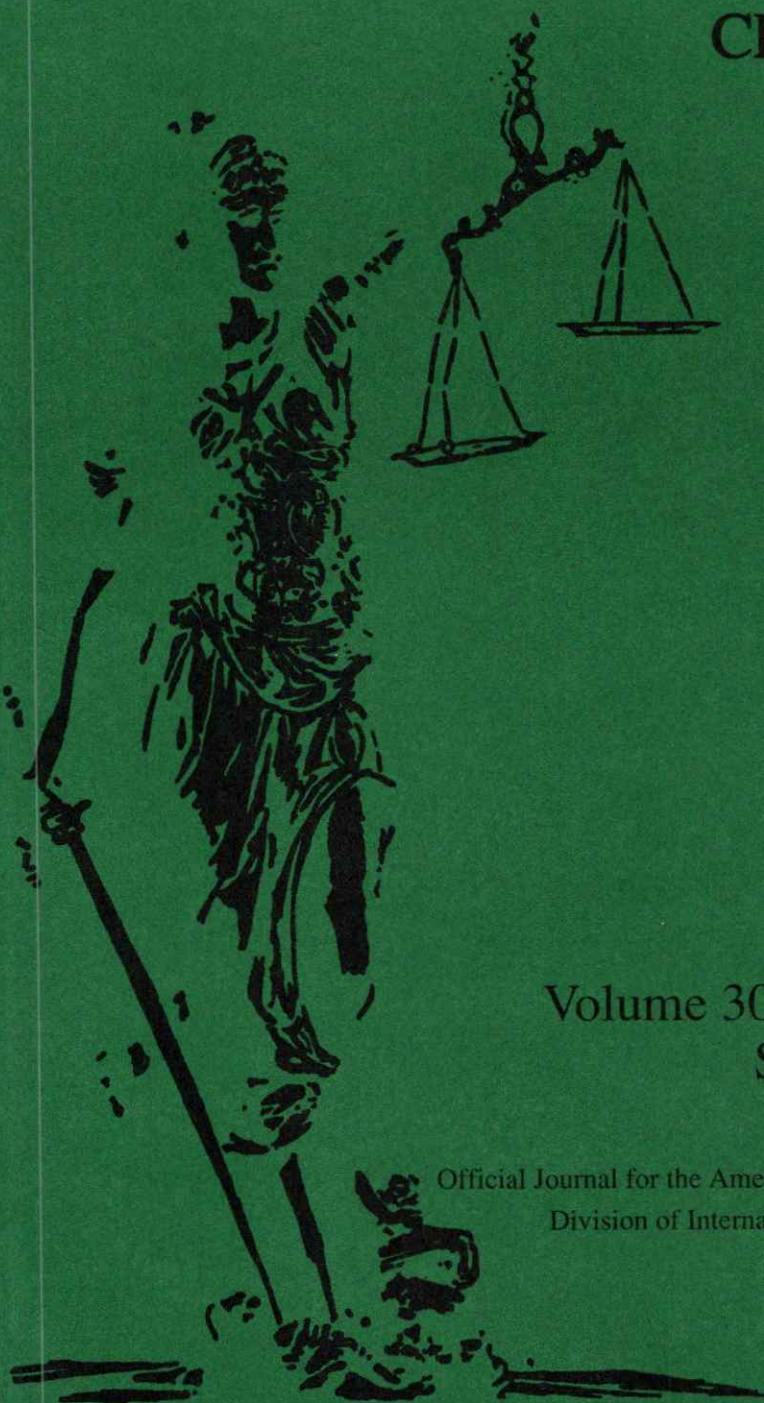


INTERNATIONAL JOURNAL
OF COMPARATIVE
AND APPLIED
CRIMINAL
JUSTICE



Volume 30, Number 1
Spring 2006

Official Journal for the American Society of Criminology
Division of International Criminology

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and Applied Criminal Justice**
Vol. 30, No. 1 (Spring 2006)

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BILAL SEVINC

Routine Activities and Television Viewing: An Exploration of the Influences of Fear of Crime in Lisbon, Portugal¹

This manuscript was the recipient of the American Society of Criminology —
Division of International Criminology Student Paper Award.

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In 1999, the Centre of Public Opinion Surveys (CESOP) of the Portuguese Catholic University, in collaboration with the Mayor of Lisbon's Security Department, formed the Lisbon Safety Observatory (LSO). The Centre was to conduct a series of annual surveys aimed at assessing victimization and safety issues in the city of Lisbon. The analyses revealed surprising information regarding fear of crime and victimization. Victimization was found to be extremely low; only 7 in every 100 persons surveyed had been the victim of a personal crime, yet over 60% expressed concern for their safety. Viewed in the light of recent developments in routine activities (Wilcox, et al., 2003) and the effect these have on fear of crime, this paper proposes an explanatory model of fear using elements from this theory and incorporating other potential explanations including media exposure (Chiricos, et al., 2001) and prior victimization. The results are analyzed using OLS regression. Contrary to popular expectation, victimization has little influence on fear of crime: rather, it is primarily mediated by routine activities and variables of guardianship, exposure to motivated offenders, target attractiveness, and to a lesser extent exposure to media, specifically television.

INTRODUCTION

In 2001, the Universidade Católica Portuguesa³ published a report regarding victimization in the city of Lisbon. The survey was requested by the mayoral office as a means to examine crime rates in the city. Previous research had depended entirely on official police reports⁴, and it was felt that these failed to adequately measure victimization in the city. In a study of 3,505 residents, the victimization rate was relatively low; approximately 17% of the respondents had been victimized⁵ during 2001. Comparatively, the fear of crime was higher. Respondents were asked about how safe they felt in Lisbon and in their neighborhoods. More than 60% of respondents reported feeling unsafe to very unsafe in the city, and over one third of the respondents reported feeling unsafe in their neighborhoods. With such a low rate of victimization, what contributed to these feelings regarding respondents' safety? In their multi-level theory of victimization, Wilcox et al. (2003) posit that contextual factors, and more specifically measures of social disorganization in addition to victimization, influence an individual's fear of crime. However, given the low victimization rate in Lisbon, where there is little racial heterogeneity⁶, it is

arguable that conditions of social disorganization as stipulated by Shaw and MacKay (1942), Sampson and Groves (1989), and more recently Sampson et al. (1997) exist in Lisbon. Therefore, a different perspective needs to be adopted to explain the observed relationship between victimization and fear of crime.

The multidisciplinary nature of criminology is what makes its study so challenging. It can be examined in terms of the offender, the offense, the location, and even the victim. Theories submit plausible explanations, each differing in their content and focus. There is, however, a certainty. For a criminal act to occur, there must be a space-time convergence between a motivated offender and a suitable target (Cohen & Felson, 1979). Likewise, the success of the impending act depends on the lack or inadequate guardianship of said target. A deluge or drought of any of these three key ingredients offsets their delicate balance, thus affecting the criminal act. A window of opportunity exists within which the offender must make a choice to either offend or desist. This moment of opportunity, which forges the decision of the offender, has driven researchers to expand upon the role of criminal opportunity in crime. Many of the most prominent perspectives employ one measure or another of opportunity; theories such as rational choice (Cornish & Clarke, 1987) and *A General Theory of Crime* (Gottfredson & Hirschi, 1990) depend upon opportunity to explain the moment when offenders choose to do what they do. Others such as Miethe and Meier (1990, 1994; Miethe, et al., 1991) and Wilcox, Rountree, and colleagues (Rountree & Land, 1994, 1996; Wilcox, et al., 2003) have preferred to target their efforts not on the opportunity created by the offender but that created by the victim, that is, what is it we do in our daily existence that makes some of us a victim and others not? Opportunity is not assessed by a cost-benefit analysis calculated by the offender but provided perhaps unknowingly by the victims, who in the course of their daily routines expose themselves, dropping their guards to motivated offenders. Not only can this exposure lead to victimization but it may condition one's routines.

Questions regarding the impact of fear of crime on everyday life have been posed by researchers such as Miethe et al., (1991), Rountree et al., (1994), Miethe and Meier (1994), and Wilcox et al., (2003), among others. Although Rountree and Land (1996) argue that victimization increases fear of crime, which in turn may condition routine activities, other factors also enhance this emotion. Prior victimization, age, gender, and even race have been demonstrated to affect fear. Women are found to possess a greater perceived risk of victimization (Lee & Earnest, 2003), even though young men are the most frequent victims (Hindelang, et al., 1978). Chiricos et al. (1997, 2001) and Eschholz et al. (2003) propose that the media play a vital role in the formation and maintenance of fear of crime.

The data collected by the Universidade Católica Portuguesa provide the means to assess the association between routine activities, fear of crime, and media exposure in a different national setting. Miethe and Meier (1994) advocate that routine activities theory takes into account the situational context of victimization, the opportunity to commit a crime, and the informal social

control exerted by both potential victims and offenders. Conceivably, the situational context in which the residents of Lisbon live shapes their fear of crime. Moreover, perhaps an individual's routine activities (Cohen & Felson, 1979; Cohen, et al., 1981; Miethe & McDowall, 1993; Wilcox, et al., 2003) contribute to this fear of crime by exposing them to social disorder (Sampson & Raudenbush, 2004), victimization, and to external perceptions of perceived risk. In assessing fear of crime, it is not enough to look at victimization as the sole source of fear. Examples of social disorder within the neighborhood (Sampson, et al., 2005) as well as media exposure (Chiricos, et al., 2001; Eschholz, et al., 2003) have been found to positively affect fear of crime. Therefore, the importance of the impact of routine activities on fear of crime will be addressed along with other explanations for the formation and aggravation of these feelings by exposure to media and more specifically to television. The paper begins with a description of routine activities, and fear of crime, followed by the proposed model. Data and methods, in addition to a results section, are included. A conclusion will be drawn regarding the impact of both routine activities and media exposure on fear of crime.

LITERATURE REVIEW

Routine Activities

Criminological theory has traditionally focused on the offender as the source of crime and attempts to explain their behavior, their choices, and the pressures forcing them to engage in acts of deviance. There has been, however, another school of thought that has elected to look at the victim. Budding more from a classical perspective of free will and choice, the shift of focus from offender to victim was first submitted by Hindelang et al. (1978). They suggested that victimization was a product of an individual's lifestyle. Specifically, the authors argued that lifestyle, defined as routine daily activities, differentially exposed individuals to crime. Individual characteristics such as marital status, income, age, race, and sex were significantly related to victimization. These achieved and ascribed characteristics "carry with them shared expectations about appropriate behavior (...) and adherence to these establish routine activity patterns and associations with others. These lifestyles and associations with others are expected to enhance one's exposure to risky or vulnerable situations," (Miethe & Meier, 1994, p. 32). In essence, Hindelang et al. (1978) put forth an individual-level theory of victimization. Individuals are studied to ascertain what makes them more susceptible or perhaps more attractive to the motivated offender.

Hindelang et al. (1978) advanced a micro-level theory of victimization, but what became known as the routine activities theory focused on a macro-level explanation of victimization rates. This perspective was put forth by Cohen and Felson, (1979, p. 589) whereby they suggested that "the routine activities of everyday life influences criminal opportunity and therefore affects trends in

predatory crime." Using the foundation laid by Hawley's (1950) human ecology theory, Cohen and Felson (1979) claimed that there is a symbiotic relationship between the offender, the victim, and the environment. They wished to explain victimization rates in terms of the convergence of motivated offenders, suitable targets, and the lack of capable guardianship. Opportunity itself stems from the victim's ability to protect his or her possessions, and Cohen and Felson (1979) found that the increase in availability of portable goods, in addition to the rise of the female labor force, enhanced opportunity for the motivated offenders. Cohen and Felson's (1979) primary objective was to make sense of rising crime rates using an aggregated level of analysis. The ensuing tests of their theory have focused more on the individual (Wilcox, et al., 2003) and complemented to an extent Hindelang et al.'s (1978) lifestyles-exposure theory.

Routine activities theory (Cohen & Felson, 1979; Cohen, et al., 1981) and lifestyle theories (Hindelang, et al., 1978) put forth similar propositions concerning victimization — it is the actions of the victim, not the offender, that lead to a criminal event. Both theories are part of the criminal opportunity perspective of criminology, which "is concerned with the incidence and location of crime events in social systems and its theories are based on the premise that some situations are more favorable for crime than others" (Birkbeck & LaFree, 1993, p. 114). The evolution of routine activities began with the study conducted by Cohen et al. (1981) who, in an effort to develop a more individually oriented routine activities theory, adopted a micro-level perspective in which they expanded upon the notion of exposure to crime including physical visibility and accessibility at any point in time or place. Guardianship ceased to be a macro-level measure but a more individualized concept describing one's financial and even personal ability to protect one's possessions. Cohen et al.'s (1981) findings were similar to those later produced by Fisher et al. (1998), who concluded that the risk of victimization was increased by exposure to motivated offenders, target attractiveness, and the lack of capable guardianship.

