is a powerful incentive not to push inquiries too far. They need to retain good relationships with those merely opportunistic customers, who are paying premiums and who normally are good risks, including reluctance to hand over the case to the criminal justice system. It is as much about relationships with customers and reputation as it is about costs.

" (If) I was a bank and I had a customer for ten years or something and I thought it sounded a little bit weird what they were claiming, I may be hesitant to disrupt and *destroy my relationship with that cardholder*. Because, if I was a victim of fraud and rang up and started getting the feeling that the bank thought I had done it myself, I would be pretty bloody cross about it. I don't know how much of that comes into it, but if it was me, you know from the commercial sensitivities, and customer relations sensitivities, it would be very sensitive". *(Expert in credit card fraud [APACS])*

"Some jobs are going to be messy. Sometimes generally rusty water comes out and will drip on the carpet. 'I want my carpets cleaned' [says the customer]. Do you want the whole hall and stairs cleaned because there was a mark? Sometimes we would give in because it was easy for a quiet life, particularly on a Council contract because of our reputation. We didn't want them going back to the Council and saying, 'these contractors are careless'. So it was easier to ring up a local cleaning firm and say 'How much would it be to clean this lady's carpet, like tomorrow?'". *(Plumbing Firm Representative)*

Similarly, private individuals find themselves in a similar dilemma. Is the following an example of sharp market practices, or of an honest mistake born out of local customs?

"[I]n Spain they always put bread, they give you bread [with a meal], you assume that it is in the meal, and often you find a charge for it. The same thing with the size of beers. In some restaurants you say 'a beer' and they

> will give you a small beer, and in others they will give you an enormous
> bloody great thing without asking, which is three times the cost".

In these ways firms, governments and individuals find themselves irritated, but powerless to act. One cannot accuse good customers of deception (in the case of banks), one cannot alienate one's client's end-users (in the case of the plumber) and one might well feel reluctant to appear ungrateful or overly suspicious of the intentions of the waiter in the hotel-bar. And herein lies a key problem: to challenge such instances is to run the risk of alienating one's client-base, whilst to leave it unchallenged sends an equally dangerous message. Challenging others where no fraud has occurred it would appear engenders feelings of distrust and can make some people feel tarnished by implication. Failures to challenge send the message: "if you have defrauded us, its okay, we either did not notice or do not care". This, by implication, suggests that 'mundane frauds' are permissible, that they are 'expected' (and therefore 'legitimate') or that they will go undetected.

This explains the reluctance to get the criminal justice system involved, and on the other hand the difficulties that agencies acting in the interest of consumers have to get their case prosecuted.

> "The trouble is, it's just almost impossible to get insurance fraud prosecuted. It is just so far down the police priorities that ... they're not that interested in sort of private sector fraud. ... So to get a case prosecuted you really have to hack it up completely. Insurers will basically do all the investigations and tie it up with a pink ribbon and give it to the police and say, there you go ... it's nice a crime is solved for you. And it would depend a bit on their relationship with individual forces to be honest. But if there ... is any suggestion of sort of probably more premeditated type of frauds ... more of the criminal organised activity, they're obviously going to be more interested. But, they get a handful of cases prosecuted a year to be honest".
> *(Spokesperson for the Association of British Insurers)*

The Fraud Investigation Officer in the Borough Council reports reluctance on the side of the police to get involved in what are the most minor cases, but it cannot be excluded that in this case a class-bias might add to this. However, this engenders the development of risk-driven types of control, which finally do not reach the respectable, but have an impact on the most vulnerable consumers.

8. Conclusion

That crime 'changes its quality as society develops' is a foundation of the enterprise of criminology since the phrase was first coined by E. A. Ross (1907: 3). Vice versa, crime and its development are seen as indicators of the moral condition of society, in particular of its decline. R. Putnam recently constructed a close connection between the decline of social capital and general trust in the USA, the increase of rude habits among drivers and of cheating on one's income tax (the latter two strongly correlated, Putnam 2001: 147). Usually, crime in the streets and – increasingly during the last decade – crime in the suites are perceived of as telling signs of the moral state of society, and have induced demands from the public and politicians for 'virtues', moral values and a new 'economic morality' (Business Week, 2002) Both types provide distinct and clearly carved-out images of crime at the margins of society, which makes it easy to relate them to the moral condition in our collective imagination. However, the moral maze that is emerging in the very centre of society, and in the everyday life of citizens and consumers with fuzzy visions of crime and control, and taking shape as the new moral economy that is engendered by neo-liberal market governance, might be the stronger and (potentially) more correct indicator of the development of society.

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Values, Milieus, Lay Perspectives and Criminal Behaviour*

DIETER HERMANN

1. Introduction

"If men define situations as real, they are real in their consequences". With these words William I. Thomas (1965) describes the hypothesis that lay perspectives (*Alltagstheorien*) have an influence on the attitudes and actions of people. Lay perspectives are implicit non-scientific theories that people believe, a system of knowledge that guides her actions. The impact of lay perspectives, particularly as tackled by criminologists, is usually studied in the context of attitudes, especially regarding fear of crime. The questions addressed in this article relate to the influence of lay perspectives on actions, and especially on criminal actions. The results of an empirical study are presented to attempt to answer some of these questions.

There are two levels of lay perspectives. First, these theories can relate to the factually existing and physically comprehensible level, i.e., the world as it is. Second, these theories can relate to the normative level, i.e., the world as it should be. The opinion of a person concerning questions, which groups of persons are criminal and which places are especially dangerous, may be assigned to the first level. The opinions about questions concerning the importance of individual self-determination and the ideal conception of society, however, are examples of the second level. In addition, lay perspectives differ to their degree of abstraction. Abstract lay perspectives of

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the normative world can be treated as equivalent to individual values since 'values' are defined as general and central personal goals (Rokeach, 1973: 124; Klages, 1977: 291-295). An individual's personal values define which general goals are important or unimportant, and especially how his/her life and society is shaped. Therefore, values are subjective individual theories on how individual life and society should be. Thus, values are a subset of all lay perspectives, and the question of the influence of values on criminality is a partial aspect of the question of the influence of lay perspectives on actions.

In order to discuss this subject two different analyses have been performed: First the analysis of criminal activities of social groups, and second the analysis of the criminality of individuals. The question is whether differences in value orientations (of social groups or individuals) have an influence on criminal behaviour. For the characterization of such groups, it seems obvious to use the milieu concept. The term 'milieu' in general comprises persons of a society who on the one hand live in homogeneous social and natural situations, and on the other think and act similarly. Milieus are communities of worldview, philosophy and ideology; they are socio-cultural gravitation fields with their own realities and lay perspectives. If lay perspectives had an influence on actions and criminal behaviour, first, crime-rates would have to be different in different milieus and, second, criminal actions would have to depend on value orientations. The concrete and empirically tested questions of this article are therefore: To what extent do milieus differ in their criminal activities and what is the influence of values of an individual on his/her criminality?

2. Schulze's Milieu Concept

There are different milieu concepts and different operationalizations of milieus. This article uses the approach of Schulze (1992) who writes of the 'experience society' (*Erlebnisgesellschaft*) in Germany and in which he successfully used a very simple milieu definition. Schulze postulates and empirically confirms that, at the end of the 20th century, milieus were no longer formed by position in the economic production process, as was the case in the 19th century, but by school education and age. To characterize milieus, Schulze (1992: 621-623) used three schemes of everyday aesthet-

ics:[1] the trivial scheme, the excitement scheme, and the advanced civiliza-
tion scheme. The milieus differ significantly as to these schemes of every-
day aesthetics. Advanced education and lower age characterize the self-
determination milieu, lower education and lower age the entertainment mi-
lieu, and advanced education and higher age the high-culture milieu, me-
dium education and higher age the integration milieu, and lower education
and higher age the harmony milieu.

In the entertainment milieu, the cultural patterns and lifestyles typical for
the excitement scheme are practiced as, e.g., a preference for rock music,
thriller films and frequently going out. The high-culture milieu, however,
prefers classical music and literature, which are characteristics of the ad-
vanced civilization scheme, whereas the harmony milieu prefers pop songs
and quiz shows – typical characteristics of the trivial scheme. In the self-
determination milieu, the advanced civilization and the trivial schemes are
practiced (Schulze 1992: 279, 654). Thus, milieus especially differ by dis-
tance and proximity to schemes of everyday aesthetics. Table 1 describes
the milieus in more detail and shows that the milieus mentioned differ sig-
nificantly as to action patterns and structural localization.

Table 1: Characterization of Milieus according to Schulze (1992)

Milieu	Characterized by...	
	Typical Structural	Lifestyle Aesthetics
Milieu of Self-realization Education: High Age: Younger	High ratio of unmarried persons; very often still being educated, students; yuppies, social jobs or computer work; new cultural scene (small unknown theatres) and pub scene (exotic restaurants); individual and backpack tourism; buys in boutiques and in biological food shops; clothes: casual or elegant; many friends; vegetative delicate; overweight only rarely.	*Likes*: New cultural scenes, jazz, pop and rock music, new types of sport (surfing, cycling, tennis, yoga), social movements. *Dislikes:* Talk shows, natural films, sentimental films, folk theatre, brass bands, 'Bild' newspaper. *Ultimate Experience*: Becoming an artist.

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[1] A 'scheme of everyday aesthetics' is a 'collective coding of experiencing', a program
reducing the exorbitant amount of possibilities of cultural and aesthetic activities and
preferences to a small number of routines (Schulze, 1992: 128).

Milieu	Characterized by...	
	Typical Structural	**Lifestyle Aesthetics**
Milieu of Entertainment Education: Low Age: Younger	Workers (male and female) or shop assistants (male and female); mostly married; soccer fans, bodybuilding or tanning studio; carnival scene; cars with conspicuous accessories (rear spoiler, oversized stereo system); low degree of satisfaction; dialect speaking; high consumption of cigarettes.	*Likes*: Driving around with car or motorcycle, looking after car or motorcycle, videos, pop, rock, movies, discotheques, pub scene, trivial literature and fashion scene. *Dislikes*: Political discussions, opera, theatre, advanced cultural scene. *Ultimate Experience*: Holidays in Miami Beach.
Milieu of High-culture Education: High Age: Older	Mostly academic jobs, often work beyond the usual times, no physical work; high living comfort; advanced cultural scene, Lions club or golf club; luxury restaurants, conservative and often elegant clothes, sophisticated language, hardly any overweight.	*Likes*: Concerts, museum, opera, classical music, jazz, reading nationwide papers (Zeit, Spiegel), intellectual orientation. *Dislikes*: manual work, funfair scene, discotheques, rock and light music. *Ultimate Experience*: Nobel prize award.
Milieu of Integration Education: Medium Age: Older	Medium-level employees or civil servants, housewives; house owners; active work in organizations; high degree of satisfaction; conservative, inconspicuous clothes.	*Likes*: Repair work (house, apartment), cleaning, reading adverts, harmonic films. *Dislikes*: New cultural scene, contemplation. *Ultimate Experience*: Sitting together with friends.
Milieu of Harmony Education: Low Age: Older	Older workers, shop assistants (female), pensioners (male and female); married or widowed, low job status, job with high physical strain; low living comfort; cheap and inconspicuous clothes (grey, beige, dark blue); shopping in cheap stores; clumsy and slow; speaking in dialects; very often overweight.	*Likes*: High TV consumption, shows, quiz, regional films, light music, schmaltzy songs. *Dislikes*: classical music, rock, sport and advanced cultural scene. *Ultimate Experience*: Wedding.

Source: Schulze, 1992: 283-330.

3. Empirical Investigation: Description of Samples and Operationalizations

The empirical analysis is based on representative surveys in Heidelberg and Freiburg. In 1998, a total of 3,000 persons from a random sample (male and female) between the ages of 14 and 70 have been surveyed in written form. For a detailed description of the surveys, see Hermann & Dölling (2001) and Hermann (2003).

The *self-reported delinquency* was measured for the following offences: avoiding payment on public transport, damage to property, theft, burglary, physical injury, driving under the influence of alcohol or drugs. The number of offences has been surveyed for two time periods. The questions on self-reported delinquency have been studied by factor analyses, and indices for petty and serious crimes have been formed.[2] In addition, the willingness for delinquent behaviour has also been surveyed, and in this case, two indices have been formed.

The measurement of *value orientations* has been made with the help of a list of items including possible desirable things and attitudes of life for the individual. With a rating scale the importance of every point was measured. The instrument is based on studies of Klages (Klages, 1992; Klages & Gensicke, 1993). The questions developed by Klages have been supplemented by relevant criminological aspects (Hermann & Dölling, 2001; Hermann, 2003). The items of the extended value catalogue of Klages can be divided into nine empirically differentiable dimensions by a factor analysis (with oblique rotation). These nine value dimensions can then be assigned to three superordinate dimensions by means of a factor analysis (orthogonal rotation). These superordinate dimensions can be described as 'traditional values', 'modern idealistic values' and as 'modern materialistic values'. With the factor analysis of the value orientation items, the variance explained is approximately 60 %, with the factor analysis of the nine-value dimension, approximately 62 %. The relations of the superordinate to the subordinate value dimensions are described in Table 2.

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[2] The group of petty offences comprises driving under alcohol, avoiding payment on public transport and drug consumption; the group of serious offences, however, damage to property, theft, burglary and physical injury. With all indexes of this investigation, the standardized single variables have been summarized equally weighted. The assumption that all weights are more or less equal had been controlled by means of the determination of factor loadings.

Table 2: Structure of Value Orientations: Results of Factor Analyses

Superordinate Values	Subordinate Values	Item
Traditional Values	Norm-oriented Achievement Ethics	• Acceptance of Laws • Security • Conventional Achievement Ethics
	Conservative Conformity	• Conformity • Conservativeness
	Religious Orientation	• Christian Norm • Religiosity
Modern Idealistic Values	Social-integrative Orientation	• Friendship • Sociability • Partnership
	Political-tolerant Orientation	• Political Engagement • Tolerance • Self-responsibility
	Ecological-alternative Orientation	• Contemplation • Environmental Awareness • Healthiness • Emotionality • Independence
	Social Altruism	• Creativity • Social Helpfulness
Modern Materialistic Values	Subcultural-materialistic Orientation	• Success • Cleverness • Strength • Power and Influence • Egoistic Individualism • Quality of Life
	Hedonistic Orientation	• Fun and Pleasure • Hedonism • Excitement • Comfort

Lifestyles have been used to characterize the milieus. For the measurement of lifestyles, descriptions of behaviour patterns have been presented to the surveyed individuals, who had to indicate what applies to them. The ques-

tions concerning lifestyles have also been structured by factor analyses (see Table 3). One analysis leads to seven individual dimensions.

Table 3: Structure of Lifestyles - Results of Factor Analyses

Superordinate Lifestyle	Subordinate Lifestyle	Item
Leisure and Achievement	Leisure Times Behaviour	• Contemplative Leisure Time • Active Leisure Time • Boredom during Leisure Time
	Behaviour concerning Achievement	• Intensity of Work • Relevance of Work • Work-oriented Meaning of Life • Leisure Time Obligations
Indoor vs. Outdoor Lifestyle	Relation to Friends and Family	• Friends • Family Relations
	Consumption Behaviour	• Thrift • Modesty
Evaluative Lifestyle	Idealistic Behaviour Patterns	• Environmental Awareness • Altruism • Conscience Orientation
	Egocentric Behaviour Patterns	• Egoism • Unsocial Autonomy • Hedonism
	Goal- and Principle-oriented Behaviour Patterns	• Goal Orientation • Planned Lifestyle • Lack of Goals

The variance explained was approximately 50%. In a further analysis, these lifestyle dimensions could be assigned to three superordinate dimensions.[3]

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[3] The 'evaluative lifestyles' have not been taken into consideration with the factor analysis of subordinate lifestyle dimensions. These lifestyle indicators have been combined normatively to one factor while the assignment of the other items to two factors is the result of a statistical analysis. The connection of normative and empirical factor construction can be justified by the procedure logic of the factor analysis. This procedure examines correlations between variables. Variables that have a high correlation among themselves but a low one with other examined variables are com-

In the questions concerning *norm acceptance,* the seriousness of norm violations is measured. Twelve different legal norms have been taken into consideration. The measurement of the *social situation* and of *socio-demographic characteristics* is obtained with the questions of the ZUMA Standard Demography.

4. Localization of Milieus in Social Spaces

Before looking at the question whether milieus differ in criminal activities, it is necessary to show that milieus differ in structural levels, in value orientations and in lifestyles. If not, the groups defined as milieus are not milieus. Structural differences between milieus are made clear by three variables: the marital status, the stratum self-rating, and the rate of unemployment. The results of the analysis are shown in Table 4.

*Table 4: Milieus in Heidelberg and Freiburg and their
        Socio-demographic Characterization*

	Social situation and socio-demographic characteristics		
Milieu	**Marital Status** (Percentage of married people)	**Stratum** (Self-rating)*	**Profession** (Percentage of unemployed)
Self-realization Milieu	26	3.2	1.6
Entertainment Milieu	49	2.9	7.5
High-culture Milieu	82	3.5	2.9
Integration Milieu	82	3.1	2.8
Harmony Milieu	87	2.9	5.1

* *Average value of stratum self-rating: 1-lower class, ... , 5-upper class.*

bined to a factor. High correlations between variables can result from the fact that they are indicators of the same latent variable – but also from causal dependencies between variables. Evaluative lifestyles are immediate results of values, and the questions concerning the measurement of evaluative lifestyles at least partially comprise value orientations. But also non-evaluative lifestyles depend on values. It can thus be supposed that evaluative lifestyles are combined causally with other lifestyles, if evaluative lifestyles are interpreted as indicators of values. The goal of the lifestyle analysis, i.e., to separate lifestyles into different dimensions, presumes, however, that there are no causal relations between the lifestyle indicators of different lifestyles. Thus, a factor analysis without evaluative lifestyles is reasonable.

According to this table, persons from the entertainment milieu and from the harmony milieu belong to a relatively low stratum, and the rate of unemployment is relatively high – whereas in the other milieus, the stratum self-rating is much higher and the unemployment rate lower. The rate of married people is considerably higher in milieus with a high average age than in other milieus. Especially in the high-culture milieu, integration milieu and harmony milieu, there are relatively many married people, and in the self-realization milieu, there are relatively many singles. All differences between the milieus are statistically significant.

Figures 1 and 2 show the localization of the Schulze milieus in the space of value-orientations and in the space of lifestyles.[4] The milieus differ significantly in these characteristics. The results show that milieus are groups with specific lifestyles and value-orientations and, therefore, groups with specific action patterns and lay perspectives.

Figure 1: Localization of Schulze-Milieus in the Space of Value Orientations

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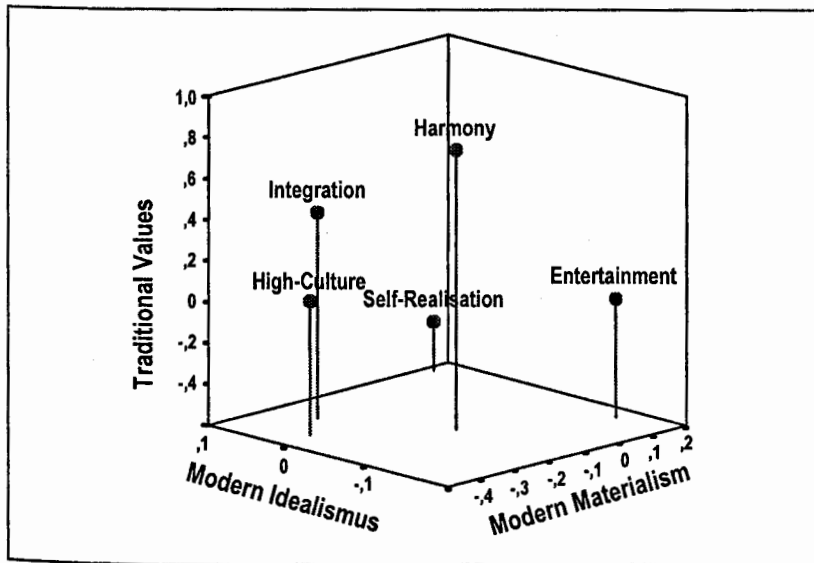
[4] All three dimensions in Figures 1 and 2 are standardized variables, i.e., the mean is zero and the standard deviation is one.

Figure 2: Localization of Schulze-Milieus in the Space of Lifestyles
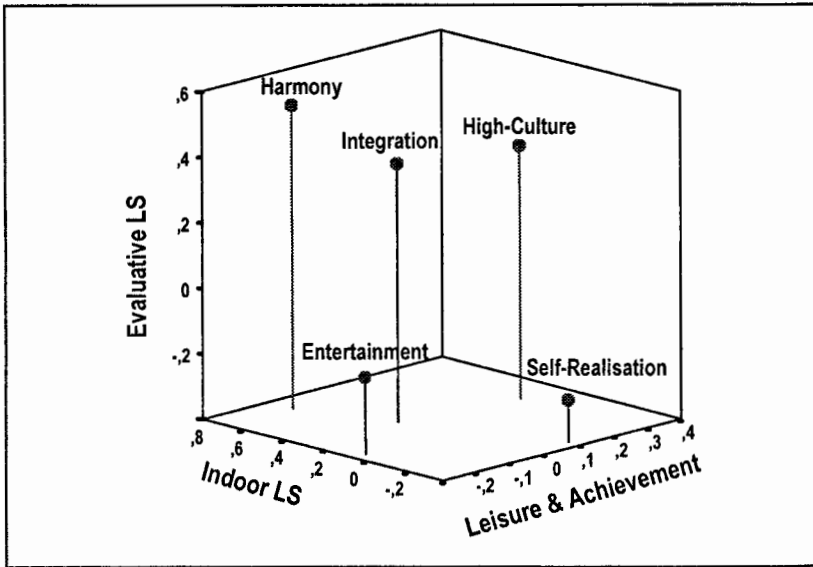
Individuals of the *self-realization milieu* generally refuse traditional values. They relatively often practice an outdoor lifestyle, i.e., they spend little time with their family and very often expend more money than they have at their disposal. In this milieu, an idealistic lifestyle is relatively rare. The persons from the *entertainment milieu* accept modern materialistic values and refuse modern idealistic values, but extreme positions are avoided. Especially the acceptance and refusal of traditional values are in balance and they have relatively unstructured leisure behaviour. The *high-culture milieu* materialistic, hedonistic and sub-cultural values are generally refused. Compared to other milieus, this one shows the highest degree of structurization and planning of leisure time. This may explain the use of spare leisure time since career is of high importance, and people have relatively many obligations. The *integration milieu* is generally inconspicuous. Neither values nor lifestyles of the people this milieu have an extreme position regarding social situation. Traditional values like a conservative and religious orientation, as well as an orientation according to law are most important in the *harmony milieu*. The persons of this group practice an indoor lifestyle. They spend much time with their family and are thrifty.

5. Milieus and Delinquency

The Schulze-milieus differ in structural levels, in value orientation and in lifestyles. Figure 3 show that the milieus also differ regarding crime rates. The plots contain information about the milieu-specific prevalence rates and the corresponding 95% confidence intervals. The prevalence rate is measured by the percentage of criminals. According to this, the crime rate is the highest in the self-realization milieu and the lowest in the harmony milieu. Whereas in the self-realization milieu almost 90 % had committed at least one petty crime and over 50 % one serious crime since age 14, in the harmony milieu only approximately 30 % had committed at least one petty crime and approximately 30 % one serious crime.

These results could be an artefact if people in the different milieus differ in their willingness to self-report criminality. However, the differences in missing values in milieus are not significant.

Figure 3: Milieu-specific Prevalence Rates of Petty and Serious Crimes
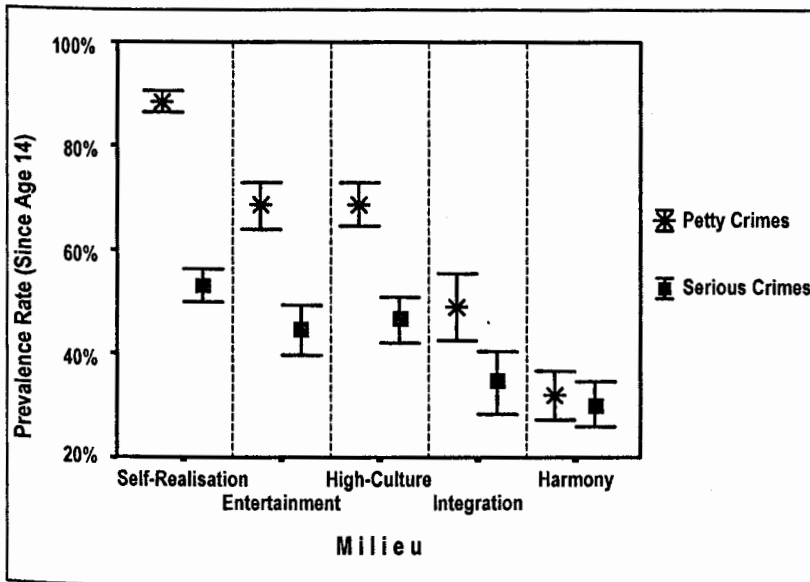
As a whole there are considerable and significant differences between the five milieus. They differ not only in structural levels, lifestyles and value orientations, but also in criminal activities. These differences are mostly

independent of the operationalization of lifestyles, value orientations and crime variables. If, instead of the superordinate lifestyle and value dimension, the subordinate dimensions or the single items of the scales are used, the differences are also significant.[5] In Figure 3, criminal behaviour is measured by the percentage of criminals, taking into account all offences since age of 14. Another operationalization of the delinquency variable, which only takes into consideration the offences of the past 12 months, also changes the results of the statistical analysis only minimally.

The results can be interpreted in a way that each milieu interprets the world in another way. Each milieu has its specific value orientations and therefore an individual opinion about central goals in life. Thus, people in the milieus act differently, because values have a great influence on the individual behaviour. This hypothesis about the influence of values on behaviour will be tested by the following analysis. However, the test is restricted to a special case – it will only be looked for the influence of values on criminal behaviour.

6. The Influence of Values on Criminal Behaviour

The question concerning the influence of values on criminal behaviour was examined by using path analysis.[6] Although various models have been tested, only the final result of this analysis is presented in this article.[7] In a basic model the relations between socio-demographic structural characteristics, values, norms and self-reported delinquency have been examined. In this basic model the socio-demographic structural characteristics are independent variables, values and norms are intervening variables and self-reported delinquency is the dependent variable.

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[5]   Exceptions are two (from 34) items of the value-orientations: the importance of a high standard of living and the importance of a trusting partner. There is no significant difference in the answers to the two items between the milieus.

[6]   The path analysis is a statistical procedure by which the strengths of influence relations in complex relation patterns can be measured. The procedure is often used to develop causal models or to test their validity (Hermann, 1984; Pfeiffer & Schmidt, 1987). The type of path analysis used here, takes the difference between latent and manifest variables into consideration (see Arbuckle, 1997). 'Latent Variables' are variables measured not directly but via indicators whereas 'manifest variables' are measured directly.

[7]   For a detailed description of the intermediate steps of the path analysis see Hermann (2003).

Figure 4 describes a path model for the explanation of criminal behaviour. The model is the result of a selection process – all non-significant and non-relevant paths in the basic model have been eliminated.[8] This model thus only contains the variables significant for the explanation of delinquent behaviour with respect to the intervening variables. Both measures of quality, GFI and RMR, indicate a good data fit of the model.[9] The numbers in the figure are standardized path coefficients, estimated by AMOS. A high path coefficient is related to a high influence of the independent variable on the dependent variable (Opp & Schmidt, 1976; Pfeiffer & Schmidt, 1987).

Figure 4: Values and Criminality – Results of a Path Analysis
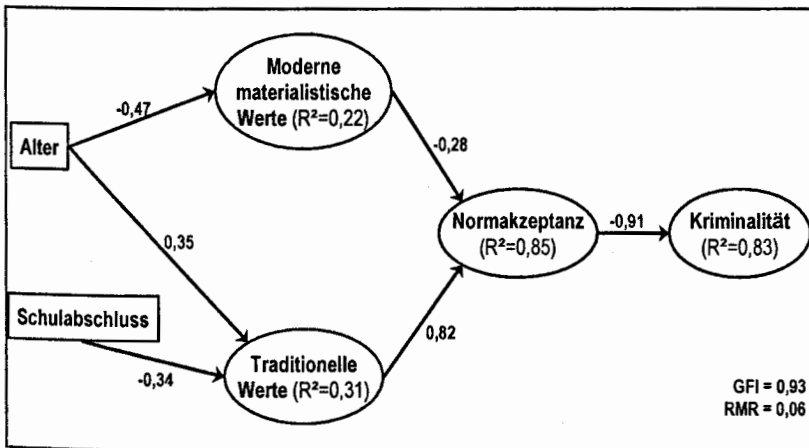
Operationalisations:

Age: years; *School education:* best possible general school education; 1-school not finished, ... 5-A-level; *Indicators of modern materialistic values:* subcultural-materialistic orientation and hedonistic orientation; *Indicators of traditional values:* norm-oriented achievement ethics, conservative conformism and religious orientation; *Indicators of norm acceptance:* achievement ethics, drunken driving, theft, hashish consumption and damage to property; *Indicators of criminality:* Indices for extent of serious delinquency since age 14 and last year, petty delinquency since age 14 and last year, readiness to serious delinquency and readiness to petty delinquency.

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[8] Effects with smaller path coefficients than the maximum of the difference between empirical and expected correlation are regarded as 'non relevant'. If there is an effect in a path model that does not correspond to this criterion, this must be seen as a hint to a specification error (Hermann, 1984: 83-85).

[9] The RMR (root mean square residual) is the square root of the average squared amount by which the sample variances and covariances differ from their estimates obtained under the assumption the model is correct. GFI is the goodness of fit index.

The results of the analysis are: Structural characteristics influence values; values influence norm acceptance and norm acceptance influences criminal behaviour. There are no direct effects between structural characteristics and norm acceptance, between structural characteristics and criminality and between values and criminality. This can be interpreted in a way that the relations between structural characteristics and criminality can completely be explained by value orientations and norm acceptance. Values and norms are the central influence factors on criminal behaviour, and are important intervening variables between socio-demographic characteristics and social situation on the one side and criminality on the other side, i.e., on the one hand, the values of a person depend on his or her socio-structural localization, on the other hand, the values of a person influence his or her criminal behaviour. Traditional values have a criminality-reducing effect and modern materialistic values a criminogenous effect.

7. Summary and Conclusions

As a whole milieus differ in crime rates, and the influence of value orientations on criminality can be confirmed by an empirical analysis. These results suggest a meta-theoretical interpretation of the relation between lay perspectives and actions. According to Hurrelmann (1983), man is seen as an active reality-processing subject bound into a complex environment. To reduce complexity and to process information, abstract lay perspectives are used which include individual and social stereotypes, ideologies, norms and values. Abstract lay perspectives are thus a filter for selecting what is subjectively important. The result of reality processing therefore depends on information filters used by everyone to reduce the complexity of his or her environment.

The filters are however not only important for the perception of the environment, but they are for several reasons also relevant for actions. First, the image a person has from reality is a condition for the selection of action goals. Second, this image influences the perception of possible means to reach a goal and thus the selection of means to reach this goal. Third, a selection must be made of the various perceived goals and means before each action. For this selection process the lay perspectives are used. It is possible to make a difference by value orientations between important and unimportant action goals and a difference between personally accepted and non-accepted means for reaching these goals.

Thus, each action is the result of the perception of the situation as well as of the selection of action goals and action means. As a result perception processes, information processing, as well as selection mechanisms are action-relevant aspects -- and for all these three aspects, lay perspectives are important.

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Attitudes towards Punishment[*]

JOACHIM OBERGFELL-FUCHS & HELMUT KURY

1. Introduction

Attitudes towards punishment among the citizens and their opinion about what should be done with offenders are largely dependent on everyday concepts of crime and the effectiveness of punishing criminals. Most people have their individual ideas about which sanctions are appropriate for which offences in order to restore justice. Besides restoration of justice, aspects of general prevention play an important role in attitudes towards punishment, i.e., what kind of sanction will deter other prospective offenders from committing a crime. Generally, the proposed sanction does not refer to the sanctions of the criminal code or the courts' sanctioning practice – which are (as a common rule) widely unknown to the public. It is rather a result of a complex blend of personal socialisation, individual moral values, cultural norms, actual living conditions, and information given by the media or by interpersonal communication. The political discussion about sanctions assumed as adequate or necessary also influences public attitudes towards punishment, at least the part of the discussion that is covered by mass media reports.

Like the measurement of attitudes in general, attitudes towards punishment consist of cognitive, affective and behaviour relevant processes (cf. Breckler, 1984; Rosenberg & Hovland, 1960). But only the last aspect of these three parts, the overt behaviour, can be object of investigation and

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one has to infer on prior cognitive or emotional processes (cf. Stroebe *et al.*, 2002: 268). Most studies until now were concentrated on the measurement of cognitive processes and dealt with the question what kind of sanction is perceived as adequate or justified to what kind of offence. Furthermore, it is important to find out, to what extent penal sanctions are regarded as appropriate and effective in order to control crime or to restore justice.

There is a close relationship between attitudes towards punishment and the perception of justice. One of the principles of the equity theory is that all participating parties shall receive the same share of profit (cf. Walster *et al.*, 1973). In order to guarantee this principle, the group aims at maximising the total profit, hence establishing compulsory rules for its members. Violations of these rules are treated as violations of the justice principle and result in punishment in order to restore justice. If the relationships within the group are perceived as unjust, the participants try to restore justice. Whereas the common societal (or macro-level) reaction towards injustice is the penal sanction, the individual (or meso-level) reaction is expressed through personal attitudes towards punishment. The reactions on both levels might differ from each other.

A sanction is a reaction following a damage or breach of law and should be of negative consequences for the person that is punished. But not all sanctions are interpreted by all people in the same way, e.g., a rebel against the state might interpret particular sanctions as a kind of honour, e.g., the deprivation of civilian rights by the government he is fighting (cf. Montada, 1988: 6). Also important is the individual evaluation of the sanction and its consequent assessment as justified or not.

Many surveys have shown that penal sanctions are often assessed as too lenient by the public. The result does not come as a surprise, but nevertheless it is remarkable that such assessments are made without any deeper knowledge about the courts' actual sanctioning practice. In the *British Crime Survey* of 1998, about 80% of the respondents claimed that the courts and the police treat juvenile offenders too leniently (Mattinson & Mirrlees-Black, 2000: 29). The German ALLBUS survey of 2000 found as well a public claim for harsher punishment of criminals: 71.5% of the West Germans and 79.1% of the East Germans stated that a thief who restores the damage should nonetheless receive an additional penal sanction. Furthermore, 58.1% of the West Germans and 60.0% of the East Germans

were of the opinion that harsh penal sanctions can deter prospective offenders (cf. Allmendinger *et al.*, 2002).[1]

Many researchers stated that punitiveness among the public has increased during the last years. According to the data of the International Crime and Victimization Surveys [ICVS] from 1989 until 2000, Besserer (2002) showed that punitive attitudes have increased in seven out of nine industrialised countries. But this increase in punitiveness is not accompanied by an increase in crime rates and only partially by an increase in the number of prison inmates (cf. Obergfell-Fuchs, 2001). The use of a uniform item in all the waves of the ICVS[2] provides the possibility of a kind of longitudinal comparison, but one can doubt whether such a distinct item will be able to catch complex attitudes towards punishment.

It seems to be reasonable to demand higher reliability and validity for the measurement of public attitudes towards punishment, in particular because it is likely that such public attitudes can affect political decision-making processes (cf. Stalans & Diamond, 1990). A good example of such an influence is the new German legislation on sexual and violent offenders of 1998. Here, media campaigns on the presumed will of the general public for a harsher punishment of sexual offenders led to a very quick new legislation that aimed at satisfying the public's call for harsher punishment. But until now, most information on public attitudes towards punishment are a result of more or less reliable opinion polls, often only with one question: the support for death penalty for severe violent offences. Since the early 1950s the "Institut für Demoskopie Allensbach" (IfD - *Allensbach Institute for Public Opinion Research*) ask in their national surveys the participants

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[1] The data used in this paper are from the "Allgemeine Bevölkerungsumfrage der Sozialwissenschaften" [ALLBUS 2000-PAPI] (*German General Social Survey*). The ALLBUS program has been financed by the "Deutsche Forschungsgemeinschaft" [DFG] (*German Research Foundation*) in the years 1980-86, 1991. Since 1987 the survey is funded by the national and federal states resources: "Gesellschaft sozialwissenschaftlicher Infrastruktureinrichtungen" [GESIS] (*German Social Science Infrastructure Services*). ALLBUS is realised by the "Zentrum für Umfragen, Methoden und Analysen e.V." [ZUMA] (*Centre for Survey Research and Methodology*) in Mannheim and the "Zentralarchiv für Empirische Sozialforschung" [ZA] (*Central Archive for Empirical Social Research*) at the University of Cologne, together with the ALLBUS committee. The data are available at the ZA. All institutions mentioned before are not responsible for the use and interpretation of the respective data in this paper.

[2] "Forcible entry by a 21-year man and theft of a colour TV set (recidivist burglar)".

about their support of the death penalty. *Figure 1* shows the results of the West and East German samples. From the early 1950s until the 1970s the number of opponents of the death penalty decreased in West Germany. The increasing support for the death penalty may have been a result of the terrorist attacks of the "Rotte Armee Fraktion" (RAF - *Red Army Fraction*) in Germany during that time. After this time the number of death penalty opponents increased again. During the mid-1990s, the time after the reunification of the two former German states, a time characterised by rising crime rates and rising economical and social problems, again more people favoured death penalty. In East Germany the longitudinal comparison is even more restricted, but a similar development like in West Germany is observable for the mid 1990s. It can be assumed that the rising and for most East Germans until then unknown high crime figures had an important influence on the attitudes towards punishment and the call for harsher sanctions.

Figure 1: Death Penalty Opponents in West and East Germany
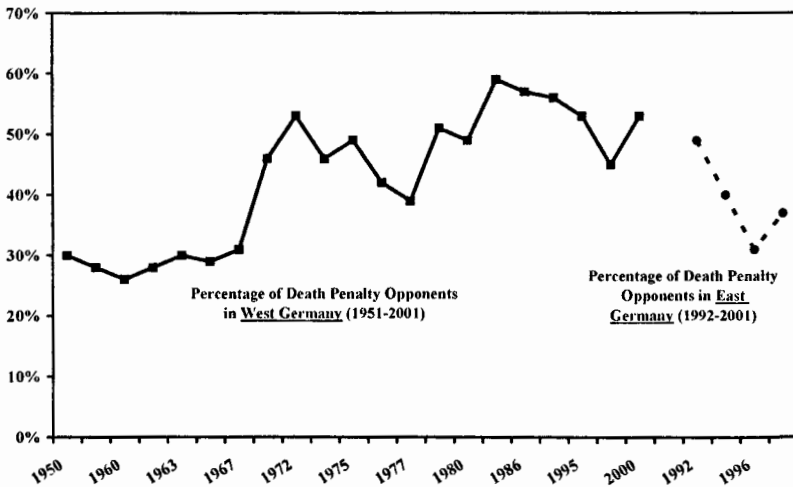
Source: *Allensbacher Jahrbuch der Demoskopie* (The Allensbach Yearbook of Public Opinion Research), 2002: 676.

As mentioned above, one has to doubt that it will be possible to measure attitudes towards punishment with a single item. Furthermore, death penalty in (Western) European countries has been abolished for many years, so it is only a hypothetical sanction with a lot of emotional burden and there-

fore not very useful to provide reliable data on punitive attitudes towards "real" offenders nowadays (cf. Ellsworth & Gross, 1994). As Reuband (1980, 1990) showed, attitudes towards the death penalty are themselves a very complex system. But a recent example of a murderer case on two young girls in Britain showed that media campaigns can quickly reactivate the call for a reimplementation of the death penalty.

Even the method of surveying the public exhibits a lot of problems, especially concerning sampling techniques or question order (cf. Kury, 1994, 1995). Context effects also play an important role as the *Hamburg Victim Survey* (Sessar, 1992) and the attempt of the replication of its results in a smaller sample in Freiburg showed (cf. Kury, 1995). Due to a specific item wording the Hamburg survey might overestimate the public approval of restorative measures (cf. Sessar, 2001), but it also shows that despite the assumption of a general punitiveness among the public, people can easily be influenced just by changing the details of their information. This means that overt attitudes towards punishment are rather susceptible to all sorts of influences. As Sessar (2001) emphasises, only well-informed people are able to give appropriate and reasonable proposals for punishment – but most people do not have such sophisticated information about common sanctioning practice.

Even in the United States where the public is assumed to be very punitive (compared to European countries) and where any attempt to abolish the death penalty would meet strong disapproval, distinct item wordings in opinion polls were able to "convince" the majority of the respondents of alternatives to the death penalty (cf. McGarrel & Sandys, 1996: 500).

The (amount of) information people have about a particular crime case does significantly affect their punishment proposals. While the judges have access to plenty of information that affects their sentence, e.g., about the offender's motives and his personal background, only very limited information is given to the participants in surveys regarding attitudes towards punishment. Often, only a few catchwords are provided, e.g., "Sexual Murder of a Child" which will provoke rather extreme emotions. According to the amount of given information Doob and Roberts (1988) found in experimental studies that subjects who are well informed about the offender and the offence only seldom assessed the actual sentences as too lenient.

Despite various political attempts to change the criminal law during the last few years and despite of the manifold media campaigns denouncing a too lenient sentencing practice of the courts, the sentences that were actu-

ally imposed by the courts have not changed so much, as *Figure 2* proves. In the last 25 years constantly around 6% of all convictions were prison sentences. *Figure 2* also shows a moderate increase in probation sentences from 9.1% in 1975 to about 13.4% in 2001. But this can hardly be interpreted as general judicial trend towards harsher punishment, because more than three-fourths of all convictions were still day fines.

Figure 2: Percent of Convictions to Imprisonment and Probation in Germany
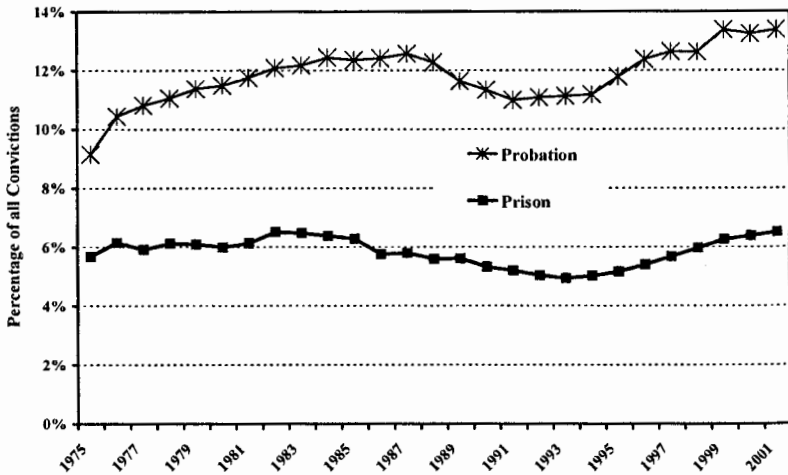
But there is one remarkable exception of this rule. *Figure 3* shows that the number of foreign inmates in Germany has been steadily increasing during the last 30 years. In 1973, about 54.6 of 100,000 foreigners who lived in Germany were in prison. Seventeen years later, in 1990, this rate had increased to about 115.9, and in another 10 years, in 2000, it had reached 237.2. Especially after the reunification of the two former German states, the increase became steeper. This *prisoner rate* considers the number of all foreigners, 14 years or older,[3] living in Germany, and is therefore largely independent of the population structure. It can hardly be interpreted why the number of incarcerated foreigners increased such extensively, maybe foreign groups are more often "victims" of extreme societal changes like the reunification and it's following problems such as unemployment and

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[3]   Including all persons who can actually be incarcerated according to German law.

worsening of the economical situation. But it could also reflect a change in the sentencing behaviour of judges, convicting more foreigners to imprisonment. The mentioned economical problems in Germany went along with a discussion whether foreigners are exploiting German hospitality and whether more of them should be send back to their home countries. In a sense, foreigners are forced into the role of scapegoats being responsible for many problems and therefore being harsher treated in German courts. This assumption would indicate an increased punitivity among the judicial system.

Figure 3: German and Foreign Prison Population
(per 100,000 Inhabitants of the Respective Population)
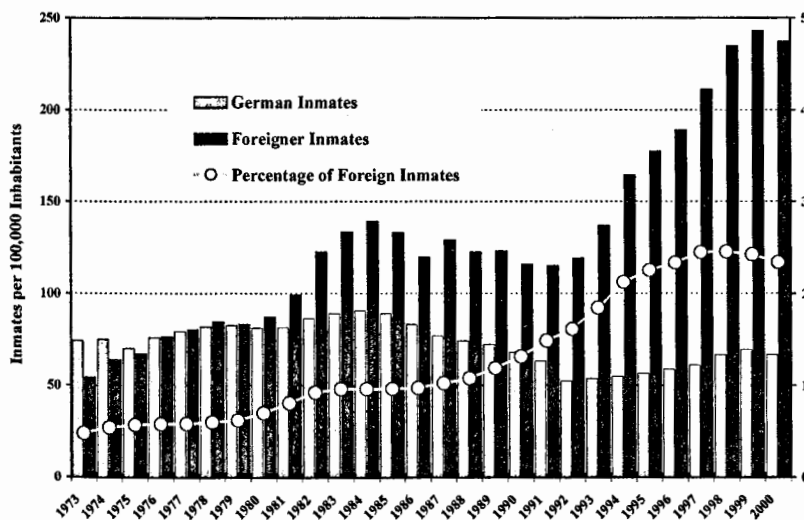
2. Measurement of Attitudes towards Punishment

A regional survey at Freiburg and Jena and some surrounding communities in 1991/92 provided an even more extensive measurement of attitudes towards punishment (cf. Kury, Obergfell-Fuchs & Würger, 2000). Instead of a single variable on the support of the death penalty many different items were included in this survey. These data provide a more comprehensive picture of attitudes towards punishment.

In Freiburg 6,120 persons aged 14 and older received a mailed questionnaire, in Jena the sample size was about 4,000 people (3,000 mailed questionnaire; 1,000 personal interviews). The response rate was 39.4% (N = 2,344) in Freiburg, respectively 51.1% (N = 1,962) in Jena (cf. Kury *et al.*, 2000, 2002). The standardised questionnaire itself contained 21 criminal offences of varied severity. The respondents were asked to assess a just and adequate sanction out of eight given different measures (multiple responses were possible). The eight given sanctions were, according to an increased intensity:

- No reaction of the State
- Warning of penalty
- Restitution by the offender
- Victim-offender mediation without formal trial
- Social services (e.g., cleaning public places)
- Fine
- Probation
- Prison sentence

The 21 offences to be assessed by the respondents were:

- Drinking and driving
- Using public transportation without a ticket
- Shoplifting (500 DM / 250 € damage)
- Resistance against the police
- Consumption of marihuana
- Burglary
- Graffiti
- Beating up an adult (who then needs medical attention)
- Shoplifting (90 DM / 45 € damage)
- Consumption of heroin
- Occupation of empty building
- Rape
- Forcing sexual acts on someone or forcing someone to perform sexual acts (*not* Rape)
- Robbery
- Car theft
- Injuring someone with a weapon
- Beating up a child (who then needs medical attention)
- Recidivist burglary (stealing a colour TV set)
- Matrimonial rape

- Abortion
- Attack on asylum seekers' hostel

Further questions dealt with the support of death penalty.

3. Attitudes towards Punishment in Both Cities

3.1. Punitivity in General

In the following paragraphs the expression "attitudes towards punishment" will be often replaced by the word "punitivity" which does not really exist (yet) in the English language. "Punititvty" means a public attitude that is directed towards harsh punishment. First, the proposed sanctions for the given 21 offences shall be analysed in both samples.

Table 1 shows the attitudes towards punishment as found in the West German sample (Freiburg). According to the type of offence, the opinions about the adequate punishment are highly uniform for some offences and highly heterogeneous for others. For example, about one third in each case voted for social services, fine and probation sentence in the case of drinking and driving. The severity of the proposed sanctions is somewhat striking, because drinking and driving is quite often and mostly seen as a petty offence. Maybe an increasing sensitivity toward the correlation between alcohol consumption and severe accidents is due to this result.

Table 1: Attitudes towards punishment in Freiburg 1991/92

	No Reaction of the State		Warning of Penalty		Restitution		Victim-Offender Mediation		Social Work		Fine		Probation		Prison Sentence	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Drinking & driving	27	1,2	470	20,6	136	6,0	436	19,1	722	31,6	812	35,5	744	32,6	387	16,9
Using public transportation without a ticket	332	14,4	758	32,8	622	26,9	254	11,0	451	19,5	669	28,9	35	1,5	13	0,6
Shoplifting (500 DM)	79	3,4	335	15,4	406	17,6	623	27,1	643	27,9	776	33,7	432	18,8	101	4,4
Resistance against the police	75	3,3	826	36,6	123	5,4	365	16,2	457	20,2	477	21,1	483	21,4	202	8,9

	No Reaction of the State		Warning of Penalty		Restitution		Victim-Offender Mediation		Social Work		Fine		Probation		Prison Sentence	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Consumption of marihuana	629	27,9	581	25,8	46	2,0	190	8,4	579	25,7	188	8,3	308	13,7	297	13,2
Burglary	20	0,9	163	7,1	218	9,5	334	14,6	329	14,4	423	18,5	837	36,6	1021	44,6
Graffiti	248	10,7	452	19,6	564	24,4	439	19,0	853	37,0	515	22,3	142	6,2	97	4,2
Beating up an adult	23	1,0	180	7,8	123	5,4	510	22,2	333	14,5	526	22,9	904	39,4	744	32,4
Shoplifting (90 DM)	164	7,2	593	25,9	559	24,4	626	27,3	517	22,5	500	21,8	162	7,1	33	1,4
Consumption of heroin	252	11,5	458	20,8	71	3,2	252	11,5	624	28,4	239	10,9	479	21,8	523	23,8
Occupation of empty building	363	16,2	686	30,6	272	12,1	534	23,8	406	18,1	209	9,3	256	11,4	76	3,4
Rape	19	0,8	58	2,5	32	1,4	131	5,7	136	5,9	187	8,2	279	12,2	2032	88,8
Forcing sexual acts	18	0,8	152	6,7	31	1,4	241	10,6	193	8,5	275	12,1	742	32,5	1256	55,0
Robbery	16	0,7	184	8,0	190	8,3	460	20,0	440	19,1	625	27,1	787	34,2	539	23,4
Car theft	16	0,5	108	3,4	204	6,5	274	8,8	243	7,8	632	20,2	868	27,7	786	25,1
Injury with weapon	12	0,5	59	2,6	40	1,8	114	5,0	122	5,3	199	8,7	446	19,5	1865	81,7
Beating up a child	17	0,8	198	8,7	30	1,3	213	9,4	176	7,8	194	8,6	825	36,4	1211	53,5
Recidivist burglary	18	0,8	84	3,7	137	6,0	205	9,0	264	11,6	437	19,1	726	31,8	1135	49,7
Matrimonial rape	160	7,2	273	12,2	33	1,5	630	28,2	121	5,4	145	6,5	660	29,6	688	30,8
Abortion	1533	72,2	170	8,0	15	0,7	143	6,7	63	3,0	88	4,1	167	7,9	88	4,1
Attack on asylum seekers' hostel	26	1,1	148	6,5	80	3,5	265	11,6	388	17,0	258	11,3	591	25,9	1370	60,0

The results concerning using public transportation without a ticket show a similar heterogeneity. Indeed, warning of penalty is most frequent (32.8%), but restitution and fine play also an important role. This assessment reflects the often-observed situation that people without a ticket have to pay about 30 Euro (60 DM) when they are controlled or they are simply cautioned by the inspector. Many people do not know that this is not a juridical sanction but a measure of the public transportation system that is independent of a possible later accusation or trial.