Recent analyses of routine activities continue to examine the micro-level interactions. In a study using data from the British Crime Survey, Miethe and Meier (1994) concluded that target attractiveness and guardianship are not as significantly related to victimization as is exposure and proximity to motivated offenders. The ability to instill proper guardianship against victimization is attenuated by an individual's recreational activities (Jensen & Bromfield, 1986; Sampson & Lauritsen, 1990). Those most susceptible to violent victimization are those who frequently participate in nighttime activities such as frequenting bars and night clubs (Miethe & Meier, 1994; Kennedy & Forde, 1990; Sampson & Lauritsen, 1990). These victims' abilities to guard against crime are impaired by their lifestyles and resulting exposure to motivated offenders. Miethe and Meier (1990) also looked at the relationship between lifestyle and neighborhood characteristics and their influence on victimization. They determined that guardianship and target attractiveness were only signifi-

cant predictors of burglary in more prosperous areas, lending credence to the idea that guardianship may be influenced by mediating factors within routine activities such as income (target attractiveness) or even individual characteristics such as gender.

The simultaneous inclusion of the neighborhood and the individual has led to the more current evolution of routine activities and its integration with other major perspectives (Kennedy & Forde, 1990; Miethe & McDowall, 1993; Rountree, et al., 1994; Sampson, et al., 1997). Researchers have now focused on the integration of routine activities and social disorganization theory (Shaw & McKay, 1942; Kornhauser, 1978; Bursik & Webb, 1982; Sampson & Groves, 1989; Bursik & Grasmick, 1993). According to Rountree et al., (1994) this new trend focuses specifically on the individual and his or her attributes in addition to the situational context in which these individuals are inserted. Victimization risk can be explained through direct and mediating effects of both routine activities and community structural characteristics, as illustrated by Rountree and Land (2000). They have developed their model by incorporating not only measures of social disorganization and the way a community's inability to exert informal social control may mediate routine activities (Kornhauser, 1978; Sampson & Groves, 1989; Sampson & Raudenbush, 2004), but also argue that both these variables affect one's perception of risk and fear of crime, ultimately leading to a change in routine activities. Risk perception and fear of crime has become yet another component in the development of routine activities theory. A more complex relationship is therefore established between the choice one makes and the consequences and eventual fallout of these.

Fear of Crime

Studies of victimization tend to examine the daily routines of individuals and how these contribute to one's potential victimization. What many studies seem to lack is a proper focus on reactions to victimization and how these affect not only the established habitual routines but also one's perception of crime and disorder in the surrounding environment. Sampson and Raudenbush (2004) have recently presented that one's perception of disorder can be connected to both psychological and physical distress. Experiences, prior victimization, communication with others, and alteration of one's established habits influence an individual's choices about how they operate within their neighborhood pre- and post-victimization.

Definitions of fear of crime vary among researchers. Whereas Garofalo and Laub (1979) argue that what is often interpreted as fear of crime may in fact be "urban unease," Ferraro and LaGrange (1987) view fear of crime as an amalgam of negative emotions that are formed as a reaction to crime. Reactions to crime form a broad category begging the question: Are our reactions to crime based on victimization, on vicarious experiences within our neighborhoods, or on our friends or families? On one hand, Skogan and Maxfield

(1981) show that fear of crime is increased by victimization, especially when compared to those who have not been victimized. Alternatively, Rountree and Land (1996) suggest that several studies indicate prior victimization is a weak predictor of fear of crime. The individual's experience, type of crime suffered, and the seriousness of the offense all contribute to the differing degrees of fear of crime. Fear of crime and risk perception, although often examined together, have been shown to be distinct (LaGrange, et al., 1992) whereby one measures an emotional reaction and the other a calculated assessment of whether victimization may occur. Moreover, their findings indicate that perceived risk actually predicts fear of crime. Negative feelings pertaining to crime arise from several sources. Rountree and Land (1996) show that levels of crime and disorganization in one's neighborhood positively and directly affect victims' fear of crime. Their findings are similar to those of Skogan and Maxfield (1981), who illustrate the relationship between neighborhood incivilities and residents' fear of crime.

The choices individuals make in their routine daily activities are informed by personal past experiences, vicarious experiences, and assessments of likely victimization. If one has never been the victim of crime, how are judgments of safety reached? Studies by Cook (1986) and Liska and Warner (1991) have demonstrated that previous victimization experiences including perceptions of victimization risk significantly predict changes in one's activities. Once victimization has occurred, victims are faced with several options. They may, for example, choose to increase guardianship, alter their number of safety precautions, or simply choose to do nothing. However, if one has never been victimized, what contributes to the formation of fear? Residents of socially disorganized neighborhoods often have established risk perceptions drawn from experiences with crime, daily encounters with crime, and perceptions of living in a socially disorganized area. However, as Rountree and Land (1996) argue, residents with these experiences act with some rational basis in their formation of perceived risks. Findings indicate that social disorganization on its own, devoid of post-victimization perceptions, does not predict the formation of enhanced risk perception.

An individual's reaction to victimization is a composite of his or her internalized risk perceptions, rationalizations post-victimization, and previous experiences with crime and disorder. Victimization can exacerbate one's perceived risk of crime and further increase one's level of guardianship (Rountree & Land, 1996). Further contributing to these changes are the structural contexts of the victim's environment. What other experiences other than witnessing the lack of informational social control or incivilities (Skogan & Maxfield, 1981) and victimization affect fear of crime?

Chiricos et al. (2001) argue that the media play a significant role in the formation of fear of crime. More specifically, the watching of television influences our perceptions of its reality as we try to understand the transmissions by placing them into the context of our own lives (Dahlgren, 1988). The authors suggest that television news is related to fear of crime, affecting par-

ticularly those who live in areas of high crime or who have been recently victimized. Findings on the impact of the media on perceptions of crime have, nevertheless, been mixed. Young (1987) believes that personal experiences contribute far more to the formation of fear than does the watching of television or habitually being exposed to the mass media. However, prior to the work of Chiricos et al. (2001), Doob and MacDonald (1979) concluded that the time spent watching television was indeed positively related to fear of crime. In terms of media exposure, Gerbner et al. (1980) and later others such as Chiricos et al. (2001) have consistently found a positive and significant relationship between the hours of television watched a day and a measure of fear of crime. Therefore, although some studies have found little effect of the media on fear of crime, there have been those that have shown its contributive effects and why the continued evaluation of this relationship merits further attention.

Generally, fear of crime and routine activities have been less evaluated than the simple impact of the media on fear of crime. Chiricos et al. (1997) found that the effects of television exposure were significantly heightened if the respondent had been recently victimized. Furthermore, results showed that television news significantly predicted fear of crime in white women, irrespective of victimization. These results may prove true in areas where there are significantly high victimization rates, however, in those environments where victimization is low, what is the impact of media exposure on fear of crime? Recently, Eschholz et al. (2003) found that not only does watching television positively contribute to fear of crime, but the content of what is watched, mediated by the perceived racial composition of one's neighborhood, further enhanced it. These results were similar to an earlier study by O'Keefe (1984), who concluded that news exposure affected one's fear of burglary, irrespective of victimization. By analyzing routine activities, fear of crime, and victimization it may be possible to answer some of the questions posed by previous research.

THE MODELS

In studies employing a fear of crime model (see Wilcox, et al., 2003), the dependent variable most commonly used is some measure of victimization. However, in the present models I have chosen to use a fear of crime variable as the dependent variable. The main question addresses what contributes to feelings of fear. Is it prior victimization, the amount of television watched, or perhaps witnessing examples of social disorder within the community or within the city of Lisbon? There are two main measures of fear of crime that serve as the dependent variables. One asks the respondents about fear of crime in the city of Lisbon; the other is more specific in that the question asks them about fear of crime in their neighborhoods. This paper proposes that media-instilled fear of crime will be greater at the neighborhood rather than the city level because of the daily contact with social disorder experienced by respond-

ents. The routine activities of residents place them in daily contact with neighbors, and personal experiences within the neighborhood will affect fear. Media exposure, that is, the number of hours of TV watched a day, also will be significant within the neighborhood context but not in the city model. In other words, respondents should feel enhanced fear only when media exposure relates to their neighborhood and their personal experiences.

A similar study could be conducted in any city, but the opportunity to assess these models in a non-American city is invaluable. The assumption that people from different countries and cultures hold similar perceptions of crime may not always be true, although recently Costello et al. (2002) found that citizens' punitive attitudes towards criminals were mediated by fear of crime in both the Czech Republic and Florida. Lisbon is structurally not so different from Washington, DC, with approximately the same population size (roughly 550,000), a metro system that covers the city, and a large commuter workforce who travel in and out of the city daily. What makes Lisbon unique is its low crime rate. Lisbon suffers from one of the greatest drug epidemics⁷, and yet crime remains relatively low compared to other national capitals. The data provided by the Universidade Católica Portuguesa also will permit a generalizability test of routine activities and fear of crime whereby it shall be possible to examine whether the routine activities of the Portuguese differ greatly from those in other countries.

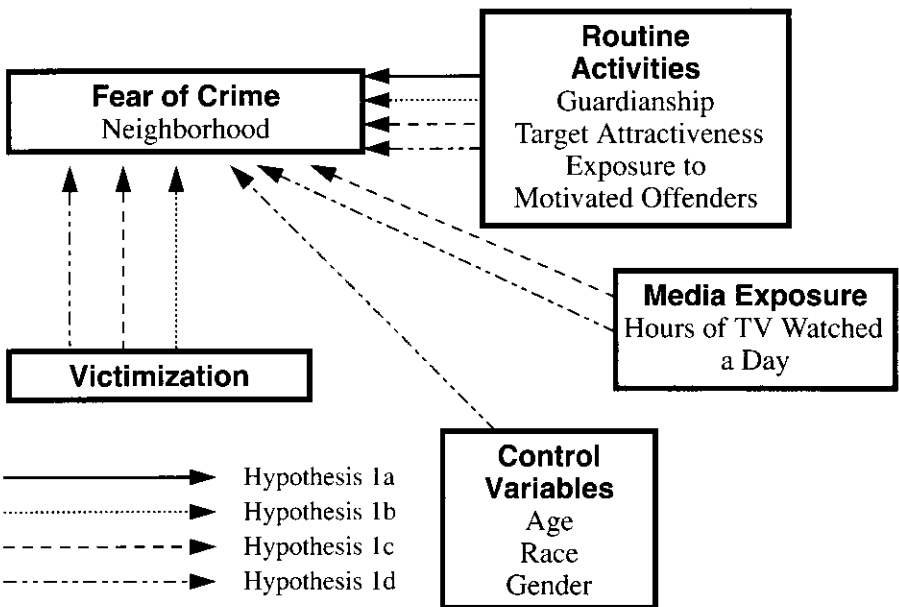


Figure 1. Fear of crime model for the neighborhood.

The first model to be tested is depicted in Figure 1. Four hypotheses are assessed:

- Hypothesis 1a: Routine activity measures have a direct and positive impact on fear of crime in the neighborhood.
- Hypothesis 1b: The impact of routine activity measures on fear of crime in the neighborhood is mediated by media exposure, specifically the number of hours of television respondents watch a day.
- Hypothesis 1c: Victimization is incorporated as yet another mediating variable.
- Hypothesis 1d: The influence of control variables (i.e., age, gender, and race) is included in the model.

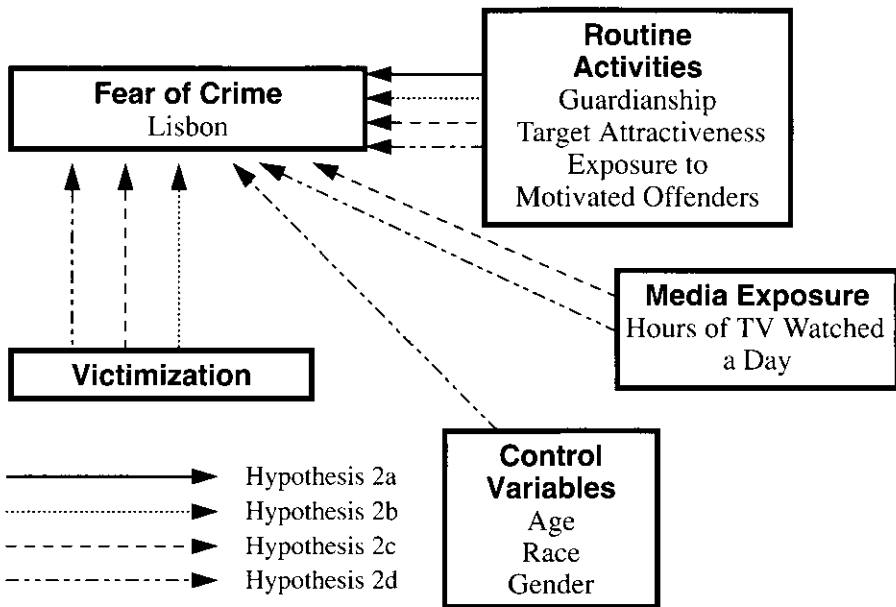


Figure 2. Fear of crime model for the city of Lisbon.