Further differences can be seen in the assessment of the just sanctioning of shoplifting (500 DM or 250 Euro damage). About one third favoured a fine, while one fourth recommended either victim-offender mediation or social work. This means, the proposed sentences are quite lenient. The same applies to a less severe example of shoplifting (90 DM or 45 Euro damage), here quite often warning of penalty or restitution by the offender is recommended. Concerning the discussed de-penalisation of petty offences it can be assumed that many people are open-minded to such ideas if restitution is warranted.

"Resistance against the police" is also regarded as less punishable, mostly warning of penalty is proposed, but there are also some calls for fine and probation sentences. These results might reflect the image of the police in society. "Occupying an empty building" is also an offence with rather lenient sentence proposals: 30.6% were of the opinion that a warning of penalty is sufficient, while 24% recommended victim-offender mediation.

Similarly liberal were the punitive reactions toward consumption of marihuana, about one fourth in each case recommended "no reaction", "warning of penalty", or "social work". These lenient reactions can be seen on the background of the discussion on legalising consumption of marihuana in the last years. But there are large difference between consumption of marihuana and consumption of heroin. In the latter case, warning of penalty and social work are mentioned frequently indeed, but no less than 21.8% recommended a probation sentence and even 23.8% a prison sentence. The results show a clear distinction between "soft" and "hard" drugs in public opinion.

While for graffiti many respondents favoured restitution (24.4%), social work (37.0%) – it can be assumed that this comprises the removal of the graffiti – or a fine (22.3%), more severe offences like burglary (without further explanation as well as recidivist burglary), bodily harm (beating up

an adult who has to consult a medical doctor afterwards), forcing someone to sexual actions, and beating up a child (consultation of a medical doctor necessary) are covered with much harsher sanctions, often probation and unconditional imprisonment. The latter sanction is mostly recommended for rape, injuring someone with a weapon, and attack on an asylum seekers' hostel. This shows that the public recommend the harshest sanctions for violent offences against persons with physical or psychological damage (even the risk of such damage).

Even somewhat milder is the assessment of offences with large material damage, like car theft – 27.7% voted for a probation sentence, 25.1% for imprisonment, and even 20.2% for a fine – or robbery.

Large differences can be observed concerning matrimonial rape. About 30% of the respondents favoured imprisonment or at least a probation sentence, but a similar percentage voted for victim-offender mediation. The latter response might be triggered by the assumption that penal law can hardly solve interpersonal conflicts or overwhelm gender role stereotypes that heavily influence the commitment of such an offence.

The category least punishable in the respondents' view is abortion. About three third of the Freiburg sample were of the opinion that no reaction of the state would be most appropriate. The public attitudes toward abortion have undergone massive changes in the last decades, a far reaching liberalisation dominated the public discussion, but this also led to a radicalisation of attitudes – at least 12% voted for a probation sentence or even a prison sentence. Undoubtedly, religious or ideological factors play an important role in assessing the right and just reaction to abortion.

If one compares the West German data of Freiburg with the East German results of Jena (see *table 2*), a larger punitivity of the East Germans in most categories is clearly observable. Many of them reflect the distinct socialisation in different societies and the changes due to the break down of the socialistic GDR regime. For example the East Germans propose much harsher sanctions for drinking and driving, 32.0% favoured a prison sentence in comparison with only 19.6% who voted for social work. This might be due to the rapid increase in severe traffic accidents after the reunification often caused by drunken young men inexperienced to western cars with strong engines. In the former GDR drinking and driving was very harshly punished and the now given vote for harsher sanctions might reflect the opinion that only radical measures could solve the problem.

Table 2: Attitudes towards punishment in Jena 1991/92

	No Reaction of the State		Warning of Penalty		Restitution		Victim-Offender-Mediation		Social Work		Fine		Probation		Prison Sentence	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Drinking & driving	15	0,8	262	13,7	98	5,1	166	8,7	375	19,6	682	35,7	737	38,5	612	32,0
Using public transportation w/o a ticket	148	7,6	436	22,6	354	18,2	108	5,6	457	23,5	970	50,0	29	1,5	15	0,8
Shoplifting (500 DM)	41	2,1	272	14,0	331	17,1	346	17,9	408	21,1	940	48,5	452	23,3	86	4,4
Resistance against the police	25	1,3	599	31,4	41	2,2	157	8,2	292	15,3	446	23,4	595	31,2	365	19,2
Consumption of marihuana	183	9,9	450	24,5	28	1,5	93	5,1	305	16,6	280	15,2	379	20,6	598	32,5
Burglary	11	0,6	103	5,4	164	8,5	138	7,2	130	6,8	408	21,2	599	31,1	1138	59,1
Graffiti	86	4,5	335	17,3	211	10,9	152	7,9	1221	63,2	652	33,8	122	6,3	61	3,2
Beating up an adult	8	0,4	111	5,8	88	4,6	210	10,9	113	5,9	433	22,4	793	41,1	908	47,0
Shoplifting (90 DM)	72	3,8	485	25,3	443	23,1	443	23,1	318	16,6	643	33,5	145	7,6	27	1,4
Consumption of heroin	124	6,8	383	21,1	24	1,4	114	6,3	250	13,7	274	15,0	430	23,6	691	37,9
Occupation of empty building	308	16,4	743	39,5	127	6,7	290	15,4	302	16,0	229	12,2	170	9,0	59	3,1
Rape	8	0,4	31	1,6	27	1,4	41	2,1	30	1,6	123	6,4	161	8,4	1784	92,7
Forcing sexual acts	9	0,5	115	6,1	22	1,1	90	4,7	57	3,0	189	9,9	617	32,2	1150	60,1
Robbery	11	0,6	170	8,9	140	7,3	200	10,4	156	8,1	655	34,1	768	39,9	490	25,5
Car theft	7	0,4	98	5,1	129	6,7	130	6,9	85	4,4	606	31,5	746	38,8	795	41,4
Injury with weapon	7	0,4	39	2,0	36	1,9	30	1,6	48	2,5	176	9,2	256	13,3	1704	88,6
Beating up a child	8	0,4	147	7,7	17	0,9	71	3,7	48	2,5	153	8,0	618	32,2	1236	64,4

	No Reaction of the State		Warning of Penalty		Restitution		Victim-Offender-Mediation		Social Work		Fine		Probation		Prison Sentence	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Recidivist burglary	14	0,7	83	4,3	93	4,9	85	4,4	79	4,1	422	22,0	554	28,9	1110	57,9
Matrimonial rape	256	13,6	305	16,2	28	1,5	400	21,3	39	2,1	89	4,7	536	28,4	495	26,3
Abortion	1508	82,7	121	6,7	7	0,4	50	2,8	15	0,8	64	3,5	71	3,9	38	2,1
Attack on asylum seekers' hostel	20	1,0	144	7,6	71	3,8	130	6,8	243	12,7	236	12,4	541	28,3	1177	61,6

Compared to the Freiburg results, harsher sanctions are also proposed for minor offences like using public transportation without a ticket, shoplifting (500 DM/250 € and 90 DM/45 €), resistance against the police, graffiti, and consumption of marihuana. For using public transportation without a ticket many respondents in Jena proposed a fine, warning of penalty or restitution are quite rare. While the respondents in Freiburg proposed fine, victim-offender mediation, or social work as a reaction to shoplifting (500 DM/250 € damage), there is a clear favour for fines in Jena, alternative sanctions are almost unimportant. Similar results can be observed for the less severe example of shoplifting (90 DM/45 €). There are large differences between the two cities concerning resistance against the police. Most frequently – like in Freiburg – warning of penalty (31.4%) is proposed, but nearly as large is the portion of those pleading for a probation sentence (31.2%) – this category was not of importance in Freiburg. This might be due to the fact that the relevance of the police in the former GDR was very different to West Germany and the extensive fullness of power in the totalitarian system made the police respected. Only two years after the opening of the borders it could not have been expected that the situation and the attitudes have changed a lot. The Jena citizens also proposed much harsher sanctions for graffiti, a phenomenon which was almost unknown in the former GDR. Fines and social work are the most prominent choices, while in Freiburg it was restitution. But it can hardly be answered if the proposed social work only comprises the removal of the own graffiti or even social work beyond.

Very striking is the punitivity of the East Germans concerning drug related offences. Not only consumption of heroin should be treated with imprisonment, but also consumption of marihuana. This might be caused by the fact that such drugs were relatively unknown in the former GDR and their use was heavily incriminated. There was no differentiation between "soft" and "hard" drugs, illegal drugs were seen globally and were declined. Therefore, no significant differences between the sanction proposals for heroin or marihuana are observable.

The only minor offence where East Germans were more lenient is the occupation of an empty building. About 39.5% proposed a warning of penalty, which is much more than in Freiburg. One reason might be that after the opening of the borders many people left the former GDR because the occupational situation worsened dramatically. This led to a high amount of empty apartments, contrasted with an often cramped residential situation. Many young people took the chance of these empty apartments to escape the cramped situation in the residence of their parents. Furthermore, in the former GDR there was almost no private ownership of apartments and houses, all belonged to the state, and after the reunification the question of ownership was quite unclear. This situation might have lowered the psychological and moral threshold to occupy houses which belonged to a state that does not exist any more.

Concerning severe offences like burglary (without further explanations as well as recidivist burglary), bodily harm (beating up an adult who has to contact a medical doctor afterwards), rape, forcing someone to sexual actions (no rape), robbery, car theft, injury with a weapon, beating up a child (consultation of medical doctor necessary), and attack on an asylum seekers' hostel there are no big differences between the East and the West German sample. Without exception harsh sanctions like probation and prison sentence are frequently proposed. In contrast to the Freiburg sample, the respondents in Jena more often pled for the harshest penalty – imprisonment. This clearly shows the more punitive attitudes of the East Germans.

An interesting exception is rape in matrimony: on the one hand there is a lower support for harsh sanctions among the East Germans, 28.4% voted for a probation sentence, 26.3% for imprisonment, and 21.3% for victim-offender mediation. On the other hand, the category "no reaction of the state" (13.6%) is twice the portion in Freiburg and warning of penalty (16.2) is also more frequent. These results show that despite the long-term influences of socialistic regime and its widespread employment of women

the attitudes toward family and gender roles are still more conservative than in West Germany.

Feministic discussion and their call of public's attention to violence against women and children, especially in families, did not take place in East Germany, for ideological reasons there was even no need for it. As a consequence a traditional and paternalistic view of women and their rights and needs was still more vivid in East Germany in the early 1990s than in West Germany. On the other side the East Germans' attitudes to abortion were much more liberal, at least they were less influenced by the churches. As a consequence about 82.7% of the East German respondents voted for "no reaction of the state".

To reduce the data all 8 forms of state reaction were brought into 3 categories, representing different levels of punitivity. This categorisation based on factor analytic results. The lenient category, marked with value 1, comprised the sanctions "no reaction of the state" and "warning of penalty". In the intermediate category (value 2) "restitution", "victim-offender mediation" and "social work" were added together. The harsh category (value 3) consisted of sanctions representing formal reactions of the state: "fine", "probation", and "imprisonment". In the case of multiple responses the mean was calculated (e.g., categories 1 and 2 produced a value of 1.5; categories 2 and 3 a value of 2.5, etc.). Consequently, each respondent had only one punitivity value for each of the 21 offences to be assessed (cf. Kury *et al.*, 2002).

A comparison of the attitudes towards punishment between the Freiburg and the Jena sample along these new categories is given in figure 4. The profile shows the different sanctions proposals and reflects the perceived severity of the selected offences. On the left axis the offences are listed with increasing demand for punishment. Abortion, consumption of marihuana (not in Jena), and occupation of an empty building are offences with the lowest demand of formal reactions. Starting from using public transportation without a ticket up to drinking and driving, the offences reflect an intermediate punitivity. Beginning with robbery up to injury with weapon, the respondents ask for harsh punishment.

For most offences a higher punitivity of the East Germans can be observed, especially for consumption of marihuana, using public transportation without a ticket, resistance against the police, consumption of heroin, and drinking and driving. The possible reasons for these harsher attitudes are discussed above. But there are some offences where East Germans are

more lenient than West Germans: abortion, occupation of an empty building, and matrimonial rape. With increasing severity of the offences the differences between East and West Germans become smaller. This might be due to a general consensus of punishing distinct (severe) criminal actions, independent from socialisation influences (referring to the two former German states).

Figure 4: Mean values of proposed sanctions
in West Germany (Freiburg) and East Germany (Jena)[4]
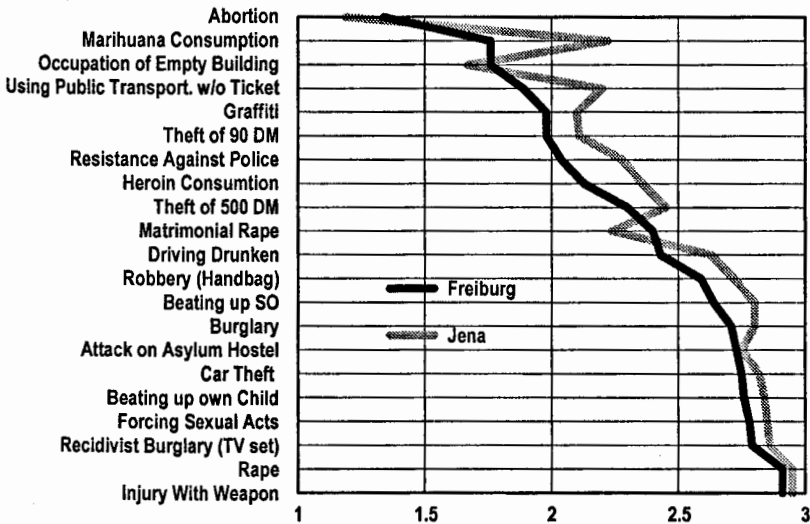
Generally, the data show differentiated public attitudes to sanctioning dependent on the type of the offence. It can be assumed that the differentiated measurement of punitive attitudes used in this survey is much more valid than simple questions on the support of death penalty or the proposed sanctions for a recidivist burglar. The participants were also asked for their support of the death penalty. The data show a higher support for the death penalty in the East German sample (57.6%) than in the West German sample (33.6%). This result would also suggest a higher punitivity among the East Germans, but as the data presented above showed, such a conclusion would be too simple and in some aspects even wrong. Concerning occupation of

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4   Ordered according to the (ascending) mean values of the West German sample.

an empty building, matrimonial rape, or abortion the opposite could be observed – West Germans are more punitive. This reflects the complexity of attitudes towards punishment and their dependency on public discussions as well as on societal developments.

3.2. Attitudes towards Punishment Compared with Judicial Sanctioning

A comparison between attitudes towards punishment and judicial sentencing statistics might answer the question, whether the sanctioning practice of German courts reflects the sentence proposals of the public. Therefore the survey results for selected offences of the Freiburg sample 1991/19992 are compared to sentencing statistics of the year 1992. Obviously, it is difficult to compare the two data sets, because the definitions are not identical and the definitions of the offences in the survey were limited to particular aspects, while judges have the full criminal and life history of the offender as well as the victim-offender relationship to find a just sentence. Furthermore a direct comparison between local survey data and national sentencing data can hardly be done. Both data sets show a widespread variety of sanctions for each offence, on the side of the judges influenced by hardening or relieving aspects, on the side of the public influenced by different perceptions and assessments of the given offences. For the following comparison one has to keep these problems in mind.

To reduce additional problems only three forms of sanctioning are considered: fine, probation, and imprisonment. Alternative reactions are hardly comparable and therefore not included. As a consequence the sum of the proposed three sanctions in the survey is not 100%, the difference refers to the more or less frequently proposed alternative measures. Corresponding to the sentencing statistics only the harshest sanction are recorded and only those survey results were considered, where the respondents proposed one single sanction.

Table 3 shows the expected higher punitivity of the public compared with the sanctioning of courts. Considering "rape" there is a high correspondence between the legal and the survey definition. A striking concurrence concerning the sanction "fine" is observable, but 90.5% of the respondents voted for imprisonment and only 6.2% for a probation sentence, while the portion of prison sentences is only 64.6% and the portion of probation sentences 34.9%. This means that the courts impose less unconditional prison sentences compared with public attitudes. Similar results can be observed for "sexual coercion", but here the survey's definition "En-

force sexual actions" might be somewhat vague. Again, most respondents proposed an unconditional prison sentence (56.7%), only about one fourth (26.8%) voted for a probation sentence. The penal court statistics showed that the courts were more lenient, only 33.4% of the sentences were unconditional imprisonment, the portion of probation sentences was about 61.7%. The data suggest a high public demand for harsh sentences for sexual offences, much harsher than the courts are willing to impose. In court decisions the often given complex victim-offender relationship surely plays an important role, while it can be assumed that the public mostly have the sexual attack by a stranger in their minds.

Concerning bodily harm it must be recognised that the data of the sentencing statistics only allow a distinction between bodily harm and grievous bodily harm. In the survey two different examples were included: beating up an adult who has to consult a medical doctor afterwards and injury with weapon. The second example surely fit the category grievous bodily harm, while the assignment of the first example is not so clear; finally it was assigned to the more general category "bodily harm". The result show that about one third of the respondents pleaded for a prison or a probation sentence in the case of beating up an adult, concerning injury with weapon even 83.1% voted for imprisonment. On the other side most cases of bodily harm, might they be grievous or not, are sanctioned with fines.

The definitions concerning burglary are quite good comparable. About 53.1% of the respondents suggested a prison sentence and about 25.7% a probation sentence for this offence. The sentences of the courts are more lenient: In 1992 a portion of 44.4% were probation sentences, 32.3% were unconditional imprisonment and nevertheless 23.3% fines, a sanction that only 8.6% of the respondents considered as adequate.

Even less homogeneous are the definitions of theft. In the sentencing statistics only a single category was available while three different items were used in the survey: theft of car, shoplifting with a damage of 500 DM and shoplifting with a damage of 90 DM. A comparison of the proposed respondents' sanctions and the courts' sentences exhibits the already known picture: In each case about one third of the respondents voted for harsh sanctions (imprisonment 35.0%; probation 32.1%) while only 8.1% of all theft crimes are imposed with a probation sentence and only 4.4% are punished with a prison sentence. But the survey results also showed that for shoplifting an even smaller portion of respondents proposed prison sentences (500 DM 3.3%; 90 DM 0.9%) than the courts imposed for theft in

general. It is remarkable that only a small portion of respondents voted for fines, not only for shoplifting but also for theft of car, while it is the most prominent sentence of the courts. But, as mentioned before, due to the heterogeneity of the categories the results should be interpreted with caution.

Table 3: Comparison of Proposed Sanctions and Imposed Sentences

Survey Freiburg 1991/92				Sentences (according to *Penal Court Statistics* 1992)			
	fine	probation	Imprisonment		fine	probation	Imprisonment
Rape	0,5	6,2	90,5	Rape	0,5	34,9	64,6
Forcing Sexual Acts	3,4	26,8	56,7	Sexual Coercion	4,9	61,7	33,4
Beating up an Adult	9,6	32,7	31,5	Bodily Harm	86,1	9,8	4,1
Injury With Weapon	0,6	12,7	83,1	Serious Bodily Harm	67,8	23,7	8,5
Burglary	8,6	25,7	53,1	Burglary	23,3	44,4	32,3
Car Theft	16,2	32,1	35,0				
Shoplifting 500 DM	26,1	14,3	3,3	Theft	87,4	8,1	4,4
Shoplifting 90 DM	17,0	3,9	0,9				
Consumption of marihuana	2,5	8,5	11,1	Offences Against the German Narcotics Act [BtmG]	46,9	32,8	20,2
Consumption of heroin	3,1	15,5	21,8				

Similar results can be observed for drug related offences. In the survey only consumption of marihuana and heroin were considered, while "Offences Against the German Narcotics Act" comprise a variety of illegal actions, like dealing with drugs which is harsher punished. Therefore it would not surprise if the proposed reaction of the state by the public would be more lenient than the imposed sentences. It is even more striking that 21.8% of the respondents vote for a prison sentence concerning consumption of heroin, but only 20.2% of all sentences on drug related offences – including the quite harshly punished drug dealing – are unconditional imprisonment.

Generally, the assumption that the public is more punitive compared to the decisions of the courts can be confirmed. For almost all offences included in the comparison many respondents favoured unconditional prison sentences, at most for minor offences probation sentences are regarded as

adequate. It is remarkable that the respondents were rather sceptical against fines (which are the most frequent sanctions of the courts), especially when they are imposed as the sole sanction. Probably in the mind of the public there is a strong connection between fine and forfeit that is mostly imposed for minor traffic offences. Such offences, like driving too fast or parking without paying are generally seen as petty offences that are now and then committed by most people and that are different to "real" offences like burglary or bodily harm. As table 1 and 2 showed fines are often favoured in combination with other sentences, e.g., together with imprisonment or even with milder sanctions. It is not possible to clarify whether the statement of two or even more alternatives should express a combination of the sanctions or a choice between the sanctions. Due to the above discussion it can be assumed that at least for severe offences not the one or the other sanction should be imposed but both together are seen as adequate and just.

4. Discussion

The results of the present study show the necessity of a differentiated measurement of attitudes towards punishment to achieve valid information. The method chosen in this study surely is not the only and maybe even not the best one because only cognitive elements of attitudes towards punishment are included. Emotional or behaviour related aspects must have been left out (cf. Kury *et al.*, 2002). Until now, the measurement of punitivity is still mostly focused on measuring the support for the death penalty, but a method consisting of single questions comprising proposed sanctions for distinct offences (e.g., recidivist burglary) is not very expressive or valid. Assuming that attitudes towards punishment are based on everyday concepts, socialisation effects, own experiences, and personal media reception, questions like the support for the death penalty have almost no adequate cognitive representation. This sanction has been abolished in 1949 in West Germany, and despite different plebiscitary voices, it will surely not be reestablished. This means, most people get their knowledge on death penalty from more or less reliable media reports of the USA, China, or developing countries. Normally, such reports include many emotions and might evoke – depending on the kind of reports – compassion on the offender or the victim. Although the death penalty has been abolished in the German Democratic Republic (East Germany) not before 1987, one has to doubt that the public had more knowledge or cognitive representation on this sanction

because it was almost exclusively imposed on political crimes. Furthermore, it is quite easy for public movements to call for the re-establishment of the death penalty because most people will know that this claim has only a hypothetical character and that it will never become realised. It is a blunt and easy way to express one's disapproval of an offence and its punishment by the courts (that is regarded as too lenient). It is unclear or even doubtful if someone who votes for the death penalty really would like it being re-established, probably it is a way to express support for harsher punishment in general.

But also the item used by the ICVS, comprising a recidivist burglar stealing a colour TV set, has a limited validity in measuring attitudes towards punishment. In all western industrial nations colour TV sets have no extremely high value, so someone who steals a (regular) colour TV set will be more or less smiled at and probably such an offence will not evoke resentment. In a psychological sense it is not a severe violation of justice rules. In developing countries – where the ICVS has also been executed – the situation might be different: here a colour TV set is a luxury good and so the harsh proposed punishment in Costa Rica (63.2% voted for imprisonment) or Kampala (Uganda) (80.2% voted for imprisonment) is understandable (cf. Alvazzi del Frate *et al.*, 1993: 488, 583). But due to the different cultural and economical situation such results are not comparable to Western European results, despite the same item wording.

Survey results showing that the public calls for harsher sanctions than imposed by the courts have to be interpreted with caution. Such results might encourage conservative politicians to conclude that the public would support harsh reactions on crime. But it must be noticed that the level of information on both sides is different: the people in survey samples have very limited information about the case, mostly an only short description, while the court gets knowledge of many facets of the life of the accused. The more abstract the description of the case the easier it is to call for harsh punishment. The more background information about the offender, his life circumstances and the details of the offence are available, the more will the respondent consider his decision. The only way to assess whether the public really wants harsher sanctions than the courts impose is to give them the same amount of information. In an experimental situation, Doob and Roberts (1998) found that with increasing information people become more lenient in judging criminal cases.

Everyday concepts about punishment are not at all uniform. Dependent on personal history the same situation will be rated differently by different persons, furthermore, the same person can react extremely punitive for one distinct offence and lenient above average for another. Hough and Roberts (1998: 2) are right when they describe the prevailing research on attitudes towards punishment as "... oversimplification of public attitudes to sentencing". We are still far away from a valid and reliable measurement of factors that are generating (or changing) attitudes towards punishment. Correspondingly, the often-cited role of the mass media has to be considered in a more differentiated way. In accordance with Garland (2001: 146), such media influences surely exists but an individual psychological readiness to receive these messages is necessary, in order to convert them into calls for "law and order". Especially, election campaigns are an excellent field for such calls and most parties will show that they are the best to take rigorous actions and sometimes such calls are even brought into laws. And, to end with some good news: Regarding the actual court decisions, the judges' process of judicial decision making still seems to be rather unaffected by these campaigns.

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Social Capital, Insecurity and Fear of Crime

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1. Introductory Notes

The aim of the norms and laws that are the basis of modern society, which some sociologists call "the risk society", is no longer that of the social security but rather a uniquely negative and defensive "secure utopia". As Ulrich Beck suggested, we are no longer dealing with the question of obtaining something that is "good", rather, we are merely trying to avoid "the worst" (Beck, 2000: 64 ff.). Risk society is reflected and expressed in the phrase "I am afraid" and the community that grows up is that of fear. We still do not know what exactly communities emerging from this "solidarity of fear" will do, how they will act, however it would seem that they are often oriented towards irrationality, extremism, fanaticism, towards a way of acting that is clearly impolitic. The community of fear, which brings together exclusively individual and private interests and fears, is no longer bigger than the sum of its parts. In Bauman's eyes is a "coat hanger community" or a "coat-peg community", because the group is formed through a common search for a "peg" to hang the fears of many individuals on contemporaneously (Bauman, 2000: 54). These communities get their strength from the force of fear and repressed anger about certain problems, but the "problems in question" can only generate fleeting and ephemeral aggregates, which in the end will prove disappointing and frustrating and which are very different from the "real community" Bauman was thinking of when he wrote.

The fear of crime is one of these pegs which unite individual fears and apprehensions into communities of intermittent, fleeting, but aggressive, actions. A great many worries and existential anxieties are ensconced within the fear of crime, a sign of a wider problem of social integration

which social institutions seem unable to deal with effectively. The increase in social insecurity and its specific sub product the *fear of crime,* clearly shows the difficulty *policy makers* have in drawing up public policies that obey the principles of social protection (Padovan & Vianello, 1999: 248). However, it is the self-same political elites that, taking advantage of this situation, play upon the sources of this insecurity, which springs from roots that are often hard to identify, by heightening the more generalised worry about the lack of personal safety and collective security. Governments and institutions, unable to offer any adequate answers to the feeling of insecurity experienced by citizens, thus focus on "aliens" and strangers people who are different and declare war on criminals of every type, block illegal immigrants, throw any person who risks being involved in crime into prison and make life generally difficult for those who are not part of the "community of fear" Law and order are the only answers politics and politicians seem able to offer in order to reduce personal and social insecurity.

2. Methodology and Objectives of the Research

The data presented here were collected during a research project, carried out using a questionnaire based on themes, which examined people's perceptions of insecurity. The questionnaire was administered to a sample of 604 individuals, selected on the basis of gender, and resident in three different areas of Padua. The study is an extension of another, conducted in 1996, which examined the relation between public opinion and crime (G. Mosconi, 2000a), and also of another study which is carried out every year on the same theme as part of the project "Città sicure" (safe cities) in the Emilia-Romagna Region (G. Mosconi, 1999; G. Sacchini, 2001).

The sample is not representative of the population of the entire city, in that the three areas studied were chosen because of their different social qualities. The urban area called *Fiera* (literally Trade Fair) is that near the central station. As is true of all towns and cities above a certain size, a higher than average number of immigrants can be found in this area even though it does not fall into the category of "residential ghetto". The area around train stations is usually a meeting place for all immigrant groups, full of shops and bars that cater to their needs and which are often owned by other immigrants, above all people from China and Nigeria. The area forms a sort of "Inner City", even though this is not really a very good way of describing the situation given the peculiar structure of Italian towns and

cities. The urban area called *Stanga* is noted for the large number of immigrants who live there, indeed, it could be called the "ghetto of Padua". It is a semi-suburban area located right next to large complexes which offer commercial and other tertiary services and which have very little to do with the life of the area itself. The neighbourhood is assailed by heavy traffic partly because of the shopping centres, the social composition is differentiated and varied and there is a lack of essential services. The third area studied is *S. Osvaldo*, which is an urban residential area for high income residents, socially tranquil except for the limited presence of some "local youth" who may, or may not, be involved in hard drugs. A small number of immigrant families have settled in the area.

This study uses the method of comparing different areas as it seeks to analyse and compare the feelings of insecurity experienced by the inhabitants of three neighbourhoods. These three areas are very different as regards their social composition, the quality of the environment and the relationship structures, networks, which have developed in each. Because of these differences the problem of "crime" presents itself in a different guise in each. The meaning attributed to fear and insecurity vary from place to place thus we wish to investigate how different actors and groups construct their concept of insecurity as part of their interactions with others. Furthermore, different types of urban social networks, different levels of trust in the institutions and different degrees of participation, in a word different types of social capital, influence the genesis of very different fears and insecurities. Study of the structure of relationships and of social trust come together with the previously mentioned structure of meaning and practices that appear within a given social space, offering, as we will see, interesting possible explanations of the mechanisms that lie behind the genesis of fear and insecurity.

3. Trust in Institutions, Participation and Associationism

Different levels of trust in institutions were found in each of the three urban areas studied. There are two types of trust: institutional or systemic trust and interpersonal trust (Mutti, 1998: 38). We have only studied institutional trust relating to the actions of local administrations. By institutional trust we mean the trust that citizens will have in institutions so long as these institutions offer concrete answers to the problems, take decisions and put these decisions into practise so as to ensure a certain level, or degree, of existential stability. The individual's perception of the extent of such institu-

tions' commitment to problems concerning the quality of the environment
and the social management of the space in which individuals live, reveals
the trust, or lack of trust, people have in institutional actions and exerts an
important influence both on the type of political participation and on the
perception of security in that area. Lack of institutional or systemic trust
reveals instability within the natural and social order, in which individuals
are involved, and, obviously, implies a degree of uncertainty as regards
everyday events. And the lack of institutional trust is really spread out: the
84% in the Fiera area, the 69% in the Stanga area, the 54% in S. Osvaldo
area.

Trust, as Harold Garfinkel would argue, entails passive adhesion to ex-
pectations relating to everyday attitudes that take on the characteristics of
moral behaviour. To act in accordance with rules based on doubt, not rec-
ognising the way in which image and object correspond, means lack of
trust. Doubts about the identity that an institution, or an individual, offer
means losing all trust in the one or the other which creates irritation, anger
frustration and even hate. Trust ensures that the "routine" elements of a
situation will be always re-confirmed, thus permitting the "rational actions"
of each individual. Lack of this social resource, trust, de-structures the con-
text, revealing uncertainties about the rules of the social game, and throws
the regularity and the stability of the everyday world, in which the actor
moves and interacts, into crisis. In other words, lack of systemic trust
weakens the elements that are "taken for granted" within our daily life and
leads to confusion, anomie and neurotic, aggressive and discriminatory be-
haviour (Garfinkel, 1967: 50 ff., 173; 1963: 35).

Systemic trust encourages universalistic participation which is linked to
classically political themes. Lack of trust leads to quite the opposite atti-
tudes, that is, shutting oneself away within the private sphere or in only lo-
cal activism which is often aggressive, passionate and largely impolitic but
which can, nevertheless, exploit of widespread associative structures. "Im-
politic attitudes" is used here to mean demanding rights that are attributed a
broader political significance only momentarily, or in an exploitative man-
ner, but which basically are linked to specific, one-issue, local interests.
Disillusion with politics and lack of trust in institutions encourage the for-
mation of single-issue groups. People do not join these groups (in our case
groups formed in order to demand security and "freedom from fear") be-
cause they are convinced of the crucial nature of a specific problem in-
volved, but rather because they want both others and their political repre-
sentatives, to realise that they can have strong feelings about specific public

questions and that they have a right to be listened to (Hirschman, 1983: 121 ff.). Basically the degree of trust an individual has in institutions will affect the way he/she participates. The greater the systemic trust the greater will be the individual's involvement in broader, constant and long term political activity. When trust diminishes, people will turn more and more frequently to local activities, designed to improve the quality of life in their area only.

Disillusion with politics and lack of trust in institutions can also be confirmed from another angle, when one analyses the extent of civic participation and the types of groups and associations that people belong to. Surprisingly, in the *Fiera* area, where there is least trust in the political system (systemic), there are more such associations, which attract a large number of people. This is in direct conflict with the classic interpretations, based on de Tocqueville, which say that wherever there is a wide variety of associations, be they sporting, music or cultural, there is also a high degree of trust, greater political participation and a better relationship between institutions and citizens. (R. Putnam, 1993). Our data show quite the opposite, as they suggest that the proliferation of associations in civil society reveals a fundamental distance between institutions and the members of that society. Furthermore, the fact that there are many associations in action does little or nothing to reduce personal and collective fears, does not instil greater and more balanced sense of safety/security but rather encourages aggressive revenge behaviour that serves as a safety valve for anxieties that may have been building up for a long time.

4. The Nature of Social Networks

The networks that link people in the three areas studied are, in part, different. The people that interviewees meet normally come from other areas in the city, but in the *Stanga* in particular, friendship relations often develop between people living either in the same block of flats or nearby in the area. Indeed, in this area there is a greater likelihood (about 10%) of meeting local friends on an everyday basis. Thus, there is a predominance of short, dense, i.e. close-knit, networks, local relationships that stop at the edge of the neighbourhood, or rather, people in the *Stanga* prefer being with their neighbours or meeting local friends in the local bar. Unlike wider, less dense networks, these close-knit networks protect and help individuals to adapt, offering more support and a better "psychological mood" (Fischer, 1982: 46-52). However, such networks also encourage a degree of self-isolation and social hostility. Another difference is that peo-

ple in this area tend to meet their friends and acquaintances far more often than do people in the other two areas, and this adds a certain emotional intensity to these relationships. In the *Fiera* area, a large minority of people meet the members of their friendship network in public places. The fact of meeting the members of your network outside the home indicates less intimate, more specialised friendships, i.e. maintaining some degree of social distance leads to more impersonal relations and tends to stop strong close-knit links developing. The propensity to keep links impersonal means there is an implicit demand for the right to individualization and singularity (H. Plessner, 2001), but it can also lead to the type of individualization that brings with it solitude, insecurity and fear of others.

5. The Quality of the Urban Space

As noted in the preface, perception of the quality of local life always has a sociological significance, which is not limited to evaluating the physical objects that are present in the urban space, but which is also set in the nature of social relationships. Looked at in this way, objects enter, i.e. are part of, this inter-subjective world which actors construct together each day.

The quality of local life is viewed very differently in each of the three areas: in *S. Osvaldo* more than half of the residents felt that they live well, but in both the *Stanga* and the *Fiera* only a minority were happy with their quality of life. In both these latter a large minority said that the quality of life in their local area is not good. The fact that they feel this is largely due to their dissatisfaction with the quality of the urban environment, the lack of space available for socialisation and the general inefficiency of urban services. The list of what residents feel is lacking in the area is revealed in three principal types of demands they made:
- an increase in the availability, and general improvements, of urban and social services in the area, such as shops, public offices, social centres and health and social security provision;
- improvements in urban environment, for example more green areas, less traffic, cleaning and maintenance of public facilities and areas;
- an increase in overall security and more checks on anything connected with crime and deviancy.

The three areas differ most on the question of pollution and problems linked to immigration, while concern about crime and deviance is more or less at the same level. This difference in the degree of concern felt about the problem of immigration is a critical point, which probably masks a

source of insecurity. However, the fact that people perceive crime and deviance as a problem to more or less the same degree in all three areas could make one think that other variables are in play, variables associated with communication and information obtained through the mass media. On the other hand, environmental risks, pollution, and those associated with "strangers" fulfil the same social function. Individuals mention these dangers in order: either to express approval, or to criticise the political and institutional system, or, to show approval or attribute guilt to diverse members of society, even though, deep down there is a crucial difference both in perception of, and reaction to, these two types of risk.

The perception of environmental risk is a complex social construction where subjective experience, scientific analysis, ethical values, and collective action co-exist. Social concern about such risks is the result of increasing asymmetry in power relations between "corporate actors" and "natural persons" within society (Coleman, 1982: 88 ff.). The perception of risk linked to the presence of "the other", in all its various manifestations, is the result of a radical simplification of reality. The other is seen as a source of the anxiety and fears that pervade our lives, especially if they threaten to obfuscate the boundaries of out private "I" or even to reach it. These fears become fears for the physical self because the body is a strongly symbolic object. When strangers become 'the other', fear of this other is transformed into fear of crime.

6. Social Action Models and Fear of Crime

Thus there are three very different models of social action based on trust in institutions, associationism, and type of participation and the prevalent characteristics of relationships in the area. If these are looked at in relation to feelings of insecurity one could argue that the three models generate different quantities and qualities of fear.

The first model, that of Fiera area, favours local commitment at the expense of a broader commitment as citizens, which is, probably, linked to the irregular, sporadic, nature of any mobilisation. Although such actions appear to be "political" they are, nonetheless, marked by their impolitic aspects. In this situation there are many opportunities to become involved in local initiatives, and while these "spontaneous" groups do have the necessary skills for mobilising, commitment is usually intermittent and does not create stable enduring organisational structures but will often merely follow the vagaries of social emergencies and alarmism. Fairly broad, loose net-

works prevail in this model, a widespread feeling of solitude and a markedly individualistic lifestyle. There is an associational link, a relationship network which, although it tempers this individualism, does not entirely mitigate subjective feelings of insecurity because it is too fragmented and impolitic and will, in the end, vigorously defend only its own particular interests. In this sort of situation, actors become active around local issues instantaneously, but sporadically. Such battles serve to throw private anxieties and worries into the public arena. This associational network functions as the basis for mobilisation around specific problems, for specific aims, as a way of bringing people together and consolidating their actions around a "common cause": it helps form those "coat-peg communities" described earlier. These rapid, one-off mobilisations are usually marked both by their aggressiveness and by the radical nature of their aims. Indeed, they are a the gut reaction of a community of fear that wakes up one day suddenly gripped by panic, but here, fear is essentially an individual, isolated experience, which merely finds temporary release in local mobilisation and participation. The physical lay-out of the urban space also contributes in this model: such local communities usually have few if any spaces where people can meet, public places which allow residents to develop even a minimum sense of social identity, places that can act as collectively constructed and maintained social spaces.

The second model, that of Fiera area, is also linked to widespread impolitic action that is generally directed towards local issues such as security and the quality of the environment. In this case, however, involvement tends lead to more constant commitment and to making actors' claims felt at the level of their role as citizens. In this case there are close, dense community type social relations, which make it possible to form a true pressure group that can act upon political institutions and, in this way construct closer relations between group members. In this case, local mobilisations are a reaction to specific situations and problems that are caused by the inadequacy and distortion in urban area and the environment, which require radical interventions on the part of the institutions if they are to be resolved. In this second model, local problems are not seen as being political but are pressing and serious enough to require intervention by the municipal authorities. According to this community/local model, insecurity is perceived on a daily basis in a manner that is conditioned by the fact that there are close, deep relationships The fact that there are such networks could be the reason why out of the ordinary events which happen either locally or elsewhere are communicated, passed around, fast and, often, inaccurately. In other

words, where there are close, dense relationships, gossip, and the social control it can exercise, is able to create a climate of alarmism among the community, encourage a siege mentality, which turns on the scapegoat of the moment, and dangers tend to be exaggerated.

The third model, that of S. Osvaldo area, is closer to classic models of political activation, linked to civil and humanitarian values and less the result of emergencies. In this model insecurity is tempered by political awareness and knowledge that reduces the drama of any situation. Associationism too, is partly classic type, as it is often linked to strongly held, deep-rooted values and to continuous, long-term political activity. In this model social networks are relatively well balanced, divided equally between strong and weak links. In this model too, the non-securities that are perceived are very different from those perceived in the other two models. Here there is no generalised fear of crime nor is there a problem regarding how to include/exclude "the other". Indeed, as we shall see, it is environmental risks that cause most concern.

Opinions concerning safety, security, in the neighbourhood and in the city where they live, can be analysed in the light of the models of action described earlier. Fear of crime and criminality reflects the different action models quite accurately. Where participation is desultory, or aggressive, fed by individualised weak relations, and where there is no strong feeling of being a community, the area is perceived as being somewhat dangerous. Where there is strong community feeling and identity, both the neighbourhoods and the city in general, are seen as being far more dangerous places. As we have said, this turns the logical, eminently plausible, classic hypothesis on its head. The hypothesis says that the stronger the sense of community is, the stronger the feeling of being safe will be. On the contrary, we found that the stronger feeling of belonging to the community was the greater was the fear of everything that lies outside that community. Lastly, when ways of participating reflect classic models of political participation, the fear of crime is not a major social worry. Obviously, this analogy could be overturned if one argues that it is the intensity of the fear, the degree to which people fear crime that conditions the form that local actions take. However, it is generally accepted that, given the way in which this fear evolves over time, such fear is a derived attitude rather than a fixed characteristic of social structure. It is always a by-product of the complicated social mechanisms, which we will describe below.

7. Global Dangers and Daily Risks

More than half of the subjects interviewed feared that something could happen which would change their daily lives, while less than one third in the three neighbourhoods declared that they have moments in their daily lives that make them afraid. Thus, this is more a manifestation of deep-seated non-securities than the result of a fear of crime.

As predicted in the models described above, the definitions of fear given by subjects were influenced, at least in part, by both situational and relationship variables. The perception that there are ill-defined, niggling dangers all around appears to be strongest in the more protected and safer urban environment. This is probably the entrenched, consolidated awareness of fear that is so commonly found in Western society, fear which is exacerbated by a high degree of exposition to information and which is sustained by the knowledge that "one is helpless". This knowledge gives rise to onto-logical uncertainty, ill defined anxieties which are difficult to defend oneself from by using rational arguments or by behaving in such a way as to protect oneself. In the other two areas, which were defined as unsafe, that blame is based on finding a scapegoat (an enemy within), which acts to catalyse anxieties that would otherwise be difficult to deal with.

Our data throw light on some interesting social mechanisms through which the individuals constructs the dangers and risks he/she perceives.

On the one hand it is clear that subjects fear events that cannot be foreseen in the short term, such as an illness, redundancy, personal problems or the troubles of people they are close to. All of these are fears based on events that depend on external factors that are outside the control of the individual. Thus the subject feels that any damage done to him/her has been caused by external forces, by chance events. In other words, we are exposed to dangers anyway and the real risks we run in this type of situation will depend entirely on chance and destiny. Thus the fear that something will happen to upset daily routine reflects the degree to which the community is seen as a means of protection from unforeseeable events and this type of fear is typical of modern industrial society which feeds on risks and uncertainties.

On the other hand, the fact that actors are not afraid on an everyday basis means that they are equipped with defence mechanisms that immunise them from immediate risks, mechanisms that seem to work well. Such individuals have a strong but largely unjustified faith in, or sense of, their own immunity, inviolability, and believe themselves, often wrongly, safe

from everyday dangers and able to deal with a situation even when they have to fly in the face of reality to do so (Douglas, 1991: 45). This feeling of immunity has social origins: ignoring unusual events or trusting the familiar are reasonable strategies that every society in some way or another must develop in order to survive.

Basically, ontological security, that is, the deep feeling of being safe that comes from the belief that other's behaviour is predictable, seems to be surviving - even though it is often being shaken by the new fears of global and macro-social dangers. Analysis of the quality of personal fear, which we found differed eloquently from one neighbourhood to another, has allowed us to reflect upon the influence macro-social fears have on ontological safety/security within daily life. Essentially, there are two types of non-securities, which are generated by risk-society and which influence the certainties of daily life:

Ontological type fear – that is linked, as we have seen, to the problem of the certainties of social position, of trust in the other, of steady employment and of believing in one's ability to do one's job. Ontological security underlies the attitude of most people who "trust" in the fact that neither their lives nor their identity will change, nor will the social and material environment in which they live alter. Such security is closely linked to routines and customs, to the "natural course of life", and is based on habits and closeness of relationships. The fact that small daily routines can be predicted usually gives the individual a feeling of psychological security, but when this security is threatened for any reason, anxiety states may well develop (Garfinkel, 1967: 35 ff.). The organisational management of ontological security is one of the main problems of modern, late twentieth century, society because it forces each and every individual to keep control of his/her own anxieties (S. Walklate, 1998). Thus, this type of fear is linked to the personality, to the proof of our authenticity, the certainties of the script that we must follow, and to the efficiency of "face saving" mechanisms, as Goffman would call them. In short, socially sanctioned individual identity.

Fear linked to personal corporal and biological integrity, physical safety – the most widespread in all the neighbourhoods studied (the most spread fear is about illness, at least the 40% of sample). This type of fear, or anxiety, stems from the fact that that we are vulnerable: anyone can fall ill or, perhaps less likely, have an accident or suffer a criminal attack. Interestingly the fear of being attacked comes very low in the hierarchy of fears in all three areas and the fact that interviewees fear illness more than crime

reveals an interesting sociological aspect. This fear of illness, which is most marked in the Fiera, appears mainly as a fear of contagion and of epidemics. This type of fear is typical of individuals who feel their personal space is under threat, is being invaded. As Erving Goffman noted (1971: 30 ff.), when people feel that everyone could invade the personal space that surrounds each of them they begin feel they have lost their exclusive rights, their separateness, and tend to show disgust, to shut themselves off, withdraw. Contagion and contamination are typical manifestations of the fear of violations of personal space as they become associated with how body secretions are perceived. Excrement, wastes, body odour, leftovers of food ... all increases the feeling that the individual's private, personal, body space is being invaded, violated. This attitude is, furthermore, given tacit support by medical and hygiene practises and beliefs concerning "germs that contaminate", which in reality serve here as a means of rationalising the social rituals of separation and distancing.

There are other ways in which fear for the inviolability of our body space manifests itself. The term "body panic" describes the feelings a person experiences when there is a risk that his/her body will be penetrated by what are seen a malign elements: viruses and bacteria, polluting elements, food, drugs and the body fluids of other people. These widespread anxieties related to protecting the boundaries of our bodies from invasion or dissipation has been called "McCarthyism of the body" a very US way of highlighting the utopian ideal of the absolute purity of the exchange between the body and the environment, which is almost a new "immunological politics". These new politics hygiene standards show how one individual can differentiate him/herself from other individuals and this other becomes a living menace, a threat of contamination and pollution, sullying of the intrinsic purity of the individual (Kroker & Kroker: 1988: 11). As is clear, all this is in no way connected with the fear of crime.

8. Prejudice

One of the more interesting themes that we studied concerns the intersubjectivity of the conflict between natives and immigrants. As Georg Simmel said, the presence of a stranger redesigns social relationships as it forces the individual to take on other characteristics, such as impermanence, objectivity, impersonality, generality, indifference and freedom. Contemporaneously the presence of this stranger can make people uneasy, afraid, can create anxieties, tensions and conflicts (G. Simmel, 1979).

The most important relationships that interviewees declared they had had with "strangers" fit, almost exactly, with the range of feelings described by Simmel, when he listed individuals' reactions to contact with a stranger: detachment, curiosity, hostility, transitoriness, impersonality and uneasiness. One important reason for this uneasiness, insecurity, is that, often unknowingly, the stranger may violate the rules of communication the community adopts to create trust between individuals: the trust that stems from the belief that the other is reliable and competent. This type of problem usually arises when an outsider, someone who comes from a different social reality, appears on the scene. The strategy adopted for adapting to this type of situation was described by Goffman as "civil inattention" which is used to mask behaviour such as "living on your wits" or being indecisive about the choice between flight and fight. Failure to adapt, that is the difficulty of putting cognitive distance between the "self" and the other, destabilises the system by which individuals orient themselves and lowers the thresholds of tolerance and frustration. Basically people's perception of security depends on the extent to which they accept or reject the changes that their physical and social environment is undergoing. The main problems of co-existence between natives and immigrants can be attributed to the difficulty of maintaining efficacious civil inattention and this again, clearly has nothing to do with crime.

The various types of threatening behaviour interviewees said that they had been subjected (37% at the Stanga, 32% at the Fiera, 22% at the S. Osvaldo) require further investigation.

Firstly, it should be noted that the threats and intimidating behaviour interviewees claimed they had been subjected to, either personally or as witnesses of such events, are but a very small part of the criminal behaviour almost automatically attributed of all strangers/immigrants. Interviewees tended to focus more on face-to-face difficulties in developing relationships with people from other countries. The fact of having been "molested", i.e. anything from verbal aggression, bad manners, to comments and insults from "others" seem to have had a deep impact on these "victimised" social actors. Even the simple fact of meeting, for example, immigrants in the street or in public places seemed to generate fears and uneasiness in individuals. As Goffman said, there are many occasions when the eyes of others will enter the individual's personal space (1971: 44-46), and to avoid the problem each individual must make constant delicate adjustments to where and how they look. Furthermore, the way in which eyes are used, the messages they give, may be interpreted differently by people in different

cultures and can, as a result, create incomprehension and diffidence. People from non-Western cultures tend to look directly into the eyes of the person they are meeting and expect some sign of greeting. This is just one custom that could help to explain why the interviewees often felt uneasy when meeting strangers.