Model 2 is similar to the first with the exception that the dependent variable is the fear of crime in Lisbon. Chiricos et al. (2001, p. 759) submit that “the reality of crime may be relevant as a social context for the reception of television news and the construction of fear-related meanings.” The hypotheses in Model 2 are identical to those in Model 1 except that the *Fear of crime in the city of Lisbon* is used as the dependent variable.

- Hypothesis 2a: Routine activity measures have a direct and positive impact on fear of crime in the neighborhood.
- Hypothesis 2b: The impact of routine activity measures on fear of crime in the neighborhood is mediated by media exposure, specifically the number of hours of television respondents watch a day.
- Hypothesis 2c: Victimization is incorporated as yet another mediating variable.
- Hypothesis 2d: The influence of control variables (i.e., age, gender, and race) is included in the model.

DATA AND METHODS

The Data

The data were collected by the Centre of Public Opinion Surveys of the Universidade Católica Portuguesa and were part of the Lisbon Safety Observatory Surveys on Victimization. In total, five surveys took place:

1. Residential
2. Telephone
3. Street
4. Youth
5. Commercial Establishments.

Over 30,000 people were surveyed. For the present purposes, only the residential data are considered.

Sample

The LSO surveys were conducted between April and June of 2000. A two-stage cluster sampling method was employed first at the polling district level and followed by a sampling of cluster households. Only one person from each second-stage cluster was chosen using a random selection process. Respondents ages 18 and over were selected from 220,569 households, and the selection was proportional to the resident population in each cluster. A 97% response rate was achieved, and approximately 95 students from the Universidade Católica Portuguesa conducted face-to-face interviews at the residences of the respondents. These students were collaborators of the Survey Center and received appropriate training for the task. The total number of validated surveys obtained (out of 3,700 conducted) was 3,505, corresponding to a maximum sampling error, at a 95% confidence interval, of 1.66%.

Dependent Variables

Contrary to the variables employed by Chiricos et al. (2001), who use direct measures of fear of crime, a measure of safety was used to assess fear of crime. Feelings of safety are a proxy measure for fear of crime. Wilcox et al. (2003) used a similar variable, not *perceived fear of crime* but *current fear of crime*. Respondents were asked how safe they felt in their neighborhoods and in the city of Lisbon. Specifically, they were asked "How safe do you feel in your neighborhood/city of Lisbon?" Respondents were also asked to classify the safety of both Lisbon and their neighborhoods on a scale of 1 to 5, where 1 is very safe and 5 is very unsafe.

Independent Variables

Routine Activities

Target Attractiveness. Rountree and Land (2000) use family income as a proxy for criminal opportunity. For the models analyzed here, family income and education level are used as a means of assessing target attractiveness, the rationale being that the more income a family has, the more they can afford to invest not only in portable goods (Cohen & Felson, 1979) but in potentially more expensive ones. Respondents were asked, "What is your current family income according to the table below?" and "What is your level of education?"

Guardianship. Respondents were asked about the personal measures they adopt in order to protect themselves from prospective victimization. Questions such as "How often do you avoid carrying cash in your wallet?" were answered on a scale ranging from 1 to 3, "never" to "always." These responses were combined into a guardianship index.

Exposure to motivated offenders includes two variables, *frequency of nighttime activity* and *residential disorder*.

Frequency of nighttime activity. Respondents were asked, "How often do you go out at night to bars/restaurants/clubs?" Their responses were coded on an ordered scale from "never" to "very frequently."

Residential disorder is another measure of exposure. Respondents were asked how frequently they saw drug addicts, disruptive teens, vandalism, and assault in their neighborhoods. Although in some inquiries residential disorder is often used to study informal social control (see Sampson & Groves, 1989), it seems plausible that exposure to these behaviors could put a person at risk for victimization.

Media Exposure

A single variable asking respondents "How many hours of television do you watch a day?" was used to evaluate the effects of media exposure on fear of crime.

Victimization

Since the guardianship measures considered refer to the personal means respondents use to protect themselves, instead of using burglary, which is the victimization variable of choice used by Rountree and Land (1996, 2000), a dummy variable of personal victimization was created. Respondents who had been the victim of an assault, robbery, purse-snatching, or attempt were coded with 1; those who had not, 0.

Control Variables

Gender: Male respondents were coded with a 1, females 0. Race: White respondents were assigned a 1, non-Whites 0. Age⁸: The survey did not collect age on a ratio level by directly asking respondents their current ages. Instead, they were asked to select their age category from an ordered list. It is, therefore, treated as an ordinal variable. See Table 1 for a list of dependent and independent variables.

Table 1. Description of Dependent and Independent Variables Used in Statistical Analyses.

VARIABLE	MEAN	STD. DEV.	MINIMUM	MAXIMUM	DESCRIPTION
safelisb	3.687518	.8357783	1	5	Fear of crime Lisbon
safeneig	3.156886	.9229676	1	5	Fear of crime neighborhood
fincome	2.757807	1.457978	1	6	Family income
education	2.07943	1.229171	1	4	Education
resdisor	.8399429	1.206102	0	6	Residential disorder
freq	1.613278	1.114452	1	5	Frequency of night time activities
guardper	3.344859	1.186826	0	6	Personal guardian- ship measures
hrstv	1.878174	1.018799	1	5	Hours of TV watched
personal	.0718973	.2583546	0	1	Personal victimi- zation
age	3.948895	1.738415	1	6	
gender	.4194388	.4935386	0	1	
race	.9538147	.2099169	0	1	

RESULTS

The data were analyzed using an Ordinary Least Squares Regression. There were no problems of multicollinearity⁹ found, and the models were corrected for heteroskedasticity using STATA commands.

Hypothesis 1a: As predicted, the measures of routine activities are significantly related to fear of crime. Of note is the guardianship measure. Respondents who engage in more protective behaviors experience a greater degree of fear. However, although both family income and education, proxies for target attractiveness, are statistically significant, their effect trends in the opposite direction that was hypothesized. The nighttime activity variable produced the same negative result. Those who go out less experience greater fear. It would be expected that those who go out more are exposed at a greater rate and therefore would experience more fear. Perhaps it is the fear of crime that influences the decision to engage in these activities. The greater these measures, the less fear is felt. The most interesting relationship found is the role of residential disorder. Residential disorder significantly and positively contributes to feelings of fear in the respondents. The more an individual sees examples of disorder (drug addicts, panhandlers, vandalism, rowdy teens) the more fear they experience. The variables illustrated in Model 1 explain approximately 16.7% of the variance in the dependent variable.

Hypothesis 1b: The addition of the media exposure variable to the model not only adds to the explained variance but also portrays a mediating effect on fear of crime. Both of the negatively related measures of family income and education decrease slightly, whereas guardianship and residential disorder increase probably due to the result of media exposure.

Hypothesis 1c: Surprisingly, victimization has no statistically significant impact on fear of crime at $p < 0.05$. The relationship remains nevertheless positive. Those who have been victimized experience somewhat more fear, but the findings are not strong enough to cross the statistical significance threshold.

Hypothesis 1d: Gender was the only control variable to contribute positively and significantly to fear of crime. Neither age nor race seems to have an effect. The result for race was expected given the homogeneous nature of the surveyed population. The explained variance of the model increased considerably from the first to the fourth hypothesis.

Hypothesis 2a: The relationship between routine activity measures and fear of crime in the city of Lisbon are akin to those presented in the previous model. The direction and significance of the variables is maintained, although the influence of residential disorder decreased slightly. Those who experience residential disorder may transfer these feelings of fear to the city in general but not to the degree felt in the neighborhood.

Hypothesis 2b: The hours of television watched a day had no statistically significant influence on fear of crime in the city. These results were expected.

Hypothesis 2c: Victimization, as in the case of the previous model, had little influence on fear of crime. It seems that the fear experienced by the

Model 1: *Fear of Crime in the Neighborhood*

Table 2. OLS Regression Estimates of Routine Activities, Media Exposure, and Victimization Variables on Fear of Crime in the Neighborhood.

	Hypothesis 1a		Hypothesis 1b		Hypothesis 1c		Hypothesis 1d	
	β	t-ratio	β	t-ratio	β	t-ratio	β	t-ratio
Personal Guardianship	0.1357	7.53***	0.1369	7.62***	0.1360	7.60***	0.1373	7.50***
Education	-0.0756	-3.54***	-0.0734	-3.43***	-0.0730	-3.44***	-0.0739	-3.36***
Family Income	-0.0559	-3.01***	-0.0477	-2.55*	-0.0497	-2.68**	-0.0469	-2.46*
Residential Disorder	0.1956	11.41***	0.1948	11.42***	0.1938	11.38***	0.1891	10.27***
Nighttime Activity	-0.0397	-4.34***	-0.0803	-4.16***	-0.0842	-4.39***	-0.0671	-2.96**
Hrs TV/Day			0.0537	2.20*	0.0594	2.45*	0.0490	1.99*
Victimization					0.1245	1.44	0.1161	1.34
Age							0.0141	0.82
Race							-0.0320	-0.29
Gender							-0.0989	-2.30*
R ²	0.1657		0.1710		0.1782		0.1827	
F-Stat	62.66		54.10		48.56		35.31	

*p<0.05

**p<0.01

***p<0.000

Model 2: *Fear of Crime in Lisbon*

Table 3. OLS Regression Estimates of Routine Activities, Media Exposure and Victimization Variables on Fear of Crime in Lisbon.

	Hypothesis 2a		Hypothesis 2b		Hypothesis 2c		Hypothesis 2d	
	β	t-ratio	β	t-ratio	β	t-ratio	β	t-ratio
Personal Guardianship	0.1363	8.05***	0.1355	8.05***	0.1383	8.23***	0.1289	7.54***
Education	-0.0975	-4.87***	-0.0911	-4.55***	-0.0913	-4.58***	-0.0931	-4.60***
Family Income	-0.0730	-4.19***	-0.0693	-3.96***	-0.0672	-3.86***	-0.0622	-3.60***
Residential Disorder	0.1084	6.78***	0.1104	6.93***	0.1079	6.77***	0.1095	7.33***
Nighttime Activity	-0.0651	-3.58***	-0.0656	-3.63***	-0.0676	-3.75***	-0.0478	-2.28*
Hrs TV/Day			0.0302	1.32	0.0328	1.44	0.0232	1.02
Victimization					0.1139	1.42	0.1120	1.40
Age							0.01231	0.80
Race							0.1045	0.94
Gender							-0.1930	-4.75***
R ²	0.1535		0.1555		0.1597		0.1769	
F-Stat	56.90		48.06		42.45		36.72	

*p<0.05 **p<0.01 ***p<0.000

respondents both in the city and neighborhood is not impacted by prior victimization, or at the least, can be better explained by other variables.

Hypothesis 2d: Gender remains negatively and statistically related to fear of crime. Women experience more fear than men, even though objectively men are victimized most frequently. Compared to Model 1, the explained variance of Model 2 is lower. More than 18% of the variance in fear of crime in the neighborhood is explained by the variables in Model 1, whereas less than 18% is explained in Model 2. These differences are small and probably due to the influences of both media exposure and residential disorder.

DISCUSSION AND CONCLUSION

Before delving into a more complete discussion of the results, some of the problems with the current research piece must be addressed. First, to address errors of measurement regarding the dependent variable, fear of crime needs to be mentioned because there are differences between the measures used in this paper and those employed by other researchers. In this instance, a single measure of safety is used to assess fear. Chiricos et al. (2001) construct a fear of crime index comprised of measures concerning potential victimization and risk perceptions. It is possible that their index captures more of what it means to be afraid of crime than a simple measure of feelings of safety. However, Rountree and Land (1996) use a similar measure to that presented here and have found positive results, lending some support to these outcomes. Second, the use of victimization data and problems with the recollection of events related to the victimization and accurate portrayal of these must be addressed. Victims often fail to recall crucial information concerning the circumstance of their victimization, but because the victimization variable used in this study requires no specific details of the incident, and given that respondents were asked about whether they had been victimized in the past year, I do not perceive victim memory recall as an issue. Another potential caveat in the models presented here relates to the cross-sectional nature of the data. Victimization is a weak predictor of fear of crime; however, it has been constrained to victimization in the past year. I have been unable to assess victimization prior to the 2 years before the survey was administered. Fear of crime may be a function of continued victimization, which was not taken into account in these models, but since the victimization rates were so low, I do not think that they would be any higher in previous years. Victimization was used as a dummy variable and therefore does not factor in multi-victimization. This presents an added opportunity for future research because it can be postulated that repeat victimization not only may have an effect on fear of crime but also on the routine activities of the victim.