Verbal attacks are another instance of violation of personal territory, because they often appear as interference in the individual's life: interference by those individuals who talk loudly, who shout across the street, who do not respect the norms that regulate volume in communications. Such verbal attacks may also be perceived in perhaps inopportune, unwittingly offensive, words used by (usually immigrant) street sellers – selling flowers, CDs, cigarette lighters etc. – to the people they are trying to sell to. The degree of annoyance about shouting and loud voices was particularly high in the Fiera area, where residents had sometimes even called the police in during the preceding three months: 20% of the residents in this area said that they had to call the police for help and in 35% of the cases noise was the problem.

Individuals may perceive behaviour that reduces the physical distance between one person and another as a physical violation or attack. Maintaining socially accepted distances is a crucial part of approaching another individual correctly so as not to create insecurity: this individual may fear contamination or, more simply feel mild disgust at any contact with another body. Nowadays, in many public places, distances are increasingly being shortened to what, for many people, is an unacceptable, i.e. threatening degree of "physical contact" with others: in buses, trains, crowded bars, places of entertainment and so on.

In modern society, beggars, the homeless and the unemployed arouse feelings of mild disgust and uneasiness in many people. A beggar, especially a young male beggar, asking for alms in the street arouses people's anxieties about the rational order of society and of individuals. People on the margins of the society, community, are assumed to be dirty, a nuisance, out of place, something that should be removed so that order and cleanliness can return to 'our' world, a world under threat from dirt (Lupton, 1999: 135 ff.). But such people, these dispossessed, are not associated with crime and criminality.

One interesting datum concerns the fact that the attitudes that reveal prejudice are clearly expressed when the situation is being considered in general terms, when stereotypes and socially transmitted beliefs about "newcomers" predominate, as in the case where people believe that immi-

grants bring in diseases or are "invaders" come to take over. Emory Bogardus was the first to put forward the hypothesis, widely accepted today, that when the number of newcomers or invaders reaches a certain threshold their presence creates conflicts and becomes a source of fear and insecurity (Bogardus, 1926: 473-9; Alietti & Padovan, 2000: 55). In reality, evaluating the quantity of "others" has no direct effect on prejudice. As Gordon Allport observed (1968: 189), the concentration of newcomers, whether it be real or presumed, would not be sufficient to arouse these fears if there were not already some predisposition, either individual or collective within the society or community, which has evolved out of people's perceptions of their experiences of numerous events, important amongst which are the uncertainties created by modern society.

9. Representations of Crime

Looking at individuals perceptions of changes in the crime rate is useful not only because it is another variable to compare but also because it is a good way of seeing how people really feel as regards their personal day to day security: the greater the change perceived, the greater the – often unconscious - feeling of insecurity and the less rational, i.e. based on fact, the reaction.

The most obvious datum here is that a large majority of people feel that the level of crime has gone up. This does not necessarily mean that there is widespread apprehension, it could well be that people are just repeating what others say. However, comparisons between the three neighbourhoods offer interesting insights.

Indeed, those who seemed to be least worried about the soaring crime rate were the residents of the Stanga, who were also those who had been less 'victimised'. Eighty-seven per cent of the residents in the Fiera area, the highest percentage of the 3 areas, felt that crime had increased. However, in S. Osvaldo, where, as we shall see, the rate of victimisation was highest, a somewhat smaller percentage of residents felt the crime rate was rising. Clearly, while the objective facts of the situation will influence people's perception of crime, other factors too must be intervening to increase or reduce their anxieties and apprehension. That there are other factors is confirmed by the fact that although most of the people in all three neighbourhoods said that crime had risen but, statistically, it hadn't, or certainly not to the extent perceived. Interestingly, notwithstanding the fact that the type of 'victimisation' differs from area to area, there is no differ-

ence in the types of crimes that people feel have increased most. Top of the list is theft and robbery, then drug dealing and prostitution in that order, followed by political corruption and muggings. But there are differences in the hierarchy of crimes in the individual lists of each neighbourhood. For example, people think that muggings are increasing in the Stanga, while drug dealing is the fastest growing crime in the Fiera, but these beliefs are only beliefs, and do not correspond with the reality of either situation, rather they reflect the personal experiences of the actors involved.

10. Fear of Crime

In order to evaluate the real level or scale of the "fear of crime" we explicitly asked people about which criminal act they thought would be the most likely one to be perpetrated against them. The rate of victimisation has been analysed (see below) but there is no direct correlation between the risks of victimisation and the fears expressed, fears that appear to be largely the same in all three areas of the city.

As regards pickpocketing, theft from cars, burglaries, other thefts, robberies, muggings and sexual harassment and sex attacks, there was little difference from quarter to quarter in the percentage of people who were afraid of falling victim to one or other of these crimes. These percentages only reflect the real situation in the case of pickpocketing and muggings, where the perceived threat of risk matches the real risk of being a victim (victimisation). For all the other crimes mentioned by interviewees, the real rate was no way as high as the level of fear it could arouse in individuals. This tendency could be attributed to greater access to knowledge and information residents in that area probably have access to, the result of the fact that they have a higher level of education, thus they probably are more aware of the risks and dangers of modern society, one of which is the likelihood of falling victim to a crime.

The biggest difference between areas is, strangely enough, to be found in the percentage of residents who feared being attacked: strange because the real rate of attacks in each area was virtually the same. The anxieties and fear caused by the hostility and danger perceived as being all around in a neighbourhood heighten people's fears of being attacked. Thus 20% of the residents in the Fiera fear they will be attacked. In the Fiera relationship networks are not strong, there are very few 'short' relationships, rather, there are a lot of temporary meeting places for strangers in transit (the central station area). At the Stanga, where there is a large community of immi-

grants who have settled and built up (short) relationships with their neighbours and there is "neighbourhood spirit", only 13% of the interviewees said that they feared being attacked. Lowest of all on this variable, only 7% of the residents of S. Osvaldo, who consider their area to be quiet and fairly safe, fear being attacked. In the Stanga area, the fear of vandalism is higher than in the other areas, perhaps because there is more community feeling in the neighbourhood, so any damage to public spaces, wear and tear or accident, is seen as vandalism. Lastly, in the Fiera area, fear of sex attack is higher than in the other two areas, probably because there is a lot of prostitution in the streets around the station.

11. Fear, Prudence and Self-protecting Behaviour

We consider that identifying self-protective behaviour is important so as to subsequently be able to identify the real extent and strength, and the apprehensions revealed, of attitudes related to the perception of insecurity. This information makes it possible to compare people's verbal declarations with their real behaviour, thus providing a more objective and balanced idea of the real state of mind of interviewees: what they really do, not what they say they do.

When asked about how often they went out at night residents in all three areas gave apparently surprising answers which had no bearing on the fears and attitudes they had expressed before which had given the impression that they tended to shut themselves up in their houses. Indeed, those who go out most, from three to seven times a week, are the Fiera residents, which is not only the area where fear of crime was highest but also that where relationships were 'longer', more distant and weaker because most are with people from outside the neighbourhood, as is participation in associations of any sort. In the Stanga less people go out regularly (but still many more than one would have predicted): in this case people probably use local amenities, public spaces (bars, church hall, meeting places) in their free time, given that relationships are usually short local links. In S. Osvaldo, where people tend to meet in private, in each others houses, the average number of times per week that they go out falls somewhere between the averages of the other two neighbourhoods.

Data revealed that the real level of each resident's insecurity differed greatly from area to area. In S. Osvaldo, many residents had taken out insurance against theft of their car and/or in their home. In the Stanga, the most commonly adopted protection strategies, so-called "avoidance measures", were those of avoiding being in certain areas at certain times and try-

ing not to be out alone after dark: in the Stanga the rate of adoption of these strategies was twice as high as in S. Osvaldo and not much lower than in the Fiera. In the Stanga and the Fiera, there were twice as many precautions taken against pickpockets. In all areas, many residents had their cars protected by car thief alarms: but nowadays alarms are manufacturer installed even on standard models of cars.

But can these avoidance, protection, measures be considered an accurate reflection/expression of a person's real state, level of perception, of insecurity? When the question was asked in the open form, insurance was rarely mentioned (3%). Perhaps this was predictable, in that it is linked to a technical, rational choice about insurance protection therefore it was too 'normal' to mention. But the fact is that even avoidance behaviour, which should have expressed a state of anxiety and of insecurity, was not there. Furthermore, there was little difference between the neighbourhoods, (variations of about 2-3%), which means that in the areas which would seem to be considered more risky, these countermeasures seem to be regarded as normal, habitual behaviour and not as expressing any specific tension or insecurity. Only the question about not going out alone at night, when given in its structured form, received much the same answer as it had had in the open form, with no particular differences between the three areas. This means that this is a widely and consciously adopted countermeasure, which proved to be commonly used by women, whichever area they lived in.

The fact that self-protective behaviour can be associated with lower real levels of fear can be found in the answers given by interviewees when asked whether they had changed their habits in any way after they had been victimised. Only one quarter of the 'victims' said that they had changed their habits in any way after the experience. Which means that if the association between self-protective behaviour and fear is so low among those who, surely, have most reason to be afraid, having experienced the damage caused by crime, then it must equally surely, be even lower for those who have never been a victim. However, not only did this not prove to be true but also the various types and levels of fears revealed by interviewees in their answers do not seem to be so strong or important as to condition, in any real way, the lives of the residents in the three neighbourhoods.

12. Victimisation

The percentage of people who said they had been victimised during the preceding three years was very high, usually more than 60%. However, the

crimes perpetrated differed from area to area. The most "ill-famed" area (the Stanga) had the lowest number of victims among its residents, while S. Osvaldo, considered to be the 'safest' area had the highest, even higher than the Fiera which, like the Stanga, is considered a place of ill-repute. But, since most of the crimes reported by the victims had taken place outside their neighbourhoods, these answers do not really reveal much about the danger levels in the three neighbourhoods.

If however, we analyse the type of crime committed, a lot of the crimes are not of the sort that would cause widespread alarm in the community: for example car theft (especially in the Fiera and S. Osvaldo) and theft from cars and fraud (most common in S. Osvaldo). Other minor offences were reported, too: vandalism and arguments between neighbours. The number of crimes that do cause more alarm was relatively low: crimes such as pickpocketing, burglary, mugging and other attacks, robbery and sex crimes were at the bottom of the list for frequency. Apart from burglary which was markedly less a problem in the Stanga, and sex offences, which were more frequent in the streets of the Fiera, there were no real differences between the three areas as regards the rates of these types of crime and which do not in any case create a particularly strong feeling of insecurity. Of all the crimes mentioned, since 1998, only pickpocketing has increased in frequency to the extent that it could be blamed for an increase in fears about security within the communities studied.

Thus, the real extent to which people are victims of crimes or other acts of aggression is very much lower than is their fear of being the victim of a criminal act. This apparent anomaly only confirms the hypothesis that fear of crime expresses fears that will not necessarily, if ever, be realised in the form of "events" that really happen to people during their everyday lives, that is, their fears do not reflect their experiences. So experience of "victimisation", of being a victim, is not a major reason for people's sense of insecurity and other research too, has shown that fear of being the victim of a crime rarely influences the type or level of insecurity experienced by individuals.

One possible explanation of this skewing, this anomaly, in the social perception of the risk of being the victim of a crime, is that of "victimisation by second hand" based on what the individual hears about the experiences of acquaintances, friends and relatives who have been victims (Robert, 1990: 313). Thus the research tested the level of "indirect victimisation", by asking interviewees whether any of their relatives or close friends had been the victim of a criminal act during the pervious three

years. However this level of "indirect victimisation" only partly corre-
sponds to that of direct victimisation. In the case of the Stanga, not only
was the level of indirect victimisation, the fear of being a victim, much
higher than the real rate of 'victimisation' in the area, it was also much
higher than that found in the other two neighbourhoods. This leads back to
the question of which social mechanisms serve to spread fear, as we have
discussed above.

13. Tendency to Report Crime and Other Events
   and Attitudes to Punishment

Insofar as self protective behaviour can indicate an individual's state of ap-
prehensiveness or insecurity, to what extent can it also be associated with
the individual's attitudes to punishment, punishment in the sense of meas-
ures to protect and reassure, taken in order to reduce the overall level of
perceived anxiety and apprehension? This is a good question, given that
general, popular opinion says that the demand for punishment is a natural
reaction to a state of perceived insecurity, in that the idea of retribution re-
assures people.

The results from our research however, reveal that "general, popular
opinion" may have got it wrong. Much research has been done on the rela-
tion between the internalisation of norms and public opinion[1], but there is
no space to examine the arguments in depth here. However we decided to
use the variable of the tendency of individuals to report crimes as a test to
see both what their attitude to punishment was and to what extent they de-
manded more security. The hypothesis that the more the crime the more the
punishments demanded does not hold water. Residents in S. Osvaldo, who
fell the least non-secure and were the least self-protective, are also those
who are more likely to report any crimes they encounter, or are victims of.
While in the Fiera, where there the feeling of insecurity is highest, people

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[1]   Here there is no space to take up this argument, so we will limit ourselves to suggest-
ing some further reading: G. Gozzi, 1980; N. Bobbio, 1977; N. Luhmann, 1977; R.
Ferrari, 1987; R. Treves, 1986, G. Mosconi, 1985; R. Bettini, 1983. As regards the
second aspect, see the analysis of secularisation (P. L. Berger, T. Luckmann, 1969),
that of one-dimensional massification of the Frankfurt School (M. Horkheimer,
1969), the model of consensus-non dissent (J. Habermas, 1975; C. Offe, 1977), phe-
nomena of implosion analysed (Jean Boudrillard 1979), the analysis of post-material
values, (Robert Inglehart, 1983), and/or hiding normative meaning in the systemic
model (Niklas Luhmann 1977; 1979).

who are the victims or witnesses of a crime tend not to report it. The residents of the Stanga fall midway between the two other areas on both variables. Given this, it would indeed seem it is not so much the level of security or insecurity perceived by individuals that affects whether an individual will or will not report a crime to the authorities, rather it would seem it is the level of trust people have in the institutions, in the latter's ability to act effectively, that determines whether or not they report crimes.

This interpretation is in part validated by the results of an evaluation of the reasons behind reporting a crime. In the S. Osvaldo neighbourhood, the main reason given for having reported a crime is "in order to prevent a repetition of the crime" (19.4%), there are other reasons too: "trying to get the stolen property back" (19.1%). In the Fiera area it is the materialistic aspect that is most important, "getting compensation and reimbursement from the insurance companies (20%). In the Stanga however, the most common reason was "to get my documents back (13%). Thus, in these two areas, Fiera and Stanga, a practical material reason predominated, which fits with the fact that residents in these areas have little faith in the abilities of the institutions to carry out their functions, as they felt they, the residents themselves had been abandoned by such institutions. In all three areas approximately the same proportion of people said that they had "reported the crime because they thought the culprit should be punished". The feeling of being an outsider, of being ignored by the institutions breeds a kind of Pavlovian hostility into any contact with these institutions, hence the reluctance to report a crime.

One aspect that should be mentioned is that people seemed almost to be resigned to the inevitability of being the victim of some crime; they saw it as a 'normal' part of life, so tended not to react and report the event. In the Stanga residents seem to be resigned to living with a certain level of crime and tend to underplay the seriousness of the damage done, thus they also do not report crime because "there wasn't much damage done". In the Fiera area though, there was a markedly high level of hostility towards the police, such that people effectively said, "what's the point of reporting anything, the police are so inefficient!"

However, there is a paradox in the fact that residents of the Stanga and the Fiera areas showed a lower propensity to report crimes than those in S. Osvaldo. When asked whether longer sentences could help reduce crime, residents in the Fiera area and, to a slightly lesser degree, in the Stanga area said it was a correct approach. Interviewees in the same two neighbourhoods were also in favour of keeping remand prisoners in custody while

awaiting trial, once again a higher percentage in the Fiera area than in the Stanga area. Obviously, residents of these two areas were in favour of stricter sentences and less opposed to the idea of building more prisons.

Residents in all three areas more or less agreed (11-12%) on the subject of law and order: they wanted more surveillance and more active intervention on the part of the police. The seeming contradiction between residents' reluctance to report crimes and the fact they have had enough of having to live with crime and want more action and more repressive measures to suppress crime could be the result of the fact that they feel out of touch, abandoned, by the institutions a feeling which is expressed in anger towards the forces of law and order and a desire for a punitive system.

When asked to evaluate the efficacy of stiffer punishments the immediate response of interviewees in the two areas where the general level of education they immediately said it was a useful and effective measure. However when a list of alternative, more socially oriented measures to combat crime was put in front of them, began to become far less 'repressive' in the solutions they offered. This perhaps goes to show the fact that punishment is a value that has been internalised and the call for punishment is a ritual, automatic response, which is not comparable with the any of feelings of insecurity. Overall the residents in S. Osvaldo preferred more social than punitive measure to combat crime: measures to "promote positive cultural models, less grasping, selfish and violent" and to "reduce the amount of violence shown on TV and at the cinema".

14. Attitudes to Sentencing and Prison

We gave the interviewees a list of possible crimes and asked them to suggest a suitable punishment. A series of sentences were suggested, as were other alternative non-custodial measures (social services, making good any damage, socially useful work, fines, administrative sanctions). What was interesting was that the punishment for each crime established by law and the one the interviewees suggested for same crime were in total discord. For some crimes interviewees wanted a much heavier punishment, crimes such as: starting forest fires, bribery and extortion, failure to implement safety measures at work. On the other hand, for some crimes that now carry custodial sentences interviewees wanted to non-custodial alternative measures adopted, crimes such as: mugging, football hooliganism, theft from large shops, euthanasia. Most people also though that hard and soft drug use should also be decriminalised.

In order to carry out one further 'test' to ascertain the strength of, and reasons for, interviewees attitudes to crime and punishment we asked them to respond to four statements two in favour of heavier punishments and two in favour of alternative measures. Unlike as has been found in other studies (G. Mosconi, 2000a), a large majority of the residents in all three neighbourhoods agreed, to a very similar extent in each area, that custodial sentences and stiffer punishments in general, should only be used to combat crime in the last resort when all other educative/rehabilitative solutions have been tried and have failed.

Generic punitive attitudes are not deeply rooted, even though they do seem to be widely held as they appear as a set response to certain questions which, when phrased in a different way, receive a far more considered, less drastic, i.e. less punitive, response - one which probably expresses the individual's real, personal, opinion. Probably feelings aroused by insecurity play some part in evoking more radical, repressive responses, as a feeling of insecurity can be aroused when individuals have no strong internalised views, or no theoretical reference points, or, even, no coherent, logical argument of their own. But this could also mean that a feeling of insecurity can leave the way open for individuals to make, perhaps tentative but innovative, choices and decisions. However, recent studies (U. Beck, 1997; Z. Bauman, 1997) suggest that the apparent contradiction between high feelings of not being secure and low demand for punishment, for retribution, could be explained if one looks at the deepest roots, the true source of current feelings on insecurity.

The dissonance between the actual custodial sentences given out by the judicial system and the sentences that people feel would be just for each crime, is further confirmed through analysis of the "punishments" interviewees considered for crimes against property. Here too, the majority of people interviewed did not want harsh punishments: only 12.5% overall, in all three neighbourhoods thought that prison was the best solution. When one realises that more than 70% of crimes reported are crimes against property, it would seem that people would like to empty the gaols. The alternatives to prison most people approved of were socially useful work, compensation for damages, the setting up of projects to help people reintegrate into society and other methods of restricting the person's liberty. A smaller but nonetheless still substantial group chose putting people under social workers and fines.

Neighbourhood by neighbourhood analysis confirmed that residents in the Fiera area tended to be more repressive, to want more severe punish-

ments, for crimes. A large minority of people in this area felt that prison was still the best method for dealing with crime and even though this is a much smaller percentage of "punitive" residents than had been found in an earlier study, it is still twice as many as those who chose prison as the most suitable crime fighting measure in S. Osvaldo, which shows the more liberal tendencies of the latter's' attitudes. However, although in the Stanga the percentage in favour of more punishment was only 1% higher than in S. Osvaldo, residents there favoured other forms of restrictions on liberty to prison. All this would seem to confirm that not only is there very little correlation between fear and the desire to punish, but also that there is a lot of ambivalence about the reasons for punishing and its cultural roots.

15. Conclusions

To conclude, we offer a summary, a list, of the most important elements and data that have emerged from this investigation.

1. Higher levels of fear appear to be associated mainly with different relationship mechanisms and with different types of social capital. In the Stanga, the prevailing circumscribed relationship networks had been built up between friends relationships and, rather than providing reassurance, serve instead to create a fragile but rigid structure that is easily destabilised by the presence of a 'stranger'. Short, dense relationship networks likely encourage the classic friend/enemy behaviour, and the drawing up clear borders between the individual and the 'other'. The longer, more tenuous relationship bonds more common in the Fiera, a type of network found in more individualistic social models shows, however, that even these other looser links are not able to reduce residents' feelings of insecurity, rather they too serve to exacerbate such fears. This is probably because in this situation, where there is little systemic trust, actors feel socially isolated not part of a community. A very different type of relationships is in S. Osvaldo, where higher incomes, the better quality of life enjoyed by residents in what is considered a well served and maintained area, the models of participation and the generally wider ranging and more open and diverse social life which enables residents to overcome prejudice and experience less feelings of insecurity.

2. There are clear mismatches between the diverse levels of perception and expression of insecurity and fear. Although 'crime' tended to be perceived, especially in the more deprived areas, as a widespread amorphous 'risk' for everyone, the extent of people's feeling of insecurity did not re-

flect the level, lower, of their fear of crime. There was no correspondence either between the level of people's perception of crime as a personal danger and/or, as a generalised danger, within the neighbourhood. Yet lower levels of anxiety were revealed when interviewees were asked about any moments of fear they had experienced when going about their daily lives, or about the crimes they feared could upset their lives, but people consistently considered these anxieties to be almost negligible when compared with worries about health, loss of loved ones and danger to the environment.

3. There was also clear dissonance between what people imagined the level of danger was that they were surrounded in their normal lives and the fact that few of them could perceive, or pinpoint, any of the dangers of their immediate environment. One could perhaps say that through the certainties of their daily lives, the routines guaranteed by society itself, people seem to develop some sort of immunity from day-to-day anxieties and fear. Indeed, although, fears about the dangers engendered by today's "risk society" are growing, as is the fear of crime, they have not yet reached the level where they were causing any major changes in people's daily habits.

4. There is a relationship between prejudice towards migrant workers and the feelings of insecurity perceived by actors. The main expressions of prejudice against immigrants were linked either to the "crime risk they pose" or to the "fact" they "bring in disease": these are the themes upon which prejudice is founded, promoted by the mass media and politicians. The justification, offered by interviewees to explain their prejudice was not based on having been the direct or indirect victim of a crime perpetrated by an immigrant. But rather it stemmed from a more nebulous feeling of having been insulted or offended by an immigrant, usually the 'event' was some transgression of socially accepted behaviour: a heated exchange of words in the street; one glance too many; something said in a too loud a voice, too harsh a tone.

5. There does not appear to be any relationship between the levels of victimisation identified in the three areas and the fears manifested by residents, either in general terms as a widespread fear of crime or, in relation to a crime the individual had either been, or feared being, a victim of. So if it not the reaction to being the victim of a crime that conditions people's fear of certain crimes and not others, then there must be other variables which are causing them to imagine, and fear, falling victim to one crime rather than another. Perhaps here is a question of indirect victimisation, being the "second-hand" victim of a crime, which may be, experienced as a direct

projection of a collective sense of belonging (especially in the Stanga), which heightens the individual's perception of potential dangers through an emotional involvement that is reinforced by the horizontal communication of the strong, relationship network.

6. The percentage of residents in all three areas who wanted stiffer sentences, more repressive measures brought in to fight crime reflected neither the percentage of interviewees who had been the direct victims of a criminal act, nor the level of their feeling of insecurity, nor their fear of crime. In S. Osvaldo, where 'victimisation' was highest, both the fear of crime and the desire for heavier punishments were lowest. The hypothesis that the more crime the more and heavier the punishments people would demand was not borne out. For example, there was no correlation between the propensity to report crimes to the authorities and the demand for stiffer sentencing.

7. Attitudes to prison and evaluations of its efficacy in the fight against crime were particularly contradictory and mixed. Most people were against custodial punishment even though they did not question the fact that prisons should exist. The many throwaway truisms heard in society today, full of disinformation and lack of real concern about the problem, together with a marked lack of trust in the ability of the institutions to really do anything effective, all explain people's ambivalence towards and perhaps mistrust of repressive measures. Thus the often repeated adage, hammered home both by politicians and the mass media, that "the greater the feeling of insecurity is, the more insistent will be people's demand for increasingly repressive measures, for 'law and order'", is clearly a sham, used to manipulate public opinion.

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Fear of Crime among Older and Younger Adults
Paradoxes and other Misconceptions[*]

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1. Fear of Crime among Older Adults: Empirical Paradoxes

To exaggerate the point somewhat, fear of crime can be described as both an explosive political issue and a neglected topic, overshadowed by more specialized research foci. It is explosive in that the feeling of fear – or at least certain facets of it – seems to be instrumentalized for political ends. Election campaigns are conducted and votes are won by playing on the electorate's feelings of fear, often covertly. Today, anyone initiating a debate on "law and order", without playing on the emotions or engaging in a certain degree of sensationalization, would be making a serious strategic error. Equally, though, fear of crime is a neglected topic, in that the popular rhetoric seems to owe more to myths and buzzwords than to balanced arguments. Catchphrases continue to be bandied about, even when research has long since shown them to be untenable, incorrect, or at least in need of major revision and rectification. The present paper deals with one such example and attempts to make the case for rational debate on the topic, especially beyond the specialist circles of criminology. Indeed, if revisions and rectifications are to have the desired effect, it is vital that are communicated (intelligibly) to the non-specialist public.

For almost three decades now, the term "victimization/fear paradox" has been used by criminologists in particular to describe a pattern of research findings that appears to be contradictory. This "paradox" has been repli-

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cated throughout the world with such reliability that, by the mid-1980s at the latest, it had secured a firm place in the literature (Greve, 1998; Greve, Hosser & Wetzels, 1996). It can be summarized as follows: Although older adults are objectively (statistically) less likely than any other age group to be victimized, they are most fearful of crime. Back in 1976, Clemente and Kleiman went so far as to posit that fear of crime is in fact more of a problem for older people than crime itself. This belief was adopted and echoed by criminologists well on into the 1990s and, seen from this perspective, it is no great leap from pejorative descriptions of fear in older adults ("irrational") to one-sided attempts at explaining it (see, e.g., some of the papers in Kreuzer & Hürlimann, 1992). The catchphrase "prisoners of fear" soon became popular and continues to be used freely, even in recent publications and beyond the field of criminology (for a summary, see Greve, Hosser & Wetzels, 1996). Thus, despite not actually being a paradox in the stricter sense, the pattern of results does seem to require explanation. Although various criticisms of the "paradox" were expressed from the outset by those engaged in specialized research (e.g., Eve, 1985; LaGrange & Ferraro, 1987; Warr, 1984), it is not unfair to say that, beyond this specialist discussion, the "paradox" is still regarded as an established finding in criminology and the neighbouring disciplines. In other words, it is still seen as a mystery, many important aspects of which remain to be solved (e.g., Fattah & Sacco, 1989; Hale, 1996; Kreuzer & Hürlimann, 1992).

In other fields and research contexts – developmental and gerontopsychology, in particular – the paradox has attracted little attention, however. The same holds, incidentally, for the topic of violence and old age in general (Greve & Niederfranke, 1998). This is particularly regrettable given that the explanation for this pattern of results will inevitably touch on numerous gerontopsychological research questions (Greve, 2000; Greve, Hosser & Wetzels, 1996). For example, it remains unclear why the apparent age-related increase in fear of crime is not associated with a decrease in general well-being. Assuming that both measures are valid, it would seem highly unlikely that fear of crime has no detrimental effects on general well-being or the quality of life. Yet there is relatively robust evidence to show that general well-being barely declines with age (Brandtstädter, Wentura & Greve, 1993; Staudinger & Greve, 2001). This second "paradox" emphasizes shortcomings of bi-variate descriptive statistics and underlines the need for theoretically and empirically differentiated analyses.

2. Theoretical Contours of the Concept of "Fear of Crime"

The first challenge must surely be to agree on a more precise definition of the concept of "fear of crime". Of course, numerous conceptions have already been proposed, including some with quite divergent specifications and operationalizations (for an overview, see, e.g., Boers, 1991; Hale, 1996). Yet although the 30-year history of fear of crime research (for an overview, see the texts compiled by Ditton & Farrell, 2000) has generated a wealth of empirical findings, it has not seemed to achieve theoretical clarity. Indeed, despite the obligatory protests about the lack of a precise theoretical definition (Arnold, 1991; Wetzels *et al.*, 1995), even the more recent publications have tended to overlook the relevant emotional/psychological considerations. Of course, not all of the disputes laboured in the context of this debate need to be taken seriously. This applies, for example, to the attempts to draw a distinction between fear and anxiety (see, for example, Becker, 1981; Krohne, 1996; Krohne & Kohlmann 1990; Lazarus, 1991). Doubts have frequently been expressed about the value of such a distinction (Fröhlich, 1983; Schwarzer, 1983) and, in any case, it is quite clear what we are referring to in the following. As such, the present paper will *not* distinguish between "fear of crime" and "anxiety about crime". At the same time, with its focus on the fear of *crime*, the present assessment of fear is domain-specific, thus fulfilling the requirements of researchers such as Becker (1981, 1997; see also Krohne, 1996). Failure to ensure domain-specificity has frequently produced artificial results. Of course, this does not exclude the possibility of classifying the specific fear as belonging to a superordinate dimension ("second order") of fears. Yet the classic differentiation between the superordinate dimensions of "harm" and "shame" (Spielberger, 1972: 40; see, e.g., Becker, 1981, 1997; Schwarzer, 1987) would be inappropriate here, because some cases (e.g., sex offences) would be very difficult to classify. It is also important to point out that fear of crime research does not focus on explaining pathological forms of fear (see, e.g., Hamm, 1997; Margraf & Schneider, 1990; Rosen & Schulkin, 1998; Sartory, 1997), but on inter-individual differences and the intra-individual change in specific fears within the range that – notwithstanding the aversive nature of the state itself – is experienced as "normal," and indeed regarded as such from the clinical perspective.

Although the psychological debate on how to conceptualize emotions in general and fear in particular is still far from its conclusion, the consensus that has been reached on some points provides a conceptual basis for an

even-handed empirical investigation of fear of crime (see also Gabriel & Greve, 2003). One important point that has been somewhat neglected in the criminological discussion is the distinction between situational and dispositional fear. This distinction was introduced by Catell (Catell & Scheier, 1961) and has been expounded by Spielberger and colleagues, in particular (Spielberger, 1966, 1972; for an overview, see, e.g., Becker, 1981; Fröhlich, 1983; Krohne, 1996). Despite the numerous difficulties in the differentiating the two empirically (Schwenkmezger, 1985), the conceptual principle of this distinction is relatively clear. Criminologists do not tend to focus on *transitory* fear (e.g., the fear experienced when walking through a dimly lit park or a deserted underground car park, or when hearing a strange noise in one's flat) and its explanation, i.e., its microgenesis (although perhaps they should; I will return to this point below). Rather, they address the *dispositional* fear of crime across various – relevant, but heterogeneous – situations and occurrences, i.e., the individual tendency to experience fear when faced with a certain type of danger or threat, and the respective inter-individual variation. People with a dispositional fear of crime are quicker or more prone (and hence more likely) to experience the state of being afraid (see Spielberger, 1972). Someone with a high dispositional of fear of crime will experience more situations as being relevant to fear and be more likely to experience fear in these situations; the experience of fear may also be more intense. It is important to note that this differentiation is a conceptual clarification rather than an empirical assumption. As such, the difficulties in capturing it empirically cannot be raised in objection to it (as maintained by, e.g., Krohne, 1996: 225). An individual's dispositional fear of crime may also change, not in the sense of a state variable that varies according to the situation, but as the consequence of long-term developmental processes resulting, for example, in growing fearfulness (or, alternatively, composure) in old age. The question of whether this is indeed the case – and if so, why – is the subject of the debate conducted under the maxim of the "victimization/fear paradox".

The theory that fear is a multifaceted concept provides a sound starting point for our attempts to formulate a better definition of fear of crime. At least three, possibly four, facets of the concept can be differentiated. In everyday language and understanding, the subjective ("affective") experience of fear predominates. If fear of crime is not *experienced* frequently or easily, it cannot be regarded as dispositional fear – for the purely conceptual reasons mentioned above. These state that a dispositional fear of crime

should be apparent in at least the *frequency* of fear episodes (indeed, classic measures focus on this point; see, for example, the State-Trait Anxiety Inventory devised by Spielberger; Laux, Glanzmann, Schaffner & Spielberger, 1981; Schwenkmezger, 1985). Whether and to what extent a high dispositional fear of crime implies that the fear experienced is more intense can remain an empirical question; valid assessments will be very hard to achieve here, particularly in questionnaire format.

The second constitutive component of fear must – again for theoretical reasons – be a cognitive facet, i.e., the perception or judgment of a situation as threatening or dangerous. Without such a cognitive basis, fear – in the stricter sense implied here, at least – is conceptually incoherent (see Brandtstädter, 1985). Without a cognitive anchoring or representation of the criminal behaviour, the individual will simply experience some kind of unspecific fear (for a more detailed discussion, see Greve, Hosser & Wetzels, 1996; Wetzels *et al.*, 1995). Admittedly, this constituent link between emotion and cognition is not without implications for empirical assessment. If this reasoning holds, any operationalization of the affective component of fear that is based on the frequency of fear episodes as proposed above will *eo ipso* amount to an assessment of the frequency of the corresponding *cognitions* and thus in fact measure the *cognitive* facet of dispositional fear of crime. Operationalizing the cognitive aspect of fear in terms of the subjective *probability* of becoming a victim of crime gets around this difficulty better, but does not solve the problem of how to assess the affective aspect of fear "net of" the cognitive aspect.

The third component of fear is an expressive one: fearful behaviour. A dispositional fear of crime that does not become apparent, i.e., is not expressed in any way in fear-provoking situations would, in a certain sense, be inconceivable. In contrast to a transitory state, which may not necessarily be observable (e.g., because the person concerned has themselves "under control"), being "fearful" (in the sense of a disposition or an attribute) implies that this fear is typically expressed in some sort of visible behaviour. If not, whatever the person believes to be experiencing ("behind closed doors," as it were), is perhaps worry, irritation, or the like, but certainly not fear (for a more detailed discussion, see Greve, Hosser & Wetzels, 1996; Wetzels *et al.*, 1995). Unless they are able to provide a very plausible explanation for this inconsistency, people who report that they often experience intense fear, but who otherwise show no sign of alarm, soon start to lack credibility. Conversely, we will be unlikely to accept

someone's assurances that they are *not* afraid if they are prone to show signs of agitation and anxiety or to take unusually elaborate precautions. In the infrahuman domain – primate research, for example – observable behaviour is in fact the (unproblematic) criterion for the existence of fear (see Hebb, 1946). Indeed, earlier psychological works in the domain of fear research routinely focused on the *motivational* aspect of fear, which doubtless also has a central function from the phylogenetic perspective. Spielberger's (1966) groundbreaking edition reflects this aspect in its title ("Anxiety and behaviour"), and the majority of the papers it contains address this point. It follows that there must be behavioural indicators for dispositional fear of crime (e.g., avoiding threatening situations, bearing arms, keeping one's door locked, taking out insurance policies), but that different indicators are salient in each individual case (not everyone who is worried about burglary buys a gun, but anyone who installs an expensive burglar alarm system is clearly worried about burglary).

It remains unclear whether there are clear *physiological* indicators of dispositional fear (Krohne, 1996). This is perhaps the least well-examined aspect in the specialist fear of crime context. One plausible explanation is that questionnaire assessments of physiological indicators are likely to be even less valid than self-reports on the frequency of fear and fearful behaviour. Yet the significance of this facet of fear – and hence of the relevant indicators – has also been overlooked in the theoretical discussion.

This brings us back to the shortcoming mentioned above: the dearth of empirical research on the microgenesis of transitory fear (i.e., the "state" of fear). This weakness persists even though the existing explanatory approaches (e.g., those based on the expectancy-value model, according to which fearful behaviour is explained by cognitive expectations and affective evaluations; Bilsky, Pfeiffer & Wetzels, 1993) favour a microgenetic perspective over an ontogenetic one. Since microgenetic explanations not only broaden the empirical perspective on a phenomenon, but can also help to clarify the theoretical discussion, it is particularly unfortunate that they have been overlooked here (for more detail, see Gabriel & Greve, 2003). After all, the aspects of person and (perceived) situation, which form the explanans of the microgenetic explanation, constitute the explanandum of the ontogenetic perspective: How and why do (interpersonal differences in) individual conditions develop, leading to particular perceptions, evalua-

tions, and reactions in particular contexts? Furthermore, it may well be that the empirical effects of changes in dispositional fear reactions only (or primarily) become apparent on the microgenetic level (I will return to this point below, in connection with a possible resolution of the "paradox"). Yet even without further differentiation, it follows from the arguments outlined above that upon closer inspection there is more than one answer to the question of whether and to what extent fear of crime increases with age (Greve, 1998, 2000). With respect to the question of which *images of crime* are reflected in and by an individual's fear reactions, this affords the opportunity, and indeed the necessity, to make a finer-grained differentiation. Clearly, the situation needs to be examined more thoroughly.

3. The Victimological Side of the Paradox: Victimization of Older Adults

One part of the findings, older adults' risk of criminal victimization, can be easily addressed. The well-established international finding that older people are relatively unlikely to become victims of crime has been reliably replicated for Germany. A brief glance at the official crime figures confirms that, statistically speaking, adults aged over 60 are less likely to be victimized than any other age group (Ahlf, 1994; Kawelowski, 1995). Moreover, recent figures indicate a continuing downward trend (Greve & Wetzels, 1999). Victimization studies and studies on the "dark figure" of unreported crimes substantiate this finding (Greve & Wetzels, 1995), and show that it cannot be attributed to old people being more reluctant to report crimes to the police. On the contrary, they are more likely to do so than younger victims (Wetzels *et al.*, 1995). Even the caveat that the probability of *ever* having been a victim of crime increases with age (Greve, Hosser & Wetzels, 1996) does not affect the overall picture: The objective risk of criminal victimization decreases significantly with age.

The question is, to what extent this age-related decrease in the objective risk of victimization is reflected in older people's subjective perceptions of crime. As shown above, the older research literature tended to favour the interpretation that this is not the case, and that older people perceive the

crime situation as increasingly threatening *despite* the decline in their real risk of victimization.

4. Fear of Crime in Old Age: The State of Research

It follows from the considerations outlined above that a valid assessment of the dispositional fear of crime needs to capture the affective, cognitive, and behavioural facets of fear (emotional-psychological perspective) and to cover different types of criminal offences (criminological perspective). Yet the "victimization/fear paradox" has been established and replicated on the basis of a simplistic measure that fails to differentiate accordingly: the so-called "standard question" from the US National Crime Survey ("How safe do you feel or would you feel being out alone in your neighbourhood at night?"; response options: very safe - fairly safe - fairly unsafe - very unsafe; for an overview, see Boers, 1991; Fattah & Sacco, 1989; Hale, 1996; Wetzels *et al.*, 1995). This operationalization has been criticized repeatedly (e.g., Bilsky, Pfeiffer & Wetzels, 1993; Boers, 1991; Eve, 1985; LaGrange & Ferraro, 1987, 1992; Warr, 1984). For example, it completely overlooks certain types of crime, such as burglary (and thus the corresponding *fear* of crime). Nevertheless, researchers have continued to implement this measure, maintaining that this is necessary for reasons of parsimony and to ensure comparability with earlier studies (e.g., Reuband, 1989, 1992).

A study based on data drawn from a large-scale representative victimization survey revealed that, although this standard form of assessment replicated the "victimization/fear paradox" in a German sample, when fear of crime was measured in accordance with the considerations outlined in the previous section, the apparent contradiction was resolved (Greve, 1998). The more differentiated assessment showed that older people do not differ from their younger counterparts in either the frequency with which they experience fear of crime, or the perceived probability of victimization in the next 12 months. However, older adults do behave much more prudently than younger people. The finding that the age trajectory of this behavioural indicator of fear coincides with that of the "standard question" on both the individual and the mean level (Greve, 2000) indicates that the "standard measure" has a behavioural bias ("at night - outside - alone"), and hence overestimates fear of crime among older people (Greve, Hosser & Wetzels, 1996). Furthermore, the argument that the behavioural aspect of fear has a significant impact on the *actual* risk of victimization (those who behave

more prudently are, ceteris paribus, less likely to fall prey to crime), casts new light on the "paradoxical" finding of higher levels of fear being associated with a lower statistical risk, and reveals them to be entirely consistent. In short, older people are more prudent in their behaviour, which in turn lessens their objective risk of victimization (Fattah, 1993; Greve, 1998).

However, the finding that neither the cognitive nor the affective dispositional components of fear display significant age effects must be approached with caution against the background of this interpretation. After all, subjective evaluations of the frequency of relevant fear episodes and especially *prospective* evaluations of one's risk of victimization are necessarily based on (knowledge about) one's own behaviour.

It follows that this interpretation leaves the *explanation* for the age-related increase in precautionary behaviour completely open. Up to this point, it could theoretically be the result of increasing fear that does not emerge in the operationalizations chosen precisely *because* of its motivational implications. Furthermore, the functional relationship between foresight and risk is essentially age-independent. This prompts the additional question of why younger people, though (statistically) at a very high risk, do not act with the necessary care.

5. Fear of Crime in Old Age: Outlines of a More Differentiated Theory

This brings us to the point at which gerontological perspectives need to be subjected to systematic examination. To this end, I will first consider dispositional cognitive action conditions, particularly subjective vulnerability; second, I will take a more differentiated, motivational approach to explaining fearful and precautionary behaviour (which is clearly the criterion here); and third, I will discuss the significance of the microgenetic dynamics outlined above in explaining prudent behaviour.

5.1. Vulnerability in Old Age: Conditions of Risk Appraisal

It is reasonable to assume, though not yet empirically substantiated, that an age-related increase in subjective vulnerability could be an important part of the explanation we are looking for (Greve, Hosser & Wetzels, 1996). Not only are old people more susceptible to (chronic) injury, the multimorbidity of very old age means that any crime-related injury is likely to be an *additional* strain on top of the many health problems they already face. Moreover, the perceived chances of making a complete recovery decrease

as the remaining lifespan shortens from both the subjective and the objective perspective (Brandtstädter & Wentura, 1994). With increasing age, the range of attainable and worthwhile life goals is increasingly limited by constraints on the action space and changing temporal horizons. At the same time, there is a growing risk that goals jeopardized by external factors can no longer be substituted or compensated by functionally equivalent aspirations. If, for example, the funds for the holiday of a lifetime are stolen in a robbery, the implications for an older person who had not expected much more from life than this holiday will be much more serious.

The main difficulty with this hypothesis is how to disentangle the *subjective* vulnerability to criminal victimization from the (dispositional) fear of crime. However, empirical results indicate that, although vulnerability increases with age, this alone cannot explain the age-related growth in the behavioural-motivational facets of fear (Ehrhorn & Greve, 2000). This finding seems particularly plausible when considering that the subjective vulnerability to some offences – including particularly frightening crimes such as rape – should in fact decrease with age. This is often assumed to explain why the gender gap in fear of crime tends to decrease with age (Wetzels *et al.*, 1995). Yet the subjective vulnerability to crime can only be expected to have explanatory power for certain aspects (e.g., the consequences of physical violence such as purse snatching). Although these kinds of offences probably have a disproportionate impact on the general image of crime, they are unlikely to determine – wholly or even largely – a *general* fear of crime.

5.2. Motivational and Actional Perspectives on Fearful and Precautionary Behaviour

In a second step, we thus need to go beyond our main focus on fear of crime, and to seek a theoretical framework for the gerontopsychological or general psychological explanation of precautionary behaviour. Classic gerontological approaches, in particular, seem to suggest that the standard interpretation of general withdrawal and precautionary tendencies might reflect an *over*estimation of fear – at least in the cases where these behaviours are in fact the result or expression of a general age-related disengagement ("I avoid certain places or areas at night"; for a summary, see Greve, Hosser & Wetzels, 1996). This underlines the importance of selecting a sufficiently *specific* operationalization of precautionary behaviour.

In view of the *actional* character of the precautionary behaviours discussed here, we should bear in mind that, according to expectancy-value theory (for a summary, see Greve, 2002), individual action choices are based not only on the anticipated costs of an action, but also on the expected gains (or the respective subjective probabilities). This may be why subjective vulnerability (i.e., the expectation of high and probable costs) does not completely explain the relationship between age and prudence. Rather, the pros and cons of a given behaviour are weighed up in the decision-making process. For example, the subjective vulnerability of a young woman asked whether or not a certain area should be avoided at night may influence her response, but when the potential losses are weighed up against the anticipated gains (getting to know new people, meeting up with friends, enjoying oneself, etc.), it will not necessarily be the decisive factor. If the expected gains fail to materialize, however, subjective vulnerability will again become a weighty factor in the equation – not because it is particularly serious in itself, but because it can no longer be offset by possible gains.

Given that the gains anticipated (or conceivable) in any situation will be specific to the individual concerned, and thus both heterogeneous and idiosyncratic, it will be far from easy to test this aspect empirically. Comprehensive exploratory studies will be essential as preparation for representative assessments in standardized format. Yet the scientific yield of such a research program would be significant, as it is the only way that the *relative* weight of subjective vulnerability assessments can be ascertained.

5.3. Microgenesis and Ontogenesis: Vulnerability of the Situational Experience

This brings us back to a point mentioned repeatedly above: situational fear and its implications for the explanation of dispositional fear of crime. A possible emotional explanation for the general increase in precautionary behaviour in old age – and again, one that has been largely overlooked – is that, with increasing age, any transitory fear episodes that do occur are experienced as more intensive and hence as more aversive. This would increase the individual tendency to avoid such experiences as far as possible (by taking preventive measures), which would in turn impact on the validity of frequency operationalizations. In this sense, affective fear (including the constituent cognitive component of experiencing a *threat*) could indeed be conceived to be a *causal* condition of fear behaviour, conditional on the

separation of the microgenetic and dispositional level. Findings indicating that the intra- and interpersonal variance in emotional states increases with age lend support to this idea, but further examination of specific aspects of fear is still required.

In a first step – preferably in an experimental design – it would be necessary investigate whether different age groups experience equivalent situations as being equally aversive or intensive. Because the methodology would not have to be the same as that used in traditional investigations of dispositional fear of crime, the experiments could include fear indicators other than self-reports. Including physiological indicators on the one hand, and measures from the context of social-cognitive theory on the other (e.g., priming or Stroop paradigms) would also help to shed light on the validity of specific aspects of self-report data. In a second step, it would be necessary to test whether the experience of (relatively intensive) fear episodes is a significant predictor of precautionary behaviour, even if the episodes are few and far between.

6. The Adaptivity of Foresight: An Accommodative Buffer against the Causes and Consequences of Fear

The research desiderata outlined in the previous section only apply to the *explanation* of precautionary behaviour, and especially to potential explanations for the finding that precautionary behaviour seems to be more prevalent among older people than younger adults. Assuming that this is indeed the case (however it might be explained), the question to be posed from the gerontopsychological perspective is whether the personal and social constraints that this increasing foresight entails have emotional and social implications. We would instinctively expect this to be the case, and would thus need to clarify why the many existing studies have failed to find an age-related decrease in general well-being or in the quality of life. It seems reasonable to assume that individual and social "patterns of resilience" (Staudinger & Greve, 2001) both promote the adoption of preventive behavioural strategies and mitigate any potential negative implications for well-being.

As reflected in Spielberger's (1966, 1972) model, fear is an unpleasant state, which those affected do their best to alleviate. Accordingly, Spielberger's model – obviously still influenced by the Freudian conception of fear

(Freud, 1916-17; see also Krohne, 1996; Schwenkmezger, 1985) – includes a feedback loop via defence mechanisms. As a rule, however, defence mechanisms are not an appropriate reaction to object-oriented, reality-based fear. Rather, fear is a danger signal that, in case of doubt, should be taken seriously (de Becker, 1997). Still, it would be counterproductive for us to be paralyzed by fear, and pointless for it to severely impair our general well-being. We thus need to ask which coping patterns act as buffers against the negative effects of the (behavioural side of) fear of crime on general well-being without undermining its protective or preventive effects.

Recent publications on the developmental psychology of old age have painted an increasingly clear and discriminating picture of considerable resilience and adaptivity in this period of life (Baltes & Montada, 1997; Brandtstädter & Greve, 1992; Staudinger & Greve, 2001; Staudinger, Marsiske & Baltes, 1994). Although old and very old age do tend to be characterized by an increasingly unfavourable balance between gains and losses (Heckhausen, Dixon & Baltes, 1989), numerous studies have found that indicators of depressiveness, subjective well-being, and self-esteem do not reflect a substantial decline in the subjective quality of life in old age (Brandtstädter, Wentura & Greve, 1993). Theoretical deliberations have thus recently begun to focus on concepts of adaptive and accommodative developmental regulation. These mean accepting what cannot be changed, optimizing the remaining options, and compensating for losses – primarily by adaptive adjustment of preferences (Baltes & Baltes, 1990; Brandtstädter & Renner, 1990; Brandtstädter & Wentura, 1995). Empirical research has shown that the will to engage in such accommodative coping processes increases with age (Brandtstädter & Greve, 1992). Seen from the process-dynamic perspective on anxiety and fear, these kinds of accommodative processes are particularly valuable because – in contrast to the defence mechanisms proposed by Spielberger – they do not distort reality (thus representing a potential risk in case of real danger), but are both realistic and adaptive (Greve, 1997). Against this background, it seems quite reasonable to assume that accommodative mechanisms act as buffers protecting the general well-being against the consequences of (reasonable) foresight.