This is the first study to examine the effects of routine activities, victimization, and media exposure on fear of crime. Criminological theories are formulated, tested, and retested in different conditions but most frequently within the same national settings with some exceptions (see Miethe & Meier, 1994;

Sampson & Groves, 1989; Veysey & Messner, 1999; Yang & Hoffman, 1999; Lee & Earnest, 2003). Studying the residents of Lisbon provides an opportunity to seek answers regarding fear of crime in a unique setting where victimization remains relatively low and criminological research has yet to fully evolve. The positive and highly significant effect of personal guardianship measures on fear of crime is to be expected. It would seem more likely that the greater the fear, the more measures of protection are implemented. Therefore, the results obtained here may be somewhat tautological. What came first, guardianship or fear of crime? Possible interactive effects between victimization and guardianship, which actually serve to enhance fear of crime, may explain these findings in addition to the use of family income and education as a proxy for target attractiveness. Miethe and Meier (1990) state that guardianship ability is a function of income, which correlates to protective measures taken in the home that prevent burglary, and not to the personal actions people take to avoid victimization. In some instances, family income may portray residential guardianship as well. However, personal protections are inexpensive and require little income in order to be effective. For example, people avoid carrying too much money in their wallets or walking in darkened areas of the street. This would explain the negative relationship found between family income and fear of crime. Those with less income are unable to afford effective household protections, which thus lead to an increased fear of crime, regardless of prior victimization. In fact, the addition of victimization to the model (hypothesis 1c) had no effect on fear of crime, amplifying the role of routine activities on the formation and maintenance of fear of crime.

With respect to nighttime activity, Liska et al. (1988) propose that there is reciprocity between fear of crime and constrained behavior. This can be seen in the negative relationship between frequency of nighttime excursions and fear of crime. What cannot be ascertained from the model is whether the fear of crime initially limited these activities or whether the lack of these instills fear. Rountree and Land (1996) emphasize the feedback loop that exists between measures of disorganization, victimization, fear of crime, and routine activities, particularly the effect fear of crime has on increased guardianship. If the relationship between routine activities and fear of crime is indeed reciprocal, this would clarify the results concerning guardianship, income, education, and nighttime activity and would open routes for the future development of this model.

The measures of residential disorder have the strongest and most positive effect on fear of crime. This was also a proxy measure for exposure to motivated offenders. Witnessing assaults and drug addicts injecting themselves contribute to a greater level of fear, likely due to the perceived risk of victimization. Researchers tend to use proxies such as unsupervised teens as a means of measuring lack of informal social control and hence community cohesion (Sampson & Groves, 1989; Sampson et al., 1997; Veysey & Messner, 1999). However, perceptions of community cohesion do not necessarily indicate the presence of informal social control. In fact, Morenoff et al. (2001) suggest that

community social ties (i.e., cohesion) create the capacity for informal social control, and it is the exercise of this control that actually affects crime. Therefore, the significance of residential disorder may be more than its role as proxy for exposure to motivated offenders; it may be the key to understanding the formation of fear of crime in the current models. Ultimately, the residential disorder may be hiding community effects that have yet to be accounted for, specifically the role residential disorder may have on routine activities and those who experience the greatest fear.

Chiricos et al. (2001) propose that the number of hours of television watched a day significantly and positively relates to fear of crime, a relationship similar to that determined in Model 1. Media exposure, however, does not significantly contribute to all types of fear of crime. In relationship to the fear experienced in the city, television exposure had little effect, probably due to what is being watched rather than the time spent watching it. Eschholz et al. (2003) found that the content of what is seen on television is important to how crime is eventually perceived. The information we receive via the media is internalized, and we understand it by placing ourselves within its contextual framework. We tend to distance ourselves from facts that have little chance of affecting our daily lives. However, if the information absorbed pertains to us, its influence becomes important. Therefore, hours spent watching television should be examined with an analysis of what is being watched because it may deepen our knowledge of the causes of fear of crime.

With respect to the control variables, race had little effect on measures of fear of crime. Surprisingly, however, neither did age. Age may be an important factor in fear of crime, but its effects are attenuated by variables whose causal impact on fear is much stronger. Women tend to feel more unsafe than men, a result previously illustrated by Chiricos et al. (1997) and Rountree and Land (1996). The relationship between gender and fear of crime extends beyond the influence of routine activities and victimization. Young men are the most common targets for offenders, most likely because of their chosen lifestyles (Hindelang, et al., 1978). The effect of gender on fear of crime is possibly mediated by media exposure because women spend more hours watching television (Chiricos, et al., 1997, 2001; Eschholz, et al., 2003) and therefore may be more susceptible to its influences.

Much needs to be done to uncover the root causes of fear of crime. Perhaps there is more to fear of crime than just a feeling of safety or lack thereof. Residents of Lisbon may be experiencing a type of "urban unease" (Garofalo & Laub, 1979) related not only to fear of crime but to the social problems of poverty and drug addiction that plague society both at the city and the country level. Future research should focus on the more personal concerns of this "urban unease" and how issues such as community-wide drug problems, poverty, and evaluations of policing affect fear of crime.

According to Sampson and Raudenbush (2004), decision-makers are influenced by important research findings and social policy regarding social problems and perceptions of it. The paucity of criminological research in

Lisbon attenuates the relationship between many promising findings and resulting decision-making. However, the findings of the present study are clear. A significant number of residents in the city of Lisbon experience a form of fear of crime, shaped in part by experiences with residential disorder. We cannot downplay such findings simply because victimization in this city is relatively low. The fear is real, its consequences even more so, and its causes must be addressed in future research.

NOTES

1. Data were generously provided by the Universidade Católica Portuguesa, Centro de Sondagens, 1600 Lisboa, Portugal.
2. Contact information: Maria João Lobo Antunes, 2220 LeFrak Hall, Department of Criminology and Criminal Justice, University of Maryland at College Park, College Park, MD 20742. E-mail: mloboantunes@crim.umd.edu
3. The Centre for Public Opinion Surveys (CESOP) conducted the survey. The results were made public by the mayoral office.
4. Analysis of Observatory surveys of 1999, 2000, and 2001 has shown a mean of approximately 30% reporting rate of crimes.
5. These offenses are comprised of pickpockets, assault, robbery, purse-snatching, burglary, auto theft, attempts, and actual crimes.
6. Results from the 2001 Census indicate that over 85% of the population is White. Results from the University's 2001 survey showed that 95% of the respondents were White.
7. World Health Organization results show Lisbon as having one of the largest drug problems in Europe. (Data from the United Nations Annual Prevalence of Drug Abuse Report.)
8. Although it is not usual to collect data on age using ordered categories, it was deemed by the Director of the Survey Centre to be more appropriate given that interviews were conducted face-to-face, and it was felt that this procedure would increase disclosure from the respondents.
9. Tolerance tests were conducted where the VIF (Variance Inflation Factors) were all below 2.0. According to Fox (1991), 4.0, while an arbitrary cut-off, is often used by many researchers. VIFs below 2.0 suggest a very small potential inflation of the standard errors.

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APPENDIX 1. Correlation Matrix of the Independent Variables.

	guardper	educatio	fincome	night	hrstv	personal	age	race	gender
guardper	1.0000								
educatio	-0.0735	1.0000							
fincome	-0.0812	0.6076	1.0000						
night	-0.1565	0.3316	0.2685	1.0000					
hrstv	0.0625	-0.2536	-0.2640	-0.1525	1.0000				
personal	0.0571	0.0007	-0.0197	-0.0137	-0.0199	1.0000			
age	0.1137	-0.2667	-0.1822	-0.4533	0.1744	-0.0262	1.0000		
race	0.0272	0.0090	0.0505	-0.0193	-0.0636	0.0324	0.0819	1.0000	
gender	-0.1797	0.0884	0.1275	0.1650	-0.0843	0.0002	-0.0325	-0.0110	1.0000

Although the results of the Tolerance tests showed that multi-collinearity was not a problem between the independent variables, I have included in this Appendix a correlation matrix to further support this claim. The highest correlation is between income and education, which is to be expected. It stands to reason that the higher one's education, the more likely this respondent is to have a higher income, although this may not always be the case.

Policing Public Assembly in China: Historical Continuity, Constitutional Departure, and Political Change

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This paper is a comparative study of the law of assembly between the People's Republic of China (PRC) vs. the Republic of China (ROC). The comparison is achieved by looking at how these two Chinese societies structure police powers during assembly, procession, and demonstration — textually and contextually. Particularly, it investigates how the forces of history, constitution, and politics converge to define and shape the Law of Assembly. This comparative project is conducted to understand the relative development of police powers in the two Chinese societies, which once were linked by history and culture and are now divided by geography and ideology. In a still larger context, this research employs comparative policing to expose and explicate how the police in two closed societies, the ROC (Confucianist) and the PRC (Socialist), come to terms with social protests and political challenges, and suggests how to balance the forces of reform and control with the use of law.

INTRODUCTION

Finally, of prime interest and import is the study of Chinese philosophy as a background of arriving at the Chinese conceptions of the function of law in society, which are so strikingly and fundamentally at variance with prevailing Western conceptions of law and society (Cyrus H. Peake, 1937, p. 126).

This paper is a comparative study of the Law of Assembly between the People's Republic of China (PRC) vs. the Republic of China (ROC, or Taiwan). The comparison is achieved by looking at how these two Chinese societies structure police powers during assembly, procession, and demonstration (hereafter "public assembly") — textually and contextually. This paper also examines how forces of history, constitution, and politics converge to define and shape the Law of Assembly.

This comparative project was conducted to understand the relative development of police powers in two Chinese societies that at one time were linked by history and culture but now are divided by geography and ideology. In a still larger context, this research engages comparative policing (see Deflem, 1997, pp. 6-8; Ross, 1996, pp. 263-273) to expose and explicate how police in two closed societies, ROC (Confucianist) and the PRC (Socialist), come to terms with social protests (see Tanner, 2004, pp. 137-156) and political chal-

lenges (see Wong, 2005, pp. 1-15). More broadly, this research suggests how to balance the forces of reform and control (Tanner, 2005) with the use of law.

Research Questions and Method

This comparative study is done by a textual (i.e., concept, language, and structure) and contextual (i.e., historical, constitutional, and political) comparison between the *Zhonghua Renmin Gongheguo Jihui Youxing Shiwei Fa* of the PRC (hereafter “PRC Assembly Law”). (See the Law Yearbook of China, 1990, pp. 750-753; NPC Law Commission, 1991, pp. 1491-1493; NPC Standing Committee, 1991, pp. 1494-1495; Editorial Committee, 1990, pp. 430-435) and the *Dongyuan Kuanluan Shiqi Jiti Youxing Fa* (see Chu, 1989, 1-21; Xingzhengyaun, 1992) (hereafter “ROC Assembly Law”).

The two research questions posed are: First, when comparing PRC vs. ROC Assembly Law textually and contextually, in what way can it be said that the two laws are similar and how much can it be observed that they are different? Second, how might this comparative law exercise inform future research into these two Chinese societies’ constitutional and legal development, methodologically and substantively.

The Law of People’s Republic of China on Assembly, Procession, and Demonstration was promulgated by the Seventh NPC, Standing Committee at the Tenth Meeting on October 31, 1989 (see Editorial Committee, 1993, pp. 84-104). It was implemented by the Rules for the Implementation of the Law of Assembly, Procession, and Demonstration promulgated on June 16, 1992, by the Ministry of Public Security (hereafter “PRC Implementing Regulations”). (See PRC Ministry of Public Security [Ed.], 1993, pp. 423-426). The PRC Implementation Regulations were authorized under PRC Assembly Law, Article 35. The field police were further instructed on how to implement the PRC Assembly Law with operational instructions such as those contained in the *Comprehensive Police Practical Knowledge Handbook* (see Li, 1995, pp. 169-176).

The PRC Assembly Law is a first for the nation. However, it is not the nation’s first foray into assembly laws and regulations. From 1986 to 1989, eight provinces, autonomous regions, and municipalities directly under Central Government, (Beijing, Guizhou, Jiangxi, Guangdong, Ningxia, Guangxi, Xinjian) and nine provincial cities (Hefei, Changsha, Lasa, Changchun, Hangzhou, Taiyuan, Xian, Jilin) promulgated various local assembly, procession, and demonstration laws and regulations (see NPC Standing Committee, 1991, pp. 2-3). *Beijingshi Guanyu Youxing Shiwei de Rugan Zhanxing Guiding* was promulgated by the Beijingshi Eighth People’s Congress, Standing Committee, 33rd meeting on December 26, 1986, (see Editorial Committee, 1990, p. 420) and *Taiyuanshi Qunzhong Youxing Shiwei Zhangxing Guiding* was promulgated by the Taiyuanshi, Eighth People’s Congress, Standing

Committee, at the 11th Meeting on August 24, 1988, and approved by the Shanxi Province, Eighth People's Congress, at the Sixth Meeting on November 30, 1988 (see Editorial Committee, 1990, p. 306).