These considerations have empirical implications. First, the age-related increase in conative fear of crime indicators should be adaptive in the sense outlined. If it is not possible to actively oppose a subjective threat, it is wiser to err on the side of caution – particularly if the perceived danger cor-

responds to widespread stereotypes rather than conflicting with them. Indeed, fear of crime in the sense captured by the standard question (the most age-sensitive, and hence most critical indicator) is more prevalent among older people who are more willing to engage in adaptive readjustment, and less pronounced among younger, more flexible adults (Greve, 2000). Yet this only fits into the picture of accommodative regulation sketched above if, at the same time, the negative implications of fear of crime on general well-being are mitigated by accommodative processes. It has indeed been shown that this adaptive competence ("accommodation") protects against increased depressiveness in consequence of an increase in the behavioural aspect of fear of crime (Greve, 2000). Predictably, the latter accommodation effect – in contrast to the former – is not limited to the conative facet of fear; it has also been shown to mitigate the consequences of the frequency of fear of crime on depressiveness.

7. Perspectives for Future Fear of Crime Research

Provided that the arguments outlined here hold, the so-called "victimization/fear paradox" – according to which older people are more afraid of crime than younger adults although their risk of victimization is smaller – is resolved when fear of crime is assessed in a differentiated and theory-driven manner. Such assessments yield a plausible and entirely consistent pattern of results. Though an age-related increase in conative indicators of fear does emerge, cognitive and affective indicators suggest that this is not attributable – directly, at least – to an irrational, inflated appraisal of risk or to frequent, pronounced fear episodes. Data from other studies show that both the absolute level of fear of crime and the relative level compared to other threats to personal safety are rather low, thus lending further support to the hypothesis that fear of crime is not the main problem of old age (Greve, 1998). Old people are certainly not "prisoners of fear". They take more precautions than younger people, and they are well advised to do so. After all, there is a functional relationship between fear and the risk of victimization, and defensive behaviours help to reduce the objective risk of victimization. In view of their increasing vulnerability with age, it is quite rational for older people to take greater care, irrespective of their objective probability of victimization. In other words, the increase in precautionary behaviour – falsely interpreted as an increase in fear owing to a one-sided

operationalization in criminological research – is entirely plausible from the gerontological perspective: Older adults are both subjectively and objectively more vulnerable than younger people. Conclusive empirical evidence for a moderator effect of vulnerability on the relationship between age and fear has yet to be presented, however.

At the same time, it is increasingly clear that, in discussing the topic of fear of crime in isolation, we neglect the complexity of the topic and the concomitant relationships. Precautionary behaviour may be an expression of different dynamics entirely, or at least functional for other aspects of old age (e.g., social or physiological aspects). Here, too, there is a need for more differentiated empirical investigations of the extent to which social withdrawal in old age is induced by foresight or by other social processes.

Consideration will also have to be given to more complex intra-psychological relationships and to the functional role of fear and precautionary behaviour in the context of individual and social patterns of resilience. Clearly, the image that older people, in particular, form of crime (or the crimes relevant to them) is only partly determined by the objective information available to them and the rational processing and storage of this information. It seems that complex psychological processes are also operational here, and that these help to explain the functional value of aversive emotions and restrictive behavioural patterns. This suggests that "enlightening" people about their "true" situation ("There were only actually five purse snatchings in your neighbourhood last year!") might, under certain circumstances, be counterproductive (i.e., increase the risk) and dysfunctional if these processes are overlooked.

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Constructing the Paradigm of Violence
Mass Media, Violence and Youth

JOCK YOUNG

It has been something of a cliché to observe that despite many decades of research and hundreds of studies, the connections between people's consumption of the mass media have remained persistently elusive. Indeed researchers have enjoyed an unusual degree of patience from their scholarly and more public audiences.

(David Gauntlett, 1998: 1)

David Gauntlett's admonishment at the beginning of his excellent article, "Ten Things Wrong with the 'Effects Model'" is echoed by other authoritative summaries of the literature. Thus Sonia Livingstone notes that "despite the volume of research, the debate about media effects ... remains unresolved" (1996: 306) and Rob Reiner in his meticulous survey of research for *The Oxford Handbook of Criminology* notes that:

"the meagre conclusion from the expenditure of countless research hours and dollars is primarily a testimony to the limitations of empirical social science ... because the armoury of possible research techniques for assessing directly the effects of media images on crime is sparse and suffers from evident and long-recognized limitations." (1997: 214).

Thus he notes, very importantly, that the results are a product of these limitations rather than a simple endorsement of the media having little effect, adding as a critical caveat: "although it is often interpreted by ... libertarian or professionally interested defenders of media images as a clean bill of health for such images" (*ibid.*).

It is not my intention here to closely examine the limitations of effects theory. Suffice it to say that the faulty research design is frequent, correlation is often confused with causality, definitions of pro-social and anti-social behaviour are arbitrary, generalisations from the 'artificial' situation of laboratory or school based survey to 'natural' lived situations are regularly made with somewhat abandon and, anyway, the results are frequently inconsistent, confused and often slight. Above all, there is an assumption of simple and mechanical determinism which ignores human reflexivity. After all, exposure to media violence can lead to a person becoming a campaigner against media violence just as it can encourage those who seek justifications for their own violence.

Furthermore, there is a persistent conservative tendency, both amongst many politicians and academics, to explain violence as due wholly to the mass media rather than to the wide range of social factors (eg gross inequality, poverty, decrepit neighbourhoods, etc.) which impact upon people (see Cohen and Young, 1981; Gauntlett, 1998). This ignoring of structural factors is complemented by a neglect of the widespread cultural factors conducive to violence. Moreover, effects are studied as if they were the result of discrete atoms of violence rather than part of narratives – paradigms if you want – of where violence is permissible and impermissible (see Mooney & Young, 2002).

The Paradigm Approach to Media Effects

In *The Manufacture of News*, Stan Cohen and I pointed to the two major theoretical approaches to the study of mass media effects being what we term the manipulative and the market models. Here we have two diametrically different conceptions of human nature and social action: the first stressing stimulus-response, and determination, the second emphasising free choice, and rationality. And if the first overemphasises the effects of media, the second underemphasises it, seeing it as a result of previous attitudes: a market choice because of pre-existing attitudes and preferences. Our aim was to break out of this polarity.

The paradigm approach to mass media effects allows for the fact that human beings invariably interpret and transform the information they receive yet which does not deny that incoming information has some effect, albeit often in ways which are indirect. That is, a position which allows for effect but is extremely distant from the notion of simple stimulus and re-

sponse. From this perspective the mass media frequently provide a paradigm or perspective which situates and contextualises rather than directly affecting, in a one-to-one manner. Thus, in the case of violence, it does not cause aggression so much as provide a script or narrative which suggests when violence is appropriate, against whom, for what reasons and with what effects, together with images of those against whom violence is permitted and prohibited. Such narratives have the following dimensions:

1. *Setting the Frame: The Meta-narrative*: Here the perspective is not so much the content of the media, nor the particular fictional narrative *per se* but the meta-narrative which the media provides. For example, what it says in terms of violence as a means of solving problems, the efficacy of violence in this task and, most importantly, the norm of using violence as a response in the first instance.

2. *The Roles in the Narrative: Information Stock and Stereotype*: What roles the narrative provides by gender, ethnicity, class and age. For example, what roles women are given, how they are portrayed in terms of class and demeanour.

3. *The Narrative of Violence*: What is the narrative which the media provides in terms of reasons and justifications for violence?

4. *Desensitisation: Adiaphorization of Narrative*: To what extent over time does the media desensitise the audience to violence? How does it affect their views on the use of serial violence in other contexts, eg in war, aerial bombing, etc. To what extent does adiaphorization occur? (the stripping of human relationships – in this case violence – from any moral significance)? (see Z. Bauman, 1995).

5. *Moral Panic: Incorporation in a Public Narrative*: In this instance we widen our perspective out and reflect how the debate about the narratives of violence contained within the media itself becomes incorporated in a narrative about violence in our society.

6. *Shared and Shaped Narratives*: Modern research on media effects stresses the shared communal nature of much media intake rather than the notion of impact upon a solitary individual (for television, see Morley, 1986). Video and video-game use is similarly very often a collective pursuit so the narrative is jointly interpreted.

Let us start with the definitions and focus of violence commonplace in effects studies. First of all there is an overwhelming focus on fictional violence – news items, despite constituting a significant proportion of violent footage, are excluded. The regular news bulletins concerning our interven-

tions in such conflicts, whether from Afghanistan, Israel, Bosnia or what-
ever trouble spot in the globe, which greet us daily are ignored. This 'le-
gitimate violence' which is justified by politicians and within the media as
'pro-social', is a major public source of knowledge about violence and its
justifications. And these images reflect the reality of youthful violence:
young men sporting AK47's, driving tanks, firing artillery. Ruth Jamieson
(1999), in her pioneering work on the criminology of war, points out how
the perpetrators of legitimate violence are in exactly the same social cate-
gory of people as those who commit illegitimate violence and are the usual
subjects of conventional criminology. That is, young, working class males,
often with a high ethnic composition (witness the US and UK armies). A
significant proportion of violence in the mass media experienced by youth
is, therefore, portrayed as legitimate violence and the main actors are
youths like themselves. If we now turn to fictional depictions of violence
let us note that in film, video and in video games, military stories are fre-
quent. These are all in a parallel fashion to the newsroom depiction of the
military, centred around a narrative of legitimate violence. Further, the vast
majority (nearly all) of these depictions involve the triumph of legitimate
violence ('The Good Guys', The Heroes) over illegitimate violence ('The
Bad Guys', The Villains). That is, as Gauntlett points out, anti-social be-
haviour is invariably punished. Indeed it is only in factual, i.e. newsroom,
depictions of violent crime that lack of punishment is seen to occur. Yet
media studies would ignore all of the factual depictions of violence and
register each aggressive act in fiction as in essence anti-social. This is
wrong in valence (violence is always divided into legitimate and illegiti-
mate – some is approved, some is disapproved) but most fundamentally
underestimates the likely impact of such a message. For as part of a *narra-
tive* it extols 'legitimate' violence as a major method of solving the problem
of 'illegitimate' violence and connects up such condonable violence with
the wider cultural approval. Even the violence of Heroes outside of the law
is depicted as pro-social. Indeed this is a major theme of the thriller genre
(e.g. the work of Elmore Leonard, George Pelecanos, Micky Spillane etc.,
see Palmer, 1973). If we concentrate merely on each discrete act of vio-
lence as the effects researchers do, and ignore their place within the narra-
tive, we would neglect that much of the violence is given a strong positive
valence, whilst the rest is the justification for the violence of the former.
What the media provides is a paradigm which consists of *binaries*, good-
evil, hero-villain, violence which is necessary to ensure the good prevails,

and violence which is out of order. Such a *paradigm of violence* has obvious resonance in the depictions of the world which occur in speeches of politicians such as George W. Bush (and his fight against 'the axis of evil') and Reagan (in his opposition to the 'evil empire'). It does not advocate violence *per se* (which is what the media researchers are obsessed with in their search for gratuitous violence) but rather it provides *vocabularies of motive* for when violence is appropriate. Indeed it is the 'bad guys' who engage in this gratuitous violence, the existence of which conjures up the necessity of righteous violence.

Such an analysis involving a paradigm of violence moves far beyond effects theory. It suggests that the narratives of violence which connect widely across our culture are available to justify violence and also (in the aid of the 'pro-social') to justify why the law should be broken. They are there to be mobilised by groups who, because of economic and ontological reasons, face strains which give rise to subcultures liable to violence. They do not cause violent behaviour, they help justify it. The literature on subcultural theory is replete with the circumstances which give rise to violence, particularly with regards to youth (the classic is Cloward and Ohlin, 1960). Of relevance here is David Matza's (1964) famous revision of subcultural theory and his notion of techniques of neutralisation. He postulates that delinquency occurs not because of a subculture of delinquency centred around violence, but because youth neutralise the rules in certain situations (eg 'appeal to higher loyalties'). As was noted in *The New Criminology*,

> "Techniques of neutralization are similar to C. Wright Mill's 'vocabulary of motives' (1940). They are phrases or linguistic utterances used by the deviant to justify his action. Their importance lies in the fact that they are not merely *ex post facto* excuses or rationalizations invented for the authorities' ears, but rather phrases which actually facilitate or motivate the commission of a deviant action by neutralizing a pre-existing normative constraint." (Taylor, *et al*, 1973: 176).

It should be noted that such a paradigm of violence facilitates such a process and indeed the popular genre, which justifies illegality in order to maintain the greater good, as epitomised by the thriller, but also encompassing other literary narratives, precisely centres around techniques of neutralisation.

The close relationship between the frustrations of those low in the social structure and the narratives of the media is vividly documented in Carl

Nightingale's brilliant ethnography of the black Philadelphian ghetto, *On The Edge*:

> "Whether the amount of violence in films and TV shows have contributed to
> the recent rise in homicides is uncertain, but some of the ethical codes of
> aggression in [the] neighbourhood clearly have depended on the mainstream
> culture of violence for legitimacy ... boys' efforts to compensate for hu-
> miliation and frustration owe some of their aggressive qualities to their iden-
> tification with the heroes and values of the mainstream American culture of
> violence".

And he adds, "Indeed, TV and movie violence has nearly completely re-placed the messages and ways of expressing and concealing pain that have been offered by African-American folklore ..." (1993: 168).

He points to the great attractions of the mass media to the black popula-tion. In 1990 the average African-American household has television on eleven hours per day and, although only 12% of the US population, make up one-quarter of the movie-going public. The ghetto poor in Philadelphia queue up for the latest movies, the youngsters discuss avidly each act of violence in the movie, they identify with the heroes. Nightingale adds fur-ther to our notion of the paradigm of violence. He notes how the films fo-cus on the main male characters, who derive their moral authority by "a glorified ability to play it alone and to live outside the realms of humdrum emotional vulnerability" (*ibid.*: 171). Further,

> "their commitment to the good is often signaled by a celebration of these
> men's lack of commitment to intimacy, particularly to women, whom they
> sometimes treat as objects of sexual conquest, and by their willingness to
> fight for a cause. In turn, their violence often acquires a moral admirability
> precisely because it is portrayed as the most effective way to cut through red
> tape and achieve desirable ends." (*ibid.*: 171-2).

Finally, the research was conducted at the time of the Gulf War and Night-ingale noted widespread support for the policies of Bush I. And, of course, it is recruits from such backgrounds who disproportionately swell the ranks of the infantry and front line soldiers.

Let us turn now to the context of this paradigm of violence. What is strange about the studies of the relationship between the mass media and audience, the researchers into media effects – would seem to believe that the context is constant – that is the nature of the media and the social situa-tion of the audience remains in some sort of steady state. Thus decades of research are accumulated in the chimeric pursuit of a general 'scientific'

formula of media effects ignoring the fact that the background on which the generalisations are graded is moving. In reality *both* the mass media and the audience change dramatically. The mass media changes both quantitatively and qualitatively. Quantitatively the level of saturation of the various media increases if not just in the case of television in a media succession from film and radio, but film itself (via video) finds a substantially increased audience and radio, far from diminishing, increases its listeners. Video games enter the arena for the first time and become a major part of mediated experience. The amount of time which the audience gives to the mass media increases remarkably. In 1999, for example, the average person in England and Wales watched 26 hours of television and listened to 19 hours of radio every week. That is 40% of their waking life was spend in watching TV and listening to the radio – equivalent to 60% of their free time if they were in work. And these figures, of course, would be considerably higher if one talked about youth and working class youth in particular.

Not only has the quantity of media usage increased, also the level of violence covered by the media increases dramatically – in part a response to wooing a youthful audience. Nightingale attempts to quantify these changes. He contrasts the gangster films of the thirties with the much greater number of killings of contemporary series, or the fifteen bullets fired in a whole year of the 1950s Dragnet with the multiple killings of today's shows. And more recently he cites Vincent Canby – the television reviewer's – informal survey where he noted that the hero of Robocop (1987) killed 32 people to return in Robocop II (1990) and massacre 81. Rambo killed nearly twice as many people in Rambo III (1989) as in the original (1985), whilst Bruce Willis' body count in Die Hard rose from 18 in its prototype (1988) to 264 in the spin-off (1990) (Nightingale, 1993: 171).

Let us turn now to the qualitative change in the media. Here technological innovation pus audience demand have led to a fragmentation of the mass media into a multi-mediated complex – more types of media and more varieties of each media – replacing the colossus of the immediate post-war period (McRobbie and Thornton, 1995). This means that particular parts of the mass media carry extremely high amounts of violence and, once again, particularly those directed towards a youthful and working class audience.

Finally, the major new entry into the mass media complex is that of video games. There is a tendency to underestimate the Video Games industry just as there is to not take seriously its content and nature as a form of

mass communication. In the UK in 2000, spending on computer games was £1.5 bn, surpassing the film industry in that it exceeded the combined takings of movie video rental, sales and cinema box office. But most importantly, from the perspective of this article, it represents a new form of media – interactive rather than one-directional as in traditional mass media. Thus the individual interacts with the programme and can increasingly take a major part in shaping the ensuing narrative. Furthermore, the developments in video games are rapid with more increasingly complex and convincing virtual realities, with more sophisticated narratives and plot and with the ability to create ('sim') characters. Ironically the critique of the deterministic theories of media effects which has dominated much of academic research has come from those who stress the role of audience choice, lack of passivity and resilience of attitudes. However, the degree of choice which video games increasingly offer shifts the debate, as one moves from media which are external to the person to those in which greater immersion occurs. Here the possibility of influence is surely greater as the distinction between virtual and actual reality begins to shrink.

Further, it should be noted that video games are in a period of rapid flux. Important developments are both literary and technological. On a literary level the narrative of video games moves closer and closer to that of film, so that there are plots, heroes, villains and elaborate urbanscapes. The interactive film is emerging (see Poole, 2002 who both recognises and regrets the convergence). On the technological level, characters can be illustrated by portraits of people known to the viewer and, in the future, camcorders connected to the game console can allow the viewer to be the hero on screen and the use of DVD may allow real video images to be displayed in the game. Thus Scott Bezzant, who is generally favourable towards the games, warns that for these reasons "*video games need to be carefully evaluated on a regular basis in the future* to gain knowledge on the real potential, physical and psychological effects that may exist within them" (2002: 22, my italics).

But it is not only the media technology and variety which has been changing, it is also the audience that receives it. As we move into late modernity we have considerable changes occurring within the social structure. Jobs, once for life, become much less certain with more numerous career changes and even periods of unemployment. Family life, likewise, becomes subject to divorce, separation and re-marriage. There is a shift from massive manufacturing industries with communities built around them to ser-

vice industries of lesser size. People move more frequently and community life to an extent breaks down (see Young, 1999; Young, 2001). The once solid narratives of work, marriage and community become broken and fragmented and, as Tony Giddens points out, people become disembedded from the social structure (Giddens, 1991). In such a situation the various subcultures which people form with society, although still grounded in locality, become less contained by spatial proximity and the influence of those immediately around them. It is not that community and subculture becomes virtual -- locality still has its powers -- but the virtual component becomes of much greater significance. Figures within the mass media, within film and soap operas, become of greater significance, celebrities become orientation points and fictional narratives become almost at times more real than the broken narratives which surround us in reality. In these circumstances one is justified in speculating that particular groups may constitute subcultures where media referents figure greatly in their normative structure. We have already noted how Carl Nightingale describes the way in which African-American tradition and folklore, part of which depicted narratives of violence, has been supplanted, *particularly for young men*, by narratives from TV and the movies.

Although it is disadvantaged youth whom are both our major concern, here, and the most evidently affected by the paradigm of violence, it should be noted that they are not the only likely recipients of such a worldview. Thus, in terms of the mass media in general, it is worth speculating on the extent to which the wider audience begins to more readily accept the notion of the use of violence as a first or early response to problems in the outside world with all the likely political effects of this in terms of preparations for war. But it is with video games that one finds the most extraordinary isomorphy between virtuality and reality.

The technological developments in modern warfare bring about a remarkable distancing between the belligerent powers and their opponents. The enemy becomes a digital target upon a screen, the impact of weaponry is a blip on the monitor, too far away to be directly experienced, the actual horrific impact on human beings is not witnessed, whilst the 1st world warrior has much less chance of fatality than his 3rd world opponent. There are immediate parallels between the screen in the FI-11 fighter planes and those in the amusement arcade and in the kids bedroom. There is, of course, no implication of some magical functionalism or intent here. Simply that one of the most prevalent of modern entertainment involves an almost

simulacrum of modern technological warfare and killing and, however un-intentionally, involves a moral preparation for such a process both for the perpetrators and the wider public. The fact that such games are part of training programmes of some fighter pilots merely underscores this, whilst the world watched the Gulf War on television screens, with all the thrills, yet lack of danger of a video game.

Conclusion

I have argued that the pre-dominant model of media effects used in aca-demic research has severe limitations and that these explain in part the con-tradiction and confusion in their results. Instead we argue for a theory which emphasises the narrative in which violence is placed rather than merely analysing violence into a series of disconnected bits. Such a para-digm theory (see Cohen and Young, 1981) is concerned with the narratives within which violence is seen as permissible and reprehensible and the manner in which heroes and villains are depicted. Such narratives cannot be restricted to fictional accounts but overlap and connect up with violence re-ported in the daily news, an area usually neglected by researchers. I argue that a particular *paradigm of violence* is socially constructed across these various media sites. Such a paradigm, I suggest, is not a simple construct which deterministically effects audiences, but it carries with it a vocabulary of motives which facilitates the emergence of violence in subcultures par-ticularly of working class youth and the socially excluded.

As I noted in the second half of this essay, researchers frequently ignore the massive changes both in the complexity of the mass media and in the structure of the audience that have occurred in late modernity. The in-creased saturation of the media coupled with its multi-mediated nature di-rected to discrete audiences, increases the potency of its influence. Further, this is intensified by an audience whose daily narratives within their com-munities have been disembedded and to whom virtual, mediated realities have a considerably greater significance. Such a disembeddedness is par-ticularly prevalent amongst youth low in the structure and amongst the so-cially excluded who, because of social inequality and poor living condi-tions, have the greatest feelings of relative deprivation and the resultant propensity to generate violent subcultures. It is precisely these groups who have the greatest consumption of violent media and who are most liable to its influence.

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Images of Criminals
Deconstructing the Law-breaker, Constructing the 'Criminal'

AFRODITI KOUKOUTSAKI

Throughout the summer of 2002, the Greek media, both the electronic ones and the press, were dominated by the issue of the disclosure and breaking up of the terrorist organization "Seventeenth November" ("17N"), which had first appeared 27 years ago and had remained undisclosed until 29th June, when an accident led to the arrest of the first members.

"I am Dimitris Koufodinas and I have come to turn myself in"

In the early afternoon of Thursday, September 5th 2002, a man with dark, short hair and characteristic, large eyes, took a taxi from the centre of Piraeus and, after covering a distance of approximately ten kilometres through central and busy streets, reached the building of the General Police Headquarters of Athens. As he was walking up the steps, the taxi-driver followed him to return the change from the 100-Euro note he had given to pay for the 10-Euro fare. The man waved at him to keep the change and headed for the guard, covering (only then) his facial features, by wearing glasses and a cap.

The taxi-driver later found out, from a special news bulletin, that he had driven to the Antiterrorist Department the most wanted man, who was accused of being the operational leader of the terrorist organization "17N" and whose photographs and video images were shown on the Greek media every day. The relevant news coverage was accompanied by the warning that he was the "tough man" of the organization, armed with the historic 45mm gun used in the assassinations, and that he would fight to avoid getting arrested.

"I am Dimitris Koufodinas and I have come to turn myself in", he is alleged to have told the guard at the gate, who was looking at him speech-

less. Before the usual procedures began, the identity of Dimitris Koufodi-
nas was also confirmed by his fingerprints.

The portrayal of a law-breaker in the media personifies the dominant
representation of the criminal; it renders this representation specific and
"tangible". The portrayal, however, does not "speak" by itself. What gives
it content is the context, the combination of image and text, the narration of
a story. The introduction I selected for this paper refers to a real incident
and constitutes an emblematic case of the social construction of the crimi-
nal: the picture of the media, stripped of the context elements and located
in a different milieu, ceased to correspond to the person to whom it re-
ferred, and as a result, he could not be recognized anymore.

The present paper is part of a larger research project on the social repre-
sentations of crime and the media, which is currently being conducted un-
der my supervision within the framework of an undergraduate seminar at
the Department of Sociology of Panteion University. In particular, the pa-
per focuses on the representation of the homicide, through the analysis of
three homicide cases, as these were presented in the Athenian press.

The Representation of Homicide on the Media

The coverage of crime stories by the media constitutes one of the most in-
dicative examples of their more general inclination to combine practices of
personalization and dramatization of the news items.[1]

Furthermore, this dual inclination of the media also leads to the constant
degradation of the significance of structural or institutional factors that lie
at the basis of both what is defined as criminality and of the forms of its
administration. In contrast, priority is constantly given to the personal fac-
tor, both at the level of the representation of the perpetrator, the victim and
the motives of the criminal act, but also at the level of the association of the
criminal act with society, since the element that usually prevails is the per-
sonal and emotional engagement of the audience with the events.

The representation of the homicide in the media consolidates similar
practices in the most effective manner.

The main subject of the present paper is the reconstruction of the ideo-
logical discourse of the media on the criminal – more specifically, the in-
vestigation of the mechanisms by means of which the law-breaker is trans-
formed into a "criminal", through a retrospective reversal of his/her iden-

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[1] "The dramatized news match perfectly with the tendency for personalized informa-
tion. After all, drama is the perfect means for the depiction of conflicts among peo-
ple." (Bennet, 1996 - Greek edition 1999: 113).

tity, and is incorporated in the categories that the scientific discourse produces regarding crime and the treatment of the criminal.

> The psychiatric evaluation, but also more generally the anthropology of crime and the constant ruminations of criminology acquire at this point their specific function: through the celebratory inclusion of the illegal acts in the framework of the objects that can be scientifically analysed, the apparatus of legal punishment is legitimized to justifiably enforce itself not only on the offences, but also on the individuals. Not only on their acts, but also on what they themselves are, will be or will potentially become.[2]

Based on the hypothesis that the news reports do no reflect the reality to which they refer, but rather interpret it, invest it with a particular content, I examine the news coverage of crime, as one dimension of a more complex system of definitions and interpretations. My aim is to investigate the ideological unity of the messages being produced with regard to homicide, and the extent to which these messages reproduce the definitions and interpretations of the primary definers,[3] as well as their further ideological implications.

The news item is not the event per se, but a relationship upon an event.[4] It consists of the information we have, regarding the events that a certain media organization will select in order to make them 'news'. Thus, one of the most significant factors affecting the ideological content of the news coverage on crime are the relationships of the media with their information sources, as well as the kind of the source, which usually are individuals or agents of the *status quo*, who are considered experts in relation to any issue that is of concern to the media.[5]

> Journalists are not necessarily biased towards the powerful – but their bureaucratic organization and cultural assumptions make them conduits of the powerful.[6]

According to Stuart Hall's analysis (1988), crime stories are almost wholly produced from the definitions and perspectives of the institutional primary

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[2] Foucault, 1976 (Greek edition 1989): 29-30.

[3] In the following analysis reference is made to two categories of primary definers: the institutional primary definers, that is, the agents of the formal social control of crime, and the "special scientists", who are involved in the analysis of crime at the theoretical and practical level.

[4] Faustini, 1995: 54.

[5] On the analysis of this relationship, see Serafetinidou, 1991: 242 ff.

[6] McNair, 1993: 48 (cited in Reiner, 1997: 222).

definers. These definitions and perspectives are elaborated and enhanced by the 'experts'' discourse (stereotypic and conservative, as a rule), which invests the produced messages with scientific prestige and brings the ideological circle to completion, by reproducing the fixed views on crime and the criminal.

In the case of crime, this framing and interpretative function of presenting information is of particular significance for two additional reasons: First, the power of the media to present a specific image of the world, the agenda-setting power, is even greater when it concerns issues of which the individual has no direct experience.[7] In this case, the media constitute the primary – if not the sole – source of information that determines which events will become news, including, as well, powerful interpretations of how to understand these events (Hall, 1988: 340). Second, due to the fact that crime is less open than most public issues to competing and alternative definitions, counter-definitions are almost absent, and thus dominant definitions prevail – rather unquestionably – in the field of signification (Hall, 1988: 355).

However, these unchallenged definitions of crime and the criminal (to put it more accurately, the stereotypes employed by the media) return to society invested with the power of an ontological reality and have significant impact at the level of societal reaction, both informal and institutional. In the relevant literature, reference is made to the tendency of the media to exaggerate the risks of crime,[8] as regards both the extent of the problem and the characteristics, the personality and the evaluation of the "dangerousness" of the criminal. Thus, in many cases, the news coverage on crime produces (or tends to produce) disproportionate reactions, which constitute further newsworthy items on their own. In the research project on the social representations of crime in the Greek media, we had the opportunity to substantiate this hypothesis on a number of cases,[9] while in the homicide cases

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[7] "The public is made aware or unaware, turn their attention or show indifference, attributes greater or lesser significance to different elements of the public scenarios. The public tends to include in their knowledge or to exclude from it what the media include in their content or exclude from it." (Shaw, 1979: 96 - cited in Faustini, 1995: 61).

[8] Usually the media are accused of presenting an image of the world which is "scary" and "mean" (Gerbner & Gross, 1976; Carlson, 1985 - cited in Reiner, 1997: 199), and of cultivating the fear of crime, as numerous pieces of research show.

[9] One of the most indicative examples concerns the study of a crime wave, which was created by the Greek media in relation to the criminality of the Albanian immigrants

that I will make reference to in the following sections, one of the pivots of the analysis is precisely this function of the media in contributing to the shaping of societal reaction towards crime, through its representation.

These homicide cases were all high-profile cases in the Greek media, as they all, each on different terms, involved the element of the unprecedented and of the extraordinary, or were invested with intense emotional charge. The research material consists of the coverage by five evening newspapers during the period of the disclosure of the crime and of the court trial. The press was selected because the coverage of police arrests and of court trials is, as a rule, more extensive in the evening newspapers. Furthermore, the selected newspapers were the most popular, as regards their circulation during the period in which the research was designed, and therefore, addressed a very wide audience. Finally, on the basis of their "political" stance and the overall structure of their content (selection of issues, manner of presentation, morphological elements), we classified them in two conventional categories, namely, as "opinion" newspapers and as "populist" ones.[10]

In the analysis that follows, the main corpus of information is drawn from the elements of the context (opinions of the agents of the punitive mechanism, specialists' views, interviews with the public, etc.), that is, from the interpretation of the events, which also points to the basic ideological implications of the homicide's representation.

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and is cited by Christina Konstantinidou (2001: 113-4). More specifically, during the period that the media created and nourished a climate of "moral panic", the local council of *Palio Keramidi*, a village in Macedonia, took the decision "to ban Albanian immigrants who lived and worked in the village from gathering or moving around after sunset". A year later, the residents themselves admitted that, in fact, there had not been any incidents of criminal acts committed by Albanian immigrants in the area, but they had taken this precautionary measure due to the "fear of crime" fostered by the media. "We heard that Albanians rob and kill and whenever we turned on the TV, Albanians were being accused of every crime committed, so we decided to take preventive measures and, then, everyone called us racists".

[10] "Opinion" newspapers: *Elephtherotypia, Ta Nea.* "Populist" newspapers: *Apogevmatini, Ethnos, Elephtheros Typos.* Due to the existence of other newspapers whose features are closer to those of "tabloids", this term was considered unsuitable to describe the second category of newspapers in this study. With the term "populist", we refer to newspapers that make extensive use of photographs and sensational vocabulary and language and not so extensive or deep commentary and criticism.

Constructing the "Monster"

> On December 30th 1993, the body of the six-year-old Nikos Douris, who
> had been sexually molested prior to his murder, was discovered in the vil-
> lage of Ermioni in Argolida (Peloponnesus). Three days later, the victim's
> father showed up at the local police station and confessed that he was the
> perpetrator of the sexual molestation, attributing the child's death to an ac-
> cident. His court trial took place in November 1994, and he was sentenced
> to life imprisonment. Three years later Manolis Douris committed suicide in
> prison.

Douris case[11] constitutes a characteristic case of incarnation of the most
rigid and repulsive criminal stereotype, the construction of a "monstrum",
in such a manner that does not allow for any other reading of the image
provided by the media.

The social profile of the perpetrator was outlined by almost all the news-
papers, in the descriptive part of the news report, and later it constituted a
prime element of the interpretative frame:

> "Manolis Douris, 41, [...] profession: builder, painter, from Peristeri,[12] in-
> habitant of Ermioni, education: primary school, father of seven children"
> (Newspaper *Ethnos*, 4 January 1994).

The image of the "child molester, incestuous rapist" was constructed, at a
first level, on the basis of testimonies of the villagers, who referred to "his
cruelty, his indifference towards his family,[13] and the danger he posed for
the small society of his village", in relation to which he was presented as an
outcast even before the commitment of the crime. In particular, the testi-
monies describe him as a "sexual pervert, who prostituted his children and
then blackmailed his co-villagers".[14]

The discourse of the villagers is consolidated by the discourse of the in-
stitutional primary definers:

> "The man who was characterized by the forensic surgeon F. Koutsaftis as a
> sexually perverted monster and as a threat to public safety" (newspaper *Eth-
> nos*, 4 January 1994).

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[11] For the analysis of this case, see also Varvaressou, X. (2000).

[12] An area of Athens inhabited by people of low income and social class origin.

[13] "He only worked now and then and his children were mostly looked after by the
neighbours, because we took pity on them" (newspaper *Ta Nea*, 4 January 1994).

[14] "He accused family-men of raping his children – which in reality he abused himself
– and he gained large sums of money" (newspaper *Elephtheros Typos*, 4 January
1994).

And is endorsed by the specialists:

> "What we have here is a deeply criminal personality, especially if the in-
> formation that in the past he had accused other people of sexually harassing
> his children is true" (a criminologist; newspaper *Ethnos*, 4 January 1994).

Thus, the principal pivot of the discussion concerning this particular crime
(and therefore for the reconstruction of the image of the perpetrator at a
primary level), were the reactions it triggered at the level both of the local,
and of the wider society.[15] The representation of these reactions – in com-
bination with the persistence of the newspapers (especially of the "popu-
list" ones) on the description of those details of the crime that caused awe,
and consequently the intense emotional involvement of the public in the
events – constituted an extremely significant element of the context, both at
the time of the arrest and during the court trial. At a secondary level, the
"experts'" discourse validated the image of the media, attributing the for-
mation of this odd personality to childhood experiences (a child from a
broken family that grew up in the streets under destitute conditions, etc.),
while the attempted connections were presented as self-evident,[16] in order
to further substantiate the evaluation of "social dangerousness".

Nevertheless, Douris' experiential background did not function in a de-
incriminating manner. On the contrary, it led to interpretations of a series
of personal characteristics, attributed to him, which referred to some kind
of anthropological differentiation, of an almost Lobrosian dimension. To
that effect, puns and semantically charged formulations, pointing to the dis-
sociation of the perpetrator from the social body, were extensively used

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[15] "The inhabitants of Ermioni are overwhelmed with disgust and rage, after the mon-
strous act that stigmatized their village for ever" (newspaper *Ethnos*, 3 January
1994).
"The local community in Corfu [Douris was transferred to the penitentiary of Corfu,
after the court decision for his pre-trial detention] was disturbed even by the mere
thought that the man who had committed such a monstrous crime would be on the is-
land, even chained in a maximum security prison" (newspaper *Ethnos*, 7 November
1994).

[16] "Every person reproduces the behaviours that others have inflicted on him" - Head-
line of a composite piece (news coverage, commentary, interviews with experts) of
the newspaper *Elephtherotypia* of 7 January 1994. Composite pieces that also in-
cluded interviews with experts appear in other newspapers as well.

(for example, the "pa-Monster"[17] is a pun that appears in many articles, the "werewolf of Ermioni" is often used in the pieces and the headlines of *Apogevmatini*, etc.).

The characteristics of the victim (extremely highlighted in the news coverage, for obvious reasons) were extremely significant elements for the reconstruction of the perpetrator's image as well, since, in a sense, the element that dominated the content of many newspaper pieces was the primordial conflict between good and evil, through the projection of the "guardian angel" / "satan" dual.[18]

Douris himself, denying his guilt, pleaded insanity, which rendered him, at times, incapable of being in touch with reality.[19] The same claim was supported by other members of his family, too.[20] However, the possibility of diminished capacity due to insanity was merely posed in order to be refuted by the specialists' discourse, which was also adopted by the media.[21] Thus, this element functioned primarily in order to strengthen the argumentation on a "particularly dangerous individual" – that is, the projection of an extreme version of the criminal stereotype, which performs more effectively the functions of demarcating normality and consolidating the necessity for the expulsion of the perpetrator from the social body.

Consequently, the ways in which the media handled the case entailed the shaping of a framework in which the issue of the perpetrator's expulsion

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[17] "Pa-Monster", that is "father-Monster". The word "pateras" means "father" in Greek while "teras" means "monster", thus the pun "pa-Teras" is based on the combination of "father" and "monster".

[18] "6-year-old angel", "he raped an angel", "blond-haired Nikos", "the pa-Monster that left the Greek society speechless".

[19] "In 1974, in Cyprus, where I fought, I suffered from a nervous breakdown. I suffer from fits and when I take the pills I cannot control my actions. I have tried to kill myself three times. I do not recall raping Nikos" (as published in the newspaper *Apogevmatini*, 4 January 1994).

[20] Generally, the members of Douris' family supported the version that the victim's death was due to an accident, and attributed his sexual abuse to a kind of personality split of the perpetrator.

[21] "I think that if he were really sick, as he claims, he wouldn't know how to organize the blackmails of other people so effectively and receive money for acts that he has possibly committed himself" (a criminologist, newspaper *Ethnos*, 4 January 1994). "The myth of Dr. Jekyll and Mr. Hyde was used by the heinous child-killer M. Douris" (newspaper *Ta Nea*, 4 January 1994). "No matter how many psychological problems he had, he should not have burst out on this innocent little creature" (newspaper *Apogevmatini*, 4 January 1994).

from the social body was stressed by means of numerous arguments.[22] Indeed, a great number of the reports focused exactly on the spotlighting of a monolithic and particularly intense reaction, which took extreme forms with the physical assault against the perpetrator during his transfer to prison.[23] In short, the message, at denotative or connotative level, was that it constitutes an excessive demand on the part of the perpetrator of such a crime to invoke his fundamental rights or enjoy the protection of the law.[24] As a result, the public opinion appeared to outweigh in strictness the judges' verdict that imposed a life sentence, and the "demand" for the imposition of the capital punishment was highlighted even at the level of the headlines of several newspaper pieces.

On the other hand, as I mentioned above, the social rejection appeared to extend to the entire family, which, according to the testimonies, constantly caused problems to the village. However, the social dimensions of both the retrospective ostracism of the family and of the problems they experienced at a real level – that is, in relation to the social environment – were demoted, were formulated at a rhetorical level, and the interpretative frame made reference to individual characteristics of deficiency, indifference, amorality, etc.[25] Thus, the issue of the family with many children and of the conditions of destitution in which they lived, although recurring constantly in the discussion, did not focus on social and institutional factors, but on the individual characteristics of its adult members. Consequently, the fam-

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[22] In particular, the "populist" newspapers present a greater number of pieces and photographs that refer to the perpetrator and to societal reaction, thus representing, even at the morphological level, this fundamental conflict between the criminal and the social body (See Varvaressou, 2000: 474-5).

[23] He was jeered by the public before getting on the police van and he was brutally beaten by his fellow prisoners during the transfer. The picture of Douris bleeding was also accompanied, in many pieces, by comments justifying these acts as a natural consequence of the reactions that his crime caused in the society. "Douris' act is so hideous that it is difficult for any person to put up with. Even if one has committed a crime and has taken another person's life" (comment of the newspaper *Ethnos* of 8 January 1994). In addition, the negligence of the authorities to protect him was mentioned in only few pieces and did not result in any sanctions upon the responsible officers.

[24] The reluctance of lawyers to take the case and the subsequent appointment of a defence lawyer by the court, at least at the beginning of the trial, was also presented in this frame, and as a natural consequence of the revulsion the specific crime caused to the social body.

[25] "Perversion, consumerism, seven children living worse that pets, a suspicious and indescribable mother, an old mother-in-law" (in the newspaper *Elephtherotypia*.

ily with many children, as an element of the interpretative frame, consti-
tuted mainly part of the argumentation on the "incestuous family", and the
validity of this element was consolidated by the experts' discourse.[26]
Within this interpretative frame, the image of the mother was also smashed,
since a large part of the responsibility for the sexual molestation and mur-
der of the child was attributed to her.[27] Thus, although no sanction was im-
posed on the mother, which would lead to her removal from the family, one
of the central issues of the discussion was the demand for the State to take
over the care of the rest of the children.

Therefore, in the media reconstruction of this crime story, but also of the
history of Douris' family on the whole, the local community is presented as
bearing no guilt for its tolerance or even its involvement in all these that it
charges him with after the crime: Douris' case is so extreme so as to exceed
the capability of self-regulation of the conflicts by the community itself in
which such conflicts arise. Thus, the secondary marginalization of the other
members of the family (as a result of their penal and social stigmatization),
transfers the problem and its resolution from the level of the community to
the institutions of formal social control, contributing in parallel to a repre-
sentation of the State-helper, which does not merely perform a punitive
function, but is also capable of taking care of the citizens with a social
handicap.

Constructing the "Disturbed Personality"

In January 1994, Matthaios Monselas shot and killed Georgia Vagena, upon
her repeated and persistent demands. Being devastated by her husband's
leaving her, she wished to die but did not have the courage to commit sui-
cide. The court trial took place in February 1995 and the perpetrator was
given a 12-year sentence.

The reconstruction of this crime story began with the literary terms of a
psychological thriller, as the following indicative headlines of newspaper
reports show: "Chronicle of a death foretold", was the headline of a 5-page
piece in the newspaper *Elephtheros Typos* of 14 January 1994, after the ti-

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[26] "Usually the mother of abused children, while having – if not proof – at least signifi-
cant indications of the situation, does not come forward to press charges against the
perpetrator" (a psychologist, newspaper *Ethnos*, 4 January 1994).

[27] "She is to blame for everything. Is it possible for a mother not to see what is going on
in her home? Perhaps the mother holds more responsibility that the killer" (newspa-
per *Apogevmatini*, 4 January 1994).

tle of Gabriel García Márquez's novel. "Unbelievable thriller" (*Apo-gevmatini*, 14 January 1994). "Murder gun riddle" (*Elephtheros Typos*, 15 January 1994).

In addition, the lack of a more socially understandable motive for the commitment of this crime (profit, jealousy, revenge, etc.), soon led the discussion to a "psychograph" of its protagonists.[28]

Thus, while Manolis Douris was from the very beginning placed under the constellation of the "monstrum", and this image did not change afterwards, in the case of Matthaios Monselas, even from the first news reports, there was a climate of fondness, understanding and closeness to the perpetrator, who seemed to be trying to restore a sense of reality; to realise, along with the public, how he had been led to the crime.[29] Indicative of this climate is the fact that, in contrast to Douris' totally delegitimized discourse, Monselas' discourse − through a multitude of interviews, statements, etc. − covered an extensive part of the newspaper pieces.

This climate did not change substantially throughout the coverage of the case, and, sometimes, it even led to a reversal of the roles of perpetrator/victim.[30] In other words, many pieces highlighted the altruism of the perpetrator,[31] the view that the victim had used him (and, in a sense, "victimized" him), while several pieces attributed the primary responsibility for the crime to the victim's husband, who was named by the newspapers as the instigator of the crime.[32] In parallel, the female stereotype was clearly

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[28] "Monselas found himself in an atmosphere of death" (newspaper *Ta Nea*, 22 February 1995), " Love ...served with murder - The madness of love" (headline of a composite piece in the newspaper *Elephtherotypia*, 17 January 1994).

[29] Among the themes that were especially highlighted was the fact that he delayed handing himself in to the authorities by a day, so as not to destroy the evening of his young niece's birthday.

[30] "The executioner: he was romantic and had a kind heart. The victim: separation killed her" (from the headlines of the newspaper *Elephtheros Typos* of 14 January 1994), "'It was suicide', psychiatrists say" (from the headlines of the newspaper *Elephtheros Typos* of 14 January 1994), "I wish he gets a better treatment [by the court] and they won't destroy his life" (from the coverage of the trial in the newspaper *Ethnos* of 27 February 1995).

[31] Only in few pieces was it mentioned that he might have been paid by the victim for his act.

[32] Especially indicative is the headline of a piece in the newspaper *Elephtherotypia*, during the period of the court trial: "A tangle: perpetrators, victims and instigators" (4 March 1995), while the newspaper *Apogevmatini* of 2 March 1995 comments as following on the court's verdict: "We respect the court's verdict, but her husband should have stood trial, too".

delineated, in relation to the victim: She was portrayed as a weak, dependent woman, who, although a scientist and a professional, was not able to stand the jealousy, the rejection, the abandonment.[33] Later, this stereotype was reversed and the victim's personality was also incorporated in an interpretative frame of psychological disorder.

Therefore, in the reconstruction of the crime story, "Monselas put to death, he did not kill",[34] thus departing from the usual image of the homicide.[35] In addition, the fact of the "victim's consent" on the one hand obscured even more the image of the perpetrator, and on the other hand triggered a conflict in relation to the legal definition of the offence,[36] and therefore the term "homicide on commission" was adopted by the newspapers.

Consequently, Monselas' controversial personality stood open to numerous versions and interpretations, as the climate of fondness – from a point onwards – functioned as an axis of the argumentation on the existence of a "singular personality". In other words, the extreme, almost deviant, kindness of Monselas was used as an argument for the diagnosis of a "singularity", which, in different terms, distanced him once again from the social body. In Monselas' case, however, the representation of a "singular personality" triggered a discussion concerning diminished capacity and the (extremely lenient for a homicide) 12-year sentence was accepted as a manifestation of a justice that is sensitive to the public opinion.

Regarding Monselas' social profile, in the first period of the journalistic coverage of the case, the distinction of his social status from that of the victim dominated; a distinction which was present in the headlines of many articles ("the parking-lot employee and the dentist"). Furthermore, reference was often made to the fact that their acquaintance was accidental, and therefore there was no social proximity between them. In several newspaper pieces, there also appeared the victim's statements to people of her en-

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[33] "A woman depended for life and death" (headline of a composite piece of the newspaper *Elephtherotypia*, 4 March 1995).

[34] From the testimony of a criminologist at the court trial, which was used as a headline of the coverage in the newspaper *Elephtherotypia* of 22 February 1995.

[35] In relation to this, the semiotics of the headlines of several pieces is indeed particularly interesting: "The Passion according to St. Matthew" [note: *Matthaios* is the Geek equivalent of *Matthew*] - headline of the newspaper *Elephtherotypia* of 14 January 1994; "Executioner or saviour?" - from the headlines of the same newspaper on 21 February 1995.

[36] "It can be defined as misdemeanour only if the victim suffers from an incurable disease" (legal counsellor, in the newspaper *Elephtherotypia*, 14 January 1994).

vironment, according to which if Monselas did not accept to kill her, she would pay some Albanian to do it. However, the highlighting of the social characteristics of the perpetrator – pointing to a "marginal" individual – did not succeed in providing convincing answers to the questions arising from the remaining elements of the context (the conditions under which the crime was committed, the characteristics of the victim, the lack of material motive, etc.). Thus, as I have already mentioned, soon the discussion was confined in a framework of psychopathology, within which fell both the perpetrator and the victim, in an unbreakable formula, in a continuous interaction.

There is also another interesting point of differentiation between the two categories of newspapers in our sample: In the "populist" newspapers, while the argumentation regarding the "victimization" of the perpetrator due to his vulnerable personality remains present to a certain extent, at the same time, the issue of mental disorder as an element of a personality with criminal propensity is also projected; an element in which the evaluation of his "dangerousness" is either latent or clearly expressed.[37] This aspect appears only as a mere reference in the opinion newspapers.

In any case, however, Monselas was registered as a "singular psychopathological personality", while the validity of the "diagnosis" was consolidated by the constant presence of "experts" in the public debate.[38] And, as the image of the "disturbed personality" began to take shape, the constant narration of the crime story in the first person might be read in another sense as well: the media, "borrowing" from the "clinical method", turned Monselas' discourse into an object of examination, interpretation, diagnosis and classification in the categories that the scientific discourse provides for crime, mental disorder and their interrelation.

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[37] "A man with a loose conscience, that is, a criminal"; "The question is: is this man himself or her?"; "Could this be a case of a split personality?" (from interviews with psychiatrists and psychologists in the newspaper *Elephtheros Typos* of 14 January 1994). "He killed, he did not liberate" (from the public prosecutor's address at the trial; used as the headline of the respective coverage in the newspaper *Ethnos* of 28 February 1995).

[38] From 14 January 1994 until 23 February 1994 (period of arrest) and from 3 January 1995 until 15 March 1995 (court trial period), there were 9 pieces with experts' views in the newspapers *Elephtherotypia, Ta Nea* and *Apogevmatini*, 7 pieces in *Elephtheros Typos* and 5 pieces in *Ethnos*.

Constructing the "Tiger"[39]

> In November 1982, the police officer Christos Kolitsopoulos was fatally in-
> jured with a knife by Giannis Sgouridis while returning to his flat with his
> three-year-old son. The perpetrator was later tracked down and admitted his
> act, claiming that the homicide had been planned in common with his mis-
> tress and wife of the victim, Katia Kolitsopoulou – an accusation that Ko-
> litsopoulou never accepted. In the first-degree trial, they were both con-
> victed, by a majority verdict, to life sentence, as the perpetrator of the crime
> and accessory before the fact, respectively. The same sentence was also im-
> posed (unanimously this time) in the second-degree trial. This trial began in
> March 1986, but was abruptly interrupted, due to the conditions of its con-
> duct (disorder caused by relatives and colleagues of the victim, verbal abuse
> and acts of violence against the accused by policemen during her transfer
> from the prison to the courthouse, etc.) and was repeated in November 1986,
> in a specially designed hall in the women's penitentiary, with the presence
> of heavy police forces for security reasons.[40]

The central element in the reconstruction of this crime story is the female
figure, to which a leading role was attributed.[41] In fact, this element consti-
tuted, to a large extent, the newsworthiness of the case, as female criminal-
ity is a socially unanticipated event. Criminality appears to be primarily a
male activity, with regard to both the definition of the problem, and its ap-
pearance in the news.[42]

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[39] The use of the word "tiger" in the Greek language (of feminine gender in the ver-
nacular) renders it a synonym of "Maenad" – a savage, violent, dangerous woman.
The term "blonde tiger" was used even in the first pieces on the case and then re-
mained in the headlines and the vocabulary, mainly of the populist newspapers.

[40] Due to the practical unfeasibility of collecting the total number of pieces published in
the newspapers of the sample during the period of the arrest and the first-degree
court trial, the following analysis was primarily based on the newspaper pieces that
covered the case during the second-degree court trial. Nonetheless, even in the frag-
mentary material of the first period, which was at our disposal, significant similari-
ties relating to the agenda-setting process of the case are detected. More specifically,
the constant emphasis placed on the issue of the public's reaction towards the crime
and particularly towards the female culprit. Thus, the subsequent analysis focuses on
the issue of the representation of the societal reaction and on the points of debate and
controversy it created.

[41] It is indicative that the name of the physical perpetrator of the crime was never in-
cluded in the headlines or the titles of the newspaper pieces, while the trial itself was
identified with the name of the instigator (i.e. "the Kolitsopoulou trial").

[42] Sacco, 1995: 143 (cited by Reiner, 1997: 201). Furthermore, according to M. Cain
(1990: 2), the field of the criminal justice institutions is by definition founded on
male-centred arguments, as the central axis is still the male criminality and its institu-

The allegation that Kolitsopoulou held the primary responsibility for the crime was not only expressed by Sgouridis in his plea, but was also adopted from the beginning by the victim's relatives, who were almost indifferent towards the physical perpetrator of the crime, considering him "a victim of his passion for this woman", while they particularly stressed the fact of the small child's presence at the scene of the crime. According to the material of the testimonies of both the victim's and the perpetrator's relatives, as these were presented in the media, Kolitsopoulou was described as a person of low moral values, involved in love affairs during her marriage,[43] cold[44] and ruthless,[45] who wanted to get rid of her husband at all costs, as he would not consent to a divorce.[46] Thus, her moral foundation played a central role in the reconstruction of her image. As a consequence, her image did not refer to the usual stereotypes regarding the criminal; there was no reconstruction of a "singular criminal personality" or of a "special social case", with features leading to a criminal propensity. In Kolitsopoulou's case,[47] the ideological frame was exhausted in the reference to the traditional female characteristics and the evaluation on her dan-

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tional administration and the woman or girl offender are approached as the 'other', who exists only to the extent that she differs from the male offender.

[43] "The chairman of the court [addressing Sgouridis' mother]: Did the accused wish to marry your son? Witness: If she had wanted to marry him, she would have taken care of him. She wouldn't have sent him to destruction. I am certain that someone else was waiting for her. My son was the victim" (newspaper *Elephtherotypia*, 11 March 1986).

[44] "She didn't seem to feel grieved at all about her husband. [In the evening of the murder] in the beginning, she withdrew herself in her bedroom. Then, she stood in front of the mirror and kept putting on make-up. She said that she didn't want to come to the funeral. In the end she came, but she didn't shed a tear, nor did she stay to accept the people's condolences" (from the testimony of the victim's brother, in the newspaper *Elephtherotypia*, 8 March 1986). Furthermore, among the elements that were highlighted, especially by the "populist" newspapers, was the testimony of the victim's relatives stating that the accused had been particularly affectionate in her behaviour towards her husband on the day of the murder.

[45] In the testimonies, there are descriptions of incidents in which Kolitsopoulou set up, in the presence of her child, scenes of assault and battery by her husband, so as to press charges against him and thus be able to leave the house deserting him.

[46] "My brother was a persistent person. He didn't want to destroy his family. Katia, on the other hand, knew that if she left, her husband would go after her for the rest of her life. That's why she got him out of the way" (from the testimony of the victim's brother, in the newspaper *Elephtherotypia*, 8 March 1986).

[47] This element appears in other cases of female criminality included in our research material.

gerousness was associated with the devaluation of the female roles which correspond to the dominant gender representations. Indeed, especially during the first period of the coverage of the case, there was a multifaceted highlighting of the lack of care for her child, whom she let exposed to become a witness of the scene of the crime, so that the victim would not suspect what would happen.[48] In addition, the punitive administration of the case (a life sentence was also given to the instigator of the crime) and the subsequent sanctions, such as the prohibition to meet her child, provided an institutional consolidation of the image of the "evil woman", who functioned destructively in her relations with the people around her, including her own child.

The protagonistic role that was attributed to Kolitsopoulou, constituting on its own one more reversal of what is socially expected, especially in the discourse of the "populist" newspapers, moved the representation of the relationship between the two accused to a "non-natural", almost non-human level.[49] It was the relationship between a "woman-satan" and a man-victim, who was carried away and led to crime, assisting her to rid herself of an unwanted husband.

The "opinion" newspapers, without adopting similar "sexist" vocabulary or focusing on the issue of the affair between the two accused, nevertheless, shared the interest in the female presence, through narrative and representational techniques regarding mainly the issue of the reactions against Kolitsopoulou that were manifested at a non-institutional level.

On the other hand, the frame of the debate was shaped to a great extent by the issue of the societal reaction towards the woman accused and not towards the crime itself. Indeed, even from the period of the first-degree trial, the central dimension of the articles were the conditions of conduct of the court trial and the violence which was, in physical or psychological terms, exercised on the accused throughout the duration of the court trial.

Thus, a first observation, which also delineates the frame of the following analysis, is that the way the media handled the material of the testimo-

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[48] She never actually admitted that she knew what would happen that evening when she left her husband and child to return home on their own. However, this "transgression against her gender" constituted one of the principal arguments in the construction of the image of the "tiger".

[49] As was denoted by the constant use of the characterization "the tiger", which alternated with the term "the evil couple" in the headlines and the vocabulary of the newspapers.

nies and the issue of public opinion,[50] contributed significantly to the crea-
tion and perpetuation of a charged climate, which finally led to the inter-
ruption of the trial.[51] In other words, by depicting the societal reaction, the
media contributed to a large extent to its shaping, becoming themselves
part of the problematic situation which arose and constituted a further
newsworthy item.

At the institutional level, these events caused the intervention of the
Minister of Justice twice and led to the postponement of the trial and the
legal prosecution of the people held responsible, while, at a political level,
they triggered the intervention of feminist organizations and anarchists'
groups.[52] This political dimension given to the issue was also the element
that led to the clarification of the frame of the conflict between the opinion
newspapers and the populist newspapers. More specifically: without openly
endorsing the transgression of the boundaries of accepted behaviour, which
took the form of jeering and other violent acts by the public attending the
trial, the populist newspapers appear, however, "sympathetic" to the out-
rage of the people. The "opinion" newspapers, on the other hand, based on
the condemnation of the exercise of any form of violence against the ac-
cused, adopt, in the end, a moral discourse of defence of the rights of the
accused and of the principles of the state of law and order.

This conflict is most clearly observed in the manner in which the news-
papers *Elephtherotypia* and *Ethnos* covered the events. *Elephtherotypia*, at
the level both of the news coverage and of the commentary, stressed par-
ticularly the issue of the solidarity expressed towards Kolitsopoulou by po-
litical groups. More specifically, the intervention of feminist organizations
dominated many of the pieces, even if the ideological implications of the
feminist solidarity were restricted to the semiotics of the headlines and the
vocabulary used. In other words, the anti-sexist discourse of the feminist

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[50] "The trial started with the usual attempt of lynching ...", begins the relevant piece in
the newspaper *Elephtherotypia* on 12 March 1985, while the intention of "lynching"
the accused appeared in the headlines of numerous newspaper pieces.

[51] It should be noted that a similar climate had been cultivated during the first-degree
trial too, which, however, had been completed, despite the fact that the chairman of
the court had interrupted the hearing process on several occasions, while the defence
had repeatedly declared that they would withdraw from the court room.

[52] For one to determine the real extent of this political intervention, the social and po-
litical context of this period (post-junta period, intense politicization, significant and
structured presence of the feminist movement, with numerous organizations, etc.)
should be taken into account. The restrictions posed by the scope of this paper do not
permit a systematic presentation of this context.

organizations (humiliation of the female essence, inequality in the treat-
ment of the two sexes, latent sexism and misogynism of the Greek society,
etc.), even though being recurrent in the debate, remained at the informa-
tional level of the narration of the events. Therefore, it did not constitute an
autonomous axis of the debate, but merely part of the argumentation on the
necessity for the respect of the rights of the accused and of the proper op-
eration of the state of law and order.[53]

In *Ethnos*, by contrast, the intervention of the feminist organizations and
of the anarchists' groups was constantly competing with the "power of the
public opinion" and was in dialogue with the statements of the public who
crowded in the courtroom, "in order to see with their own eyes what a
woman can do to a man". "She was saved by the feminists" was the head-
line of the two-page piece of 21 March 1986 on the decision of the court to
postpone the trial indefinitely, with the subheading: "With shouts and ban-
ners they occupied the criminal court where the 'blood lovers' are being
tried". On the same day, the piece of *Elephtherotypia*, covering one third of
the page, was entitled "Postponement of the Kolitsopoulou trial" and had
the subheading: "Outside courage, inside shouts".

Among the most emblematic examples of this conflict are the pieces of
14 March 1986 in these two newspapers. The two-page piece of *Ethnos*
hands the right of speech to the "public opinion" under the headline "Those
who are showing their ... teeth to the tiger", a heading stating "The people
who do not miss a second of the shocking trial of the diabolic lovers", and
subheadings "I have been coming to the court for five days now and when I
see her, I shout 'murderess'", "Sgouridis must be acquitted. He is her vic-
tim". The piece is illustrated with four photographs, which cover half of its
space, thus constituting the dominant element, the element that also dictates
the way the text is to be read. The first photograph shows the accused with
his head bent down, being comforted by his mother, and the caption reads:
"Two more tragic figures. Sgouridis with his mother". The second photo-
graph shows a similar scene of Kolitsopoulou (her face distorted from cry-
ing) with her mother, and the caption reads: "The tragic mother of Ko-
litsopoulou bends affectionately and gives her daughter a glass of water".

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[53] One of the most indicative examples is a piece of 19 March 1986, which refers al-
most exclusively (four fifths of its length) to the issue of the feminist support. How-
ever, the narrative techniques and the structure of the text lead, at certain points, to a
confusion of the information item with its commentary, which, at any rate, never ac-
quires such autonomy so as to stand out.

Thus, the accused is exempted from the "tragic people" of the story, among which, however, the physical perpetrator of the crime is included. In addition, as the consequences of her acts on the wider family environment are underlined, the contrast of her image with those of the other "tragic mothers" entails the negation of her own maternal role.[54] The third photograph, the largest one, shows a view of the public that is present in the courtroom, stressing, in a particularly strong manner, the presence of society in this trial. The fourth photograph confirms the presence of the institutional agents, responsible for the observance of order, showing once again the public and one policeman, while the caption reads: "A policeman tries to calm a gesturing woman". In the piece's lead, there are five statements "of the public, the common people who watch the trial for hours on end". Four of these statements refer to Kolitsopoulou in a highly derogatory manner and only the last one comments on the attitude of the public and poses the question: "What if, one in a million, she is innocent?". Approximately the same ratio between the negative judgments against the accused and the condemnations of the violence she is undergoing also exists in the main body of the piece, the largest part of which is covered by statements of the public attending the trial. The elements of the coverage with regard to the hearing process itself are very few; the progress of the case's hearing constitutes information of secondary importance, incorporated in the overall context of the piece. In addition, the Minister's intervention which requests of the judges to apply the law and ensure the rights of the accused (obviously the most significant news item of the day), is mentioned in 12 lines at the end of the last column of the piece, separated from it by a thick black line and bold font, while the organization of the material on the page places it exactly under the photograph illustrating the attempt at observing the order by the responsible agents.

The piece of *Elephtherotypia* on the same day, under the headline "Intervention of Magakis",[55] covers two thirds of an inside page and presents as the main news the intervention of the Minister of Justice and the com-

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[54] Exactly under this photograph happens to be found a section of the piece with the subtitle "Like a mad woman", in which there is an extract from a statement made to the reporter by a former fellow inmate of hers, who testifies that Kolitsopoulou "is greatly tormented by the fact that she has been banned from seeing her child in prison".

[55] Prof. G. A. Mangakis was Minister of Justice at the time.

plaint lodged by a feminist organization concerning the conditions of con-
duct of the trial.[56]

In the service of a further ideological signification, which associates
criminality with a specific political stance, the piece of *Ethnos* of 19 March
1986 highlights the question of the prosecution on what the relation of
Sgouridis and Kolitsopoulou with the anarchists' poster that had appeared
in many streets of Athens was. On the same day *Elephtherotypia* devoted a
whole-page piece on the manifestations of solidarity under the title: "Fo-
rensic surgeon: 'She has been beaten'", and sub-headings: "Women mem-
bers of feminist groups lodge complaints and talk about a moral lynching, a
humiliating climate, a verdict that has already been decided on by the
mob", while the same event (the question of the prosecution) is treated in
an ironic manner.

In conclusion, in the "populist" newspapers, through the use of a point-
edly sexist discourse, the representation of Kolitsopoulou is that of the
"evil woman", who, by turning her traditional female characteristics into a
source of power, succeeds in deceiving and charming the male, transform-
ing his submission to destructiveness.[57]

A similar representation of the woman-criminal was not found in the
"opinion" newspapers, at least to the extent that conclusions could be
drawn from the available material. Moreover, since the conditions of the
court trial had a significant impact on the agenda-setting process of the
case, in contrast to the pointedly sexist discourse of the populist newspa-
pers, the "progressive" argumentation the "opinion" newspapers endorse
evolves into a moral discourse of defence of the principles of the state of
law and order. However, the emerging "clash" and the progressive dis-
course of the opinion newspapers, is essentially exhausted at a rhetorical
level, which only alludes to the institutional and social factors existing at
the basis of what appears at the level of the news item as a problematic
situation.[58] In other words, in no case is the socially dominant view on what

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[56] More generally, the interventions of the Minister of Justice were among the issues
highlighted by the opinion newspapers, contributing to the representation of a state
mechanism that is sensitive and capable of intervening so as to restore law and order.

[57] Fiske, 1995 (Greek edition, 2000): 267-292. On the construction of 'female mon-
strosity', see also Halkias (1999).

[58] Of course, it should be noted that this tendency constitutes a pattern that can be
found in other thematic dimensions of the research on the representations of crime in
the media, as well. On the versions of the "progressive" and "conservative" discourse
in the representation of the criminality of immigrants, see Konstantinidou (2001).

constitutes proper gender behaviour at stake, as the discussion constantly moves to the "need for the defence of the rights of the accused". This moral discourse on the state of law and order, however, does not cease to have as a starting point the woman accused as a victim of male violence[59] and humiliation of her female substance by the media and public opinion. In this respect, it could not be argued that the female stereotype is absent, as Kolitsopoulou remains the protagonist of the case for the "opinion" newspapers as well, through her "victimization", which is presented – even if this is merely implied – as a specific dimension of the female submission.

Conclusions

> The penalty publicizes meanings not only in relation to crime and its punishment, but also in relation to power, the authorities, legitimation, normality, morality, personality, social relations and many other relevant issues. ... In conclusion, the penalty constitutes a cultural text – or, even better, a cultural representation – which conveys and publicizes structured messages to a multitude of receivers. ... In order to comprehend the social results of the penalty it is, thus, essential to analyse not only its negative function of the control of deviance, but also its positive ability to produce meanings and to construct "normality".[60]

According to S. Hall, the moment of the construction of the news item is the moment of its recording on a cultural map, on a map of social meanings to which – it is presupposed – the public has access and shares. As it is argued, moreover, the media do not question the consensual character of the society, which in fact constitutes the fundamental postulate of the ideological and functional frame delineating the choice and the content of the produced messages, so that these can be decoded successfully; in other words, they publicize the desired content (Hall *et al.*, 1988: 337).

By means of the cases presented above, I wish to point to and to stress the ideological unity of the media messages concerning the criminal, who, as a singular personality or a singular social case, "personifies" the negative facet of the social consensus.[61] In other words, even if there is a partial differentiation of the ideological pivots of the homicide's representation in each specific case, there are no differentiations from the dominant defini-

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[59] Inflicted by her husband's siblings and the policemen of the guard.

[60] Garland, 1990 (Italian edition, 1999): 295.

[61] As S. Hall puts it, "crime involves the negative side of society as a 'consensus'" (Hall, 1988: 351).

tions and interpretations of crime, the criminal and social control. Furthermore, no cracks have been located in the hegemonic assumptions regarding society, social roles, the relations between the State and the citizen, etc. Indeed, in spite of certain deviations, the differentiations between the two categories of newspapers in our sample concerned primarily issues that did not influence the central core of the representation. Thus, the most significant differences derived, in fact, from the specific features of the newspaper and its view on its readership. Consequently, they concerned the way the crime story was reconstructed, the specific elements on which emphasis was put, and, primarily, the idiomatic language and the jargon used. More specifically, the "populist" newspapers showed an inclination towards intense dramatization, with more photographs, clamorous headlines and several references to the impact of the criminal act on the social milieu.

In conclusion, our research findings show that the construction of the image of the homicide by the media is linked to a representation of crime as an act, which draws its motives from the strictly enclosed private sphere of the interpersonal or family relations. Similarly, the context elements rarely refer to the basic structure of society, as they usually focus on the particular (individual, family, etc.). It could actually be argued that, in the process of the social construction of the news item, one encounters the basic process that criminology has adopted ever since its birth: the study of the criminal assumes a position of individualization and differentiation, which hypothesises a qualitative and substantiated difference between the criminal individual and his law-abiding counterpart. This process presupposes a number of operations, which allow such a problem ("what in fact is the criminal?") to be meaningfully posed (Garland, 1985: 122).

The image of the victim of the criminal act converges towards this representation as well, despite the partial differences and the specificities of each particular case. That is, both the idealized and the controversial victim, do not transfer the dynamics of the criminal act to the level of the wider social relations,[62] since the link of the criminal act with the society is usually limited to the impact of the criminal act on society or to the representations of victimization of the social body (Koukoutsaki, 2000: 459).

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[62] Among the most interesting elements of our research was the absolute absence of sociologists from the categories of specialists whom the media addressed. The status of the sociologist rarely appeared, and then only in a supplementary way ("psychologist-sociologist", "criminologist-sociologist").

The ideological implications of this individualization of the problem of criminality are that, on the one hand, the exorcizing of the criminal from the social body is legitimized, and, on the other hand, the cohesion and validity of the "moral universe" from which the law-breaker is being exorcized is consolidated. In this generalizing – and therefore, misleading – treatment of the relation between crime and society, society becomes an abstract, as if it is not composed of specific groups and interests, that is to say, a society of consensus,[63] while the question of crime, once uprooted from the embeddedness in the complexity of social relationships, becomes simply a question of moral edification (Melossi, 2001: 29).

With regard to the representation of the woman criminal in particular, the analysis has been associated primarily with the dominant view that female criminality is considered a rare and not expected social event. This depiction is also consistent with the official statistics. Expressed in different terms, this shows the final "product" of the mechanisms of the formal social control of crime, in which the female participation is minimal, while female criminality is a neglected field of study within criminology as well.[64] In other words, as criminality appears to be primarily a male activity, female "deviance" is administered by other forms of social control, those that are activated in the frame of the family and of the typical female roles structuring the representation of the female gender. This female stereotype was also located in the manner in which the media of our sample reconstructed not only this particular case of female criminality, but also the totality of the respective cases which were part of the material studied.

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[63] Hall *et al.*, 1978 (Greek translation, 1989): 295.

[64] With the exception of war periods, when a section of the male population is recruited in the army and the proportions in relation to gender change, the presence of the woman in the penal population is approximately 5%. Thus, as long as the study of female criminality is correlated with her presence in the punitive institutions, an explanation for the limited academic interest shown is provided. (Melossi, 2002: 207-208).

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TV Crime Reports and the Construction
of Subjective Realities*

Harald Kania

"Reality" – one of the few words which mean nothing without quotes.
(Vladimir Nabokov)[1]

1. Introductory Remarks

This contribution deals with the impact of mass media, in particular TV programmes, on people's concepts of reality. To begin with, a personal experience of the author should illustrate the influence of media images: Whenever I (born in 1970) think about the time of World War II and the Third Reich, the mental images automatically appear in black and white. Obviously, my individual concept of that historical period has been unconsciously determined by the typically black and white film material shown in the TV documentaries I regularly saw. Thus, this period became a *black and white period*, at least for me. On the other hand, I have coloured images of older times, for example, of the Roman Empire and Ancient Rome.[2]

Of course, due to the complexity of the subject in question, analysing the impact of TV crime reports on people's concepts of reality will have to employ more elaborate categories of description than black and white versus coloured.

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[1] Unfortunately, the following text cannot meet Nabokov's command in order to avoid ambiguities.
[2] Remarkably, these images seem to be in Technicolor®.

2. The Criminological Background

For a long time, criminologists took for granted that there was a solid empirical phenomenon called *criminality* that could be measured reliably. Thus, the perennial issues of criminological research had been to reconstruct the epidemiology of different crimes, i.e., displaying their distribution and prevalence, and to explain the origins of delinquent behaviour. Questions about potential distortions, artefacts (produced by both theories and methods), and scientific blinders were strictly excluded from the agenda. Also, the criminological analysis relied mainly on data drawn from official crime statistics. Today we know that these statistics, albeit still valuable for research, have some fundamental restrictions. Actually, these data reflect only a more or less small portion of all crimes committed, depending on the kind of offence. For example, some types of offences are never reported to the authorities, either because the victim is not aware of the offence (e.g., in cases of fraud), considers it to be insignificant, expects a complaint to be unpromising, or because there is no victim in the first place (e.g., environmental crimes).[3] Since the early 1960s, criminologists have tried to compensate for some of these biases by asking people (anonymously) about their personal crime experiences. But these so-called *victim surveys*[4] are also subject to both fundamental problems and methodological artefacts. Thus, it seems to be impossible to quantify the level of *real criminality*, i.e., all offences that actually occur.

Taking into account the shortcomings and lopsidedness of the traditional approaches, i.e., crime statistics and victim surveys, a third approach using the *individual reality of crime* is suggested in order to complement the other two. This *criminality in our minds* (Walter, 1995: 211) is affected, even determined, by factors totally different from those used in crime statistics and traditional criminological research. The *facts* of this individual reality or, presumably more appropriate, these individual reali*ties* are created every day through reading the newspaper, speaking to friends and colleagues, listening to the radio, going to the movies, and – of prime importance – through watching TV programmes. As Walter states, *criminality appears on various stages that have different relations to reality* (1993: 195).

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[3]   For a more detailed description of the selection processes of crime statistics, see, e.g., Kerner (1993).

[4]   In spite of their name, these surveys frequently ask for personal experiences *as an offender*. Thus, they are sometimes also more generally referred to as *crime surveys*. An overview can be found in Sack (1993).

3. Some Epistemological Remarks

Different scientific disciplines vary in their methods for studying the same topic. They focus on different aspects and aim at different targets. In the words of the French sociologist Pierre Bourdieu, they apply their *peculiar disciplinary lenses*. In the context of the current topic one can instantaneously locate two *scientific lenses* of opposed character.

On the one hand, we find the lens of *media psychology* and *communication science*, focussing on a (mostly experimental) *micro perspective approach*, i.e., trying to find replicable results about media effects, particularly the influence of media violence on their subjects' behaviour (for an overview, see Zipfel & Kunczik, *forthcoming*). However, these results, reliable as they are, tell us little about the more complex, interactive, and long-term effects in broader social contexts. On the other hand, some *sociologists* prefer wearing the lens of more global *macro perspective approaches* that are at the same time necessarily more general in their scope and less accurate in their predictions. These theories are also often motivated solely by plausible common-sense assumptions stemming from intuition or induced from individual cases. These researchers rarely, if ever, apply empirical methods to test their assumptions (see, e.g., Bourdieu, 1998; Chomsky, 1991; Luhmann, 1996; Postman, 1982, 1987).

Thus, we obviously find a large gap between the prevailing micro and macro perspective theories of media influence. Bridging this gap, i.e., connecting or integrating the existing approaches, making use of each of their advantages and at the same time avoiding their shortcomings, is one of the major challenges for future research and modelling. The model of *The Three Realities of Crime* that is presented in the following section is intended to be a step in this direction.

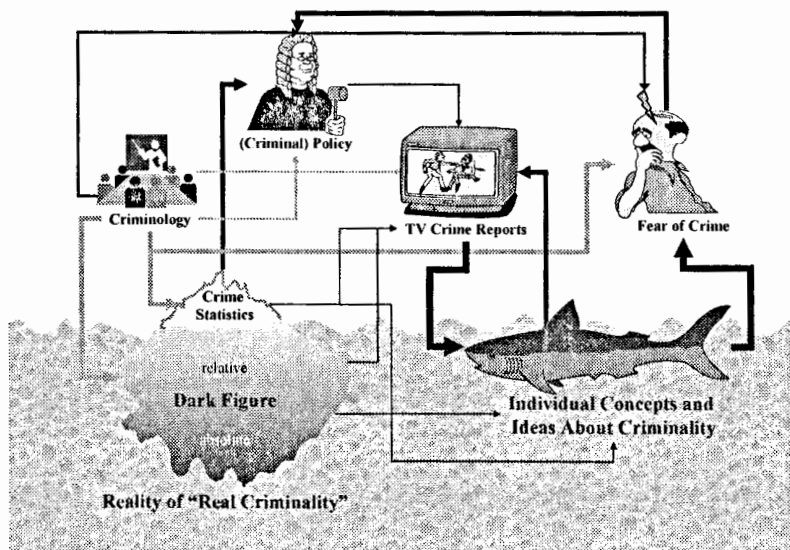## 4. The Third Reality: "The Criminality in our Minds"

The following thoughts on the realities of criminality and the theoretical model they have led to are inspired by ideas drawn from a social constructivist theory (see, in particular, Berger & Luckmann, 1966). From such a point of view, the scientific analysis of criminality demands at least three independent levels of reality:

On the first level, we find *The Reality of Officially Reported Crimes and Crime Statistics*. For the majority of people (including politicians and scientists), this reality is the most accessible, mainly because it is easy to

manage. This reality provides facts and figures which people can manipulate, calculate, and discuss: In this reality criminality *appears to be measurable*. But the price that has to be paid for this feature is high, because this reality is, as already stated above, subject to manifold distorting factors.

On the second level, we find the totality of all real crimes, or, to express it tautologically, *The Reality of Real Criminality*. A part of this reality are the offences that people actually participate in, i.e., as victims, offenders, or casual bystanders. Another part is when people are told about criminality by their family, colleagues, or friends. These offences, if they are not reported to the authorities and are thus not recorded in the official crime statistics (i.e., the first level of reality), build what is sometimes called the *relative portion of the dark figure of crime*. The part of this second reality that people experience (or hear about) consciously can be recorded through expensive crime surveys, shedding light on the dark figure (thus it is *relatively* dark). But there is a third part of the reality of real criminality, which cannot be recorded as a matter of principle. This part is therefore called the *absolute portion of the dark figure of crime*. It cannot be illuminated, e.g., because the offender and the victim are unwilling (or unable) to disclose information about the offence.

Figure 1: The Social Construction of Criminality

On the third level, we finally find the "criminality in our minds". Until recently, this reality was widely ignored, by both politicians and scientists. Of course, these *Individual Concepts and Ideas About Criminality* are – directly and indirectly – influenced by the other two realities. *Figure 1* shows the processes and elements of the social construction of criminality.

The first two levels of reality constitute the iceberg[5]. Whereas the *statistical reality* (i.e., reality level one) is the small visible tip, the invisible bulk below the surface represents the dark figure with its relative portion nearer to the surface (because of its potential visibility). Hence, the complete iceberg represents the *real reality*, i.e., the entirety of actual criminality (i.e., reality level two). The *reality of individual concepts* (i.e., reality level three) floats quite freely in the depths of the societal ocean. The interconnections between the different constructing elements, e.g., politics, science, and the media, are displayed as dark arrows, indicating that one element influences the other. The direction of the arrows specifies the direction of the influence. The brighter arrows indicate the scientific analysis of an element. Thus, these arrows can only point *from criminology* to some other element. In all cases the thickness of the arrows is analogous to the assumed intensity of the connection.

Of course, this is an abridging and sometimes inaccurate manner of presenting a highly complex matter, also favouring a particular perspective. On the other hand, this representation can serve as a draft theory about the quality and strength of the empirical relations between the constructing elements. In the following, this *process of the social construction of criminality* will be specified at some pivotal points:

- To begin with, there is criminal behaviour[6] in each society that is partially recorded by the authorities.
- Scientists, in particular criminologists and sociologists, are analysing the origins and the prevalence of criminal behaviour and try to develop proper preventive and repressive strategies against it.

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[5] Alluding to Freud's famous iceberg metaphor of the mind: The conscious mind is the small tip that can be seen, whereas the preconscious and unconscious mind lie below the waterline, constituting the bulk of the iceberg.

[6] The general problem of defining which behaviour is labelled as *criminal* or *deviant* – and for what reasons and with which consequences – cannot be discussed here (for a detailed account of the problem, see, e.g., Becker, 1963; Lemert, 1951; Tannenbaum, 1938; Sack, 1968; Taylor, Walton & Young, 1973).

- Politicians attempt to thwart criminal behaviour, particularly via legislative actions – sometimes considering scientific knowledge.
- Criminality is shown regularly in the mass media for over a century now, due to its allocated social relevance (see Fischer, Nieman & Stodiek, 1996).
- Two main factors are responsible for the eminent formative influence of the media on the viewers' representation of crime: (1) Personal experiences with crimes are scarce, and (2) the media's depiction features high credibility, which is particularly true for TV programmes. Hence, individual concepts of criminality are much more a product of the media depiction than of *real* experiences with crimes.
- The *images of crime* that are generated in such a way, in turn affect the selection of future media contents and the way these are shown (a) via the viewers' choice of their favourite programmes[7] and (b) via the preferences of media executives, whose individual concepts are incorporated into their programmes and thus are multiplied a millionfold.[8]
- The assessment of people's personal risk of being victimised and its emotional counterpart, fear of crime, are significantly dependent on how people perceive *their* reality. Thus, it can be expected that *individual fear of crime is tightly bound to personal concepts of crime.*
- If, however, politicians sense an increase in people's (i.e., their voters') fear of crime, they are galvanised into action.[9] But whether these actions are in due proportion to the actual crime situation ultimately depends on the mass media's capability (and willingness) to present a faithful picture of reality.

The empirical study presented below had two starting points within the feedback system of influences and scientific analyses as shown in *Figure 1*: (a) The individual concepts of viewers and media executives as well as (b) their perception and assessment of how the mass media, i.e., in this case

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[7] The importance of high audience ratings in the almost evolutionary *struggle for survival* of the various TV programmes cannot be underestimated.

[8] If the concepts of the media executives and the viewers, however, differ substantially, it seems to be likely that the latter adapt to the former (because of their multiplying powers).

[9] As recently happened in the case of the success of the newly formed Law and Order "Schill party" (named after their founder, the former judge and now interior minister in Hamburg's city government, Roland B. Schill) in the Hamburg state election of September 2001 (see Reuband, *forthcoming*).

TV programmes, present criminality. Of course, due to the non-experimental design of the study, the reported results do not imply causal relationships.

Lastly, it should be mentioned that the model of *The Three Realities of Crime* is not itself rooted in empirical data. It is rather a diagrammatic visualisation of some first (and still rough) theoretical assumptions about the interactive and intertwined processes of the social construction of criminality. Thus, the model is primarily of heuristic value and its aim would be achieved if it could stimulate some more detailed multi-level empirical analysis in the future.

5. A First Empirical Attempt

In order to have an initial access to the individual images of crime, in this study ordinary TV viewers were asked about their perceptions of *TV programmes* and *criminality*, respectively. Since the personal experiences and concepts of media executives[10], as well as institutional constraints in the media – most notably the pressure of high audience ratings – have a considerable effect on the TV programmes, we also asked media executives about their concepts.

The empirical analysis consisted of two consecutive steps. Initially, in-depth interviews with both ordinary TV viewers and media executives were conducted in order to explore the relevant issues. These interviews provided the initial ideas about individual concepts of criminality and about how TV crime reports are perceived. The interviewees said that they watch TV programmes in order to satisfy various desires, e.g., for entertainment, suspense, or (obviously rather seldom) for information. According to the results of the interviews, it also became clear that the symbolic power of TV crime reports is still insufficiently known but should not be underestimated.[11]

Based on these qualitative results, a questionnaire was constructed and tested on a pilot sample of 30 participants. A modified questionnaire was then distributed to 300 viewers and media executives, respectively, who

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[10] Meaning all people who have an autonomous influence on the way the TV programmes present their content, in this case *criminality*.

[11] Because the questionnaire survey has been the main part of the study, the available space for this contribution does not allow reporting more detailed results from the interviews (for these, see Kania, 1999).

returned a total of 200 questionnaires (i.e., 33.3% overall return rate), including 129 viewers' (43%) and 71 media executives' (23.7%). The distribution of gender in the overall sample is fairly balanced with a noticeable overrepresentation of male respondents in the media group. The mean age in both samples was around 36 years with significantly larger variance in the viewers group – most of the media executives ranged between 31 and 50 years. Whereas the viewers group mainly consisted of young singles and participants living together with their partner, participants from the media group were predominantly married. Both groups did not significantly differ regarding household size.[12]

6. Crime Reports in Five Different TV Programmes

According to the findings from the qualitative interviews it was assumed that TV crime reports show only a few *selected types of offences*, in particular, serious violent crimes. Furthermore, this handpicked choice of offences is often presented in a very extreme way that exaggerates the criminal actions. In order to quantify the participants' perception of TV crime reporting, five different TV programmes[13] were to be rated regarding the following three aspects of crime reporting (that are considered to be independent from each other): (1) *Realism*, i.e., "How realistic is the presentation of offences in the respective programme?"; (2) *Representativeness*, i.e., "How selective is the choice of offences shown in the respective programme?"; and (3) *Impact*, i.e., "How much influence has the presentation of offences in the respective programme on the ideas and concepts that *an ordinary TV viewer* has about criminality?".[14]

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[12] In the interviews and in the questionnaire a wide range of topics was treated, e.g., questions related to media usage, personality of the viewer, assessment of TV crime reports, and knowledge about crime statistics (see Kania, 1999). This contribution presents only a few selected results.

[13] The participants had to assess the following types of *German* TV programmes in which crimes are reported on a regular basis: (1) *News*, (2) *Newsmagazines*, (3) *Infotainment*, (4) *"Most Wanted"*, and (5) *Detective Series*.

[14] Here, an indirect third-person wording was used in order to avoid social desirability effects.

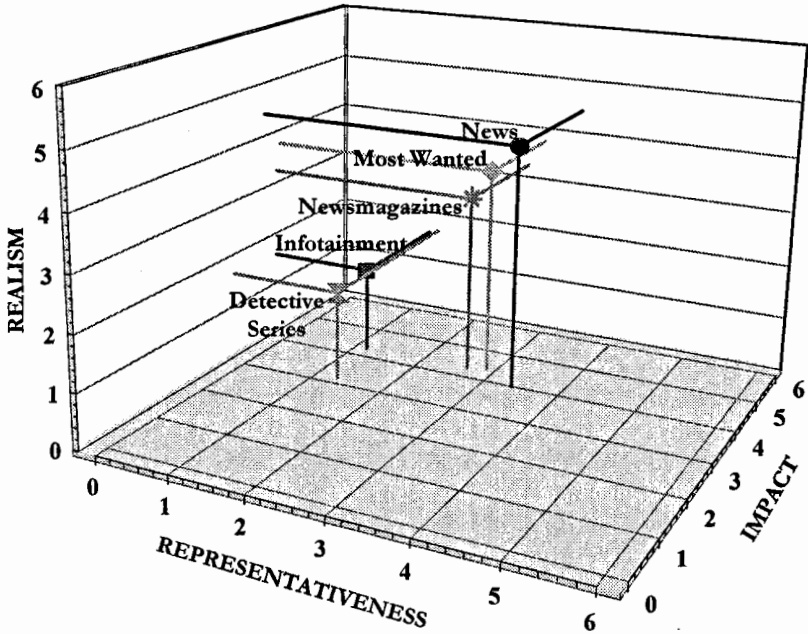*Figure 2: Assessment of 5 Different TV Programmes*[15] *(Total Sample)*

Figure 2 shows the participants' mean ratings regarding these three aspects of TV crime reporting as a three-dimensional, cubical scatter plot. The dimensional values of each programme can easily be read off using the programmes' markers and their respective projection lines.[16]

Obviously, the participants see only very small differences between the programmes regarding their impact. On the other hand, there are substantial differences in their rating of the other two aspects. *News'* crime reporting is regarded as most representative and realistic of all five programmes, followed by *"Most Wanted"* and *Newsmagazines*. *Detective Series* and *Infotainment* programmes are almost tied at clearly lower ranks. Remarkably,

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[15] The programmes were assessed on a 7-point rating scale, ranging from 0 ("not at all realistic/representative/influential") to 6 ("totally …"). The marker points and their respective projection lines onto the three walls of the cube indicate the mean rating of the total sample (i.e., viewers and media executives).

[16] The exact values were renounced in favour of a better readability and clarity of the graph.

none of the programmes was assigned more than mid-scale ratings for representativeness, whereas all the programmes were assigned at least medium impact. Generally, the relations of the total sample can also be found within both sub-samples, although there are some noteworthy differences in detail, e.g., that media executives are more conservative about assigning higher values for representativeness (see Kania, 1999: 111 ff.).

7. Presenting Perspectives of TV Crime Reports

In another part of the questionnaire, participants were asked to what degree the five TV programmes do actually present (a) the *perspective of the offender*, i.e., whether the programme shows, e.g., his personal background and his motivation for the offence and (b) the *perspective of the victim*, i.e., whether the programme shows, e.g., how victims (or their relatives) suffer. *Figure 3* shows the mean ratings for both presenting perspectives, each for the total sample and for both sub-samples.

Figure 3: Assessment of TV Presenting Perspectives[17]

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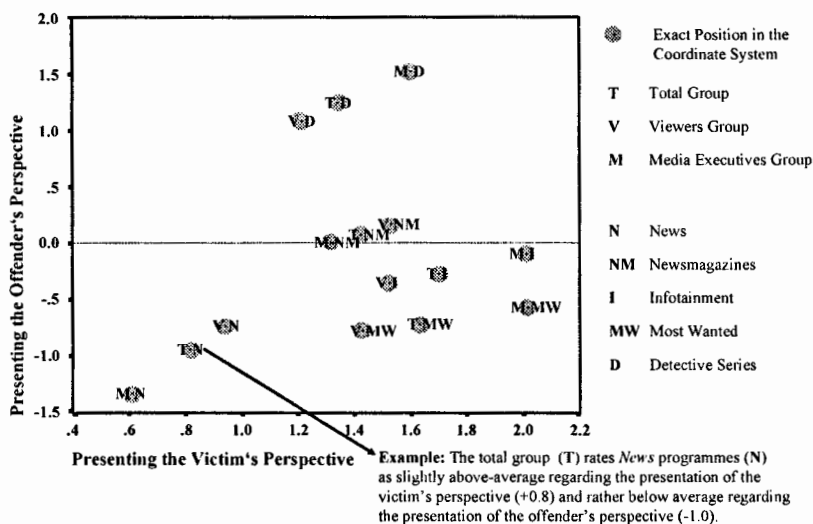
[17] The original rating scales had 7-points each (from -3 "... perspective not presented" to +3 "... perspective fully presented"). Because the participants' mean ratings only use a part of the scales, *Figure 3* shows only these parts.

Generally, these results indicate a preference for showing the victim's rather than the offender's perspective, i.e., in all five programmes, the absolute values were higher for showing the former.

In detail, *News* programmes were rated lowest for both dimensions. The ratings for *"Most Wanted"* programmes were comparable to those for the News programmes regarding offender's perspective, but significantly higher for presenting the victim's perspective. The *Infotainment* programmes' ratings were quite comparable to the latter, although a bit higher for both dimensions.[18] Compared to Infotainment, *Newsmagazines'* ratings were lower for showing the victim's perspective and at the same time a bit higher for the offender's perspective. Due to the participants' assessment, *Detective Series* presented (comparably) the most information about the offender, whereas the information given about the victim was the second lowest of all five programmes. Overall, both sub-samples rated the presenting perspectives of all five TV programmes at comparable levels – with the highest agreement regarding Newsmagazines.

Whereas the former two variables should assess the actual *quantity* of the presented perspective in the TV programmes, the participants were then asked to also assess the *quality* or the *emotional aspects* of the presentation, i.e., whether (c) the *offender's motives* were actually *explained* in a way that allows the viewer to understand what drove the offender to do whatever he did and whether (d) the presentation *evokes sympathy for the victim's suffering*.

Due to the lack of space, the results for the combined analysis of the quantitative and the qualitative aspects of TV's crime reporting can only be described briefly.[19] According to the participants, none of the five programmes showed – much less explained – in a significant way the offender's motives. *"Most Wanted"* programmes were lowest in that regard, followed by *Infotainment, News* programmes, and *Newsmagazines*. Only *Detective Series* showed mid-level explanatory information. Overall, there was a positive correlation between the quantity and the quality of presenting the offender's perspective, i.e., programmes that show generally more information about the offender also tend to do this in a way that helps the

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[18] Actually, *Infotainment* programmes were given the highest ratings for showing the victim's perspective. This could be due to the fact that the respective programmes (at least in Germany) prefer showing lamenting and crying victims (or the bereaved).

[19] See Kania (1999: 118 ff.; 2000: 87 ff.) for more detailed results.

viewer understanding the offender's motivation.[20] In contrast to that, giving more information about the victim leads to less sympathy for his or her misery and a greater emotional distance from the viewer.

8. "Risks and Side Effects": Distorted Realities?

Evidently, the participants assessed the TV programmes' realism and representativeness of crime reporting mainly based on their personal knowledge and individual assumptions about the real (i.e., statistical) criminality (see *Section 6*). If these assumptions are significantly distorted, similarly distorted crime reports will not be perceived as such. On the other hand, TV reports can also change the viewers' assumptions about crimes.

Therefore, the participants were also asked to assess some basic parameters that could subsequently be compared with the official figures of the crime statistics. These parameters were (a) the *annual number of homicides*[21] and (b) the *annual percentage of homicide cases solved* (both only with regard to Germany). Additionally, the participants were also asked to assess (c) their *personal risk of becoming a victim of homicide*.[22]

(a) The individual ratings of the *annual number of homicide* cases in Germany were dispersed over a wide range, with the lowest guess at 50 cases and the highest guess at 5 million cases per year.[23] Almost every fifteenth participant thought that there are more than one million cases per year in Germany and the mean value was 192,618 cases (with a standard deviation of 613,725). But because of some extremely high individual val-

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[20] NB: This is not as trivial as it might sound because simply giving more information could as easily produce an even greater lack of understanding or even rejection and disgust.

[21] Due to the rather complex German legal definition of *homicide*, the participants were provided with an everyday definition that is more intelligible to the layman and upon which the participants were asked to assess the respective figures: "*Homicide* should in the following be regarded as any *completed, intentional killing* of another human being". This definition is, more or less, including the German legal definitions of "Mord" (§ 211 German Criminal Code [StGB], comparable to "murder", although narrower in definition) and "Totschlag" (§ 212 StGB, comparable to "manslaughter"), always excluding incomplete attempts.

[22] To be assessed with a rating scale ranging from -2 ("highly below average") to +2 ("highly above average").

[23] NB: In relation to a total German population of around 80 million!

ues (*outliers*), the median is the more appropriate measure of central tendency in this case. It was 2,250 ($N = 196$).[24]

(b) Similarly, the respondents' ratings of the *clear-up rate* also varied greatly: Whereas the lowest individual guess was 2%, the highest was 98%. Approximately one-third of all respondents thought that the clear-up rate was below 50%. Every sixth participant thought it to be even lower than 30%. Overall, the mean rating was 63.2% (with a standard deviation of 24.3) and the median was 70% ($N = 198$).[25]

(c) Guessing their personal risk of being killed, the main part of the respondents tended to assuming it "below average" (45.8%) or "highly below average" (26.6%). Only a quarter of the respondents assumed themselves to have a risk that is "average" (24.6%), "above average" (2.5%) or even "highly above average" (0.5%).[26]

Furthermore, there were also remarkable *gender differences* for these three ratings: The male participants' mean rating of the clear-up rate was clearly higher, i.e., more realistic, (69.1% vs. 57.1%) and their rating of the annual homicide rate was significantly lower (83,434 vs. 301,802), which is also more realistic. Additionally, they feel in (slightly) less danger of being killed than the female participants did.

The assessment of the clear-up rate also varied between the different *age groups*, with the middle age groups between 31 and 50 years having the highest ratings. The assumed number of annual homicides decreased with increasing age, with the youngest group having the highest, i.e., most unrealistic ratings. Both statistical ratings also became significantly more realistic with increasing *education-level*, with the annual homicide rate falling and the clear-up rate rising. *Figure 4 and 5* show the details.

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[24] To solve the riddle for the (few?) unknowing but curious readers: In 2001, there had been "only" 868 "successful", i.e., completed homicide cases reported officially (Bundeskriminalamt, 2002: 135).

[25] Actually, in 2001, 94.1 percent of all recorded homicide cases (§§ 211 and 212 StGB) had been cleared up successfully (Bundeskriminalamt, 2002: 135). As this statistic does not distinguish between "attempted" and "completed" offences, the rate should be even higher including only the latter (as is done here).

[26] If not mentioned, the self-reported risk of victimisation did not differ significantly between the respective groups.

Figure 4: Assessment of Crime Statistics by Age Group
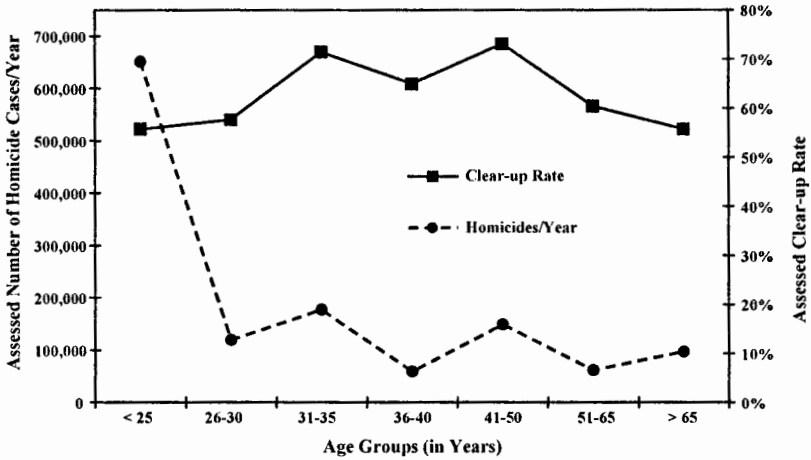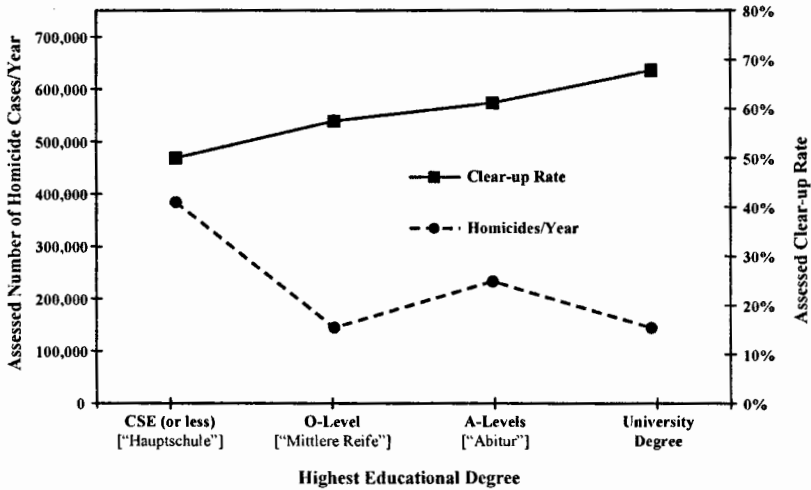

Figure 5: Assessment of Crime Statistics by Education-Level

There were some further notable group differences (all without figures): Participants who lived together in the same *household with underage children* (i.e., not necessarily their own) rated the annual frequency of homicides significantly lower (39,500 vs. 236,941) and the clear-up rate somewhat higher (68.1% vs. 61.8%). Participants from the *media executives'*

group assumed (on average) a significantly higher clear-up rate than the participants from the viewers' group (75.3% vs. 56.7%). The other ratings were comparable.

In the questionnaire the participants were also asked to provide information about their media consumption habits both in quantity and quality (i.e., TV, video, cinema). These data allowed, among other things, to assign the participants either to the group of *"light" or "heavy" television viewers*.[27] The renowned US-American communications scholar, George Gerbner, probably best known for his research regarding the effects of television violence, claimed that television replaces all other sources of information, ideas, and consciousness (see, e.g., Severin & Tankard, 2001; Stossel, 1997). Thus, it is monopolising the world view, which is especially valid for heavy television viewers (*cultivation theory*). Because of the violence they frequently watch on television, heavy television viewers seem to perceive the world as a *mean* and *scary* place and are more fearful and wary about it than light viewers (*mean world syndrome*).[28] This study also accounted for Gerbner's hypothesis, comparing the ratings of *light* and *heavy* viewers. Unexpectedly, both groups were almost alike regarding all three assessments.

9. Summary and Discussion of the Results

This contribution analysed TV crime reporting in connection with the viewers' personal concepts and individual knowledge about criminality. Based upon a draft theoretical process model of the social construction of different realities of criminality, a two-step empirical study was conducted, using qualitative interviews as the starting point for a subsequent questionnaire survey. During both empirical stages, ordinary TV viewers and media executives were asked about a variety of media and crime related topics, e.g., their perception of crime reports, media usage and habits, and knowl-

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[27] Based on the participants' reported daily TV consumption, *heavy* and *light viewers* were categorised (roughly) as the upper and lower fourths of the distribution, respectively (for details, see Kania, 1999: 90).

[28] Based on extensive analyses of the media, Gerber proved that TV programmes show significantly more criminality and violence than can be found in the crime statistics. He assumed that this constant misinformation distorts heavy viewers' assumptions of the world they are living in, in particular with regard to their personal safety. Consequently, one of his earlier (and most popular) works is entitled "The scary world of the TV's heavy viewer" (Gerbner & Gross, 1976).

edge about crime statistics. The data were analysed mainly with regard to the particularities of five different TV programmes and potential group differences in their assessment. Generally, the differences between the viewer and the media sample were not as large as expected. On the other hand, specific variables of media consumption were more influential. But also some more general demographic variables, like gender, age, or education, produced some remarkable differences. The following paragraphs summarise and discuss the main results in more detail.