In Taiwan, the Law of Assembly and Procession During Mobilization to Suppress Disorder was promulgated by the *Lifa Yuan* (Congress) on January 11, 1988 (see Zhu, 1989, pp. 399-410) and was implemented by *Jinacha Jiguan Banli Renmin Shenqing Jihu Youxing Zuoye Tao Dian* (Important Points in Handling Petition for Public Assembly and Procession by Police Agencies [see Zhu, 1989, pp. 419-420]).

The subject of Assembly Law was chosen to facilitate comparative research because both the ROC (see Zhu, 1989, p. 12) and the PRC (Zhonggong Zhongyang Dangxiao, 1993, p. 86) formally recognize the importance of such freedoms in the Constitution. The limitation to the exercise of such freedoms points to fundamental differences in constitutional philosophy and compelling political circumstances between the two societies. Last, the promulgation of the two laws in close temporal proximity — the ROC was promulgated on January 11, 1988, and the PRC Assembly Law was promulgated on October 31, 1989 — allows for a controlled study of the two societies' philosophy and necessity shaping police powers and citizens' rights (Barbie, 1989). Thus, this study provides a historical comparison of the state of police powers and control between the PRC and the ROC in the late 1980s.

Textual Similarities

A textual comparison of PRC and ROC Assembly Laws show that they share marked similarities in content, (i.e., concept, language, and structure) that cannot be explained away as sheer coincidence. For example, in terms of structure, the PRC and ROC Assembly Laws have corresponding provisions in purpose of law (ROC Assembly Law Article 1, PRC Assembly Law Article 1); definition (ROC Assembly Law Article 2, PRC Assembly Law Article 2); police agency in charge (ROC Assembly Law Article 3, PRC Assembly Law Article 3); kinds of prohibited activities (ROC Assembly Law Article 4, PRC Assembly Law Article 12); protection for lawful activities (ROC Assembly Law Article 5, PRC Assembly Law Article 18); restricted areas (ROC Assembly Law Article 6, PRC Assembly Law Articles 22, 23); responsible person in charge (ROC Assembly Law Article 7, PRC Assembly Law Article 8); exempted activities (ROC Assembly Law Article 8, PRC Assembly Law Article 7); application particulars (ROC Assembly Law Article 9, PRC Assembly Law Article 8); eligibility of responsible person (ROC Assembly Law Article 10, PRC Assembly Law Article 8); and approval criteria (ROC Assembly Law Article 12, PRC Assembly Law Article 9). See Table 1 for a side-by-side comparison of the ROC and PRC Assembly Law Articles.

Table 1: A Table of Textual Comparison of Key Provisions Between ROC Assembly Law and PRC Assembly Law

Content	ROC Article	PRC Article
Purpose of the law	Art. 1: protect assembly and procession rights; maintain social order.	Art. 1: protect assembly, procession, demonstration rights; maintain social order.
Definitions	Art 2: public meeting, speech, any other gathering.	Art 2: public gathering to express ideas or wishes.
Police Agency in Charge	Art. 3: assembly site police unit; two jurisdictions — supervising authority.	Art. 3: assembly site police unit; two jurisdictions — supervising authority.
Prohibited Activities	Art. 4: against Constitution, promote Communism; split the country.	Art. 12: against constitutional principles; endanger national unity; incite ethnic division; endanger public safety; serious harm to social order.
Protection for lawful assembly	Art 5: from violence, coercion, or other illegal interference.	Art 18: from violence, coercion, or other illegal interference, and attack.
Restricted areas	Art. 6: government buildings; airports & harbors; military installations.	Art. 23: government buildings; foreign VIPs; military installations; airports, railway stations, harbors. Art. 22: temporary no-cross zones: government institutions; military institutions; broadcast/TV stations; embassies.
Responsible Person in Charge	Art. 7: should have designed responsible person or representative.	Art. 8: should have responsible person.
Exempted Assembly	Art. 8: by law; academic, social, & cultural activities; traditional & festive activities.	Art. 7: state-sponsored activities, by law or charter.

Content	ROC Article	PRC Article
Application Particulars	Art. 9: 7 days in advance & 2 days in exceptional cases in writing; responsible person, date, purpose, time, route, people, cars, equipment; consent & detail plan.	Art. 8: 5 days in advance in writing; responsible person, purpose, manner, signs, slogans, people, cars, equipment, equipment, date, route, time.
Eligibility of Responsible Person	Art. 10: (including representative or prefects) over 20; ROC national; not convicted & awaiting sentence or discipline; bankrupt.	Art. 8: person with capacity; not convicted & awaiting sentence or labor-education; not under legal coercive measures.
Approval Criteria	Art 11: Art. 4 (constitutional, no communism; not against national unity), Art. 6 (not in restricted areas), Art. 10 (eligible person); no harm to national security, social order, & public welfare; factually demonstrated danger to life, body, freedom, property; not disapproved before; illegal, cancelled, or dispersed assembly; no proper application (Art. 11).	Art. 12: not against Constitution; not against national unity or sovereign integrity; not ethnically divisive; factually demonstrated to be directly harmful to public safety and social order.
Approval Procedure	Art 12: approval in three days; disapproval with reasons.	Art 9: approval in two days; disapproval with reasons.

More significantly, some of the articles use similar concepts, identical language, and mirror sentence structure (e.g., the purpose of the ROC and PRC Assembly Laws are fairly similar, the prohibited kinds of public assemblies are very much alike, and the approval criteria are nearly identical). For all intents and purposes, the two Assembly Laws are interchangeable. It appears likely that the ROC Assembly Law (being the first to be adopted) has been consulted, if not even used as a model, before the PRC Assembly Law was drafted. Beyond textual similarities, the Assembly Laws reflect discernible historical continuity as registering a shared cultural identity, exhibit clear constitutional departure as reflecting differences in political ideology, and capture political changes as driven by disparate national development.

HISTORICAL CONTINUITY

Historically and ideally, in imperial China, the emperor ruled with a mandate from heaven and according to a preordained cosmic order of things: Rulers have absolute authority to govern and in virtuous ways. Citizens have unmitigated duty to be obedient to the ruler and show deference and respect. Order is to be promoted unrelentingly. Disorder is to be avoided at all costs. There is no right to dissent, still less to engage in organized opposition and public challenge to government policy and practices. The virtuous ruler has a duty to listen to the people and be responsive to their needs and concerns (Weller, 1999). Ultimately, China — the PRC or Taiwan — is a paternalistic welfare state (Ling, 1994) wherein the status of the emperor was privileged and its power ranked supreme (Potter, 1999).

This philosophy of governance, ingrained as national ethos and expressed as cultural imperatives, was alive and well in China when the Assembly Laws were enacted. Both the PRC and ROC were run by political parties, the CCP and the KMT, which sought political legitimacy through virtuous governance (i.e., treating the citizens as sons and daughters paternalistically if autocratically, benevolently if dictatorially, absolutely if meritoriously). Both ruling parties considered their governance legitimate because it represented the absolute best in political ideology, governing philosophy, and administrative practices (i.e., virtuous *ren* rule and benevolent *yi* governance). Both resented challenges to government, viewing them as illegitimate and treacherous. Both rejected organized opposition and open dissent as inimical to good order and detrimental to public welfare, being disruptive to social order, interfering with economic development, and undermining political stability. Or, simply put, it just ought not be done (*bu gai*).

The PRC and ROC Assembly Laws, in content and as applied, reflected and reinforced these governing ideas and ideals. They dated back to the Xia (2100-1600 B.C.), Shang (1600-1100 B.C.) and Zhou (1100-771 B.C.) dynasties some 4,000 years ago. Viewed in this light, the Assembly Laws, as drafted, were not just another set of proscriptions and prescriptions imported from the liberal West in celebrating the inalienability of protest rights and promoting the sanctity of speech freedom, but rather they were a sincere effort by cotemporary political leadership to apply venerable Chinese governing philosophy, principles, and practices to a new set of emerging and evolving socio-political circumstances, while giving homage to Chinese cultural heritage and reinventing China in her historical image. This observed need to accommodate the new (i.e., democratic instincts in people) within the old (i.e., cultural tradition in China) is no better demonstrated by the CCP attempt to practice democratic centralism in order to balance free speech rights and hierarchy control tradition:

As the term democratic centralism implied, it was to be a mixture of democracy and centralization. In its democratic aspect, the masses had opportunity to express their

opinions, but the process was centralized in that the leaders solicited public opinion, analyzed and interpreted it, and then — ideally — used it as the basis of government policy. Given the very personal nature of Chinese social relations, the lack of a voting tradition, reservations in the expression of personal opinion, and willingness to object to authority, this personal and informal style of soliciting public opinion, if properly implemented, was perhaps a more feasible and effective way to establish a government responsive to the public than the Western form of democracy achieved through electing candidates. (Kwong, 1988, p. 975)

CONSTITUTIONAL DEPARTURE

Historical continuity and cultural similarities aside, the PRC and the ROC have a different understanding of constitutional rights of free speech and assembly.

The PRC Assembly Rights

Mao Zedong, the founding father of Communist China, has made clear that the people, as master of their own destinies, should enjoy unprecedented political freedom: "Democracy is practised within the ranks of the people, who enjoy the rights of freedom of speech, assembly, association and so on" (Mao, n.d; pp. 411-423). The PRC Constitution of 1982, Article 35 guarantees the citizens the freedom of assembly (*jihui*), procession (*youxing*), and protest (*shiwei*). The constitutional rights of assembly, procession, and protest also were found in the Common Program of 1949 (Art. 5) and the PRC Constitutions of 1954 (Art. 87), 1975 (Art. 28), and 1978 (Art. 45). (See Zhongguo Daixue Faluxi, 1981, pp. 21, 86, 59, 14). The earliest affirmation of such rights was found in the Chinese Soviet Republic Constitution of 1931, Article 10:

The Chinese Soviet political authority in order to protect the proletarian and peasants' freedom of speech, publication, assembly, and association, is opposed to democracy of the property and capitalistic class and advances the democracy of the proletarian and peasants. (Han & Chang, 1981, p. 10).

The freedom of assembly means that the citizens are free to gather to discuss matters (*taolun*), express opinions (*fabiao yijian*), and voice desire (*biaoda yiyuan*) (See Zhonggong Zhongyang Dangxiao, 1993, p. 107). The freedom of procession means the right of the citizens to gather and move along in public thoroughfare and places to express their attitude (*taidu*), opinion (*yijian*), and requests (*yaoqiu*). (See Zhonggong Zhongyang Dangxiao, 1993, p. 107). The freedom of protest means that the citizens are free to gather in a public place to march in procession (*youxing*) or sit in demonstration (*jinzuo*) to express a request, protest, or in support of a common cause (*gongdong yiyuan*). (See Zhonggong Zhongyang Dangxiao, 1993, p. 107). To the Communist way of thinking, these constitutional rights are fundamental in nature but also serve instrumental needs (Editorial Committee, 1990, pp. 28-29). The freedom of assembly is said to be a natural extension of the freedom

of speech,² as it enhances and enriches free speech rights (Zhonggong Zhongyang Dangxiao, 1993, p. 107). Additionally the freedom of procession and protest is seen as an extension and amplification of the freedom of assembly, that is, one of the many ways to exercise the assembly right.³

Constitutional Limitations and Legal Restrictions

The PRC Constitution sets forth well-defined limits for the exercise of assembly, procession, and demonstration rights. These constitutional limitations and legal restrictions, while resembling those in Western constitutional jurisprudence, are in fact based on distinctive Chinese culture tradition, for example the Confucius teaching of duty (not right), informed by dissimilar political ideology (e.g., Mao's ideal of collective welfare over individual rights), and shaped by different social conditions, (e.g. Marx's idea of communal sharing vs. adversarial competition).

In theory and practice, the PRC constitutional rights are not absolute. "There is no freedom or right in this world that is absolute and without limitations" (Editorial Committee, 1990, pp. 29, 59).⁴ As observed by a prominent PRC legal scholar, Li Buyun, (1) Human rights naturally belong to a person but are also socially based. Human rights must be defined with the person as a social member in mind. (2) Humans rights are informed by public interests (morality) and based on common expectations. No one person's interest or expectation is held absolute, much less supreme. (3) Human rights enjoyment is a relative entitlement, that is exercise of rights vis-a-vis each other. More for some means less for another. (4) Human rights are to be enjoyed universally (*gongtongxing*) as well as individually (*getixing*). Individual enjoyment of rights should not be at the expense of universal enjoyment of rights by the collective. (5) Human rights are multifaceted (*guanfanxing*). No one kind of rights (e.g., political) should be made privileged over others (e.g., social). (6) Human rights emphasize on collective (*jiti*) utility and as realized in the individual's (*geren*) interest (Anonymous, 1992, pp. 1-9).

The PRC's view towards human rights is mainly influenced by two factors: one historical and the other ideological. Traditional China was regulated by custom and has no concept of right but duty (See Zhang, 1989, pp. 1-18). Ideologically, Marx and later Mao were of the opinion that all rights are class based, that is, a class struggle for rights is to be shared by individuals in the class (Xu, 1996).

Constitutional rights in the PRC are relative (Davis, 1997) and contingent (Lin, 1991). Theoretically speaking, the difference between constitutional rights being absolute (Xu, 1996) from belonging to the individual naturally, versus constitutional rights being contingent and given by the state positively, is a critical one (Du, 1992). The PRC's concept of constitutional rights is contingent in two senses. First, rights are contingent to the extent they are economically structured, socially derived, and legally affirmed, that is, the expectation and realization of rights are posited within a given set of economic foundations and realized within a set of social relations.

Contingency notwithstanding, PRC draws a clear distinction between fundamental rights (*jiben quanli*) and other legal rights. Fundamental rights are rights that: (1) cannot be deprived as a constitution of legal personality (*buke quefa*), that is, one cannot function without it, such as human dignity; (2) cannot be replaced (*buke quda*), that is, they are the foundational building blocks upon which the political state is constructed (e.g., voting rights); (3) cannot be transferred (*buke zhuanyan*), that is, they are the basis upon which a person is recognized as a functional social member; (4) are very stable (*wending xin*), that is, they do not change with the transition of state authority or amendment of the Constitution; (5) are commonly shared amongst civilized society (*wenming goujia juyou*), that is, they do not differ from one civilized state to another (e.g., democratic rights); and (6) root to other rights (*wuti xin*), that is, they give rise to other lesser rights (Zhonggong Zhongyang Dangxiao, 1993, p. 83).

There are, however, very few discussions in the PRC by the political leaders or legal scholars on the legal consequences of calling a constitutional right "fundamental" or not, particularly how the fundamental nature of a right might impact upon its enjoyment by the citizens or enforcement by the officials. However, one thing is certain: The PRC leadership is keen on achieving "fundamental rights" for *all* of its citizens (e.g., right to jobs, food, shelter, and education). Thus, it can be said that the PRC leadership is most interested in providing fundamental rights for all citizens rather than protecting fundamental rights for a few. In the present context, the alienation of an absolute and individualized assembly right must be justified by the state with a heavy burden of proof that its free exercise would harm other people or disrupt order. A person's fundamental right is not to be easily taken away, even in the face of demonstrated mass utility.

In a liberal state, the balancing of individual right vs. public interest is always in the individual's favor. In the case of the PRC, a person cannot claim a contingent right unless the person can demonstrate to the political authority that the necessary contingency as precedent conditions are being fulfilled (e.g., a person is entitled to exercise such a right as a law-abiding citizen, and the exercise of such a right is compatible with state, *qua* all the people's, interests). More significantly, the individual cannot enjoy more right than the collective is willing to concede and able to afford. This is the case with the PRC. Deng has made clear that under the Socialist system, the interests of the individual give way to the collective, the interests of the separate parts make room for the benefits of the comprehensive whole, and the interests in the short term give way to the long term (Yang, 1989, pp. 1-4).

The contingency of constitutional rights is written into the PRC Constitution (1982). First, the PRC Constitution (1982), Article 33, provides that "Citizens enjoy rights guaranteed by the Constitution and law but they must also fulfill their constitutional and legal responsibility." The CCP has interpreted this to mean that the concept of right (*quanli*) and duty (*yiwu*) is unitary in nature (*tongyixin*): "People can enjoy right but also have to fulfill their

duty: just enjoying rights and not fulfilling duties is not allowed, nor should the assumption of duty without the enjoyment of right be tolerated." This is to say that right and duty are supplementary to and complementary of each other (*xiangfu-xiangcheng*) (See Zhonggong Zhongyang Dangxiao, 1993, p. 89). More significantly, the CCP observed that "the pre-requisite to the enjoyment of right is duty (*yi yiwu wei qianti*), only through the maximum effort (of everyone) in pursuing one's duty will there be a sufficient material base for the rights to be built upon, then and only then can we improve upon the enjoyment of rights" (Qu, 1990, p. 16).

Second, and more specifically, a person can only exercise his rights (of assembly) to the extent that he does not harm the interests of others. Thus, Article 51 provides: "When PRC citizens exercise their freedom, they should not harm the interests of the country, society, collective, and other citizens' legitimate freedom and rights." The "harm to others test" is not narrowly construed. It has been interpreted as: "each citizen's individual interests can only be protected when all the other people's fundamental interests are being protected or developed." Alternatively, this means that an individual's freedom will not be allowed when other people's basic needs are not being met (Qu, 1990, p. 90). In practical terms, this means that there must be a stable political and social environment for the economic reconstruction and the for the modernization of China to take hold — this is considered the "fundamental interest of all the people" (*genben renmin liyi*). Any person who contributes to political instability or social disorder will not be tolerated (See Zhonggong Zhongyang Dangxiao, 1993, p. 61).

The PRC's position on constitutional rights gives rise to two legal consequences: (1) It shifts the burden of showing entitlement to the right of assembly to the claimant of rights (i.e., the citizen). Thus, under PRC Assembly Law Article 12(4), the police have to justify their disapproval. Under Article 12(1), all the police need to do is to establish that the assembly's "purpose, billboard, slogan" is against constitutional principle or harmful to national unity, sovereignty, or territorial integrity — no *actual* or *direct* harm needs to be shown (Zhonggong Zhongyang Dangxiao, 1993, pp. 59-64). (2) It allows the PRC lawmakers, and by delegation the police, to deny rights of assembly based on collective and utilitarian considerations.⁵

The above-discussed PRC constitutional limitations were more specifically provided for in PRC Assembly Law. In this regard, PRC Assembly Law, Article 12, clearly states that under the following circumstances, the application for assembly, procession, and demonstration will not be approved: (1) against fundamental constitutional principles, for example "the four basic principles;"⁶ (2) harming national unity, sovereignty, and territorial integrity;⁷ (3) inciting ethnic division;⁸ and (4) sufficient facts to indicate that the assembly, procession, and demonstration will cause direct harm to public safety or serious damage to social order.

The question of what constitutes an assembly against "basic constitutional principle" (Article 12[1]) or "endangering national unity, sovereignty, and

territorial integrity" (Article 12[2]) or "inciting ethnic division" (Article 12[3]) or "causing direct harm to public safety" or "serious damage to public order" (Article 12[4]) was not specifically defined nor clearly explained. This is in fact a major problem with implementing the PRC Assembly Law because it makes the evaluation of harm to national security and danger to public order a "subjective" and "conjectural" exercise. This is particularly the case with Article 12(1) and (2) when the legality of an assembly ultimately depends on the "intent" and "purpose" of the organizers and participants. In such cases, the police are invited to interpret the purpose or impact of an assembly in accordance with their own conception of what constitutes a sufficient "threat" to "security" or "order" to warrant disapproval. This results in arbitrarily determinations. Therefore, an application may be approved one day and not the other, with one official and not another, and in one place and not another (Han, 1993, pp. 51-59).⁹

The ROC Assembly Rights

The ROC Constitution guarantees the people the right to the freedom of meeting (*jihui*) and association (*jieshe*).¹⁰ ROC constitutional scholars have interpreted this to mean that the people have a right to gather freely to discuss, express, and exchange ideas (Liu, 1980, p. 79). The ROC Constitution does not provide for a specific freedom of procession (*youxing*). However, such a freedom is considered a necessary complement and a natural extension to the right of assembly and association;¹¹ the people should be able to discuss, express, or exchange ideas in a stationary meeting or at a moving procession. In this regard, it has been argued that a procession is nothing more than a moving meeting (Zhu, 1989, p. 12). Constitutionally speaking, "procession" is within the meaning of "meeting" with a broad reference (*guanyi*) (Zhu, 1989, p. 26). People should be able to express themselves by showing their unity in a procession (*youxing*), that is, engaging in symbolic speech. Thus interpreted, the right to the freedom of procession comes within the compass of ROC Constitution, Article 22, which provides: "The freedom and rights of the people, if they do not harm the social order or public interests, are protected by the Constitution." Inasmuch as it is a given democratic principle in a free society that there is no harm in people gathering and moving around to express themselves, peaceful procession should be ipso facto constitutionally protected.

The ROC constitutional right to freedom of meeting and procession is currently protected by the ROC Assembly Law. The law in protecting such rights also set limits to their legal exercise. This is especially true in cases where the rights are not constitutionally provided, as in the case of "procession" or when they are not clearly defined, as in the case of "meeting." For example, Article 2(1) of the ROC Assembly Law defines "assembly" as meetings, speech, and other group activities held in a public place or where the public has access. Article 2(2) further provides that "Procession as used in this

law refers to procession conducted in the street, road, and alley, and any other public place where the public have access." Both of these definitions interject a "public activities" legislative requirement that is not made explicit in the ROC Constitution. The open-ended constitutional mandate allows the legislature, court, and especially the police to set limits to constitutional rights under the guise of being trusted to interpret or implement the Constitution. In this regard, the Taiwan Provincial Government Police Department has taken the liberty to define the term "group activities" under Article 2(1) of ROC Assembly Law to include all group activities in a public place, such as demonstration (*shiwei*), protest (*kangyi*), and sit-in (*jingzuo*). Further, it administratively decides that "group possession" in Article 2(2) of the ROC Assembly Law must meet two criteria: (1) A group must have three or more people. That is to say, two people cannot be a group. (2) They must have a common purpose and express their common interests.

The ROC Constitutional Limitations and Legal Restrictions to Assembly Rights

In the ROC, constitutional rights are not unlimited (Katz, 1981, p. 61). The state can constitutionally restrict the exercise of fundamental rights under the doctrine *xianfa xin de falu baoliu* ("constitutional reservation of rights by law" doctrine) (See Chen, 1987, pp. 178-179). This doctrine postulates that constitutional rights are protected to the extent that they do not infringe upon competing and equally important constitutional interests or exigencies. This constitutional law doctrine provides that the citizens' fundamental rights can be limited by state law if and only if: (1) the exercise of such rights violates or interferes with other people's rights and freedom (*fang ai taren ziyou*); (2) the restriction of such rights is necessary to avoid an emergency (*bimian jinji weinan*); (3) the limitation of such rights is necessary to "maintain social order" (*weichi shehui zhixu*); or (4) to "promote public interests" (*zhenjin shehui liyi*).¹²

The "constitutional reservation of rights" doctrine is itself circumscribed by the following imperatives: (1) the limitations to constitutional rights cannot deny the citizens the enjoyment of the *essence* (*benzhi*) of the fundamental right (*Wesensgehalt*) granted by the Constitution; (2) the limitations to constitutional rights cannot be particularized to apply only to a single case (*Einzel-fallverbot*); and (3) the limitations to constitutional rights must be appropriate and reasonable in promoting public interests, that is, not over-broad and when other less intrusive alternatives are available (Xingzhengyuan, 1992, pp. 52-53).

Generally, as a matter of constitutional principles, there are two broad types of limitations to the exercise of freedom of assembly. First, freedom of assembly must not be used to destabilize the political regime.¹³ Thus, the ROC Assembly Law, Article 4, explicitly provides: "Assembly and demonstration must not violate the Constitution, promote Communism or break up (*fenlie*)

the state."¹⁴ At least one practitioner/scholar has questioned the appropriateness of allowing the police, who are charged with the protecting the political security of the state, to decide when to approve and protect a political assembly.¹⁵ Second, the exercise of the freedom must not pose a threat to public order or cause a harm to individual rights.¹⁶ Thus, the ROC Assembly Law, Article 1, makes clear that the Assembly Law was promulgated to protect the rights of the people to meet and demonstrate¹⁷ as well as to "maintain social order."¹⁸ The police, in upholding the mandate in Article 1, are given the explicit authority to disapprove of any application of assembly if: (1) there are sufficient facts to indicate that there are direct risks of harm to state security, social order, and public interests (ROC Assembly Law Article 11[2]); and (2) there are risks of harm to body, life, freedom, or great damage to property (ROC Assembly Law Article 11[3]). The responsibility to maintain law and order during assembly is equally shared by the assembly organizers (e.g., ROC Assembly Law Articles 18,¹⁹ 19,²⁰ 20,²¹ 21,²² 22,²³ and the police, e.g., Article 24.²⁴ To assure the orderly conduct of the assembly, the ROC Assembly Law prohibits inflammatory speech. Thus, Article 30 provides that the assembly and procession should not use words, pictures, speech, and other method to humiliate or defame public office, public officials, and others. To prevent violence, the ROC Assembly Law, Article 23, prohibits the carrying of dangerous or offensive weapons.²⁵

Finally, the police are given the authority to cancel, restrict, or otherwise terminate an assembly based on state security, social order, and public interests. For example, the ROC Assembly Law, Article 15, authorizes the police to terminate or alter or restrict the time, place, and manner of the public assembly for the "protection of social order, public interests, and assembly and procession's interests" and any other reasons under Articles 11 and 12, which are the provisions forming the basis of approval in the first place. In conclusion, the ROC police are expected to and given the necessary legal power to balance the conflicting interests of freedom of assembly and public order. In this regard, ROC Assembly Law, Article 26, provides: "The approval, limitations, and order to disperse should be fairly and reasonably considered in order to balance the need to protect the people's right to assembly and demonstration with other legal interests..."²⁶

POLITICAL CHANGE

The Political Context

Before the promulgation of Assembly Laws, citizens' rights to assembly in both nations were protected by entrenched, if illusory, constitutional provisions. For example, the ROC Constitution (1949), Article 14, provides: "People have the right of assembly and association" and the PRC Constitution (1982), Article 35, provides: "Citizens of the People's Republic of China

enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.”