For all five TV programmes, the assessed *representativeness of crime reporting* was rather low (in fact none of the programmes had a mean rating that was remarkably above the scale mean).[29] Quite the same can be said about the assessed *realism of crime reporting* in the five programmes, although the level was generally slightly higher. Therefore, the conclusion can be drawn that TV programmes are usually perceived as *not showing representative and realistic reports on crime*. Rather these programmes seem to distort reality by (a) *selecting offences*, in particular, overemphasising homicide and other violent and/or sexual offences and at the same time neglecting economic or white collar crime, environmental crime, and the ubiquitous property crime (which seems to be of minor interest to the public). Additionally, TV crime reports often (b) *exaggerate* the way these handpicked offences are committed by real offenders in the real world. Thus, *selection* and *exaggeration* seem to be the most important means of distorting reality.[30] But, of course, there are differences between the programmes that had been assessed: *News* programmes were perceived to be showing both, the most representative and the most realistic crime reports. On the other side of the scale, *Detective Series* and *Infotainment* programmes were perceived as clearly least trustworthy. Given this information, it was quite remarkable that the widely differing programmes were attributed almost the same mid- to high-level impact on "the ideas and concepts that an ordinary TV viewer has about criminality". This fact seems to be particularly disconcerting considering the programmes' rather low values for representativeness and realism.

With respect to the *perspectives presented in crime reports*, the victim's perspective seems to be preferred, whereas (at least the German) pro-

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[29] As a common trend, media executives rated the representativeness of crime reporting even lower throughout all programmes than the viewers did.

[30] One could claim that this would not actually be *lying* – but the combination of both methods, selection and exaggeration, is at least *distorting the truth*.

grammes obviously avoid showing the offender's perspective. This result should also be considered in a broader social and political context of a growing interest for victims of crimes and their needs.[31] Again, substantial differences were found for the five programmes, e.g., *Detective Series* seemed to be more likely to show both perspectives, whereas *News* programmes normally show neither perspective. Generally, it can be said that the more the offender's perspective is presented the better the understanding of his motives – as an almost linear relationship. In programmes where no or little information about the offender is given, in particular "*Most Wanted*", he remains a shapeless, unfeeling creature whose actions normal people cannot comprehend at all. On the other hand, the relation between the quantity and emotional quality of the victim's perspective is exactly the other way around: Focussing too often and too much on victims or their relatives, as in *Infotainment* programmes primarily, leads to less sympathy for the victim than a more economical use, e.g., as in *News* programmes. It seems almost as if too much lamenting and suffering at a certain point leads to a reverse effect, i.e., that the viewers are saturated and annoyed with all the pitiful details.[32]

The participants' *assumptions about statistical crime facts*, at least regarding homicide as a prominent instance, were remarkably off from the (statistical) reality. On the one hand, they greatly overestimate the annual number of such cases. On the other hand, they clearly underestimate the respective clear-up rate – although in both cases the values were widely dispersed. Paradoxically, almost all respondents rated their individual risk of becoming a victim of homicide as "(highly) below average".[33] The comparison between the extreme *heavy* and *light* TV viewers shows that this underrating of personal risk is a general phenomenon that cannot be attributed to the respondents' media consumption.[34] And even if the quantity of

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[31] Compare, e.g., the booming area of *victimology*, the increasing presence of victim service and support organisations (e.g., in Germany "Der Weisse Ring" ["The White Circle"]) and the recent changes in the German criminal law in order to improve the position of the victim in criminal proceedings (for an overview, see, e.g., Kilchling, 1995).

[32] Thus, the producers of such programmes should recall that "a sword used too often can become blunt with time".

[33] Although the sample's risk is probably rather on the average or even higher due to its sociodemographic profile.

[34] In an inversion of Gerbner's "mean world syndrome" (see *Section 8*) one could plausibly assume that light viewers live in a comparatively "nice world".

TV consumption[35] did not have any significant impact on these assumptions, some other group variables did, e.g., gender, age, and education-level. For example, the participants' statistical ratings became more realistic with higher education and, at least for the annual number of cases, also with increasing age. The fact that respondents who live together with underage children assumed less homicide cases per year could possibly be explained by a particular *protection mechanism*: The concern for their offspring shifts their beliefs into the desired direction. The overall more realistic ratings of the media executive group are perhaps a side effect of group differences regarding age and education-level.[36]

10. Concluding Remarks and Outlook

The key factor for the high impact of TV images seems to be their *capacity to emotionalise the content*. Without emotions, as one interviewee pointedly remarked, the "pictures are maybe catching the eye and the ear – but they will be failing the heart". On the basis of the results of this study, one might add that the pictures can "reach the brain" *solely* via the heart: *What really works is what really affects people* – largely regardless of how representative or realistic the content might be. In this respect, regarding the presenting perspectives and their emotional qualities (see *Section 7*) seems to be a promising new approach.

Participants' massive overrating of the annual number of homicide cases, combined in an *unholy alliance* with radical underrating of the percentage of solved homicide cases might be attributed to the common media presentation of homicide cases as shown in US-American movies, i.e., that in many cases the murderer will not be caught.[37]

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[35] The original study included some further analyses that also considered *qualitative media consumption aspects*, e.g., programme preferences and the usage of other media. Using these, the participants were assigned to particular *groups of media usage* (information/entertainment/fiction type) that produced some notable differences (see Kania, 1999 for the details).

[36] To a certain extent this could also be explained as a consequence of media executives' professional preoccupation with official statistics.

[37] Although this might only be a first hypothesis that demands multi-method empirical testing that employs both, media content analysis of the respective movies and experimental studies, testing the impact of various contents on the participants' statistical ratings.

Taking into account all available data,[38] a main issue of the research about TV crime reports and individual concepts of criminality is that TV crime reports, besides entertaining, thrilling, and informing people, seem to have another *social function*: These reports show the people instances of what is *good* and what is *bad*, what is *right* and what is *wrong* (see also Stehr, *forthcoming*). These presented concepts of *just* and *unjust* might be intended to deter potential offenders from their planned wrong-doings or, in contrast, to strengthen the norm-obeying habits of ordinary people. Thinking about this, the social function of TV crime reports bears a striking resemblance to the criminological concept of *general prevention*. This theory about the preventive effects of punishment has two elements: (a) *General deterrence* ("negative Generalprävention") that should cause fear among (prospective) criminals and (b) *norm confirmation* ("positive Generalprävention") that should strengthen the "habitual lawfulness" of the other members of society by instilling "unconscious inhibitions against crime" (Andenaes, 1966: 951).[39] And, remarkably, both aspects can also be found in a much more traditional media genre, *folk tales*, in which the protagonists suffer hardship because they disregarded the authorities' advice. Such tales were (and sometimes still are) also influential on people's fear, thus driving their actions. Therefore, at the very end of this contribution, I want to suggest considering TV crime reports as *modern folk tales* – and although the presentational style and medium have changed, the principle remains the same.

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[38] Including the interviews from the first empirical stage of this study and also including current qualitative research about lay people's concepts of criminality (Kania, forthcoming).

[39] Regarding the concept of general prevention, see, e.g., Andenaes (1975); Kaiser (1996: 258 ff.).

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Literary Theories of Crime[*]

MICHAEL WALTER

1. Scientific Theories and Lay Theories

"Everyday concepts of criminality", which are close to so-called "lay theories", form the framework for the following analysis. Lay theories need not always be true, but our actions, whether professional, social, or private, are invariably influenced by them. Lay theories are usually contrasted with scientific theories, which are subject to empirical tests. According to prevailing opinion, this occurs via the formulation of refutable hypotheses that are, in the context of criminology, related to the development, experience, and treatment of criminality.

This polar understanding, opposing scientific theories to lay theories, however, sheds no light on the significance of lay theories for our actions. First of all, we find widely differing predictions about empirical regularities within the scientific theories. Here the variations consist not only in substantively differing statements about criminality, but also in the differing levels of theoretical complexity and compatibility with other theoretical assumptions. Thus, some theories of crime attribute deviant behaviour not only to different conditions such as, for example, a defective personality, a certain subcultural environment, or to self-control mechanisms, but also these approaches differ in scope and in compatibility with alternative explanations. This is why we often speak of explanatory *approaches* (instead

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[*] A German version appears in: M. Walter, H. Kania & H.-J. Albrecht (eds.) *Alltagsvorstellungen von Kriminalität. Individuelle und gesellschaftliche Bedeutung von Kriminalitätsbildern für die Lebensgestaltung*, Münster: Lit, forthcoming. [Translation: James Cohen]

of theories) in order to allude to the limitations of the theories in question. The concept of secondary deviance, for example, emphasises the fact that criminality can (and in some cases does) arise from prior interactions with the criminal justice system – therefore this theory does not apply to criminality in its entirety. An example from the opposite end of the theoretical range is the more recent "General Theory of Crime" from Gottfredson and Hirschi, which tends to bite off more than it can chew.[1] Furthermore, there are theoretical approaches that are easily combined with other approaches. For example, learning theory can be combined with rational choice and decision making approaches, e.g., producing explanations about the learning of values and goals. Other approaches are less easily combined. Biological theories are such an example; but even a genetically determined mental state does not preclude subsequent intervention, e.g., via conditioning and learned behaviour (Eysenck, 1977: 93). Thus, the differences found within criminological theories (or theoretical approaches) are not only vast, but they also affect different levels at the same time.

The distinction between scientific theories and lay theories is otherwise not a sharp one, since on the one hand lay theories can of course be scientifically tested and refuted. On the other hand, however, scientific theories are widely disseminated among professionals through seminars, practical manuals, and other channels. Admittedly, they become simplified in this process and are often blended with other theories or theoretical elements. As has been shown in a study by Averbeck & Lösel (1994), the acceptance of scientific theories is selective and depends, among other things, on the status of particular professional groups within the criminal justice system. Put in more simple terms, one could say that each professional group prefers those approaches which "fit" its particular activities and interests (cf. Geiter, 1998: 294 ff.). Thus, we find scientific theories, even if they are in the company of "experts", in various manifestations and forms and in varying degrees of purity. Such blended (and often less elaborated) theories are not only found among practitioners, but also within scientific works (see, e.g., Pfeiffer, 1996: 225).

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[1] See Gottfredson and Hirschi (1990: 85 ff.): Low level of self-control as "nature of criminality".

2. Literary Theories of Crime?

In the face of this morass, it may initially make sense to search for more transparency, consistency, determination, or just more clarity of thought, but I neither want to sound nor follow this call. The point here is not to categorise or organise the theoretical "landscape" but to ask the question of whether or not there are possibilities for qualitatively improving our understanding of reality. This understanding includes all the levels mentioned, i.e., the scientific, practical, and everyday levels of the informed layman. As a responsibly acting citizen, he must worry about criminality, e.g., relating to voting decisions or the acceptance of community crime prevention[2].

In this contribution I would like to suggest that our current theoretical understanding of criminality can be considerably enriched and improved by the integration of "literary theories" (i.e., theories of crime taken from literary works, such as stories, novels, or plays). Like other theories of crime, the concern is directed toward showing the regularities of reality. This concern is frequently the aim of artistic literature, i.e., to make a general statement about reality, even if it portrays only individual cases and gives a simplified or stylized representation. We can thus note that the intentions of theories and of literary works share a common goal. Both aim to recognise and depict the rules that determine the events of this world. There is of course a fundamental problem in starting to speak about literary theories without being able to illustrate these on a broad basis and to cite related sources. Thus, I am not yet able to prove my theory in a more narrow sense. But such a step first requires identifying the path one should follow. Therefore I will discuss the situation in general and then give an example, a play by the Swiss playwright Friedrich Dürrenmatt, to illustrate the latent usage of literary approaches and to clarify their content – and advantages. It is too early to hope for a final answer to the question of which theoretical approaches from fiction and literary works can be gainfully used for which criminological purposes and in which ways. But it appears worthy to pursue the initial test of whether or not theoretical statements can be found in the wealth of the existing artistic literature. The application of those theoretical statements could contribute to progress in various areas of criminology.

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[2] See, among others, Obergfell-Fuchs (2001), who emphasizes the meaning of public opinion and participation (see, e.g., 417 ff., for an assessment of the causes of criminality and views on practical reduction of criminality).

3. Extracting Literary Theories and their Potential Benefits

Usually, criminological literature has much more to say about the *content of theories* than their *context of discovery* (*"Gewinnungs-Zusammenhang"*) (Dolde, 1993: 546). The origin of all theoretical thinking is intuition, providing ideas for explaining reality. Hence, science has as much to do with formal creativity, as art does. In addition, some criminologists explicitly recommend avoiding pale "armchair theories" (*ibid.*). For this, field research and participatory observation are preferable. These methods allow for describing the regularities of reality by inducing from experiences (*ibid.*).

When surveying the prevailing theories of crime, one often finds instances of *juvenile delinquency*, although the spectrum of criminality naturally reaches much further, including, in particular, economic crime, environmental crime, and macro-criminality (see Jäger, 1989; cf. also Walter, 1993). Through the abstraction from complex observations, an attempt is made to deduce a few substantial regularities. The result is gross abbreviation in often detached or even wooden language.[3] Juvenile delinquency seems to be a starting point because it is more open and visible to the outside world; it is more tangible than, for example, the subtle machinations of apparently respectable parties engaging in subsidy fraud.

Due to the many conditions affecting human behaviour and the number of people participating in the social construction of *"criminality"*, and due to changes over time, the explanatory and predictive powers of scientific theories are rather limited. In particular, we have no universal theory and can only hope to grasp partial aspects (among others, see Kaiser, 1997: 32). And although the current trend of combining theoretical elements of various sources in order to achieve refined and more complex hypotheses[4] should be appreciated, the basic situation won't change fundamentally.

Scientific theories help in understanding and organising perceptions, in judging behaviour, as well as in the development of reactions (see Kunz, 2001: 100 ff.). This practice of applying scientific theories results in the paradoxical situation that, despite the efforts to introduce more complex

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[3] In terms of colour, Goethe ascertained the significant difference between theories and real experience in *Faust I*, "all theory is grey, dear friend, but green is the golden tree of life" ("Grau, teurer Freund, ist alle Theorie, Und grün des Lebens goldner Baum").

[4] See Opp (1974: 264 ff.); cf. on this problem the work of Ortmann (2000).

models, in the end the plausible and rather simple theories are preferred. This is because such theories can be communicated and understood more easily by practitioners, journalists, politicians, and potential sponsors.

The tendency to formulate a theory in the catchiest terms possible, usually accompanied by formulaic statements and the use of (at first glance) highly persuasive arguments, is in no way limited to so-called lay theories, but also often found among scientific theories.

4. Theoretical Advantages of Literary Works?

Can literary works contribute to the improvement of criminological understanding in the face of these unavoidable problems? The positive answer goes hand in hand with certain caveats, since a final judgement would require a substantial analysis of literary works, which has yet to be done. This essay should be regarded as a call for such an analysis. But it is still possible to say that, in a large number of novellas, novels, and plays, some insights can be found that considerably deepen and sharpen our sensibilities about crime and its control (cf. the writings of Lüderssen, 1991; Müller-Dietz, 1999; Schmidhäuser, 1996). For example, Müller-Dietz shows convincingly the shocking extent to which some literary works challenge the certainties that we as jurists and "ordinary" people – and indeed as criminologists – take so much for granted.

Where are these insights to be found? First, we must overcome some essential limitations with which scientific theories must deal: For example, in literary works – and thus in literary theories of crime – there is no fixation on juvenile delinquency or property crime (as in traditional criminology). Literary works focus much more on the fundamental crime ("*Urdelikt*") of killing another human being.[5] In general, literary writers are supposedly more sensitive for intuitively extracting the motives and factors that are guiding our actions and behaviour. The more the author is successful in this endeavour, the longer his works will live on. Thus Shakespeare remains contemporary for us in a number of works, and even the ancient Greeks provide us with essential insights.[6] In comparison, some scientific theories

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[5] On Cain's fratricide of Abel see Kreuzer (1998).

[6] On the works of Sophocles see Schmidhäuser (1996: 85 ff.). As early as the 5th century B.C., Sophocles treated the meaning of disgrace and feelings of shame as well as the problem of self-punishment in "Oedipus Rex" (see 106 ff.). Shame and reintegra-

of criminology, in particular, those stemming from the biological tradition of the 19th century, seem to be old and outdated.[7] This may indeed be because literary descriptions are made on a more case-specific basis, and their theoretical assumptions are interwoven with real events and sequences. Thus, the historical and local binding plays only a negligible role because, as in any theory, the main aspects can be abstracted from the context.

One further advantage of literary theories appears to be that they need not promote any particular politics – from repression to prevention. Indeed they often oppose prevailing orientations. They are not as easy to functionalise as scientific theories are. On the other hand, a look at the historical sequence of dominant criminological theories shows both conspicuous affinity and parallelism to socio-economic conditions and the contemporary "Zeitgeist" respectively. From this perspective, the ideal of constant theoretical advance seems to be problematic.[8] Artistic representations often have the courage and independence needed to raise radical questions, even against points of view that may be dominant at the time, thus acting against ideologies and taboos.[9] Contrary points of view also become possible, such as considering crime as a "positive" event, e.g., as socially intelligible protest against injustice. Another possibility is, for example, a clear criticism of conventional concepts of danger and threat (e.g., terrorist phobia).[10] Furthermore, literary works often reject disciplinary biases. We scientists succumb to these biases that reflect the structures in academic power too easily and too often. In literature, individual, psychological, and social aspects can be combined with sociological, economic, and historical factors. Complex contexts can be conceived without premature "disciplinisation", thus promoting the analysis of large but still transparent contexts of meaning ("*Sinnzusammenhänge*"). If, for example, criminologists discover the theoretical value of milieus, lifestyles and ideal types (cf., e.g., Bock, 2000: 44

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tion in connection with crime have recently been rediscovered most notably by Braithwaite (1989).

[7] Summary and clear overview in Schwind (2002: 80 ff.), with further references.

[8] See Quensel (1986).

[9] Rolf Hochhuth gained renown primarily as this sort of taboo-breaker with his plays "*Der Stellvertreter*" ["The Representative"] (publ 1963) and "*Juristen*" ["Jurists"] (publ. 1979).

[10] See in particular Heinrich Böll's novella "*Die verlorene Ehre der Katharina Blum*" ["The Lost Honour of Katharina Blum"] (publ. 1974) and his satire "*Berichte zur Gesinnungslage der Nation*" ["Report on the Attitudinal State of the Nation"] (publ. 1975).

ff.), it must be noted that artistic literature has been working with corresponding means of abstraction for a long time.[11]

Now authors certainly don't continuously discover the world for the first time, but rather they rely in part on thoughts that they may well have drawn from scientific discourse.[12] Nevertheless, we also find increased sensitivity of perception, subtlety of representation, and emotional accessibility.[13] Literary works can communicate theoretical thoughts more clearly, closely, and vividly. No later than I had read Friedrich Dürrenmatt's play "The Visit"[14] I realised that literature may not be reduced to the simple adaptation of already existing thoughts and ideas. Rather, literary writers are also regularly active in finding new theoretical aspects. The concluding section of this essay will try to exemplify the ideas presented so far.

5. Criminological Theory in Dürenmatt's "The Visit"

The basic story of this "tragic comedy" is that the respectable citizens of the imaginary small town Guellen murder a formerly respected fellow citizen, the mayoral candidate Alfred Ill. They commit this murder in order to appease an old lady's demands and to realise her promise of a large financial reward. The old lady, Kläri Wäscher, is Ill's former mistress, who long ago was shamefully "deserted" by Ill. Thus, she had to give birth to her illegitimate child in a foreign land. Moreover, Ill had denied paying child support to her by manipulating the legal proceedings. After the death of her immensely wealthy husband, Kläri becomes immeasurably rich as Claire Zachanassian while away. After her return to Guellen, she tries to buy what she regards as justice by promising a billion to the citizens for the murder of Alfred Ill. Her plan ultimately succeeds. The play consists of three acts and shows how the citizen's attitude changes from initial protest against the old lady's barbarous request to a compliant readiness. Finally, the collec-

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[11] One should also mention, e.g., many of Gerhart Hauptmann's works.

[12] See in this sense Laue (2001), who points to the adoption of the labelling approach in Thomas Bernhard's 1970 novel "Das Kalkwerk" ["The lime works"].

[13] Kunz recently (2001) praised Leo Tolstoy's novel "Anna Karenina" (written between 1873 and 1877) for its particular illumination of the significance of ideas of shame – at the same time considering the aforementioned concept of "reintegrative shaming" by Braithwaite (1989: 168).

[14] Published in German as "Der Besuch der alten Dame" (1998, first staged in 1956).

tive murder of the "respectable" small-town citizens becomes possible despite all Western cultural traditions.

Considering the play from a criminological point of view, it is important to capture the theoretical content. The very simple conclusion that "money can buy anything" may be included in the text, but this is hardly the central point. The quintessence of the play is rather about the power of money, through which the general rules that are intended to apply equally to all persons can be suspended. A symbolic foreshadowing of this power is given at the beginning of the play when Mrs. Zachanassian casually pulls the emergency brake in order to stop the train at Guellen. The resulting outrage of the other passengers can be easily suppressed by simply referring to her wealth. The underlying message: Power can not only manipulate the "reality" or the "facts" but can also bend social norms and standards to the advantage of those in power. In our case the rich old woman can *afford her private justice*. In this regard a world view is indeed *for sale*. When one considers, for example, the current political attitude of the world power USA (in particular its highly "autonomous" definition of "good" and "evil") the topicality of this message is felt rather oppressively.

The underlying general issue of the play cannot easily be assigned to the customary definition of criminality but should be assigned to an area that was recently called *macro-criminality* (Jäger, 1989; Walter, 1993). This area has so far been neglected by criminological research. The play teaches us how the pursuit of profit on the part of the citizens can lead to murderous consequences, despite (or maybe *because of*) their "respectability". What we see is a slow but constant smouldering process of neutralising[15] initial resistance. After being presented with a justifying ideology, the people of Guellen are willing to kill their fellow citizen, even if the hypocrisy and mendacity of this ideology is only barely veiled – probably because the people want to believe in it. The play ends with a cruel murder that is perversely considered a cathartic act on the verge of a new virtuousness. Actually, even the most serious crimes are committed by (formerly) ordinary, otherwise "righteous people" who experienced severe socio-psychological changes. Despite of all that the mass media want us to believe, in the real world ice-cold murder does not require a "monster".[16] As a result, Dürren-

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[15] The discovery of the techniques of neutralisation can be traced back to Sykes and Matza (1968), for further references see, e.g., Walter (2001: 61).

[16] A closer analysis can be found in Neubacher and Walter (2002: 148 ff.).

matt's play, which is both unorthodox and stirring, not only refutes the common assumption of the a-socialised and defective law-breaker in an impressive manner, it also illustrates essential socio-cultural and socio-psychological factors that facilitate criminality. Finally, reading the play leaves the criminological reader with mixed feelings about the currently omnipresent community crime prevention approach, promoting the honest people's "fight against crime".

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Reality and Fiction in Literary Representations[*]

HEINZ MÜLLER DIETZ

1. Remarks on the Discussion of "Literature and Criminality"

Interdisciplinary research on the topic of "Literature and Criminality" has resulted primarily in creating three essential questions, which have characterized relevant discussions in the past. The first question concerns realism of content (*Realitätshaltigkeit*) and realistic adequacy (*Realitätsangemessenheit*) of literary representations, which commanded scholarly attention at an early stage (Linder & Schönert, 1983: 200). Here we are confronted with the old question of what relationship literary texts bear to the realities of life, and whether and to what extent (to assume an admittedly naïve point of view towards this relationship) they actually represent reality. Of course the latter formulation abbreviates and perhaps even falsifies the intended meaning since, as will be shown, literary representations in no way consist exclusively of depictions of reality nor do they (necessarily) result in such depictions – but they may transcend them.

The second question, more closely associated with literary research, addresses the "art of representation", i.e., the respective narrative techniques and patterns used (*ibid.*). These techniques and patterns themselves provide information on the manner in which the content, criminality, and its control, are treated. Thus narrative technique and pattern are also of interest for specific criminological perspectives.

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[*] A German version appears in: M. Walter, H. Kania & H.-J. Albrecht (eds.) *Alltagsvorstellungen von Kriminalität. Individuelle und gesellschaftliche Bedeutung von Kriminalitätsbildern für die Lebensgestaltung*, Münster: Lit, forthcoming. [Translation: James Cohen]

Literary and criminological analyses are mutually intertwined to an even greater degree in the context of the third question. Here the focus is on the "poetic nature" of the story, i.e., the question of the extent to which the recounting of criminal procedures and trial procedures appear to be elevated to a type of "greater truth" (*ibid.*). This is of elementary relevance to the constitution of the meaning (*Sinnkonstitution*) of literary texts.

This rough overview of the topics considered relevant in interdisciplinary research gives some indication of the wide variety of perspectives to be found in literary texts. This applies to relevant representations in recent literary history, which defy or challenge explicit classification and thus also defy a simple (explanatory) framework.

2. On the Relationship between Reality and Fiction from a Literary Perspective

The relationship between reality and fiction constitutes one of the central problems in the history of literature. This becomes evident with such prominent opinions (or insights) as those expressed by Cesare Pavese in his "Diaries": "Human fantasy is immensely poorer than reality" (1963: 98).[1] On the other hand, Urs Widmer is of the opinion that "literature is *always* fiction. Even autobiographically inspired literature invents, it must invent" (1997: 70). In his opinion, "because the boundaries between the 'invented' and the 'real' are flexible, it becomes particularly clear that in art it is not possible to separate a 'lie' from the 'truth'. Literature aspires towards another truth, a metaphorical truth" (*ibid.*).[2] This point of view touches on placements of literature in literary studies, for example when Gert Ueding summarizes their specific character: "Literature is utopian in the certainly very broad intellectual view that it is not identical with the reality which we encounter as nature and society. It is utopian in the much more precise sense that its relationship to this reality is that of satisfaction to privation" (Ueding, 1979: 7).

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[1] Cf. also the critical reflections on artistic reproduction of reality in Robert Musil (1981: 34) and Albert Camus (1972: 188).

[2] On the relationship between reality and fiction in autobiographies see, among others, Linhua Chen (1991).

The question "What is fictive, what is authentic?" underlies all narrative forms of art.[3] The question is deeply engrained throughout the entire history of literature. An early example can be taken from the work of the South Tyrolean poet Oswald von Wolkenstein (1377-1445) (cf. Schwob, 1979). The range of relevant literary experiences stretches from there to the present. This issue was, for example, recently raised in connection with the writings and descriptions of contemporary American authors (Döring, 2001). It has also been discussed in connection with filmed representations, such as when, on the occasion of the Berlinale, the question was posed as to whether the latest film portrayals of recent events were to be understood as "contemporary history or fiction". An example in this sense is the Christopher Roth film about the RAF named "Baader" (cf. Heybrock, 2002: i).[4] And the question of realistic adequacy has also been raised by (American) prison films as the subject of a sustained criminological and journalistic discourse (e.g. Bammann, 2001; Meierhenrich, 2001; Schmidt, 1998).[5]

Literature and literary aesthetics have thus for a long time been concerned with the question of what roles fiction and reality play in literary representations, and how their relationship to one another in such texts should be considered.[6] In her study on the novel "The Gouffé Case" ("Der Fall Gouffé") by Joachim Maass, Anja Sya presented by way of introduction the approximately 2000 year development of this discourse together with critical reflections on the topic (2001: 3 ff.). Here it is clearly shown that, in Goethe's time, the concept of the intrinsic reality of literature begins to gain ground, but that even today two more or less irreconcilable opposing positions have emerged: On the one hand, the opinion that reality and fiction cannot be reconciled because they are of two distinct natures (Sya, 2001: 8 ff.), and on the other hand the criticism of the autonomy theory, which holds that the dichotomous separation of and distinction between reality and literature is untenable (*ibid.*: 10 ff.).

Sya has reasons for considering the latter point of view to be correct. She properly reminds us of the fact that poetry always has roots in reality, a

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[3] "The tricky relationship between reality and fiction is an underlying problem in every artistic production" (Obermüller, 1989).

[4] Newer attempts at sufficient literary treatment of the problem, are found e.g. in Scholz (2001) and Sonner (2001). On the return of the topic as an expression of *Zeitgeist*, see Mohr (2002).

[5] Cf. Matthias Kuzina (2000).

[6] Paradigmatic Lutz Rühling (1996), cf. also Jochen Vogt (1996: 293 ff.).

more or less close relationship to the outside world. Thus literary fiction always contains reality "in the form of the horizon of experience and world knowledge which permeates and delimits it". "An author cannot write in full isolation from the reality which surrounds him" (*ibid.*: 13).[7] In this sense literature as fiction can in no way be considered as a polar opposite to reality! It is much more permeated by reality, and represents realities in spite of its fictional nature. "One could say that fiction, rather than being a simple opposite of reality, communicates to us something about reality" (*ibid.*: 15). We will encounter this position again in the course of further considerations in other literary history and literary aesthetic contexts.

To the extent that literature can be ascribed reference to reality, it can also serve as a source of discovery. Accordingly, the debate on fictionality in poetry leads to the discussion of its content in terms of discovery. From this point of departure Sya analyzes the relevance of literature for scientific and legal-science discovery. Here statements in literary texts are attributed "a more substantial weight than that which they could achieve in the everyday world, since they are no longer linked to the individuality of the author as a simple contemporary, but rather become an element in a sense-oriented and timeless overall text and as such are no longer transient and non-binding, but timeless and constitute senses" (*ibid.*: 23 ff.). "As depiction, selection, condensation, composition, stylization and self-reflection, poetry is more than and different from a simple linguistic reduplication of the world as given. In representation poetry is also always interpretation of the world" (*ibid.*: 25).

As a prime example we may take Robert Musil's novel "The Man Without Qualities" (1978), which constitutes a source of discovery that is yet to be exhausted. This point is true in spite of the almost overwhelming volume of secondary literature. Indeed this was the reason my last relevant piece bore the title "Literary Understanding and Scientific Discovery in Robert Musil" ("Literarische Einfühlung und wissenschaftliche Erkenntnis bei Robert Musil", 2002).[8]

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[7] Thus also the author Susan Sontag: "One always writes only about the present, one processes topics and material, one reacts to events of the present" ("*Man schreibt immer nur über die Gegenwart, man verarbeitet Themen und Materialien, man reagiert auf Ereignisse der Gegenwart*") (2002).

[8] On the discovering quality of literature see, among others, Harald Weinrich (1997); Martin Ebel (2002).

3. Modern Literary Examples

3.1. Prolegomena

In the study of modernist literary texts, an initial and admittedly banal observation emerges: In light of the wide variety of stylistic forms, representational approaches, and literary subjects (*Sujets*), an almost incomprehensibly vast spectrum of possible approaches to reality and its literary treatment appears. The spectrum ranges from documentary reports claiming, perhaps justifiably, faithful representation of fact, through the so-called documentary novel (*Tatsachenroman*) to indistinguishable mixtures or even hybrids of reality and fiction. In between we find a large number of variations and versions each with its own way of handling historical or contemporary persons and events. Regarding this vast spectrum, doubts arise, whether the varieties of perceiving, processing, and representing can be forced into procrustean dimensions of any given scheme or catalogue.

The variety of authors' treatments of reality is accordingly immense. This will be illustrated using only five examples from literary modernism. A large number of further examples could however easily be introduced.[9]

By no means do the texts selected cover the entire range of existing representational patterns and narrative forms. But in their variety and diversity they are symptomatic for the treatment by contemporary authors of the topics of criminality and law enforcement. Notwithstanding the respective independent approaches to reality, and thus the sources which have served as the basis of the respective representations, as well as the respective special treatment of empirical material, the texts exhibit at least two things in common: They are based on the one hand exclusively on authentic, more or less spectacular criminal cases of the 20th century and recount the progression of the crime (and for the most part of the trial) in a more or less disguised form. On the other hand they clearly display a level of literary quality that is manifested in the type of representation, not least by the linguistic visualization of the events.

The works to be presented here in all brevity will be introduced in the chronological order of their appearance, and not following the chronology

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[9] Here mention should be made of Joachim Maass' congenial, greatly underestimated novel "Der Fall Gouffé" (1961; cf. Sya, 2001: 98 ff., 306 ff). The author Jürgen Fuchs (1998), who died at such an early age, referred to the literary treatment of personal experiences with the East German SED regime as a form of "novel".

for the respective cases described. This simultaneously reflects procedure and narrative interest of the authors cited, who have employed differing techniques and procedures in dealing with the literary submersion in and treatment of material stemming by and large from the past. It is also an expression of the respective specific relation to reality and its link to, if not conflation with, fictitious persons and events.

3.2. Five Exemplary Cases

In 1924 Alfred Döblin published his report "Two Girlfriends One Poisoning" ("Die beiden Freundinnen und ihr Giftmord", 1971)[10] in a series of books fairly well know at that time[11]. It is immediately difficult to answer the question of whether this text can and should be referred to as a retelling or not, since the factually accurate representation of a Berlin trial for murder by poisoning, its proceedings and conclusions, has not only a reflexive treatment of the processes portrayed, i.e., psychological empathy, but also a certain level of literary quality. As can be seen in his intentionally provocative epilogue levelling criticism at social and scientific circumstances, the author was equally as concerned, perhaps even primarily concerned, with the social relevance of the events in question. Seen as a whole this points to a further realization: When an author of the prominence and linguistic power of Alfred Döblin takes on such subject matter (*Sujet*), then the representation will not only be a documentation of the occurrence of the event; additional literary characteristics will be evident, leading beyond simple formal and stylistic elements, precisely because and to the extent that they concern the poetic treatment of reality.

In this context, reference to the story of the sexual murderer Moosbrugger, which plays an unmistakable role in Robert Musil's novel "The Man Without Qualities" ("Der Mann ohne Eigenschaften"), is no coincidence.[12] This representation is also based on a contemporary criminal case that attracted the attention of a broad public audience in Vienna in the year 1910. In the course of in-depth research, Karl Corino has identified and recon-

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[10] See Heinz Müller-Dietz (1990: 29 ff.; 1999a: 103 ff., 155 ff.); Walter Müller-Seidel (1996); Manfred Maiwald (1996); Stefan Andriopoulos (1996: 106-113).

[11] "Außenseiter der Gesellschaft. Die Verbrechen der Gegenwart" (edited by Rudolf Leonhard), Berlin: Die Schmiede, 1924 ff.. On the entire series, see Joachim Linder (1994).

[12] Cf. e.g. Müller-Dietz (1990: 430-455, 461-466; 1999a: 117-145); Andriopoulos (1996: 115-130).

structed the personal identity of the perpetrator and his life story, the circumstances surrounding the crime and the course of the trial (1984, 1988: 358, 360, 489). I have succeeded in discovering a criminalistic-psychiatric contribution which (in no small part based on the expert assessment issued at the time) has also attempted to analyze the personality of the perpetrator and his life story (Türkel, 1913; cf. also Müller-Dietz, 1999a: 129).

Accordingly, Musil based his literary representation of the Moosbrugger case on the carpenter Christian Voigt, who was condemned to death in the Vienna jury trial, but whose sentence was then commuted to life in prison. In handling the material, the author has relied exclusively on press reports, but has also adhered so meticulously to the real model that he has adopted entire passages (namely of the testimony of the accused) verbatim from daily newspapers. Corino has made an incisive summary of the author's approach to work and research in the writing of the novel (at least as far as the Moosbrugger story is concerned): "Little or as good as nothing in it has been invented, and this is characteristic for Musil's way of writing: He practically always refers to facts which life has given to him; he acquires them, condenses them, recombines them, adjusts details, touches up here, clarifies there, always with an eye for a realism which does not aim to do away with reality, but rather which wants to penetrate and illuminate reality" (1984, 106).

A further example, which in the meantime indeed lays claim to documentary qualities, is Truman Capote's equally meticulous and broad representation of the murder of a family in Kansas in the year 1959 and the subsequent trial. The documentary report "In Cold Blood", appearing in German in 1965 under the title "Kaltblütig" (and which has not only gone down in literary history as a so-called worldwide bestseller, but which has also been successfully filmed) was intended by the author himself as a "true" depiction of the entire course of events. Thus the forward contains among other things the statement: "The material contained in this book, when not based on my own observations and experiences, is taken from official reports or is the result of numerous interviews with direct participants, interviews which in many cases took place over extended periods of time" (*ibid.*: 7).

In the history of literature this representation functions (with regard to the stylistic means employed) as a documentary novel (*Tatsachenroman*), which focuses on the "psychology of crime". One literary scholar summa-

rized his opinion of "Kaltblütig" in a single sentence: "Even as the story-teller Capote recedes behind the evidential value of the objective facts, even as a recorder of reality he proves himself to be an artist gripped by his material, and the contrapuntal composition of his book is the result of a po-etic effort, to just the same extent as the style which is economically well-suited to the material and which only becomes vaguely pretentious towards the end." (Drews, 1996).[13]

Almost as a counterexample to Capote's documentary novel, even in lin-guistic terms, we find Elfriede Czurda's 1991 novel "Murderesses by Poi-son" ("Die Giftmörderinnen"). This text is also linked to the criminal case which Alfred Döblin treated in his retelling of the Berlin murder trial of the early 1920s. We are dealing here with a situation frequently encountered in literature, namely that one and the same criminal event is the point of de-parture, in the meantime even the focus, of very distinct epic or dramatic representations, setting the scene for different types of treatment.

In contrast to Döblin, Czurda does not depict the process of the trial, but rather concentrates on the background and development of the crime, a story which climaxes with the murder of one of the two husbands who is an impediment to the romantic happiness of the two women (cf. Müller-Dietz, 1999a: 106-116; 1999b: 204-217). The dramatic crescendo of the plot takes place in the context of a male-dominated struggle between the sexes, seen from a feminist point of view. The course of events is depicted in a unique, in part highly artificial language which moves far away from, even negates, the realism of representations, in the sense of a Döblin or a Capote. Here the actual events provide only the material for the illustration of social power structures and patterns of dominance, in which female emancipation can only be had for the (socially unacceptable) price of taking a human life.

A tendency toward social criticism, admittedly of a different type, both carries and characterizes the novel "The Leo Frank Story" ("Der Fall Leo Frank"), by the American author David Mamet appearing in the year 2000. The author, who has earned his reputation primarily as a playwright, has once again made an authentic criminal case and trial the subject of his rep-resentation. In 1914 in Atlanta, Georgia, the Jewish factory owner Leo Frank was accused of murdering one of his female employees. The court turned a deaf ear to clear evidence that would have pointed to his innocence

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[13] Reminiscent of Capotes documentary report we find for example the depiction of a madman running amok by Emmanuel Carrère (2001).

and led to the conviction of the actual perpetrator. The accused was finally convicted and condemned to death due to anti-Semitic prejudices and hatred, the likes of which were widespread at the time in the society of the American South. He was even denied the opportunity to prove his innocence on appeal. But an official execution never took place: Murder by lynching put an end to the life of the victim of both society and justice.

As much as the description of the initial situation and the trial procedure in the novel at least corresponds to the real occurrences, in representing individual moments Mamet relies to an equal degree on fictive psychological elements that are intended to illuminate the internal, thought and mood lives of his characters (cf. Reinhardt, 2000; Ebel, 2000). Thus so to speak he sets the internally relocated counterpoint to the societal and state mechanisms and instrumentalizations, which serve an affectively charged, emotionally excessive and racist manner of thought and action.

4. Expansion of Literary Perspectives

4.1. Resolution of Reality in Fiction

It would of course be possible to point to further model cases illustrating the multifarious relationships between reality and fiction in literary representations. One must remember texts in which the description of fictional characters and events indeed approaches reality, which allow the fictionalization to fade into the background, and even to be forgotten entirely. An example here is Heinrich Bölls story "The Lost Honour Of Katharina Blum" ("Die verlorene Ehre der Katharina Blum") (1976).[14] On the one hand, the author has added a note at the beginning of the text stating that the "persons and plot are completely fictitious. Should the depiction of certain journalistic practices show similarities with the practices of the [German tabloid newspaper] *Bild-Zeitung*, these similarities are neither intentional nor coincidental, but rather unavoidable". Böll has also moved to the beginning of the text an explanation of the "sources" which can be understood as a more or less ironic parallelization of the documentary report and fictional representation.[15]

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[14] Cf. for example Peter Morris-Keitel (1989: 71-78); Heinz Müller-Dietz (1990: 505-515); Arpád Bernáth (1995).

[15] "There are several secondary and three main sources for the following report, which are to be mentioned now at the beginning and never again" (Böll, 1976: 7).

There are also literary texts in which the real world literally dissolves into a virtual world. Probably the most remarkable example here is the Thomas Glavinic novella "The Camera Murderer" ("Der Kameramörder") (2001), giving a textual form to the extreme form of the post-modern media world driven to excess.[16] Glavinic demonstrates how the perpetrator enjoys his videotaped crime, the murder of two young boys, in the form of a visual reproduction, which allows him to relive his actions in the context of marketing and the desire for sensation. Here the already numerous barriers between reality and fiction are fully removed; the conventional separation and differentiation between a real and a virtual world appear to have become entirely impossible.

4.2. Reality and Fiction in the Works of Thomas Mann

The truism that the relationship between reality and fiction can be illustrated using a practically infinite number of literary works also of course applies to those texts which do not fit the framework of representations of criminality in the actual sense. A prototype of this sort expressing the breadth and variety of literary reception processes is represented by the novels of Thomas Mann. At least one text in his oeuvre has a central theme in the broader understanding of the contemporary manifestations of macro-criminality (cf. Jäger, 1989; Walter, 1993). The historical background is marked by the crimes of the Nazi regime, expressed by much more than just the author's epilogue (Mann, 1960: 515 ff.). Thomas Mann has fitted his novel "Doktor Faustus" with an almost incomparable wealth of empirical facts and scientific material from an extremely wide variety of disciplines (cf. for example Blöcker, 2002; Hermanns, 1994; Wiegand, 1983). At the same time he has informed his reader, in an outstanding document of its type, the "novel of a novel", on the development of the work (Mann, 1968). Here the merger of reality and fiction becomes apparent, which is admittedly not significant of this author alone, but which is manifested in his work in a particularly pronounced manner. Thomas Mann, as far as can be ascertained, has merged the basis material in a unique way with his own poetic fantasy, so that the separation of the recounted material into facts and representations of fictional events seemed almost impossible even to him. Thus Mann states in the "novel of a novel" that "the distinction be-

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[16] See Sebastian Domsch (2001). Also as a contribution to the topic (if not on the novella itself): Herbert Riehl-Heyse (2002).

tween tangible reality, the illustration of perspective and the illusionary is difficult" (1968: 103). In his earlier novel "Lotte in Weimar", Thomas Mann admittedly let Goethe's secretary voice the criticism that the poet has attempted to "mix invention and reality with that dangerous art consisting in the lending of a poetic form to the real and the mark of reality to the fictional" (as quoted by Hage, 2001: 186). One literary critic characterizes such a formulation (be it in connection with the works of a different author) as "that brilliant amalgamation, a devilish conflation of reality and fiction, facts and data, of narrative time and historical time, of invented names and contemporary witnesses" (Schmitt, 1997).

Thomas Mann's almost exploitative treatment of facts and collected knowledge has of course not been overlooked by researchers. Hermann Kurzke remarks for example: "When he had a work in mind, he could use everything" (2002: 328). However, the biographer is also of the opinion, with regard to the novel "The Magic Mountain" ("Der Zauberberg"), that the author intended to render visible the "boundary between fiction and science", but that he occasionally crossed over that boundary, "in the awareness that the areas of life which by their very nature leave behind no documentation, most urgently require interpretation" (*ibid.*: 326). Even more pronounced is Volker Hage's description of the author's tightrope walk: "Thomas Mann knew much too much about the underlying tension between reality and fiction to believe naively that reality could simply be transferred into literature, and that the literary would possess nothing real in and of itself" (2001: 185).

Thomas Mann frankly admitted that he used a structural collage technique in "Doktor Faustus" borrowed from the film, when in an entirely different way than Alfred Döblin did in his novel "Berlin Alexanderplatz" (1968: 103). This technique was also what made contemporary critics of literary process such as Wilhelm Weidlé reach the opinion that it was characterized by a "disappearance of the world of fantasy" (*Schwund der Phantasiewelten*) (1969: 18 ff.). Here the novelist Werner Krauss commented, without taking sides, that "the style of simple fiction, the invented story, is suspicious to modern perceptions" (1968: 84). This characterization of literary creation presumable strikes a nerve in the contemporary awareness more exactly than the criticism stemming from traditional narrative patterns. The respective shares of the real and the fictional can hardly be decisive for the artistic quality of a work; much more it is the manner of their compositional processing, their interspersion, or even blending into a single

entity. Nor may we forget the linguistic form of the material. Cesare Pavese commented on this in his "Diaries": "Recounting the most unbelievable things as if they were real is the old system; recounting real things as if they were unbelievable, that is modern" (1963: 208).

5. Reality and Fiction in the Light of New Hermeneutics

Not only are the five literary examples presented here (see 3.2.), without exception, based on real facts, on authentic criminal cases, they at the same time provide an impression of the variety of pertinent methods of reception and processing, such as are characteristic for literary modernism. But these few observations certainly do not exhaust the value of discovery intrinsic in these texts.

The traditional view, particularly accessible to the layman, is however based on the strict opposition of reality and fiction.[17] This separation and distinction can certainly be retained today, at least in a heuristic sense (perhaps as a working hypothesis). But this dichotomous point of view has increasingly been regarded as a problem in the course of recent literary and historical research – and has indeed become problematic. This observation is based on the considerations made at the beginning (see 2.).

There are at least two observations which call into question the naive and unreflecting opposition of "res factae" and "res fictae": Based on recent historiography and hermeneutics, the view has emerged that scholarly representation, in particular, of history can not make do without the method of fiction. The sociological analysis of the present points to the strange fact of an "advancing fictionalization of the living world" (*fortschreitenden Fiktionalisierung der Lebenswelt*) (Jauß, 1984: 302). This fictionalization is seen namely as the result of technological advancements which bring processes of transmutation and replacement in the relationship between real and virtual experiences in the form of contraband.

The question of the relationship between reality and fiction has concerned historical research at least since Johann Georg Droysen. It has gained renewed interest in the context of recent hermeneutics, namely to the extent that it focuses on the comparison or even opposition of historical and literary depiction of history (cf. for example Koselleck & Stempel, 1973).

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[17] On the theoretical interpretation of fictionality see Rühling (1996: 29 ff.).

Here the point of departure is primarily "Droysen's critique of the objectivism of the historical school" ("Droysens Kritik am Objektivismus der historischen Schule") (Jauß, 1970: 218), his "polemics against Ranke and the ideal of objectivity in historicism". Here it was the intent of the critic "to uncover the illusions which are inherent in the apparently objective recounting of attested facts" (*ibid.*: 219). Taken in a nutshell, his objections culminate in the observation that the historiography of the 19th century was itself "immersed in a degree of fictionalization of its own object as it followed the principle that the historian must eliminate himself so that history can tell its own story" (*ibid.*: 220 ff.).

It was Hans Robert Jauß who under protest formulated the process of discovery which had taken place from Droysen to Gadamer, the parallels or analogies between historical and literary portrayal of history. Thus for example he pointed out the prejudice which is primarily rooted in the assumption that "res factae" and "res fictae" can be separated "as material and form, historical process and rhetorical ornamentation". "This prejudice has done away with hermeneutic reflection through the recognition that the res factae are not a primordial, but that they are facts of a resultative nature" (1984: 327).

This meant the abandonment of the traditional point of view, which assumes that "historical representation in poetry would permit fiction, while history which is to be understood as statements about reality excludes fiction. Regardless of whether the modern novelist is recounting what might have happened, or the modern historian reports on what has actually taken place: They are both dependent on the means of fiction as soon as they begin to tell their stories" (Jauß, 1984: 328). This then also has substantial consequences for the place and function of fiction as a part of literary and historical representations: "Poetry and written history differ at the shared border of the probable much more in terms of the different ways in which they make use of the means of fiction and the differing expectations which they can instil in their respective readers" (*ibid.*).[18]

Fuelled by recent hermeneutics, this focus on the problematic nature of the relationship between reality and fiction as a part of recounted history fits with the observation made by Michael Stolleis in the light of communicative, linguistic aspects. For him, any knowledge and representation of

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[18] On "historical poetry" ("*Geschichtsdichtung*") see Walter Hinck (1995); cf. however Hubert Treiber (1996).

history is transferred by means of language. It must be made tangible and communicable in terms of hermeneutics. "Written history is thus never direct access to a reality extant 'behind' language. It is a linguistic appropriation of messages communicable (only) via language" (Stolleis, 1997: 15).

Here historical and literary reconstruction of history meet in terms of the manner in which they perceive and process reality – and thus place reality in relationship to fiction: "If history can only be understood as a social construction of past reality, if it is indeed only really created through language, then the boundary between historiography and fiction must become unclear. Historians and poets dip in the fount of memory and both use the medium of language to create an imaginary text from this material" (*ibid.*). This statement does not refute the claim to the most factually accurate and realistically exact representation, but refutes the natural self-deception that the immanent unit, or constitution of sense (*Sinneskonstitution*), of a text which "holds the whole thing together at the very core", could make do without fictional elements and would be communicable without these elements.

Discoveries in perceptive aesthetics (*Rezeptionsästhetik*) have also done away with the illusion that the so-called "objective reality" can be "reflected" (more or less without remainder) by narrative means. These discoveries also point to the meaning and function of language in the process of perception and transmission of facts. "The reproduction of a reality, regardless of the nature of that reality, is however excluded from the start, because the literary representation of material is dependent on the medium of language. The repetition (more exactly put, the formation in words) means that the denoted object is also changed at the point that it is transferred to another sphere" (Schmidt-Henkel, 1995: 22 ff.).[19]

Based on this observation, Gerhard Schmidt-Henkel has reached the social-philosophical conclusion that "it is not the objective reality which determines the actions of men, but rather the interpretation of reality" (*ibid.*: 28). This of course reaches beyond our present topic. The last, but certainly not the final word, belongs to the renowned contemporary writer Robert Menasse, who – in his own so distinctive manner – addresses the relationship between reality and fiction in literary representations by referring to "the world as a universal plagiarism of literature" (1992). This

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[19] On the problem of our perception of reality see also Heinz Müller-Dietz (1993).

reminds us of Arno Schmidt, for whom *the real world* was "in truth only a caricature of our great novels" (as quoted in Schmidt-Henkel, 1995: 22).

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Fiction versus Reality
What is the Function of Prisons in Literary Texts?