In the ROC, there was no need for an Assembly Law before 1987. From 1945-1987, the country was laboring under a single party (KMT), and dictatorial rule was made possible by a suspended Constitution (Tkacik, 2004)²⁷ and effectuated with imposed martial law (Trong, 1986, pp. 1309-1323). During this period, Taiwan citizens' freedom of speech was abridged, right to assembly was denied, dissents were silenced, strikes were outlawed, and opposition parties were forbidden. For all intents and purposes, the ROC was a Leninist state where the security police used white terror to silence dissidents and eradicate opposition (Peng, 1971, pp. 471-493). For example, on December 10, 1979, an “illegal assembly” organized by the pro-democracy “Formosa” group led to the arrest of over 100 intellectuals. Subsequent military trials convicted and sentenced 12 defendants to between 12 years to life imprisonment. This has come to be known as “The Kaohsiung Incident” (Trong, 1986, pp. 1310-1311).

In the PRC, there was no need for Assembly Law because political dissents were frowned upon, and mass public protests were disallowed and deemed challenges to Party rule and inimical to public welfare. Public dissent and organized challenges to the CCP or government, depending on ascribed motive and intent, might be considered as counter-revolutionary offenses (Fu, 1996, p. 210).²⁸ In the ultimate analysis, people protest at their own risks. Otherwise, citizens' grievances and officials' abuses could be taken care of through Party disciplinary process (CCPC Disciple Inspection Committee Legal Office, 2001) and government administrative channels (e.g., *xinfang*). (Zhen & Guan, 2001, p. 499).

The political culture and process of the two regimes were to undergo a drastic change, both at the end of the 1970s and the beginning of the 1980s. In 1979, the PRC, under the stewardship of Deng Xiaoping, sought economic reform. In 1986, the ROC, under the leadership of Chiang Ching-Guo, aspired towards democratization. The forces of reform dislodged the administration from the past, forcing it to confront the future and were represented by thousands of interests competing for resources and millions of voices struggling to be heard.

Political Reckoning in the PRC

June 4, 1989, was a moment of reckoning for the PRC political leadership. The PRC leadership saw their political legitimacy sinking and the nation's social stability problem multiplying. The PRC authority took a number of remedial measures to consolidate control and shore up support including institutionalization of orderly succession processes, introduction of a meritocratic promotion system, establishment of bureaucratic differentiation, and channeling of mass participation. The last measures included introduction of the Administrative Litigation Act of 1989, which allowed citizens to sue

government agencies for alleged violations of government policy. Second, the measures strengthened letters-and-visits departments (*xinfangju*) at Party and government agencies. Third, they made the People's Congresses more responsive to the people, that is, by listening to their complaints and addressing their concerns (Nathan, 2003, pp. 6-17). Finally, the PRC allowed the people to air their grievances and supervise the Party and government officials.

Political Reckoning in the ROC

The ROC retreated to Taiwan from mainland China in 1945. Ever since then, the KMT fought two political battles to secure its place in history by building the first democratic China in the vision of Dr. Sun, Communist insurgency in the mainland, and local rebellion in Taiwan (Clough, 1996, p. 1058). The KMT's military and security apparatus was 200,000 strong. They were monitoring everyone and controlling everything in Taiwan with the help of seditious and marital law. Before 1980, there were no dissents in Taiwan or organized opposition. Dissents were limited to visionary intellectuals, blind-sighted students, and/or die-hard opposing Party. Except for times of election, such dissenting voices never reached the masses much less struck a common cord (Tien, 1975, p. 628). Between 1949 and 1955, it was estimated that 90,000 political dissidents were arrested with half of them executed (Tien, 1975, p. 629).

The ROC Assembly Law has its origin in a violent demonstration December of 1980. The Formosa group demonstrated on International Human Rights Day without permission with 100,000 to 300,000 people, and 150 officers being hurt. The 12 leaders of the group were sentenced to long imprisonment. The government took steps to liberalize its policy to avoid a repeat of the incidence (Copper, 1981, pp. 51-62).

The road from dictatorship to democracy started in 1980 and was substantially completed in 1990s. The turning point was in 1987, when martial law was lifted, opposition parties were legalized, control of the press relaxed, sedition law abolished, and Garrison command disbanded (Seymour, 1988, pp. 75-76). The ROC Assembly Law allowed the citizens to respond to the establishment — directly, openly, and forcefully — as co-equals rather than subordinate parties or subservient charges.

CONCLUSION

This comparative research into the Assembly Laws of the PRC vs. the ROC is instructive in two ways. First, methodologically speaking, it informs how to conduct comparative studies on legal reform in China. Second, substantively, given similar cultural heritage but dissimilar constitutional philosophy and political circumstances, it informs how the PRC vs. the ROC came to terms with free speech and public gathering.

With respect to comparative methodology, this research makes clear that it is not fruitful to compare the text (i.e., concept, language, and structure) of the Assembly Laws to discover the differences between the laws. In this case, the texts of the two Assembly Laws are nearly identical. The Assembly Laws could not be fully understood without looking into the historical, constitutional, and political context that informs and animates them. The investigation into these contextual matters finds that the PRC and the ROC shared a common understanding of the historical (privileged) role of the state and (imposed) duties of its citizens. Against the state, there was no right to dissent. From antiquity, China was a well-ordered and highly structured society, defined by *li* (rites) and aspired towards *ren* (benevolence) (Ch'u, 1961). As an ordered society, the idea and ideal of "freedom" of speech, as we come to know it in Western libertarian democracies did not exist. (Richards, 1988; Editor n.d., "Freedom of Speech"). As a duty (*zeren*) bound community, the right (*quan-li*) to free speech was not recognized (Shawayder, 1957; Brandt, 1964; Wang, 1980).

This cultural understanding of state power vs. citizens' rights was given new meaning by the contemporary constitutional arrangement and made to serve emerging political needs. This process of legal development, in making the ideal and ideas of yesteryears to fit today's constitutional reality and emerging political needs was most clearly explained by historical jurisprudence (e.g., Friedrich Karl von Savigny).

Similarities in legal content, historical antecedent, and political fortunes aside, the ROC Assembly Law and PRC Assembly Law differ in one major respect. The ROC Assembly Law is more solicitous of individual rights to assembly and free speech, whereas the PRC Assembly Law is more protective of the state's interests and is concerned with social order (You & Feng, 1989; Zhou, 1988). This reflects a marked difference in political philosophy and police practices between the two countries.

In the PRC, there were two reasons why assembly rights were deemed less important. First, Deng sought economic and not political reform to strengthen China. Consistent with mainstream Marxist doctrine, changing the material base of the nation would lead to corresponding political consciousness of the people on the way to achieving the Socialist revolution. Second, Deng recalled the chaos of the cultural revolution and witnessed the disintegration of the Soviet Union. He did not want this to happen to China. Thus, he was committed to maintain political stability and with it social order for the country at all costs and above all else. The reform slogan was "no security, no reform."

In the ROC, Chiang saw the need to democratize to bring about change in Taiwan and China. In Taiwan, democratization was needed to rejuvenate the KMT and empower local political groups. With mainland China, democratization in Taiwan would set an example and speed up political transformation of the CCP, leading to eventual unification of the nation. Thus, whereas the ROC police was specifically instructed to balance the interest of the state's security vs. the freedom of citizens in favor of the latter, the PRC police has demon-

strated its reluctance to entertain political dissension of the kind that challenges the legitimacy and control of the Party and State. A comparison of the statistics from the PRC and ROC on the nature of the assembly makes this point apparent. In the case of the ROC, from January 20, 1988, to February 1989, there were a total of 1,696 assemblies, of which 1,044 or 61.6% were political in nature (e.g., democratic talk, town hall meeting, congress re-election, Taiwan independence march, provincial election, etc); 484 or 29% were social in nature (e.g., labor, environment, strike, union); and 113 or 6.7% were economical in nature (e.g., appreciation of the Taiwan currency, tax on stocks) and 55 or 3.2% comprised all others (Zhu, 1989, pp. 233-234).

In the case of the PRC, from 1987 to 1988 there were a total of 500 procession and demonstration applications from 23 provinces, autonomous regions, and municipalities directly under Central Government, of which 85% was concerned with grievances by an individual or group (e.g., household, housing, schooling, employment, continuing education, wages, assignment after graduation, incentive pay, correct assignment, border area allowances, retirement benefits, implementation of a private housing policy, forest land, and return to city); 15% was concerned with social issues (e.g., environmental pollution, coerced contribution, inflation, poor merchandize, destruction of farm land by mining, inaccurate news reporting, unfair court adjudication, party leadership revenge, harm by illegal activity, poor food at school, and school premises invaded). Less than 1% was made up of political assemblies. Most of the grievance applications (530 from 1988 to 1989) involved from a few to less than 100 participants with a few over a 100 to 1000 (Editorial Committee, 1990, pp. 57-58).

The implication is clear. Whereas in the ROC, the Assembly Law is an effective tool to channel political dissents, in the PRC, the Assembly Law is a convenient mean to facilitate personal grievances. The ROC saw political reform — liberalization and democratization — as the way of the future, that is, consolidating Taiwan and uniting China. The PRC insisted on seeking economic reform without fundamental political change. If there is to be a successful unification of the two political regimes, a creative way must be found to reconcile this basic difference in political philosophy and police practices.

NOTES

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2. PRC Constitution 1982, Article 35, guarantees the citizens freedom of speech.

3. *Id.*

4. In spite of PRC's denial of *universality* of human rights, PRC is a signatory to the U.N. Charter on June 1, 1945, which declared in Article 1(3) that countries should promote basic human rights and freedom. See Charter of the United Nations, 26 June 1945, *Y.B.U.N.*, 1976: 1043, Art. 1(3).

5. The position taken up by the PRC lawmakers and police (in terms of the latitude they enjoy) with respect to the regulation of citizens' assembly right recalls the position adopted by the U.S. Supreme Court in conducting substantive due process review of state economic legislation. Justice Holmes dissented in the case of *Lochner v. New York*, 198 U.S. 45, 25 S. Ct. 539, 95 L.Ed. 937 (1905), by observing: "It is settled ...that state constitutions and state laws may regulate life in many ways which we as legislators might think as injudicious or if you like as tyrannical The liberty of the citizen to do as he likes so long as he does not interfere with the liberty of others to do the same... is interfered with by school laws, by Post Office, by every state or municipal institution which takes money for purposes though desirable, whether he likes it or not." Under this rationale, which later was to become the dominant constitutional principle, the State's interference with individual rights protected by the Fourteenth Amendment of the Federal Constitution is beyond review if "state measures bear a rational relation to a constitutionally permissible objective." *Ferguson v. Skrupa*, 372 U.S. 726, 83 S. Ct. 1028, 10 L.Ed.2d 93 (1963). The PRC's stance on the regulation "fundamental rights." however, is at odds with the U.S. Supreme Court's position in like matters. The state interference of fundamental rights requires a "strict judicial scrutiny." The state cannot interfere or deprive its citizens of fundamental rights unless the state can justify the regulation, restriction, or deprivation of such right on a "compelling state interest test." See *Skinner v. Oklahoma*, 312 U.S. 535, 62 S. Ct. 1110, 86 L.Ed. 1655 (1942).

6. The provision is there to safeguard the political ideology (Marx-Lenin-Mao and People's Dictatorship) and the party leadership of Communist China.

7. This provision is there to protect against past national humiliation and facilitate future unification effort with Macau, Hong Kong, and Taiwan.

8. This provision is there to forestall against internal civil war, such as the Tibet issue.

9. The ambiguities in Chinese law cause "perennial" implementation problems, making the realization of the "rule of law" and "rule by law" all but impossible. This view is shared by the former editor of *Faxue Yanjiu* and former Deputy Director of China Social Science Academy, Chang Hsin, in a personal interview at the Chinese University of Hong Kong on December 17, 1997. Indeterminacy in applying the law also creeps in another way. Chinese legislature and police officers do not think in legal terms. The Chinese "legal" language is loaded with culturally imprecise meanings and laden with moral imperative (Hoa, 1993, pp. 32-41). Peter Howard Corne (2002) observed that in China, a paternalistic culture and administrative state, the police are given a lot of (unbounded discretionary) power to interpret and apply the law, so as to cater for diverse local conditions, address multiplicity of indigenous concerns, attend to vicissitudes of individual circumstances, and lastly to give vent to competing moral and emotional considerations (*qing, li, fa*).