MONIKA FLUDERNIK

1. Preliminaries

Literary texts teem with prison settings and prison metaphors just as they are filled with issues relating to crime and the legal process (Fludernik, forthcoming). In some centuries, the topic of imprisonment is more prominent than in others, and sometimes one genre rather than another proves to be most taken with the theme. Thus, as regards the English novel, the eighteenth- and nineteenth-century canon has abundant examples of prison settings and prison metaphors, whereas in the twentieth century, the popularity of the theme dropped dramatically in fiction (until recently, when it has come back with a vengeance) but rose to prominence in both the early and post-World War II writing for the British stage. Poetry, on the other hand, to my knowledge, in the twentieth century has largely eschewed prison settings and prison metaphors, but there was a thriving medieval and Renaissance tradition of love poetry using the prison metaphor (*la prison amoureuse*), and Romantic poetry, like Gothic fiction, indulged in the use of both prison settings and prison metaphors. As I have outlined elsewhere (Fludernik 1999), the most traditional prison metaphor is that of the world (and the body) as prison, a religious trope of prominence from the work of Plato to Sir Thomas More and beyond, and it is a metaphor that occurs in philosophical, theological as well as literary texts.

Given this pervasiveness of the prison as setting, as theme and as metaphor in literature – and, owing to my disciplinary groundings, I here refer mainly to literary texts in English –, the question arises why there is this

preoccupation with the institution of the prison on the one hand and the experience or condition of imprisonment on the other. Clearly, imprisonment and the prison must have some peculiar relevance to readers and writers.

Although the penal institution and the situation of those affected by it are, in practice, difficult to distinguish, in theory at least they betoken entirely different areas of experience and almost opposite social concerns. Whereas the *institution* correlates with issues of law and order, the whole legal apparatus and the ramifications of law-and-order or crime-and-punishment, the *depiction of imprisonment* in literature is frequently made to resonate with moral questions, with social (in)justice, the prisoner's suffering, the psychological effects of imprisonment and prisoners' corporal abjection. Literature often complements the external view of society and those it has relegated to the domains of the carceral with an internal perspective, allowing the reader to sympathize with the marginalised and the contemned. One first function of the carceral theme in literature, one can argue, is therefore the echoing of real-world attitudes and feelings about the institution and the experience of imprisonment, an echoing that reflects many perspectives and enriches readers' insight into the social processes of justice, penal exclusion and the carceral condition.

In the body of this article I will first address a number of functions of the prison as institution and experience in literary texts (section 2). I will then turn to metaphors of (im)prison(ment) and discuss to what extent these metaphors go beyond, and differ from, the recurring characterizations of the prison in factual accounts (prison autobiographies or criticism). Section 3 is devoted to analysing a selected number of passages that employ prison metaphors, and section 4 contrasts the results of this analysis with the recurring thematic concerns in the factual genres. The final, fourth section of the article attempts to summarize the functional aspects and relate them to the contrast between the factual and fictional imaging of prisons and the carceral experience.

2. Why Prisons? The Functions of the Prison in Literature

Prisons are, first and foremost, a social fact of society. It is, therefore, quite natural that literature should include references to carceral institutions alongside references to factories, hotels, schools, parliaments or town halls. On the other hand, prisons belong to those marginal spaces and taboo subjects which do not relate to most people's first-hand experience. (This, in-

cidentally, is a consequence of the invention of the penitentiary model. In the 'old' prison type, the prison was a place open to the public, one which a high percentage of citizens knew from first-hand experience as incarcerated debtors or as visitors, and it therefore did not involve the secrecy and the connotations of shameful moral turpitude which are so characteristic of nineteenth-century and present-day so-called correctional institutions). As a consequence of the marginalisation of the prison experience in the wake of the abolishment of imprisonment for debt, the topic of imprisonment has receded from general social prominence and, at least in the mainstream novel, all but disappeared.

This trend, significantly, has been reversed in recent times in response to a sensational rise of imprisonment rates in the United States and England. Moreover, the pervasiveness of worldwide imprisonment for political reasons – including the detention, incarceration and torture of both terrorists and prisoners of conscience – has additionally helped to bring the subject of imprisonment back into the limelight of literary production. The topic has meanwhile been revived in popular literature as well, as for instance in the work of Stephen King or in TV series like the American series on HBO and the German series on women in prison broadcast on RTL. After a long period in which prisons were no longer important facets of contemporary reality, the theme is now back with a vengeance, in real life and therefore also in literature.

Over and above the simple view that literature reflects contemporary reality, however, literature has a tendency to symbolically infuse, generalize and emotionally heighten the real-world settings and experiences that it fictionalizes and projects. Books that deal with the subject of imprisonment imply that their choice of the topic is not haphazard, that the experience of imprisonment does not concern the writer and reader as a very specific personal life story and nothing but that. On the contrary, the choice seems to imply a general relevance, which readers and critics frequently interpret as implying that the prison is a metaphor of our lives, of our society, of our times. In this reading, the prison becomes *like* our world and, in consequence, our world turns into a kind of prison.[1] This topos of the 'prison as world' is not restricted to contemporary experience.

In the English Renaissance until the eighteenth century, it was quite common to point out that prisons, like society, were hierarchically struc-

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[1]   See Fludernik, 2000/2002.

tured, with the rich receiving much better treatment than the poor. It was also argued, for instance, most famously in *The Beggar's Opera*, that the morality of criminals inside prison was not so very different from that of supposedly respectable folk outside who were successful crooks that had simply been too shrewd to be caught at their tricks. In pre-1991 South Africa, for people criticizing the apartheid state, the country's prisons symbolized the iniquity of a dehumanizing social reality. Similarly, Afro-Americans today see American prisons as epitomes of the continuing enslavement of their race – a view that does not appear totally absurd if one looks at the current rates of incarceration.[2]

As the last two examples already demonstrate, implying that prisons are homologous to the structure of society is not always a neutral statement of fact. Whereas Foucault's theses of the disciplinary society can, but need not, be taken to be merely descriptive, the example from South Africa clearly connects an equation of prison and society with manifest political struggle and the imputation (and indeed indictment) of social injustice. Comparisons between the prison reality and society at large therefore allege that society displays negative features and qualities that are usually reserved for marginal sites of punishment. Besides the most glaring feature of injustice, other qualities have been proposed at various times. Total control is one of these alternative tenors of the metaphor, for instance in Orwell's *1984*, where society operates like a prison. Another quality that has often been named since the institutionalization of the penitentiary is dehumanization, usually aligned with anonymity. Again, in this case, the modern prison strategy of warehousing inmates and, generally, the prison mentality of rules and regulations enforced with no consideration for human, much less personal needs – these are clearly extreme variants of the types of constraint and the quality of anonymity pervasive in modern life. The 'carceral iciness' (*le froid pénitentiaire*) described by Buffard (1973) is a dehumanized analogue of conveyor-belt production, cubicle-like housing in ugly concrete skyscrapers and urban loneliness and anonymity. Norman Mailer even compares expensive housing in safe concierged residential units to imprisonment with wall-to-wall carpeting (Abbott, 1982), thereby

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[2]   In 2000, the number of persons held in American prisons hit the 2 million mark. This figure does not include persons in juvenile institutions or jails (imprisonment under a year) or detentions. Currently every seventh Afro-American is in prison in the United States, and – calculated in life-time probabilities – every *second* (!) Afro-American citizen of the United States will spend some time in prison.

ironically suggesting that security overkill results in a general conversion of society into prison.

Whereas the above utilizations of prison as a metaphor of society have concentrated on a homology, even a continuity, between the world of the prison and the 'real' world outside, thereby paradoxically inverting the marginality of the prison scenario, many literary (and non-literary) texts deploy the prison setting to create a counter-world in which everything is structurally the same but morally and experientially the opposite of our familiar world outside. These projections echo the theological topos of hell. Hell is a site of punishment (heaven a place of reward), and in hell social stratification is mirrored by penal stratification (one need only think of Dante's hell). The comparison of prison with hell is of medieval origin and factually 'motivated' (in the linguistic sense) by old type prison conditions (underground vaults, darkness, shackling, etc.). The characterization of prison as hell emphasizes the negative aspects of imprisonment, prison as a place of suffering. The metaphor can, however, be inverted to yield a positive reading of prison as paradise, a place of refugee, meditation and creativity. Romantic literature, in particular, often presents places of confinement as happy prisons in which the incarcerated are able to write, to think and to grow spiritually. Victor Brombert (1978) is the critic who has analysed this most extensively.

Most basically, however, the penitentiary has become the site of social or societal *otherness*, the locus of criminality, monstrosity and dangerous deviancy. The alterity of the prison is conceived of as spatial otherness – corresponding to the contemporary practice of hiding away correctional institutions – and this spatial otherness is then enriched by the alleged moral and qualitative alterity of the criminal subjects. The prison is less a hell in this reading than a jungle or a zoo for dangerous beasts of prey. The prison and its inmates in fact come to represent that which society ejects and rejects, and – in Kristevan terms – they come to symbolize the abject, the human as animal. Or, as Frank Lauterbach has ingeniously proposed (Lauterbach, 2002), the prison serves as a locus of social discrimination. Society assures itself of its own respectability by differentiating itself from its others, those considered to be beyond the moral or human pale, whether criminals, revolutionaries or those who refuse to conform. The ease with which former Palestinian freedom fighters have recently become mere terrorists documents these processes of the strategic attribution of otherness for the purpose of social or political disciplining. What is particularly inter-

esting in this connection is the way in which the *fact* of marginalisation becomes symbolically loaded and leads to evaluative (negative) characterization and metaphoric deployment.

The prison and the inmate are "other" spatially and socially, but this otherness (like the similarity in the 'prison as world / world as prison' topos) rarely remains neutral. When society is said to be 'like prison' or a prisoner 'properly belongs there', these locutions clearly indicate that the normality of society is at stake and that the prisoner has been evicted from societal membership.

3. Metaphors at Work

In this section I wish to say a few things about prison imagery. I will concentrate on the use of the prison or related lexemes as a *vehicle* (source domain) for a metaphor or as a point of comparison in a simile, but will also consider once or twice passages describing the prison (experience) by a metaphor.[3] The intention is to provide a rough preliminary list of associations or connotations of the carceral institution and experience in literary texts, and to then be able to discuss what features are foregrounded and which aspects of imprisonment treated in the criminological literature or in autobiographical texts fail to show up in the *literary* representations by means of imagery.

Prisons are of course primarily associated with restraint, confinement, the feeling of being locked in and unable to freely decide on one's actions. This primary connotation of confinement comes out very well, for instance, in a passage early in John Edgar Wideman's novel *Philadelphia Fire* (1990). In this first section, the Greek fisherman Cudjoe cannot go out to sea; rough tides keep him locked on the island:[4]

> The island exiled today. *Jailed by its necklace of churning sea.* No one could reach Mykonos. No one could leave. [...] Cudjoe's flight home disappearing like the patches of blue sky. Sea pitches and shivers and bellows in its *chains*. Green and dying. [...] Gray clouds thicken. White clouds pull apart, bleed into the green sea. A seamless curtain of water and sky draws tighter and tighter. The island is sinking. Sea and wind wash over its shadow, close the wound. (1990: 5)

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[3]   In this case the prison is the *tenor* (target domain) of the metaphor.

[4]   All italics my emphasis.

Cudjoe is exiled on the island and feels its "necklace" constricting him, threatening death. The metaphor at first seems far-fetched, but one has to remember that this novel, like all of Wideman's novels, centrally deals with imprisonment, even autobiographically so (both Wideman's brother and his son eke out life sentences in American prisons). After the initial image of the sea operating like an iron collar on the island of Mykonos and on Cudjoe, who wants to depart and is stuck, the passage, interestingly, shifts the prison metaphor to the sea itself that wants to flood the island and sink it, chafes against its chains as it rocks the 'boat' of the island, threatening its moorings. The penal collar is effaced by the water of rain and flooding, which closes (and heals?) the wound created by the impatient charging of tide on cliff, of collar on neck skin.

A fairly simple metaphor within a few further lines has become extremely complex and starts to resonate with the themes of racial violence, legal injustice, despair and death which are so prominent in the novel.

Similarly, in Mary Wollstonecraft's key novel *Maria; or the Wrongs of Woman* (1798 *posth.*), the metaphor has immediate relevance to the main themes of the novel. Maria tells the story of her life to Darnford while they are both imprisoned in a lunatic asylum, and says:

> Marriage had *bastilled* me for life. I discovered in myself a capacity for the enjoyment of the various pleasures existence affords; yet, *fettered* by the partial laws of society, this fair globe was to me an universal blank. (1994: 87)

Here it is the institution of marriage, which is compared to the Bastille, and the legal provisions of patriarchy are compared to fetters. The passage moreover describes the results of this metaphoric imprisonment as despondency and the loss of a joy in life. Although the metaphor, taken out of context, appears to be rather extreme, in the novel it is fully appropriate to the situation of Maria and her new friend Jemima. Both women have suffered from the British marriage laws and legitimately feel deprived of their liberty.

The image of the law as a chain is also employed by Victor Hugo in his important novel of social criticism, *Les Misérables* (1862). At one point, the hero of this novel, Jean Valjean, a former convict, muses on the power of the law that keeps even those imprisoned who have escaped from their term of confinement in the penitentiary:

> He was a man who had endured all the forms of suffering and was still
> bleeding from the wounds inflicted upon him by life. He had been almost a
> villain and had become almost a saint; and after being *chained with prison*
> irons he was still *fettered with a chain* that was scarcely less onerous al-
> though invisible, that of his prison record. The law had never lost its claim
> on him. It might at any moment lay hands on him and drag him out of his
> honourable obscurity into the glare of public infamy. (Part IV/Book III, v;
> 1998: 770)

Here Jean Valjean's prison record is described as an invisible chain that
keeps him shackled to a legal system that has 'bastilled' him 'for life' and
that, by discovering his whereabouts, could recapture and reincarcerate him
at will. The secret fetter chains him to dishonour and forces him, in a neat
inversion of the normal ways of life, to seek honour in obscurity, since the
appropriate place for honour, the glare of public life, would result in the
discovery of his ignominy.

The metaphor of confinement and physical constraint can be applied to a
variety of situations. We have noted the political relevance of the 'world as
prison / prison as world' topos in South African writing. In *A Bend in the
River*, V. S. Naipaul uses the prison image to characterize the colonial
situation. Indar describes his visit to England and his realization of being
constrained by his ancestry of being forced into the category of those who
cannot win. Indar had gone to study in England after his family lost every-
thing to African nationalization policies:

> 'I thought when I went to England I would put all that behind me. I had no
> plans beyond that. The word "university" dazzled me, and I was innocent
> enough to believe that after my time in the university some wonderful life
> would be waiting for me. At that age three years seems a long time – you
> feel that anything can happen. But I hadn't understood to what extent our
> civilization had also been our *prison*. I hadn't understood either to what ex-
> tent we had been made by the place where we had grown up, made by Af-
> rica and the simple life of the coast, and how incapable we had become of
> understanding the outside world. [...] (1980: 148)

> For the first time in my life I was filled with a colonial rage. And this wasn't
> only a rage with London or England, it was also a rage with the people who
> had allowed themselves to be *corralled* into a foreign fantasy. My rage
> didn't die down when I went inside [India House]. There again were the
> oriental motifs. (*ibid.*: 152)

Indar realizes that, as an Indian, he is imprisoned within an orientalist dis-
course of clichés, a stereotyping of India most prominently displayed at
India House. Not only does he feel caged in native ways of thinking which

are no longer appropriate to the real world; he is also angry at the complicity of his countrymen who allow themselves to be "corralled" into orientalist categories like cattle ready to be slaughtered.

The two passages document how the association of restriction and confinement can be extended to other types of locking in, such as that of cattle in their pens. It also reminds us of the fact that prisons and cages, and the situation of prisoners in relation to that of caged animals, are a common comparison, certainly helped by the reality of actual cages in American penal institutions. Ondaatje, in *In the Skin of a Lion* (1987) makes this quite explicit. The protagonist is Patrick Lewis, who has just been released from prison in Canada. In Toronto's Union Station he observes dogs in cages:

> A group of redcaps were standing with three large cages full of dogs, all of whom were barking like aristocrats claiming to be wrongly imprisoned. He went up to the cages. They were anxious with noise. He had come from a place where a tin cup against a cell wall was the sole from of protest. He got closer to the cages, looked into the eyes which saw nothing, the way his own face in prison had looked in a metal mirror. (1987: 210)

This image takes confinement for granted and foregrounds protest and resistance, and the loss of hope and lack of response induced by the futility of protest. The depth of despair induced by imprisonment is figured by Victor Hugo in a very subtle simile that – by the very inconspicuousness of the token triggering the effect – implies the depths of hunger and suffering of prisoners:

> The wonders conjured up by love! The fantasies! That intervention of angels, that celestial chance, was like the hunk of bread tossed from one inmate to another, from one courtyard to another, over the walls of the prison of La Force. (Part IV/Book V, v; 1998: 808)

The passage describes Cosette's discovery of love, after she has found Marius' pages of love in the garden. It is the prison experience that is the vehicle in this metaphor; Cosette discovers the "celestial" nature of love and compares it with the blessings of food shares between prisoners. This comparison – inappropriate though it may seem out of context – literalizes Cosette's situation as one of imprisonment, which the advent of Marius is going to alleviate. In fact Cosette has been imprisoned in the convent and later watched over by Jean Vajean and by the housekeeper at their house.[5]

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5   In fact, Toussaint, the housekeeper, assures Cosette that they are safe in their "lonely spot" and that "the shutters are properly *barred*" and ends with: "I lock the place up

Besides, her emotions have been stunted by her religious training. Marius wakens her from indifference and burial: "The manuscript [...] affected her like the opening of a closed door" (IV/V, v; 806).

The image of the closed door (Fludernik, 1999) ties in with a whole series of traditional associations of prisons with dark, airless dungeons and tomb-like cells. Many connotations of imprisonment are therefore geared towards a stifling atmosphere or the feeling of being buried alive. In Sarah Waters's prison novel *Affinity* (1999), Margaret Price, the prison visitor, hears of the death of a woman prisoner who had not received sufficient medical care and of the matron's punishment for having given the woman some additional cloth to keep her warm. "All about me Millbank reared, bleak as a *tomb*, and silent, yet filled with wretched men and women. I had never, in all my visits, felt the weight of their combined despair as I felt it press upon me now" (2000: 278). This utilizes the familiar tomb imagery, as does the following passage from Anthony Trollope's *Can you Forgive Her?* (1864-65), in which Mr. John Vavasor's office is described in terms of a dungeon:

> It was certainly a melancholy place, that signing-office, in which Mr. John Vavasor was *doomed* to spend twelve hours a week, during every term time, of his existence. Whether any man could really pass an existence of work in such a workshop, and not have gone mad, – could have endured to work there for seven hours a day, every week-day of his life, I am not prepared to say. I doubt much whether any victims are so doomed [...]. (1991: II 213)

> [...] this hall, though open at both ends, was as dark as *Erebus*; and any who lingered in it would soon find themselves to be growing damp, and would smell mildew, and would become naturally affected by the exhalations arising from those Chancery records beneath their feet.

> Up the stone stairs, from this hall, John Grey passed to Mr. Vavasor's signing room. The stairs were broad, and almost of noble proportions, but the *darkness* and *gloom* which hung about the hall, hung also about them, – a melancholy set of stairs, up and down which no man can walk with cheerful feet. [...] Pausing for a moment, that he might look round about him and realize the deathlike stillness of the whole, John Grey could just distinguish the heavy breathing of a man, thereby learning that there was a *captive* in, at any rate, one of those *prisons* on each side of him. As he drew near to the door of Mr. Vavasor's chamber he knew that the breathing came from thence. (*ibid.*: II 214-5)

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as though it were a *prison*" (Part IV/ Book V, iii; 802). The imprisoning of Cosette serves to keep out murderers who could enter and cut one's throat – a parallel to Jean Valjean's behaviour with the bishop Myriel (I/I, i).

The building of the Inns of Law is described in suitably Gothic fashion, Mr. Grey has to descend into prison-like tombs in order to see Alice's father.

In contrast to this conventional prison metaphor of darkness, dampness and underground obscurity, more up-to-date prison images instead focus on bareness, deprivation and a lack of human contact. Thus, in Anita Desai's short story "The Rooftop Dwellers", an otherwise hilarious account of the housing problems of single women in India, the protagonist Moyna finds herself in a hostel for single women which at first appears to be like a prison:

> There was nothing in [the hostel] except what was absolutely essential [...] upstairs the rows of rooms, eight feet by ten, each equipped with a wooden bedframe, and a shelf nailed to the wall. She had had to purchase a plastic bucket to take to the bathroom [...].
>
> The minimalism of these living arrangements was both a novelty and a shock to her. [...] So for the first two weeks she felt she was *trapped* in a *cell*; whenever she shut the door, she was swallowed by the *cell*, its *prisoner*. (2000: 160)

It is only when she acquires a kitten that the situation changes: "It was curious how instantly the room ceased to be a prison" (*ibid.*: 162).

Besides the architectural associations with prisons and imprisonment, we have already noted in Hugo that shame (ignominy) is another connotation of the status of a prisoner. Elizabeth Gaskell, in a very interesting passage in *North and South* (1855), describes Margaret's shame at having interfered between Thornton and the workers during the strike in an image that likens her to a prisoner too proud to justify herself:

> She stood by the table, not offering to sit down. Her eyelids were dropped half over her eyes; her teeth were shut, not compressed; her lips were just parted over them, allowing the white line to be seen between their curve. Her slow deep breathings dilated her thin and beautiful nostrils; it was the only motion visible on her countenance. The fine-grained skin, the oval cheek, the rich outline of her mouth, its corners deep set in dimples, – were all wan and pale to-day; the loss of their usual natural healthy colour being made more evident by the heavy shadow of the dark hair, brought down upon the temples, to hide all sign of the blow she had received. Her head, for all its drooping eyes, was thrown a little back, in the old proud attitude. Her long arms hung motionless by her sides. Altogether she looked like some *prisoner*, falsely accused of a crime that she had loathed and despised, and from which she was too indignant to justify herself. (1986: 251-2)

The prisoner metaphor may seem far-fetched, but is deliberate on Gaskell's part. The chapter describes the first meeting between Thornton and Margeret after she embraced him to keep off the workers' violence, and it is the point in the narrative when he realizes he is in love but she has not realized so yet. The chapter (chapter 24), appropriately starts with an epigraph of a love poem by William Fowler which employs the 'love is imprisonment' topos (*la prison amoureuse*):

> − 'Your beauty was the first that won the place,
> And seal'd the walls of my undaunted heart,
> Which, captive now, pines in a caitive case,
> Unkindly met with rigour for desert: −
> Yet not the less your servant shall abide,
> In spite of rude repulse or silent pride'. (*ibid.*: 250)

Gaskell's *North and South* is a rewriting of *Pride and Prejudice*; the chapter epigraph and the metaphor I have quoted underline that Thornton is the prisoner, and that he would like to have her in his keeping (the passage I quoted is written from his perspective). It also notes, through the poem, that Margaret is really imprisoned by her pride, too. Imprisonment does not need to connote shame; in fact, the novel in a second passage reiterates the image of personal honour despite the dishonourable status of a prisoner. When Mr. Thornton defends his views of what a "man" is (against Margaret's praise of the "gentleman"), he says: "A castaway, lonely as Robinson Crusoe − a *prisoner* immured in a dungeon for life − nay, even a saint in Patmos, has his endurance, his strength, his faith, best described by being spoken of as 'a man'" (*ibid.*: 218). The image fits Thornton's independence and loneliness, but it also shows his craving for being released from it through his love for Margaret.

To conclude this section I want to return to *Les Misérables* and briefly discuss one longer passage which I take to be highly significant to the novel and which deserve much more ample analysis.

The first passage compares the convent in which Jean Valjean and Cosette shelter from the police to Valjean's life as a convict. The passage is narrated from Valjean's perspective and details how he compares the severities of convict existence (long hours of hard labour; cold; discomfort; flogging; rule of silence − all the 'blessings' of the penitentiary model) with the self-imposed severities undergone by the nuns who conceive of their voluntary suffering as a sacrifice of love. I quote in several sections.

The convent had put a stop to this. It was his second place of *confinement*. In his youth, at what for him had been the beginning of life, and later, all too recently, he had known another, an ugly, a terrible place whose harshness seemed to him an iniquitous distortion of justice, a crime on the part of the law. After prison, a convent: from being an inmate of the one he had become an observer of the other, and he scrupulously compared them in his mind.

At times, leaning on his spade, he would let his thoughts drift in meditation. He would recall the wretchedness of his former companions. They rose at dawn and worked till dark, such sleep as they were allowed being on plank-beds with the thinnest of mattresses in rooms warmed only during the harshest winter months. They wore hideous red caps and, as a concession, cotton trousers in the hot season and a woollen cloak in the cold. They drank no wine and were allowed meat only when on hard labour. They lived without names, were known only by numbers and to some extent turned into numbers themselves, eyes and voices lowered, hair cropped, subject to the lash and to constant humiliation.

Then his thoughts would turn to this other community. These women, too, had cropped hair, eyes and voices lowered, not in humiliation but under the mockery of the world, and their shoulders bore the marks not of the lash but of the scourging of their self-inflicted discipline. They too had discarded their worldly names, but in favour of others more austere. Never did they eat meat or drink wine, and they often went without food until evening. They were clad, not in red but in black woollen robes like shrouds, oppressive in summer and insufficient in winter, nothing added or subtracted according to the season, no comfort of linen in summer or wool in winter; and for six months in the year they wore hairshirts which induced fever. They lived in unrelieved cold, in cells where no fire was ever lighted, and they slept, not on mattresses but on straw. Nor were they allowed to sleep in peace after the day's work but must rise out of the first warmth of slumber to pray in the ice-cold, gloomy chapel, kneeling on its stones. And each must take her share in the ritual of atonement, kneeling for twelve hours on end, or prostrate with her head on her crossed arms.

Those others had been men, these were women. The men had been criminals – thieves and murderers, bandits, fire-raisers, patricides. And what crime had these women committed? They had committed none.

On the one side, outrage, sacrilege, violence, all the forms that evil can take; on the other hand perfect innocence [...]. (Part II/Book VI, ix: 488-9)

The comparison yields the result that the nuns, who are women, endure greater severities than do the convicts since they do not even allow themselves sufficient sleep, do not even have mattresses, and wear the same habits in winter and summer, and additionally chastise themselves with their hair shirts. Moreover – and this, in a sense, is a particularly unchris-

tian way of putting it – the convicts have the advantage of an endpoint of their suffering whereas the nuns are only going to be released by death:

> Two places of *slavery*, but in the first a possible end, the legal limit of the sentence, the hope of escape; in the second perpetuity, with no other aspiration than, in the distant future, that light of liberty that men call death. In the first, only *chains* of metal, in the second the chains of faith.

> And what comes out of these places? From the first a vast malediction, a gnashing of teeth, in hatred, the evil of despair, a rage against all human kind, and a mockery of Heaven; from the second, blessedness and love. Yet in both places, so alike and so unlike, two sets of utterly different beings were accomplishing the same task, a work of expiation. (*ibid.*: 489-90).

This second section also again contrasts the moral turpitude of the convicts with the saintly nuns. Both are working in "slavery" and both perform a work of "expiation". The narrator at this point explicitly steps in to say that these were the thoughts of Jean Valjean ("there we refrain from all personal reflections. We are simply the narrator [...]"; 490) and that Valjean remembers as a convict he "had dared to pity himself" and had "shaken his fist at God" (490). Valjean in fact falls for the contemporary justifications of the rigours of the convict system: the penitentiary was instituted to convert criminals into quasi-saints.

At this point in the narrative, these reflections of Valjean's serve to impress on the reader that Valjean is a changed person, a saint, somebody who – like the bishop Myriel – acquired superhuman moral strength and is doing the work of real expiation. Read in contrast to the monastic institution, the convict prison does indeed appear a well-deserved place of punishment whose severities are not unduly exaggerated. The novel, however, has been arguing quite differently. For one, it has made it quite clear that the monastic slavery produces saintliness only in those who enter it with this saintly frame of mind; those forced into slavery against their will and chained to associates of evil character become more evil still since they lack the acknowledgement of their own sins and the wish for expiation. The novel's first accusation of the prison system is therefore its uselessness except as a measure of cruel punishment; the second indictment concerns the disproportionate sentencing practice in relation to the insignificance of the crimes. Valjean's nineteen-year imprisonment for stealing bread for his family because they were starving in no way tends to support the justice of the legal and penal system which the novel incriminates.

Nevertheless, Hugo's narrative presents us with Valjean's comparison of convent and prison as a way of defining the difficulties of the truly narrow path of saintliness, which he associates with the "mystery of the Sublime" (*ibid.*: 491) – a saintliness that even Valjean never emulates. The prison is therefore, in this comparison, seen as the site of austerity, hard work, hunger, cold and discomfort. This conception clearly fits the penitentiary model. However, in the continuation of the passage we have been analysing, Valjean also recurs to more traditional associations of enclosure by walls and the caging of animals:

> This house, too, was a *prison*, dismally resembling the one from which he had escaped, though it had been conceived with no such thought in mind. He was again confronted by *locks* and *bars*, but these protected angels. The high walls he had seen *caging* tigers here enclosed lambs. This was a place of expiation, but not of chastisement; yet it was more austere, more sombre and relentless than the other. These virgins were more harshly subdued than the convicts. A cold, rough wind, the wind that had frozen his youth, had blown through the nest of vultures; but the wind blowing through this dove-cote was keener and more piercing still. (*ibid.*: 490)

The high walls, locks and bars, and the wind of austerity are meant to keep the "lambs" and "doves" ("dovecote") secure from the outside world, not to cage "tigers" and "vultures". Valjean had turned into a vulture in the prison and nearly became a murderer, but he is expiating his sins in actively helping others, just as Marius is trying to do good politically by joining the revolutionaries. The penal system is one of the aspects of the status quo that has to be reformed, destroyed and reconceived.[6] Valjean has only learnt expiation and humanity through love (Myriel's and later Cosette's);

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[6] Society as an obsolete institution in need of transformation is also depicted strikingly in the description of Thénardier's tavern at the beginning of Part I/Book IV. The vehicle placed outside Thénardier's Sergeant of Waterloo is landlocked by rust, "and from the axle there hung in loops a great *chain* that could have served to secure a criminal Goliath. It might have been designed for the harnessing of mastodons rather than the transport of timber; and it had a look of *prison* about it, superhuman *fetters* that could have been struck off the limbs of some monster" (p. 144). The significance of this chain is symbolic of the institution of convict prison's exaggerated practice of inordinate punishment, and of the obsolescence of this system: "What was it [the chain, the cart?] doing there? It served no purpose except to block the street until it mouldered into dust. Our ancient social order is filled with similar encumbrances, surviving for no other reason" (p. 144). The irony of the passage consists in the fact that Thénardier, a villain of major proportions, has the law moulder away in his front garden, believing he will escape from justice.

the convict system fails to work in the absence of penitence, which alone would convert punishment into expiation.

4. Fiction or Reality: Images, Sources and Influences

In section three I have discussed a number of common prison metaphors. As was to be expected, these focussed on the notion of confinement as a basic connotation, but then diversified to embrace more specifically historical contexts. The 'old prison' system, with its images of dark dungeons and chains, persists in a number of metaphors that emphasize entombment and enclosure. The penitentiary is clearly responsible for associations of austerity, deprivation, bareness and the inhumanity of carceral regimes. A third major line of connotations refers to the humiliation and shame of criminality, metonymically attaching to all arrest and imprisonment, but as we have seen, this attribution is also contested, allowing for the honour of those innocently accused or the virtue of those that voluntarily undergo imprisonment or repent of their crimes.

If one looks at the descriptions of prisons in modern literature and the factual accounts of imprisonment by a variety of authors, many other features of the carceral reality are salient but less frequently constitute the source of prison metaphors. For instance, the persistent sound of locks and gates being opened and shut – a prime focus in many fictional and non-fictional accounts and in prison films – rarely shows up in metaphoric shape, although I have come across a passage in which the protagonist's hopes disappeared as when the prison doors clang shut on an inmate.[7] The indifference and unpredictability if not downright cruelty of jailors and prison personnel, an aspect noted invariably in texts from the sixteenth to the nineteenth centuries, does no longer feature in prison imagery ('cruel as a jailor'). Nor have I so far encountered locutions that presuppose the absurdity of prison regulations ('the absurdity of the situation struck her. Her work seemed to be ruled by prison regulations, maximizing cruel indifference and illogicality'). These, after all, are not peculiar to prisons but to all sorts of administrations, and presumably are resented equally in the army or in legal provisions on just about anything. Again, although cruel indifference to the needs of prisoners and the inhumanity of present-day American conditions of incarceration are prominent in fictional and non-fictional

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[7]   Doors shutting, by contrast, is a frequent prison metaphor.

work about prisoners, these features have not yet acquired prototypical status and therefore do not (yet) yield sources for metaphorical expressions.

On the other hand, references to unsanitary conditions and prisoners' deprivations are standard even on a metaphorical level for the older literature, but have been phased out in the wake of the penitentiary reforms. It is assumed these days that prisons, like hospitals, are extremely clean and hygienic places and that prisoners do not suffer from deprivations. However, these assumptions – as factual accounts demonstrate – have to be revised in the light of increasingly unsanitary conditions and the escalation of elementary deprivation in American institutions (lack of safety from rape and violent attack; lack of safety from infection with AIDS; refusal to provide necessary medicine and medical aid; insufficient access to fresh air, exercise, showers, fresh laundry, or books and legal literature, etc.), to the extent that third-world associations have again become appropriate. Other salient elements of the prison experience: fear; boredom; loneliness; loss of communicative and emotional competence, also as yet do not occur in prison metaphors. In the wake of the current prisonization of American society, however, these experiences may become more common knowledge and acquire the necessary prototypical status that might be productive of metaphorical use.

We can now summarize the results of this paper in the following terms. The use of prison settings and prison metaphors in literature relates to the institution of prison and of the carceral experience in society. To the extent that crime and punishment are prominent social and literary topics, the prison is a place metonymically related to this recurrent narrative.

As with the topic of crime, many different motivations exist to depict the institution or experience of prison or to refer to it metaphorically. As the two most common patterns of use, one can distinguish the comparison and assumed homological structure between world and prison, a parallel that is usually made in order to criticize society; and the presentation of the prison as a counter-world for exotic moral or psychological reasons.

Prison metaphors, like all metaphors, require an easily recognized, prototypical set of associations that can be used as a source domain for the imagery and which allows transfers into a blend highlighting analogies between source and target domains (Fludernik *et al.*, 1999). In this area, literary constraints operate even more forcefully, and the metaphors significantly lag behind realities.

As I have also tried to show in the analysis of several passages, the use of a prison metaphor is often not a spontaneous gesture but a deliberate stylistic strategy that helps to highlight connections to different parts of a narrative and to different levels of analysis (irony). Prison metaphors, although they often can be found in texts that have no legal or penal preoccupations (our examples above from Gaskell, Trollope and Desai), more frequently are employed in novels that already have a strong thematic interest in prisons and in which the metaphors therefore serve to corroborate, counterpoint, or complement the main arguments of the text. This could be demonstrated most extensively in the case of *Les Misérables*.

Preliminary results such as these need to be significantly extended in the light of a more numerous corpus of texts. Nevertheless, one can note at this early stage that the metaphoric use of the prison tends to focus on the spatial and psychological coordinates and therefore implies an internal perspective of the metaphors. Although the prison serves as the most typical site of otherness in modern society, otherness is rarely figured in terms of carceral institutions; by contrast, the prison is rather described by means of metaphoric vehicles that relate to counterworlds and otherness: hell, animality, monstrosity. This could suggest that prison does not convey a strong idea of punishment, since punishment continues to be figured in terms of corporal punishment as the death penalty. On the other hand, present developments in incarceration rates may change both the social significance and the conceptualizations of penal institutions and the prison experience to such an extent that literary prototypes may change in their wake. Already the theme is ever more common thematically in new publications. In fact, it seems as if a resuscitation of the literature of social criticism is in store, which will focus on the injustices of prisonization.

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Mario Puzo's "The Godfather"
Reflection or Distortion of the Mafia?[*]

FRANK NEUBACHER

> *"The trouble is all that damn trash in the movies and the newspapers.*
> *(...) You've got the wrong idea of my father and the Corleone Family"*
> (Mario Puzo, 1969/1995: 362)

1. Introduction

Criminologists have generally regarded reporting on criminality in the mass media with suspicion. There are numerous examples of media distortion, of crime waves triggered by the media and of simple errors which make a substantive discussion in public much more difficult (see Bundes-ministerium der Justiz [German Federal Ministry of Justice], 2000). In this light the introductory quote above from *Michael Corleone*, one of the main characters in *Puzo's* novel, could also be an admittedly excited idiomatic statement by a criminologist. The fact that the mass media also have their difficulties with the *Mafia*, the Sicilian variant of the *Cosa Nostra*, is widely known (Paoli, 1999): Here a number of different things are lumped together into a rather thin *Mafia* soup. *Mafia* is not always inside, just because *Mafia* is on the label: Common examples are "the Russian Mafia", the "Vietnamese Mafia", the "Cigarette Mafia", the "Drug Mafia", the "Mafia" in City Hall and – dramatically – the "Quest for world-wide

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power".[1] A brief survey of the book market (examples: "School Mafia", "Lotto Mafia", "Internet Mafia", "Art Mafia", "Child-Sex Mafia") demonstrates that *"Mafia"* has in the meantime decayed to become a (high-sales!) synonym for illegitimate enrichment and organized behaviour, assuming that the term is still subject in colloquial usage to any delineation of meaning at all.

Thus if, with some exceptions, even journalistic sources can contribute little to a deeper scholarly understanding of the *Mafia*, why then should of all things the novel be in a position to do so, a literary genre characterized substantially by its fictional nature? And what's more, a novel to which criminologists almost unanimously attribute responsibility for the *"Mafia* myth" (e.g. Manns, 1999: 268; Ohlemacher, 1998: 31 ff.; admittedly without further motivating the label "myth" and measuring it against a given reality)?[2] One reason justifying the assumption that "The Godfather" may entail criminological substance is the assessment of the novel by *Mafia* insiders, which could hardly be more varied. On the one hand we have *Antonino Calderone*, former member of a long-established *Mafia* family, who reports that "The Godfather" has received particular praise in *Mafia* circles for its highly realistic portrayal (see Vorauer, 1996: 10 ff.; Loeser, 2000: 118). And on the other hand we have *Pino Arlacchi*, Sociology professor and former vice-chairman of the anti-*Mafia* committee of the Italian Parliament, who in the meantime describes his previous assessment of the *Mafia* as a myth fed by superstition, the media and books like "The Godfather" as being a "blunder of intellectual arrogance" and has abandoned this view (Arlacchi, 2000: IX).

Thus we would like to take a look at this novel, a work which achieved worldwide success not only in book form but also as a three-part film winning nine Oscars. Ironically *Mario Puzo* (1920-1999) uses the quote on the representation of the *Mafia* in newspapers and films to raise the question of criticism itself and plays with it. Does he want to admit that he lays no claim to a realistic representation? Or, by emphasizing newspapers and films, does he want to exclude his own medium, the novel, from criticism? We don't know, just as we don't know from where he drew his knowledge of the internal life and structure of the American *Cosa Nostra*. However,

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[1]   Thus the subtitle "Griff nach der weltweiten Macht" (grasp of the worldwide power) in Sterling (1990).

[2]   Most authors just refer to Hess (1993), whose study even uses the term "Mythos" in its subtitle.

we can say that with his novel, in 1969, *Puzo* already provides an approximate picture of the organizational structure of the *Cosa Nostra* which until well into the 1980s (as has been confirmed by subsequent statements by *Mafia* deserters) was unfairly doubted and refuted by scholars and the criminal justice system (cf. Neubacher, 2002: 44 ff.; see also Paoli, 1999: 425). A rare but serious case of reluctant recognition in academe! In the present treatment, the novel's depictions are compared with newer scholarly discoveries in *Mafia* research and contrasted with one another. The object of this comparison is in particular the representation of organizational structure, the code of behaviour and sources of income for the *Cosa Nostra*. Finally, based on the novel, a sociogram or organizational chart of the *Corleone* family will be presented in order to illustrate the structure of the *cosca*[3] and the *partito*, the network of relationships to politics and to influential followers.[4]

2. The "Cosa Nostra" - Terms and Histories

The term *"Cosa Nostra"* ('our thing') is used as a generic term for similar phenomena in various regions of southern Italy. The best known of these is the *Mafia* in Sicily; there are also the *Camorra* in Naples and Campania, the *'Ndrangheta* in Calabria and the *Nuova Sacra Corona Unita* in Apulia. The respective numbers of "members" fluctuate; the Sicilian *Cosa Nostra* is sometimes estimated to have no more than 6000 persons, sometimes to have approximately 3200 members (with a population of approximately 5 million in Sicily; see Loeser, 2000: 93 ff.; Paoli, 1999: 426). Nevertheless, the *Cosa Nostra* unleashes considerable destructive social forces, since it controls entire regions and business segments by means of violence, using dependent front men and their political contacts.

In the early 20th century, immigrants from Sicily also enabled the development of the *Cosa Nostra* in several large cities and metropolitan areas of the USA (see Gude Hohensinner, 2001). Since then, in addition to familial contacts there have also been occasional operative contacts between the two continents, e.g., in drug trafficking during the 1970s and 1980s ("Pizza Connection"). Nevertheless, the families in the USA and Sicily remained organizationally separate from one another and differed from one another

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[3] Italian dialect: 'artichoke' (term for the immediate environment of a "family").

[4] The terms stem from Hess (1986: 83 ff., 91 ff.); see also Loeser (2000: 250 ff.).

in terms of their business practices and business rules. Thus the Sicilian *Cosa Nostra*, in contrast to its American sister-organization, still had not installed a *commissione* as an instance of arbitration and coordination until the end of the 1950s. Furthermore the Sicilians criticized their American "colleagues" for recognizing (and practicing) divorce, and a majority insisted, at least until 1980, that business dealings with prostitution, drugs and money-lending were dishonourable.[5] The Sicilian *Mafiosi* were much more traditional in these points; here Sicilian Catholicism, a rigid (and "double") sexual ethic and a Mediterranean concept of machismo all played an equal role. In "The Godfather" *Puzo* introduces his main protagonist, Don *Vito Corleone*, as a tradition-conscious and prudish family head who sharply disapproves of sexual escapades and whose refusal to grant another "family" support in its drug business triggers a *Mafia* war (Puzo, 1969/1995).[6] In the meantime the Sicilian *Mafia* has "modernized" itself; the drug trade has brought large amounts of money into its coffers. Today the major difference seems to be that the American *Cosa Nostra* has succeeded to a large degree in expanding to legal sectors through money laundering and has concentrated its business activities there.

The words *Mafia*, *Camorra* and *'Ndrangheta* originate in Italian dialect. Their meaning is as puzzling and disputed as the historical origins of the *Cosa Nostra*, which are lost somewhere in the years before the 20th century. The explanation that the word *Mafia* has derived from an acronym based on the words "*Morte alla Francia, Italia anela*", a battle cry from the 13th century remains dubious (Hess, 1986: 4, 103; Loeser, 2000: 89). Such attempted explanations express much more the desire for legendary and mythical formulations, for a historical and even pseudo-religious elevation of the *Mafia* which can only serve to enhance its reputation. This is also attested by the first verse of the old Calabrian song "Ndrangheta, camurra e mafia"; it relates the legend of Osso, Mastrosso and Carcagnosso, three Spanish knights, who are said to have founded the *Cosa Nostra* at the end of the 14th century:

> *'Nta na notti di un tempo che fu / Tri cavaleri dda Spagna se partiru / Dall'*
> *Abbruzzi a Sicilia passaru / E poi cà in Calabria se firmaru / Ventun anni*

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[5]   Thus the reports from Buscetta (see Arlacchi, 2000: 63).

[6]   This episode has a parallel to reality, in that in 1957 in New York there was an assassination attempt made on Frank Costello, who had forbidden his "family" to be involved in drugs and thus had brought down the wrath of Vito Genovese on himself.

> *lavuraru sutta terra / Pè fundari li regoli sociali / Leggi d'onori e di guerra / Leggi maggiori, minori e criminali / E 'sti regoli di sangue e d'omertà / Da padre a figghju si li tramandaru / Chisti su i leggi dda società / Leggi cu signu 'nta storia lassaru // 'ndrangheta, camurra e mafia / È Società organizzata / 'ndrangheta, camurra e mafia / Sicilia, Napoli, Calabria onorata.*

> *One night a long, long time ago / Three cavaliers took leave of Spain / And passed through Campania and Sicily / To settle down in Calabria / For 21 years they kept out of sight / To found the rules of their society / Laws of honour and of war / Major and minor, criminal too / Laws of blood and secrecy / Passed on from father to son / These are the laws of our society / Laws that have shaped history // The 'Ndranghetà, Camorra and the Mafia / Form this organized society / The 'Ndranghetà, Camorra and the Mafia / Honourable Calabria, Sicily and Naples.* (Il Canto di Malavita, 2000, Track 2).[7]

In the Palermite dialect of the 19th century *Mafia* means something like "beauty", "grace", "perfection" (cf. Hess, 1986: 1); and the origins of the *Mafia* can only be traced with certainty back to the 19th century. In the years 1862/63 in Palermo we find a comedy from *Rizzotti and Mosca* being performed with the title "I mafiusi della Vicaria", telling of prisoners who belong to a delinquent association with certain customs and hierarchies of rank. The success of the play spreads the term quickly throughout the entire country (Paoli, 1999: 425 ff.; Hess, 1986: 2 ff.). In his 1954 masterpiece "The Leopard", *Giuseppe Tomasi di Lampedusa* depicts the downfall of a Sicilian noble family at the time of *Garibaldi*. The character of Don *Calògero Sedàra* portrays the type of a Mafioso upstart (Loeser, 2000: 260). The *Mafia* is expressly mentioned when conversation comes to "influential people" to whom the Prince must pay money in August 1860 for permission to pass, in order to be able to travel undisturbed "through the territory of the *Mafia*" to reach his estate (Tomasi di Lampedusa, 1958/1993: 67). These artistic references correspond to scholarly observations according to which the *Mafia* proceeds in greatly strengthened form from the Italian *risorgimento* ('resurrection', 'resurgence', referring to the unification of the Italian nation) of 1861. But its roots reach further back into the feudal structure of Sicily and in the lack of an effective central power, resulting in a situation for the country which the *Mafia*, represented by the *gabbellotti* of the time, readily exploited (see Loeser, 2000: 65 ff.). In his "Godfather" *Mario Puzo* skillfully integrates these historical begin-

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[7] The title of the CD ("La Musica della Mafia") has been chosen for commercial sales reasons; in fact the music in question is songs of the 'Ndrangheta.

nings of the *Mafia* in the plot. He introduces a Sicilian *Mafia* boss as *gab-bellotto*:

> *"The gabbellotto, a sort of overseer to the estates of the rich, also guaran-teed that the poor would not try to claim land not being cultivated, would not try to encroach in any way on the estate, by poaching or trying to farm it as squatters. In short, the gabbellotto was a mafioso who for a certain sum of money protected the real estate of the rich from all claims made on it by the poor, legal or illegal. When any poor peasant tried to implement the law which permitted him to buy uncultivated land, the gabbellotto frightened him off with threats of bodily harm or death. It was that simple."* (Puzo, 1969/1995: 323).

3. The Novel: The Story of Don Vito Corleone

"The Godfather" portrays the gradual rise of the *Corleones* to become the most powerful *Cosa Nostra* family in New York and in the United States. The focus is on the leadership of the "family business" by *Vito Corleone* in the times immediately following the Second World War. As in reality,[8] in the novel there are also five families fighting for predominance over the New York underworld. *Vito*, whose last name is actually *Andolini*, comes to New York as an orphan in the year 1901. He has had to leave his native village in Sicily, *Corleone*, because the local *Mafia* boss has killed his fa-ther and now wants to take *Vito's* life as well in order to prevent a blood feud (*vendetta*). But it is not because of this, but out of a sentimental con-nection to his home that *Vito* takes on the name *Corleone*. He coinciden-tally gets to know the petty criminals *Clemenza* and *Tessio*, who are later to become his *caporegimes* (Ital.: *capodecina*, a term referring to the leader of a group of simple members). But first the young *Vito* has to take care of himself, his wife, and his children through a series of small larcenous ad-ventures which he carries out together with his two accomplices. He has lost his job in a grocery store because his employer, in order to please the *Mafioso Fanucci*, who is in control of the neighbourhood, has agreed to give someone else the job. As *Fanucci* again interferes with *Vito's* circle and demands a commission on the goods he is stealing, *Vito* kills him. From then on he is treated in the neighbourhood as an "honourable man" (as the *Mafiosi* refer to themselves). Neighbours ask for his protection and request favours of him, shopkeepers and the operators of illegal gaming

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[8] Cf. Gude Hohensinner (2001): These are the "families" Morello/Terranova, Masse-ria, Luciano, Genovese and Gambino.

houses pay him voluntarily for his "friendship". *Vito's* rise begins, presented to the outside world in the guise of a flourishing olive-oil import company. Through his far-sightedness, his skill in negotiating and, when necessary, through the unrestrained use of violence, he gains an outstanding position of power which brings him the honourary title of a "Don" during the Prohibition years. There are now a large number of police and Justice department officials on his bribery rolls. Since he can "organize" votes in the Italian community, he quickly also becomes a factor in political power. At the end of 1945 he is shot by a hit man hired by a rival boss and survives, although seriously wounded. In the following conflict, his son *Michael* takes revenge by shooting and killing his father's rival together with a corrupt police officer. *Michael* then flees to a hideout in Sicily; his older brother *Sonny* is murdered. *Michael* can not return to New York for several years, when his father negotiates a truce and guarantees for *Michael's* safety with the other bosses in a conference (referred to as a "council"). *Vito Corleone* dies of natural causes in 1954; *Michael* restructures circumstances by assassinating the heads of all the other rival "families" in a single, large-scale campaign and thus leads the *Corleone* family to the forefront of power in the entire country.

When viewed from today, *Puzo's* choice of the name *Corleone* takes on additional significance, of which the author must not have been entirely aware in 1969. He presents the town of the same name, a "small poverty-stricken town" deep in the heart of Sicily as a Mafia stronghold in which, as a result of blood feuds (*vendettas*), hardly any men are left alive and which "had the highest murder rate of any place in the world" (Puzo, 1969/1995: 332). But *Puzo* could not have known at the time that the town of 12 000 not only would be seen as *a* Mafiosi town, but as *the* town of the Mafia (thus Butta, 1999: 65). The town is indeed the home of the *Corleonesi*, the powerful *Mafia* bosses (primarily *Totò Riina, Bernardo Provenzano, Leoluca Bagarella*), who have dominated the Sicilian *Cosa Nostra* since the *Mafia* war of 1982/83 and their victory over the "families" of Palermo.

At the beginning of his novel, *Puzo* gives a striking portrayal of the client system of favours, services and dependencies so typical of *Mafiosi* relationships, under which "even your basic rights become a 'favour'" (Rossi, 1984: 123), since ultimately even legal entitlements can only be asserted when one knows the right people in the right places. On the day of his daughter *Connie's* wedding, Don *Vito Corleone* holds an "audience":

While the festivities take place in the garden, the Don receives in his study the homages and concerns of his petitioners, who have come to him on a day on which he can refuse no request. As *Kay, Michael's* American girl-friend and later wife comments on the activity with the naive remark that *Michael's* father must have a good heart, *Michael* replies to her:

> *"I guess that's the way it sounds, but let me tell you this. You know those Arctic explorers who leave catches of food scattered on the route to the North Pole? Just in case they may need them someday? That's my father's favours. Someday he'll be at each one of those people's houses and they had better come across."* (Puzo, 1969/1995: 43).

4. Territory and Sources of Income

Territory is the spatial area which a "family" controls because it can gain the upper hand. This sphere of influence, somewhat like turf, is watched over jealously and defended against intruders. This is even more so the case since the territory, the basis of power, is only respected as long as a "family" can prove that it is strong enough to lay this claim; otherwise it will be taken over by other "families" together with the associated "clientele". Territories may be of differing sizes, an entire city, a particular part of town or even individual streets. Palermo for example is divided along invisible boundaries into comparatively small territories; at times nine "families" had divided up the city among themselves. In Corleone on the other hand, only one single "family" has always exercised control and continues to do so today.

The significance of territory becomes clear when we consider that it is only possible to do business there with the approval of the "head of the family". This also applies for members of competing "families", who, if they would like to avoid conflicts, would even address the local bosses in advance if their intent were murder. Primarily the territory guarantees a family's income. It is as a rule the location of the legal business, e.g., a workshop of some sort, a construction company, etc., which serves as a facade for the "family's" illegal business. Of these, in particular extortion of protection monies is directly bound to a "family's" own territory.

In "The Godfather" *Vito Corleone's* legal businesses are an olive oil import company, a realty agency, and a construction company; he later enters into the legal casino business in Las Vegas. His territory is located in the Bronx and in Brooklyn, where his men pursue the following illegal activities: gambling, also in the form of illegal betting offices and lotteries, loan-

sharking, and extortion of protection monies. In addition, the Don boasts of his control over the labour unions; a large part of his assets stems from participation in alcohol smuggling and sales during the prohibition years (1919-1933; cf. Puzo, 1969/1995).

In addition to the quantity and quality of personal relationships to influential persons in the worlds of politics and business, territories and assets are the principal components of the power of a "family head"; these factors are also interdependent, since as a territory represents the basis for the attainment of assets, retention and enlargement of the assets requires "good relationships" whose maintenance again requires utilization of monetary resources or other valuable favours.

5. Codes of Behaviour and Honour

Because of the existence of the *Mafia* over many long years and its embedding in everyday Sicilian life, it is appropriate to consider tradition and culture in the sense of attested, transmitted rules. This tradition is maintained through ritual and symbols, including a certain number of songs which provide an interesting impression of the self-image of the *Cosa Nostra*. The *Cosa Nostra* sees itself as a federation of honourable men into which one is initiated through a baptismal ritual (cf. Paoli, 1999: 427). This lends the entire procedure a quasi-religious meaning which is emphasized by the following verse of the song mentioned above:

Dda c'era nu casteddu ccu tri stanzi / Undi la prima puzzava infamità / Tri gucci di sangu 'nta secunda 'nci truvai / Mentri 'nta terza nu corpu di società / Degnu e meritevoli fui arricanusciutu / Sutta l'arberu da scienza abbattiatu / Onoratu circulu a tutti vi salutu / Finu a la morti a vui su vinculatu / Io fazzu l'omu pi sangu e onori / E pi scacciari l'infami e tradituri / Mentre e perdunu nuddu ha pietè / Chistu m'imponi 'stu corpu e società // 'Ndrangheta, camurra e mafia / É Società organizzata / 'Ndrangheta, camurra e mafia / Leggi d'onori leggi d'omertà.

On the island there was a palace with three halls / The first full of the stench of treason / I found three drops of blood in the second / And in the third a society gathered / Who took me as their own / And under the tree of knowledge I was baptized / Honourable circle, I greet you all / Together until death / I am one of your own for blood and for honour / To hunt down the unworthy and the traitors / We know no mercy and we never forgive / That is the way of our society // The 'Ndranghetà, Camorra and the Mafia / Form this organized society / The 'Ndranghetà, Camorra and the Mafia / Laws of honour, laws of secrecy.

These lines reveal, in addition to the pseudo-religious reference, allusions to the vocabulary and practices of secret societies such as for example the Freemasons, who are strongly present in Calabria (Paoli, 1994: 235). Starting in the second half of the 18th century, the Freemasons exaggerated secrecy and mystification and in doing so distanced themselves from the original ideals of the first Freemason Lodges, i.e., equality and tolerance. An opaque system developed with diverse grades or degrees with which various levels of information and initiation in Freemason knowledge were linked.[9] Here such privileged knowledge is implied (at least by analogy) by the "tree of knowledge". This term is a synonym for the *'Ndrangheta*, which is symbolized in pictorial portrayals by a large tree with branches, twigs and leaves (Paoli, 1994: 217). The verse's "three drops of blood" refer to the rites of initiation which take place when a new member is accepted and which are practiced with some slight variation in form throughout the entire *Cosa Nostra*. Criminology has mistakenly ignored this ceremony for a long time and has even denied it.[10] The former *Mafioso* and deserter *Tommaso Buscetta* has confirmed the ceremony for the *Mafia*, as have others after him (Buscetta, 1999: 48 ff.; also Falcone & Padovani, 2001: 97 ff.; Loeser, 2000: 347 ff.). Furthermore the ceremony is attested for the *'Ndrangheta*, where it is referred to as baptism (Paoli, 1999: 427), and even for the American *Cosa Nostra* (see Gude Hohensinner, 2001: 83, 96). The acceptance of a new member essentially proceeds as follows: The new member is first introduced (after a long period of prior observation) to a *uomo d'onore* ("man of honour") in the "family". The "family's" head then explains the rules and laws of the "honourable Society". At the climax, the young man, who may not have any blood relatives with the police or justice authorities and who must have a good reputation, swears an oath of allegiance. After the head of the "family" (*il rappresentante*) has cut the initiate's finger and dripped several drops of blood on a devotional picture, he then ignites the picture, and while throwing the burning paper from one hand to the other the new member speaks something like the following words: "My flesh shall burn like this devotional picture if I should ever break my oath".

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[9] For more see the chapter on Freemasonry and secret societies in Möller (1986: 213 ff., 218).

[10] For example in Hess (1986: 82); only reluctantly accepted in Hess (1993: 199).

In spite of contrary assumptions and speculations, the rules of the *Cosa Nostra* are not set down in written form, as is also the case of the words of the oath of allegiance (*il giuramento*). The rules are transmitted orally, e.g., in the initiation ceremony, and are apparently limited to a few essential rules, primarily the laws of honour and silence (*leggi d'onore e d'omertà*). The code of honour also requires the member to defend himself against attacks and insults, without the help of the police or justice authorities. *Omertà*, the code of silence, can be regarded as the most important rule of the *Mafia*. It categorically forbids not only any cooperation with the police or justice authorities; much more it requires that the member not speak about the *Cosa Nostra* outside of the organization. New members are told at their initiation that their society is called *Cosa Nostra* and not *Mafia*, and that its members are referred to as *uomini d'onore*. They then swear an oath of absolute confidentiality regarding the *società onorata*. This includes a requirement that the "man of honour" never identify himself as such or ask another person directly whether he is a "man of honour". Usually introduction takes place through a third party who knows both of the parties concerned as "men of honour". The formula for the introduction is then something like "He is the same thing" (Butta, 1999: 108; Falcone & Padovani, 2001: 98). In Puzos novel (1969/1995: 334), the words are "[being] a friend of the friends".

The drastic consequences associated with violation of the code of silence are the subject of a song bearing the title "Omertà":

> *Mentri canta la lupara / Na carogna grida e mori / Chista leggi dura e a-mara / A l'infami spacca o cori / Nuddu vitti o sapi nenti / Cu vole a Dio mi prega i Santi / O culpevoli o innucenti / Ognunu faci lu mircanti // Omertà, omertà / Chista é leggi i società / Leggi chi non perduna / A cu faci infami-tà.*

> *L'omertà é cumandamentu / Esti leggi saggia e giusta / Cu prestau lu giu-ramentu / Lu sgarrari assai ci custa / Occhiu tengu ma nun viu / Sugnu sur-du e puru mutu / Sacciu i reguli di Diu / Ma restu sempri nu tambutu // O-mertà, omertà / Chista é leggi i società / Leggi chi non perduna / A cu faci infamità.*

> *Surdu mutu orbu sugnu / A l'onorata ci appartegnu / Società che 'nta nu pugnu / Ci cumanda tuttu u regnu / É l'omu chi parra assai / Si trova sem-pri 'nta li guai / Chi é surdu orbu e taci / Campa pì cent' anni in paci.*

> *While the sawn-off shotgun sings / The traitor screams and dies / This hard and bitter law / Splits the traitor's heart / No-one saw or knew a thing / Whoever turns to God honours the Saints / Guilty or not guilty / Nobody*

spoke a word // Omertà, Omertà / This is the law of our society / Laws that don't forgive those / Who break their silence

Silence is an order / A just and wise law / Whoever breaks his oath / Knows the price to pay / I have eyes but I see nothing / I am deaf and even dumb / I know the laws of God / And keep them to myself // Omertà, Omertà / This is the law of our society / Laws that don't forgive those / Who break their silence

Blind, deaf and dumb am I / I am one of the society / That is a clenched fist / And that rules the land / The man who speaks too much / Will never have it easy / But whoever is deaf and blind and mute / Will live in peace for a hundred years. (Il Canto di Malavita, 2000, Track 12).

Further important ground rules are unconditional obedience to the *rappresentante* of the member's own family and to his orders, as well as that the member must always tell the truth and keep his word when dealing with "men of honour". These rules are in no way intended simply to raise the level of general character within the society, but are rather meant to maintain the operability of the organization. The requirement of telling the truth is meant to avoid misunderstandings of this sort which could possibly have drastic consequences. Since these rules serve only for the protection of the organization, it would be wrong to assume that the individual could always count on conformity to these rules. If for example a member is to be killed, the job of the murder is given to someone who enjoys the trust of the member to be killed, possible even a blood relative. In order to get close enough to him, the relative will give the victim a false sense of security and will even lie to him if necessary. In Puzo's "Godfather", *Michael Corleone*, the new godfather, has his brother-in-law *Carlo* killed immediately after he has accepted the godfathership for *Carlo's* newborn son. In order to give *Carlo* a feeling of security immediately before the murder and to elicit an important piece of information from him, *Michael* gives him a little encouragement: "Don't be so frightened. Do you think I'd make my sister a widow? Do you think I'd make my nephews fatherless? After all I'm Godfather to one of your kids" (Puzo, 1969/1995: 432).

Claims such as the one that the *Mafia* would only act according to its own rules, for example that the *Mafia* would not kill women or children[11],

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[11] Only one of many counterexamples is the kidnapping and murder of young Giuseppe Di Matteo, whom Giovanni Brusca has killed after being held hostage for more than two years in January 1996, after his plan to prevent the father of the boy, aged 15 at the time of his murder, from cooperating with justice authorities had failed; see Lodato (1999, S. 144 ff.).

belong to the realm of the legendary just as much as the supposition that local *Mafia* bosses would selflessly, so to speak in a charitable manner, turn to one another for assistance. In general it can be said that, when necessary for retention of power or to gain a decisive advantage, the *Mafia* is prepared to break any existing rule. Even if it is true that until the 1970s a majority of the *Mafia* families (until the rise of the *Corleonesi*) had refrained from dealing in narcotics on a large scale, the contrast between a good, old, in essence, honourable *Mafia* with a brutal, new *Mafia* which has become unpredictable under the *Corleonesi*[12] is a transfiguring romanticization. In his Sicilian travel notes, the publicist *Joachim Fest* recorded a conversation on this topic which should be repeated here:

> *"As I spoke about the meeting with the 'uomo di rispetto', everyone agreed that the resigned tone of my discussion partner was in no way feigned: The civil Mafia of the lawyers and dignitaries was in the process of losing its influence. Instead a type of syndicate was on the rise which was without scruples, violent and full of contempt for the atavistic moral concepts of the 'Society' of the old days. Reaching far beyond the island, with extensive international connections, the syndicate laughed at Sicilian provincialism and did its business in prostitution, smuggling and narcotics trafficking on a large scale. At the same time the syndicate is penetrating into state administration, is infiltrating the authorities with control of public funds, and is investing enormous amounts of money in construction companies and insurance firms. The old Mafia was not so interested in wealth as in brutal respect. And their extortionate activities could be seen more as taxation by a shadow government, as they understood themselves. They have now grown into a criminal investment company. Only Carmelo G., the fat professor, contradicted everyone. Even the distinction between an older 'Mafia' and a newer 'Cosa Nostra' would be wrong from the start. Anyone who believes that, he said, was the victim of a deceptive strategy aimed at nothing other than making the 'honourable society', which had never earned the title, appear more honourable. The same intent was behind the formula 'culture of the Mafia' which could be heard everywhere in the meantime. Everyone knows, he added, that not a word of it is true. But all of these sentimental Sicilians, in love with their own powerlessness, repeated what they heard without even thinking."* (Fest, 1996: 68 ff .).[13]

The assumptions in this context which emerge in *Mario Puzos* novel and which are aimed in the same direction are just as remarkable: He has *Michael Corleone* in his flight to Sicily meet a certain *Taza*, who tells him

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[12] In this spirit see, e.g., Loeser (2000: 50 ff.).

[13] Just as critical of this "myth" Falcone & Padovani (1991: 104).

stories of the *Mafia*. Among other things, *Taza* explains that people go to the *Mafia* because they could not expect just treatment by the authorities; the *Mafia* on the other hand took from the rich and gave to the poor.

> *"But what Dr. Taza did not add, what Michael learned on his own in the months that followed, was that the Mafia in Sicily had become the illegal arm of the rich and even the auxiliary police of the legal and political structure. It had become a degenerate capitalist structure, anti-Communist, anti-liberal, placing its own taxes on every form of business endeavor no matter how small."* (Puzo, 1969/1995: 324 ff.).

6. Organization and Structure

Until well into the 1980s, research into the *Mafia* in Italy as well as in Germany was dominated by the controversial question of whether or not there was a uniform *Mafia* organization and about what could be said of its structure with a given amount of certainty. At present the claim is still made that the idea of a conspirative secret society equipped with a variety of command levels is a "mythical and mistaken" (Manns, 1999: 268).[14] On the other hand, as far as criminology is concerned, it can be clearly said that there is a particular organizational structure in the *Cosa Nostra*.

This structure consists at the level of the "family" of the simple soldiers (*soldati*) who are subordinate in groups to the *capodecinas*; the *capodecinas* are in turn responsible to the chief of the "family" (*rappresentante* or *capo*). This structure can be (but need not be) enhanced to include a *consigliere*, an advisor in legal and business matters, as well as a deputy (*vice-capo* or *sottocapo*). According to statements by *Buscetta*, in 1957 *Joseph Bonanno*, representative of the American *Cosa Nostra* from New York, suggested at a meeting with *Mafia* leaders in Palermo that a *commissione* should be established functioning as a family-independent body for moderation of conflicts and for coordination based on the model of the American *Cosa Nostra* (Arlacchi, 2000: 65, 69). The first *commissioni* were then set up starting in 1957. These are however local bodies (*commissione provinciale*) encompassing only individual provinces, e.g., Palermo; the corresponding inter-regional institution for all of Sicily (*commissione regionale* or *cupola*) did not go into operation until 1975 (cf. Falcone & Pa-

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[14] Similar Hess (1986: V, 103 ff., 165) and Hess (1993: 197); contrary Falcone & Padovani (1991: 99 ff.); Arlacchi (2000: IX); Paoli, (1999: 428); Scarpinato (forward in Butta, 1999: 14); Loeser (2000: 275 ff.); Neubacher (2002: 45).

dovani, 2001: 101). The American *Cosa Nostra* has organized itself similarly, using however Americanized designations for the various positions. Here the simple member is refereed to as a *button man*, the group leader as *caporegima* or *caporegime*. The American "men of honour" had already installed a *commissione* in 1932, after the heavy losses of the Castellamarese war (Gude Hohensinner, 2001: 81, 235; Cohen, 1999: 70). It is reported that the *'Ndrangheta* in Calabria has had a *commissione* since the 1990s (Paoli, 1994: 218; 1999: 426). In contrast to the Sicilian *Mafia*, it was unusual in the American *Cosa Nostra* (again represented accurately by *Puzo* in his "The Godfather") that a simple member would be able to have direct contact with his *rappresentante*; information and instructions are always passed on by the *caporegima*, who in doing so shields his boss.[15]

In Italy as well as in the USA, the *Cosa Nostra* has been successful for a long time in holding this basic structure in secrecy. Not until approximately 30 years after its introduction has it been revealed by a number of witnesses who had decided to cooperate with authorities. In Italy the revelations of *Tommaso Buscetta* in 1984 led to the so-called Maxi-Trial of 1987, in which the existence of a *commissione* was established in court for the first time. In the USA it was *Joseph Valachi* who in 1963 spoke to the *McClellan Commission* about the *commissione* and the internal structure of the *Cosa Nostra* (Gude Hohensinner, 2001: 80 ff., 360).

If in this context we apply *Mario Puzo's* representation of the *Corleone* "family" (see diagram), we again recognize the basic features of this structure. At the center is the godfather, Don *Vito Corleone*, and his three sons. The core of the "family" is thus a family related by blood, even though membership in the *Cosa Nostra* is not inherited. Immediately next to the Don, who has no deputy boss (when he is shot, his oldest son *Santino* takes over command), is *consigliere Tom Hagen* as his right hand man. *Peter Clemenza* and *Tessio* are under the direct command of the godfather and exercise the function of *caporegime* as does *Santino Corleone*. *Clemenza* is in charge of the Bronx territory, *Tessio* is in charge of Brooklyn. The *button men* underneath them in the hierarchy remain for the most part unnamed. The novel gives their number as at least 100; they are introduced as toughs or money-collectors. One exception is *Paulie Gatto* from the Clemenza team, who works as the Don's chauffeur and bodyguard. After his betrayal and murder he is replaced by *Rocco Lampone*, who later works

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[15] In agreement Arlacchi (1994: 64); Gude Hohensinner (2001: 90).

his way up to the rank of *caporegime*. Finally, the Don's hit man is also mentioned by name, *Luca Brasi*.

Figure 1: The "Family Tree" of the Corleones
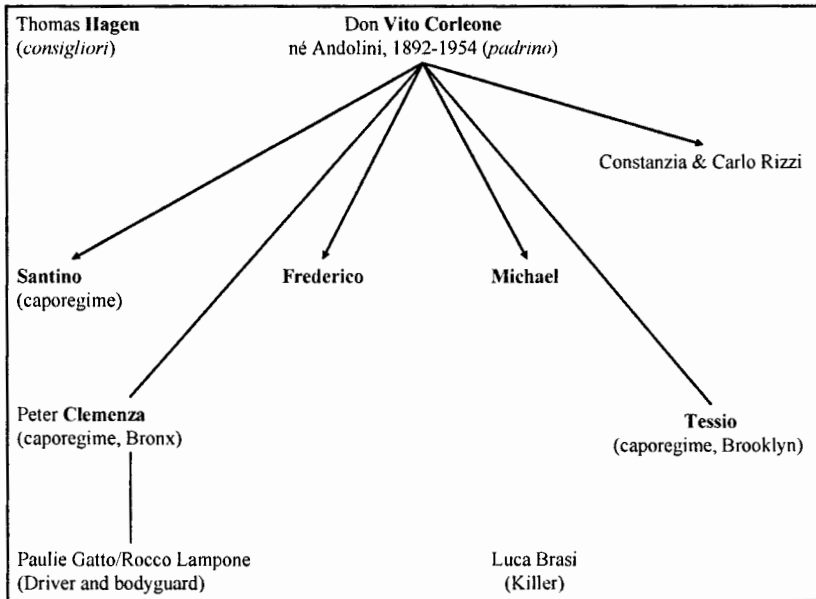
In addition to these actual members of the "family", there are contacts to a large number of more or less influential *associates*, who make up the so-called *partito*. These people are not members, but work for the "family" for money or because they owe the "family" a favour. The paid collaborators are either continuously bribed or paid on a case-by-case basis, e.g., as informants. The Don's important political connections are on the other hand personally founded and, when he turns business dealings over to someone else, must be transferred to his successor in his own presence (Puzo, 1969/1995). The godfather maintains relationships of this type, e.g., with two congressmen, a senator, a general staff officer at the Pentagon, a bank director and with his godson, a singer, whom he has helped to achieve a successful career as an actor and movie producer in Hollywood. Among those who are paid for their services are "the most powerful man in the movie-making unions", two influential functionaries in the textiles unions,

a policeman in the New York Police Department, journalists and an employee at the telephone company.

Of course, one must not think of the structure of this sort of "family" or of the organization as a whole as being too rigid. The *Cosa Nostra* has continuously proven its ability to change and adapt. Structure always follows function, and never vice versa. Although the character of an organization is beyond doubt, here we are not concerned with a state within the state, nor with a variant form of a criminal business operation. The consistent hierarchical organization needed for a national corporation is absent, as the relationships of subordination and authority exist in this form only within the individual families. In the interregional area the commissions exercise only the function of a moderating and coordinating instance, i.e., the chairman of the commission has no directorial right over the other heads or *rappresentanti*. As primus inter pares he is much more required to organize and direct the negotiations, which take place at irregular intervals and are only convened as needed. Furthermore it must be kept in mind that the "families" act independently in the selection and operation of their businesses and on their own behalf. It is also possible that individual members of a "family" may pursue their own businesses, with the approval of the own *rappresentante*. *Paoli* has thus accurately emphasized that "it would be absolutely incorrect to compare the decision-making bodies of the Mafia with the administrative or supervisory organs of large companies, or even to assume that the Cosa Nostra and 'Ndrangheta function as multinational corporations" (1999: 437).

The idea of a state within a state is also misleading, since it obscures what makes the *Mafia* so dangerous and what *Giovanni Falcone* has called "una organizzazione parallela" (Falcone & Padovani, 2001: 82). This refers to the ability of the *Mafia* to adapt to the respective condition of the state, to enter into alliances and make agreements with parts of local and national politics, with the police and justice authorities. In allegiance to the two levels of the *Mafia* already mentioned, the *famiglia* and the *commissione*, the Italian term used in public when referring to those in politics that have entered into political allegiance with the *Mafia* is *terzo livello*. A prototype here is the case of the seven-time Italian Prime Minister and senator for life *Giulio Andreotti*, whose intensive contacts to the *Mafia* were gradually uncovered in the 1990s and which are notorious in spite of the fact that *Andreotti* was exonerated from a variety of accusations in two criminal trials

in 1999[16] (cf. Neubacher, 2002: 46; Igel, 1997: 269 ff.; further Campisi, 1996).

7. Francis Ford Coppola's Film

The American director *Francis Ford Coppola*, whose family is from Sicily, based the first part of his film trilogy[17] in 1972 ("The Godfather") on the book by *Mario Puzo*. The plot in the first sequel "The Godfather II" (1974) had little to do with the novel except for the characters in the plot, and the second sequel "The Godfather III" (1990) had nothing more to do with the novel. The script in all three cases however is a product of the *Coppola/Puzo* team. And these scripts clearly orient the plot of the film towards authentic persons and events. While the novel contains corresponding allusions (e.g. the five New York "families"; the singer who becomes a success with the help of the *Cosa Nostra*: *Frank Sinatra*; cf. Gude Hohensinner, 2001: 317), "The Godfather II" and "III" make reference to historical personalities. In the wealthy casino and hotel-owner *Moe Greene* in Las Vegas we see Gus *Green*baum and *Moe* Sedway; the Jewish gangster boss who does business in Havana with help of the Cuban dictator *Batista* and his right hand man are called *Hillman Roth* and *Johnny Ola* in the film and point to the historic persons *Meyer Lansky* and *Vincent Alo* (Gude Hohensinner, 2001: 310 ff.).

In "The Godfather III", filmed in the year 1990, *Puzo/Coppola* establish a connection to Italy's recent history, especially the years 1978-1982. Among other things the plot deals with the financial scandal at the Vatican, with the sudden death of the new Pope and the banker found hanged under a bridge in London. *Puzo/Coppola* have *Giulio Andreotti* appear in the film in the form of a highly placed member of the government, perhaps the head of the government, named *Lucchesi* who maintains contacts to the highest levels of the *Mafia*. *Coppola* comments on the character as follows:[18]

> *"Lucchesi (...) is the man I referred to earlier who was the gentleman with the thick black glasses and represents – I won't say his name – the highest level of political power at that time in Italy and only recently has been through many many inquiries regarding his association with the mafia*

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[16] The title of the book, "Lo zio Giulio" translates as: "Uncle Giulio", where "uncle" is a term used to refer to someone who belongs to the *famiglia*.

[17] See also Vorauer (1996: 114-130).

[18] Coppola's audio commentary on the DVD-version of the film (Coppola, 2001).

which has all conveniently seemingly been dealt with but everyone knows the truth".

8. Conclusion

The medium of film and the fictional novel make it possible to recount other or particular truths (here intentionally in the plural) than is possible in a formal legal proceeding. It is no coincidence that the strengths of these media are found here. The example of "The Godfather" shows that a representation cloaked in fiction can indeed reflect real events. The mass media in the news sector with their need to provide fast and up-to-date information, in danger of spreading fiction under the mantel of information, do not then have an advantage per se in terms of authenticity; the requirement of the sender and receiver of the information is primarily different.

Criminology, at least German criminology, must remain modest with regard to the topic of the *Mafia*. In part it has failed to recognize the statements of Italian investigators, witnesses and victims, or has not taken such statements seriously or, until well into the 1980s, has mistakenly worked with disinformation according to which a *Mafia* in the sense of an organization never existed in Italy. Perhaps it must first, like history as a science has, discover interviewing of contemporary witnesses in terms of *oral history* in order to be able to exploit the existing knowledge of willing conversation partners. Even a *Mario Puzo*, who has always denied association with the *Cosa Nostra*, must have received his information from somewhere.

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Criminal Policy in Duckburg*

KARL-LUDWIG KUNZ

1. Introduction

Society does not perceive criminality as a fact, but as a sensation created by others than the offender himself. Moreover, reactions of the criminal justice system and the media strengthen the perception of criminality as something disturbing and prevention needy (Kunz, 2001: §1 Rn. 6 ff.; §20). Subsequently, it shall be shown that the innocent-seeming presentation of crime in Duckburg's universe participates also in this so-called moral entrepreneurship. Indeed, Duckburg is not merely a fictitious comic scenario. Beyond that, a certain understanding of criminality becomes thoroughly evident. Apparently, Donald and Mickey's stories are thought to be adequate for young readers in particular. However, being trivialised and presented in woodcut-manner, our reality becomes bluntly reflected. The stories are real pictures of our world, camouflaged as comics.

Since the 1950s attitudes towards crime have changed markedly in the Mickey Mouse comics. Whereas in 1952 criminal behaviour was often seen as a chaotic expression of individuality, by 1995 it had become a social plague, to be eradicated by decisive individual initiative. The zeitgeist is reflected in this change. By the end of the century the cliché of the enemy attacking from abroad has nearly disappeared because of the effects of globalisation and the aperture towards foreign countries. Nowadays, the inner security however, is believed to be threatened by criminality, above all by street violence and organised crime.

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2. Presumptions

In view of Donald and Mickey's popularity among children, it is important to scrutinise the examples that are set in Duckburg. Literature for children anticipates the adult's view of life. Although being a persiflage of the American world and merely light reading for children, Mickey Mouse comics are nevertheless affected by political and cultural influences. Hence, since the beginning, Mickey Mouse comics were the object of vehement disputes, not only criticised by the political left, but also by the guardians of public morality. For the latter Mickey Mouse comics were just trashy literature. In Allende's Chile, Dorfman and Matelart unmasked comics to be "imperialistic ideology" (Dorfman & Matelart, 1975; Kunzle, 1990). Especially when the 1968-movement was en vogue, Mickey Mouse comics were heavily criticised. During Allende's era in Chile, Dorfman and Matelart denounced comics as "imperialistic ideology". Consequently, their subtle substantiated analysis was banned by the generals who ruled Chile after Allende's death.

2.1. What is so Interesting in Duckberg's Criminality?

Indeed, we are especially interested in the way Duckburg reacts against criminality rather than in the criminal acts themselves. Delinquency evokes different feelings – for example delight in evil, when criminal acts appear as a victory upon chaining conventions. In other cases of course, it creates a feeling of insecurity and a threat to personal property. This amalgam of irritation and attraction, however, is a standard ingredient of popular culture, of comics.

Comics are the ideal criminalistic playground to show socially required behaviours – just by showing what is *not* socially desirable. Yet, our field of interest does not lie in pedagogical problems about the representation of violence and crime in comics for children. The question we are interested in is: What kind of messages about possible policies of crime control is transmitted by Mickey Mouse comics? Criminality is a palpable symbol for antisocial behaviour. Therefore it is ubiquitous in Duckburg's world. Furthermore, society's current way of dealing with criminality and the resulting social problems is mirrored by the approach represented in the comics. Hence, we are going to reconstruct the policies of crime control represented in the Mickey Mouse comics. On this account, Duckburg's handling of

norm breaches and deviant behaviour are examined. In doing so, one could easily take the representation of criminality at its face value [in this connection, Bremer's (1994) examination is very instructive; as well as the satirical contribution: Grobian, 1970]. Yet, the content of comics is necessarily determined by their characteristically literary genre. Hence, this implication should be reflected. The political left has its own way of criticizing comics, and the political right has got its own as well – but they have one thing in common: a lack of reflection about the above mentioned implication.

2.2. What is a Crime in Duckburg?

Criminalization is based on the attribution of the negative label "criminal" by the official control-agencies, in the current governmental context. In comics however, the described act is often identified for the reader as a criminal act. Hence, there's no need for a policeman or a judge to assertively label a criminal act as such, or to sanction it. That's why such agencies appear rather seldom in Duckburg. Our recognition isn't caused by observations, but by inspiration. Our personal experience makes us identify an act as a criminal one. Hence, comic-pictures lead us to recognise analogies to our own reality. Insofar, Duckburg's criminality is a product, described by comic-pictures, but created as well from the application of our own appraisal criteria. From the observer's perspective, criminal acts in comics are identified by transmitting the observer's own appraisal criteria in this artificial world.

Duckburg's criminality however is not an accurate portrayal of crime as it occurs in the real world. Rather, it is a trivial description of criminality. According to this, stories are limited to "classical" offences such as bodily injury and burglary. The reason might be that these kinds of offences are obviously simply structured. Furthermore, they presuppose drastic actions and they're directed against individual victims. Whereas organised crime, white-collar crime or environmental offences are lacking in Duckburg. They are more complicated criminal acts, offending common property. This limitation to classical offences may be caused by the comics' nature based as it is on simple and eventful pictures. Since in people's perception of criminality, these classical offences also dominate because of their con-

creteness, Duckburg's criminality corresponds well to society's idea about criminality.

3. Statistics

3.1. The Criminal Statistics of 1952

In Duckburg, criminality is an everyday occurrence, just as in reality. Indeed, in the 12 issues of 1952, 182 offences have taken place. Hence, in every second page an offence appears or, in other words, ordinary readers are confronted with a new offence every single minute. Despite this portrayal of crime as normal and banal, it still appears as threatening both in our society as in Duckburg (Kunz, 2001: § 23).

Comics have to be simple and eventful, and therefore classic delinquency, as might be expected, dominates: attempted homicide, bodily injury, offences against property such as theft, fraud, vandalism and attacks against personal freedom such as assault, coercion, deprivation of liberty. Whereas offences against common property (because of their complicated structure) appear rather seldom: we counted two environmental offences and just one violation of the atomic energy Act. And what about Uncle Scrooge's involvement in white-collar crime? Well, it isn't amplified, but it provides the background for some episodes.

Graphic I: Reported Offences and their Different Occurrence - 1952
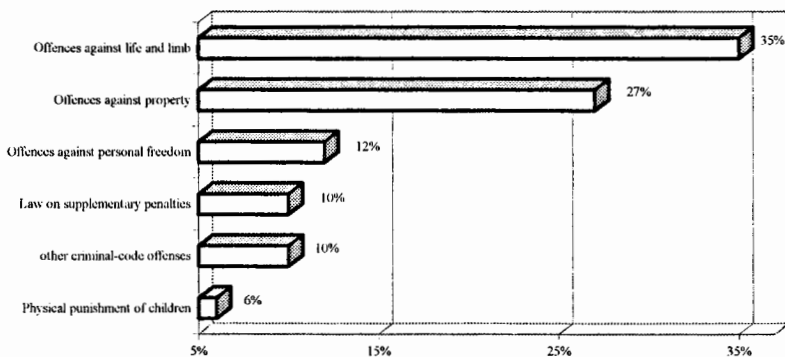
Despite numerous offences against life and limb, one should bear in mind that nobody is ever seriously harmed in Duckburg. Hence, no criminal act ever leads to any consequences – the inhabitants of Duckburg benefit from

a quasi-absolute security. This may also explain why they easily commit one serious crime after the other: in their logic, homicidal attempt is the most harmless thing on earth – they know that nothing really ever happens.

In addition to this, crime is a usual way to vindicate one's honour (which can easily get lost again). In Duckburg, honour cannot be achieved once and for all. It is rather a state of fragile equilibration, and the change to disorder can happen at a moment's notice. Nevertheless, honour has to be attained permanently. Moreover, this idea of honour allows Duckburg's citizens to quarrel about honour instead of grappling with other conflicts.

Finally, offences against property happen quite frequently. In the real world, they make the bulk of the official crime statistics. The following offences are the ones committed most frequently in Duckburg (N=26): physical violence – a weak form of bodily injury, damage to property (N=12), theft (N=10), criminal trespass (N=9), homicidal attempt (N=8) and fraud (N=8). The low rate of traffic and drug offences is, however, quite striking, if we consider their importance in actual criminality.

Table I: Gender of Perpetrators and Victims - 1952

	Gender	
	Male	Female
Offender	171	10
Victim	107	8

Male criminality does barely differ from Duckburg's total criminality. Perpetrators are in most cases males and members of the duck clan. It doesn't surprise then that Donald figures on top with 46 offences, Uncle Scrooge committed 13, Huey, Duwey and Louie 12, whereas Mickey committed merely 7 offences and the Beagle Boys Inc. just one – but they had not yet found their role in 1952.

Donald, the perpetrator with the highest activity, shows at the same time the highest risk of victimisation. Indeed, such a partial offender-victim-identity is an often-made criminological observation. In 1952, the rate of criminal acts without any individual victim is quite high (N=67).

Finally, it is remarkable that more attacks against personal freedom, such as assault, coercion and deprivation of liberty happen in episodes with Mickey Mouse. Whereas duck family's episodes show often unspecified infringements, such as defamation, criminal trespass and drastic discipli-

nary measures. Apart from that, the different kinds of offences are equally distributed among the mice and the ducks.

Table II: Offences divided in mice and ducks episodes - 1952

Episodes	Mice		Ducks	
Offences	Quantity	Percentages	Quantity	Percentages
Offences against life and limb	24	39,3%	40	33, 1%
Offences against personal freedom	11	18,0%	11	9,1%
Offences against property	17	27,9%	32	26,4%
Other criminal code offences	2	3,3%	16	13,2%
Law on supplementary penalties	6	9,8%	12	9,9%
Physical punishment of children	1	1,6%	10	8,3%
Total	61	100%	121	100%

A common feature of the above-presented "classical" offences is that there is a direct contact between offender and victim. It's possible that offender and victim meet each other for the first time in the crime situation – or they could have been acquainted with each other before. Remarkably, offences against life and limb occur within personal relationships in Duckburg, as well as in reality.

3.2. The Criminal Statistics of 1995

The ranking list of 1995 shows the same order as the one of 1952: offences against life and limb figure on top, followed by offences against property and liberty. Yet, the latter have by now nearly doubled. On the other hand, measures such as physical punishment of children shrank as well as other offences of the criminal code and the law on supplementary penalties.

Graphic II: Reported Offences and their Different Occurrence - 1995
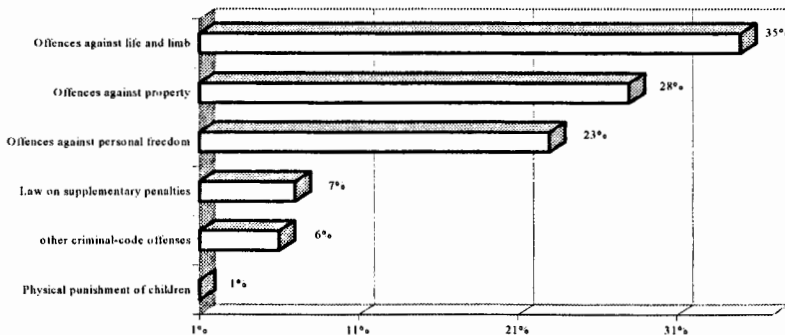
Table III: Gender of the Delinquents - 1995

	Gender	
	Male	Female
Offender	719	84

Perpetrators and victims are still predominantly males. Male criminality does barely differ from Duckburg's total criminality. Despite a significant decline in offences against life and limb committed by women (they fell back to 58%), women still committed less offences against property and against liberty (17% each).

Even though female crime has risen fast, one cannot assume a changed understanding of the female role. But, female crime's differentiation results rather from the rate of reported cases. Nevertheless, the quantitative inquiry of 1995 confirms the importance of gender to criminality.

Regarding criminality abroad, there is a dramatic rise since 1952. 43 years later, 29% of all reported offences happen abroad. Moreover, in 1995 attacks against property make up the majority of delinquency. Indeed, they are a characteristic for criminality abroad. A major difference to 1952 is that in 1995 collectivism between offenders, as well as between victims, plays an important role.

By 1995 perpetrators are vaguely described as "foreigners" or "criminal organisations" belonging to the "underworld". Hence, this favoured anonymity and a concentration of violence as well as the need to fight against numerically superior opponents. Thus, in extreme cases, the ducks fight against entire populations, while Mickey struggles with the whole underworld. Nevertheless, in absolute numbers, most of the crimes are committed by individuals. But the individual offender has become anonymous: by 1995 he's merely an unspecified criminal. Any citizen commits criminal acts, whereby the latter are also often victimised. This change underpins our observation that by 1995 the environment of Duckburg's inhabitants has changed. Concerning the victims the rate of individual victims has decreased from 37% of all offences to 14% by this time.

In contrast with 1952, now crimes are often committed outside the circle of Duckburg's universe – the mice and their friends show much less willingness to become criminal than forty years ago. At the same time, new figures have emerged that show a high rate of delinquency, such as Black Pete or the phantom. Black Pete, for example, as a solitary offender com-

mits more offences (N=49) than all the members of the mice-clan and their friends combined (N=40).

On the other hand, the duck family has changed less in its criminal behaviour. Indeed, the ducks and their friends still commit an overwhelming part of the criminality (277 offences), whereas their opponents are responsible for merely 154 criminal acts. Since 1952, however, new perpetrators have emerged in their universe as well. These new perpetrators are Dagobert's recurrent opponents, above all the Beagle Boys Inc., Magica de Spell and Flintheart Glomgold.

Whether ducks or mice episodes, the outcomes of victim-surveys are equally quite astonishing. All protagonists of Duckburg show a disproportionally high victimisation-rate. Whereas, surprisingly enough, Donald's and Mickey's criminal opponents show a very low risk of victimisation. This is contrary to everyday experience, which indicates that a high inclination to commit crime entails necessarily a high risk of victimisation (Kaiser, 1997: 302). An explanation might be that Duckburg's protagonists, once being victims, conduct the offenders directly under police custody – without taking revenge by offending them. Often, the thirst for revenge seems to be quenched by the satisfaction desired from defeating evil and the resulting humiliation of the opponents.

Additionally, in the exceptional case where mice and ducks lay hands on their assailants, it is often justified by self-defence. This is the reason for their absence from victim statistics.

3.3. The Explanation of the Changed Structure of Criminality

The change in the structure of criminality between 1952 and 1995 can be explained by a change in the philosophy of life. As mentioned in the introduction, the zeitgeist is reflected in this change. In 1952 Duckburg was concerned with internal and homemade problems. Criminality's sources were power struggles and amusing scrambles within and between clans. Initially, there were often conflicting legal opinions. By a strategy of confrontation, ducks and mice sought to extend their sphere of influence in Duckburg's community. By 1995 however, Duckburg's inhabitants felt threatened from within – as well as from the outside. The conflicting, chaotic and pleasant pursuit of particular interests had, by 1995, given place to a common point of view. Accordingly, the main issue is one's own security. By now, criminality had become a frightening and threatening everyday occurrence that had to be taken seriously. Whereas in 1952 criminal

behaviour was often seen in comics as a chaotic expression of individuality, it has become by 1995 a social plague, to be eradicated by decisive individual initiative. Mickey personifies this newly felt need by cleaning up his act and becoming a respectable private detective.

Furthermore, the distinction between good and evil has become sharper. By 1995, a naïve pessimistic view of civilisation has replaced the satirical story telling. In this view, criminality is something evil, frightening and imported from abroad.

On this account, everybody is called to struggle against criminality. Indeed, the new squeaky-clean Mickey in his role as an ideal private detective represents bluntly this ideological change and the pedagogical instrumentalisation of crime.

4. The Politics of Crime Control Applied in Duckburg

4.1. "Human" Action in a Neo-liberal Perspective

For Duckburg's stories protagonists have to be independent and autonomous: they know what they want. No endeavour is too exhausting in the attempt to realise their idea of a pleasant, respectable life. With cunning and patience they're trying their luck.

According to Michael R. Gottfredson and Travis Hirschi (Gottfredson & Hirschi, 1990), their impulse is the result of a hedonistic disposition. In their opinion, criminality rests on the individual decision to achieve, as quickly as possible, the hedonistic goals of pleasure and gain. Hence, delinquency is not caused by social injustice or a personality disorder, it is not determined by factors beyond the individual's control, but rather by the individual's autonomic decision within a framework of possible choices and opportunities. Black Pete, for example, sets to work once he is convinced that he can get some money by a bank robbery with little risk. In his calculation the anticipated profit surpasses easily the potential but unlikely costs. Hence, Black Pete's behaviour is autonomic as far as he asks himself in a certain situation if he should go on to pursue his selfish interests with criminal actions or if he should rather forget about it.

Duckburg's protagonists however marvellously parody the neo-liberal approach to criminality. Black Pete's obvious inability to assess situations adequately raises doubts about his information level. Besides, his obtuseness should not be ignored. Moreover, the episode's structure, situated in an eternal present, ignores the individual's capacity to learn from experi-

ence. Hence, the supposed liberty of action is exposed to be just a mechanistic automatism. Black Pete, when discovering any possibility to satisfy his desires, simply gives way to his impulse. Freedom does decay to a stimulus. Moreover, Black Pete's behaviour demonstrates the circular neo-liberal argumentation, which attributes every offence to a desire. Desire in turn is supposed to have stimulated the action. As prisoners of their stereotyped, inevitable behaviour, Black Pete and the other figures challenge the argumentation, suggested in theory, that the lack of control and of punishment encourages crime. Duckburg's protagonists do not care a hoot about such alleged encouragement – on the contrary: To them, it's not obvious why they should subject themselves to their petty bourgeois origins, instead of following their desires and living a moment of perfect gratification.

Another neo-liberal perspective is the rational choice approach of Gary S. Becker (Becker, 1974). Becker's approach suggests that human behaviour is governed by economic choices. Within this conception, decisions are based on a balance between costs and benefits. In the opinion of Gottfredson and Hirschi, the hedonistic disposition is the motivation. Hence, they confine choices to the invariable single motive: the pursuit of individual maximal gratification. Contrary to them, Becker declines to give a general theoretical explanation of motivations. To him the essential fact is that the homo oeconomicus is constrained to make his rational calculation with limited means. Therefore, he has always to decide under duress. For Becker, the causes of crime lie in the pursuit of individual gratification – no matter how the needs or interests would be substantiated in the individual case. This view implies the importance of external factors: they are apt either to encourage or to deter. Crime is seen as a product of free choice by an individual, who first assesses the potential benefits of committing the crime against its potential costs. The rational response of society is to increase the costs and to decrease the benefits of crime to the point that individuals will choose not to commit crime.

Yet, our theory is that the rational choice approach does not explain the criminal behaviour of Duckburg's "underworld". At best, it offers directions for policies of crime control. Hence, in the neo-liberal view, criminality should be reduced by forcing up its costs for offenders in the case they are caught. Indeed, Mickey seems to be an exponent of this approach: he is convinced that severe prosecution would be worthwhile for society. More-

over, in his mind, this chase exemplifies common sense's victory over crime.

Causes of criminality aren't of any interest to the rational choice approach. Consequently, Mickey does not even try to resocialize Black Pete. Considering Black Pete's low level of self-control, he will seize the next chance to commit a crime. Therefore, according to Gottfredson and Hirschi, resocialization of offenders is simply useless.

In a famous essay, which inspired New York City's new community policing, Wilson and Kelling (Wilson & Kelling, 1982; see also Kelling & Coles, 1996) draw the conclusion that disorderliness in the neighbourhood leads to a decay of the community. This weakening of social ties in turn may cause increasing criminality, and urban decay would be the drastic consequence. Well-to-do neighbours would move into a better residential area, damaged houses would remain deserted, trash would cover the streets. Such a mechanism, once actualized, would increase the neighbourhood's fear of criminality. However, when public order is kept by community controls between neighbours and a co-operation with the police, people would feel safer – even if the crime rate didn't actually decrease. Hence, the conclusion is that neighbourhood safety and civility could be kept by non-profit-activities together with social control. Wilson and Kelling do believe that asocial behaviour, wilful destruction and careless pollution create not only insecurity, but also lead to the commission of further crimes. Becker's theory is the reversal of this assertion: being signs of an effective, strict policy of crime control, proper streets will be deterrents for criminals.

4.2. Mickey Mouse and the Politics of Inner Security

This is exactly the point at which Mickey makes his appearance. By 1995, he stands for Wilson and Kelling's policies of crime control. Mickey perfectly represents the claim to fix broken windows, to restore order and to reduce crime (Kelling & Coles, 1996) in the city of Duckburg. Discourses about criminality and inner security have boomed in the 1995 episodes in general. Duckburg in the 1995 stories seems to be the ideal realisation of the inner security-theory. Moreover, because Mickey is a moderate security guarantor who rejects draconian calls for death penalty or true life sentences. As a clever mouse, Mickey doesn't believe in simple recipes, even if the mass media are supporting them in a demagogic way. Despite his effort to provide feelings of security, Mickey tries to avoid any dramatisation. Without belittling, Duckburg isn't yet on the brink of social disaster, which

would make necessary symbolic, short-term and severe actions – even if there are occasionally wild fights. Mickey's victories however don't allow a too dismal diagnosis. Mickey's actions clear up Duckburg's wish to be at the helm relating to national policy.

Yet, even such a moderate version of policies of inner security does entail serious consequences for a law binding state. Subsequently, some of these consequences will be illustrated by the example of Mickey Mouse. Firstly, in different episodes, Mickey illegally assumes police competences. Secondly, this kind of infringements interferes with personal freedom. Hence, personal freedom weakens in order to provide general security. Moreover and contrarily to democracy, police and private security personal get saddled with the state's claimed definition of order. Thirdly, Mickey shows a tendency to easily equate uncommon behaviour with criminal behaviour. Discrimination against fringe groups and alternative life-conceptions lead to ideological overestimation of the own community. Therefore, social orders get mystified and consequently, they are likely to be jeopardised by any infringement. Impatient harshness arises which easily favours drastic measures at the expense of political freedom. Hence, strict and disproportional punishment is the reaction to even slight infringements. Eventually, policies of crime control are now expected to resolve society's problems – even if they were not meant for such tasks.

4.3. Donald Duck and the End of Politics of Crime Control

Briefly, this anti-hero, rich in contrasts, does not fit in a world where criminality is frightening. Being an individualist, Donald does not welcome stricter punishment and intensified sustain of common values. Mickey's policies of crime control resonate a pessimistic view of civilisation: demoralisation is seen as a cause for increasing criminality. As a child of the golden fifties, he is very optimistic and just trying to participate in business recovery – even if he has to commit petty offences to achieve his goals. His only fear is that the boom wouldn't arise fast enough. Donald, however, hasn't any influence. That's the reason for his pragmatism and wild activity.

Because of the different understanding of the society and its members, Donald's handling of criminality shows other characteristic features. His political message is that petty criminality isn't objectionable. Donald's slight infringements are seen as legitimate means to ensure his slice of the cake, because of the potential business recovery as a background. More-

over, Donald doesn't seriously harm anybody. There's still a sense of injustice, however, even if everyday criminality is tolerated: it's one's own fault if he gets caught. Competition does prod – but still though, he is rather always the good guy than the one with the black hat. And we, as his readers, keep on sympathising with him, for he is never going too far on his anarchic road. He remains a petty criminal. Moreover, it releases him that he has to quarrel with his family all the time and that he goes about his work with a great deal of fantasy. Whereas the statistics of 1995 go hand in hand with new policies of inner security and show that criminality is something imported and threats citizens of good reputation, the 1952 statistics show that criminality is caused by members of the clan. Hence, a clear distinction between criminality and society isn't possible. Criminal behaviour is quite familiar to Donald. It's a possible option. Consequently, this protagonist balk at an ideological dramatisation of crime, but of course, he rejects Black Pete's major violent crimes. The range of what's "normal" or "adequate" however, is vague. Hence, on one hand Donald tolerates slight infringements, on the other hand he's mostly in opposition to any kind of authority. Donald tends to set his own sense of injustice against the public's sense of injustice. He prefers to handle problems his way, as long as it's everyday criminality. For this, Donald doesn't need any help from police or the judiciary.

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* Gans Grobian is a pseudonym for Michael M. Czernich, Ludwig Moos and Carl-Ludwig Reichert.

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