10. ROC Constitution, Article 14: "People have the right of assembly and association."

11. In the United States the protection of First Amendment rights of expression, belief, and association extends to "peripheral" areas of "penumbras rights." See *Griswold v. Connecticut* (1965) 381 U.S. 479, 14 L.Ed.2d 519, 85 S. Ct. 1678 (1965).

12. ROC Constitution Articles 22 and 23.

13. *Yates vs. United States*, 354 U.S. 298, 77 S. Ct. 1064, 1 L.Ed.2d 1356 (1957).

14. See also Article 2(1), "Law of State Security during Mobilization to Suppress Disorder During Assembly and Procession." (*Dongyuan Kuanlun Guojia Anquan Fa*). To the same effect, all public assembly must follow three broad political principles: abide by the Constitution; support anti-Communism; and do not support Taiwan independence.

15. On November 21, 1988, the Hualian County Police Bureau turned down the application of the People's Progressive Party (Minjin Dang) for a demonstration entitled "Peaceful Reformation of a New Country Movement," citing ROC Article 4 as the reason. Cited in Zhu, 1989, p. 367, n. 2. Minjin Dang was at the time the minority party challenging the KMT, the dominant party.

16. For example in the United States, the U.S. Supreme Court has held that a public speaker has no right to use "fighting words." See *Chaplinsky v. New Hampshire*, 315 U.S. 568, 62 S. Ct. 766, 86 L.Ed. 1031 (1942).

17. In this regard, ROC Assembly Law, Article 5, specifically provides that legal assembly and procession is not to be interfered with by force, threat, or any other methods.

18. ROC Assembly Law, Article 1, provides: "This law is promulgated specifically to protect people's freedom of assembly and procession and to maintain social order."

19. ROC Assembly Law, Article 18, provides: "The responsible person of the assembly ... must be present during the assembly or procession, and is responsible for maintaining order."

20. ROC Assembly Law, Article 19(1), provides: "When the responsible person of the assembly or procession is not present to be in charge or maintain order, some representative agent should act on his behalf."

21. ROC Assembly Law, Article 20(1), provides: "The responsible person of the assembly or procession should appoint prefects to maintain order."

22. ROC Assembly Law, Article 21(1), provides: "Participants of the assembly or procession should obey the instructions of the prefects in maintaining order." Article 21(2) further provides for the removal of disorderly participants.

23. ROC Assembly Law, Article 21(1), provides: "After the responsible person of the assembly or procession has declared the assembly or procession to be finished or terminated, participants should disperse."

24. ROC Assembly Law, Article 21(1), provides: "During an assembly and procession, the police must be present to maintain order. At the request of the agency in charge, they should direct traffic and maintain order."

25. ROC Assembly Law, Article 21(1), provides: "The organizer, his representative agent, prefects, and participants are not allowed to carry materials harmful to person's life, health, liberty, or property."

26. There are concerns in some quarters, as observed by a learned reviewer, that the ROC Assembly Law, as with PRC Assembly Law, has not been faithfully enforced or otherwise intentionally abused. Thus, there is an intellectual challenge and research need to investigate how the two Assembly Laws were put into practice, and in the process discern how much discretion is afforded the ROC vs. PRC police. Whereas this has not been a major focus of this research (which focuses on legal and textual analysis), it is conceded by this author to be a most important theoretical and policy issue deserving of further study. One way to discern how the ROC vs. PRC Assembly Laws are implemented is to compare and contrast how security forces of the two regimes deal with protests and demonstrators in the past. Here, we are fortunate to be exposed to ground-breaking work of Teresa Wright (2001), who in a series of articles and book was able to map the course of demonstration from the ROC vs. PRC students' perspective. Were we to follow the protest journeys of the two groups of students through mobilization, organization, and demonstration, we would find that the two groups have much in common. The police treated them very much alike in certain respects but also vastly different in others. The first thing to observe is that both of these countries are one party states, the CPC in PRC and the KMT in Taiwan. Second, both countries have systematic and comprehensive control over the students. Both groups also made clear that they were not above using force, legally or illegally, to secure control or suppress freedom in the name of law and order. These observations are very important in mapping the implementation of the two laws. First, it is evident that Party interests, not constitutional principles, would ultimately determine how the Assembly Laws are being applied. Second, security needs, not rights of citizens, are more important in determining how Assembly Laws would be enforced. In effect, the "delicate" balance between freedom of speech vs. security of the state (euphemistically called "order of society") is always struck in favor of the later, inevitably, absolutely and resolutely (Peng 1997). Viewed in this light, there are more similarities than differences in how these two countries would approach putting the Assembly Law into practices (Wright, 1999; 2001).

27. The Constitution of the Republic of China was adopted on December 25, 1946, by the National Constituent Assembly convened in Nanking. It was promulgated by the National Government on January 1, 1947, to be effective December 25, 1947. It comprised 175 articles in 14 chapters.

ers. (For text of the Constitution, see <http://www.gio.gov.tw/info/news/constitution.htm>) On May 10, 1948, the National Government passed the "Temporary Provisions Effective During the Period of Communist Rebellion" promulgated by the National Government on May 10, 1948 which suspended as it superceded the Constitution during Communist insurgency in mainland China. Governor Chen explained the situation as follows: "Mainland Chinese were advanced enough to enjoy the privileges of constitutional government, but because of long years of despotic Japanese rule, the Formosans were politically retarded and were not capable of carrying on self-government in an intelligent manner."

28. The PRC Criminal Law (1979), Article 90, states that: "All acts endangering the People's Republic of China committed with the purpose of overthrowing the political power of the dictatorship of the proletariat and the socialist system are crimes of counter-revolution."

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A Cross-Cultural Analysis of Domestic Violence in a Minority Community and Police Response: A Case Study on Hmong Offenders

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Immigrant women suffer higher rates of domestic violence in the United States compared to their U.S.-born counterparts. Using a survey of two police departments in Minnesota, data were collected to determine officers' previous experience with domestic violence in the Hmong community and how the officers responded to such cases. Whereas this exploratory study illustrates the importance of evaluating police officers' attitudes toward and responses to domestic violence in one immigrant community, further research is needed to develop strategies to mitigate the impact of domestic violence on its victims — not only in immigrant populations but in the general U.S. population as well.

INTRODUCTION

According to Tiede (2001), there are two groups of domestic violence (DV) victims who are often overlooked: women who experience abuse in their native countries and want to immigrate to the United States, and foreign-born women who live in the United States and are abused in this country. On average, immigrant women suffer higher rates of DV than American-born women, a fact that may be attributable either to some foreign cultures' acceptance of violence toward women or immigrant women's low level of accessibility to legal and social services (Orloff, Jang, & Klein, 1995). A recent study conducted by the New York City Department of Health (1995-2002) showed that in New York City, there were more foreign-born DV victims (51%) than U.S.-born DV victims (45%). Interestingly, it is reported that immigrant women from developing countries experience higher rates of DV than other immigrant women (Brownridge & Halli, 2002, in Fahlberg, 2003).

The number of people immigrating to the United States has been rising dramatically since 1990 (U.S. Census 1990, in Shetty & Kaguyutan, 2002). In the year 2000, 10.2 million U.S. citizens and residents identified themselves as being of Asian descent, and 35.3 million declared themselves as Hispanic or Latino (U.S. Census 2000, in Shetty & Kaguyutan, 2002). The U.S. Census Bureau (2004) reported that 33.5 million foreign immigrants represented 11.7% of the U.S. population in 2003 (Larsen, 2004), and the U.S. Department of Homeland Security (2004) reported that nearly 706,000 immigrants were

granted permanent resident status during the same year. Despite the increasing number of immigrants to the United States, several researchers (e.g., Shetty & Kaguyutan, 2002) pointed out that little attention has been given to battered immigrant women. Bui and Morash (1999) pointed out that in the United States, DV advocates and DV literature have given little attention to immigrant communities, despite much scientific research on DV within the last 20 years.

Historically, Minnesota has been home to a high number of immigrants. In the early 20th century, 30% of the population in the Twin Cities, Minnesota, was immigrant, according to Vecoli (in Shafter, 2006). Minnesota then became the state with the second largest immigrant population, behind North Dakota (Shafter, 2006). Currently, the Hmong population is becoming more prominent in Minnesota. According to the U.S. Census (2000), the total enumerated Hmong population was 186,310, and the majority of the Hmong population resided in California (65,095), Minnesota (41,800), and Wisconsin (33,791) (Reeves & Bennett, 2004). The second most spoken language in the Minneapolis and St. Paul school districts is Hmong, [with English being the primary language] (Shafter, 2006).

According to Chan (1994), the Hmong living in the United States today came from Laos. Lee (1996) explained the meaning of the term "Hmong" as follows:

The term "Hmong" has come to be used internationally during the last twenty years, largely through the advocacy of the Hmong in Laos and through the pioneering work of Dr. Yang Dao, who first suggested that the word "Hmong" means "free people." Before this period, the international literature, following Chinese usage, usually refers to the Hmong as "Miao" or "Meo," but this is the term the Hmong outside China use or want to refer to themselves (p.1).

More than 1 million Southeast Asian war refugees from Cambodia, Laos, and Vietnam settled in the United States between 1975 and 1995 (Pho & Mulvey, 2003). Whether directly or indirectly, these war refugees suffered the effects of the Vietnam War and the chaos of forced relocation to the United States (Pho & Mulvey, 2003). In their case study on Southeast Asian women, Pho and Mulvey (2003) pointed out that women and children are most vulnerable to the effects of war and refugee resettlement. However, the postwar effect on women and children in the United States has been a subject neglected by researchers (Pho & Mulvey, 2003). Hmong refugees have had "*self-sustaining* and *self-governing* communities with their own indigenous concepts and laws to guide their way of life" for generations (Rai, n.d., p. 14, emphasis added). Consequently, the Western approach to DV is problematic in Hmong communities (Rai, n.d.).

Several studies reported that the challenges in adapting to a new culture and society create family conflicts in Hmong societies. In her interview with Hmong refugees settling in Rochester, Minnesota, Faruque (2003) found that although all subjects she interviewed reported positive and rewarding

relationships within their families, each subject noted that relationships with his or her spouse and children had changed since moving to the United States. Faruque (2003) noted that this change in family relationships results in some family conflicts. In her qualitative study, Kaiser (2004) emphasized the fact that American values encourage equality between spouses and do not tolerate patriarchy well. Yang (2003) noted that within Hmong American communities across the United States, many family violence cases erupt in relationships in which one partner is becoming more Americanized than the other, especially when a Hmong wife wants to be treated like her American counterpart, while her husband maintains that the man should be in control. Such conflicts between spouses seem to come from Hmong's cultural tradition based on Confucianism. According to Salemink (2003), Confucianism is male-centered: Women are to defer to the authority of men, including, once the women are older, to their sons. Bui and Morash (1999) found that traditional female roles among Vietnamese battered women prevent them from seeking help from the formal system.

In the immigrant communities, especially Hmong, there has been increasing concern regarding DV. Even though fewer studies have been done specifically on Hmong battered women, it is reported that Hmong women may be victimized by their male partners at a high level according to anecdotal evidence (Alvi, Schwartz, DeKeseredy, & Bachaus, 2005). Additionally, much of the early research on DV has focused on shelter programs for clients (Hovell, Seid, & Liles, 2006), not necessarily on police prevention/response. It is imperative to learn about officers' perceptions of DV in order to understand their responses to it (Sinden & Stephens, 1999). A relatively high occurrence of DV within immigrant communities, coupled with an increasing number of immigrant populations, can be a challenge for law enforcement. According to Davis, Erez, and Avitabile (2001), the criminal justice system poses challenges to some recent immigrants.

The purpose of the present study is to examine police officers' attitudes and responses toward DV among immigrant families and specifically among Hmong families. It is important to study this particular minority group because of its unique situation and growing presence in the United States.

LITERATURE REVIEW

High Incidence but Underreporting of DV in Immigrant Communities

Some studies on ethnicity and DV show a high incidence of violence toward immigrant women, especially Asian immigrant women. It was found that 40.8% of 160 South Asian women reported that they had been physically and/or sexually abused by their current male partners in their lifetimes (Raj & Silverman, 2002). In face-to-face interviews with 150 Korean immigrant women residing in Chicago, it was found that 60% of respondents reported having been battered by their husbands (Song & Moon, 1998). Surveying 223

Korean immigrant adults, Ahn et al. confirmed the high incidence of abuse toward Korean American women, stating that 30.2% of all Korean American men committed acts of abuse during the year the study was conducted (Ahn, Mohan, & Burnett, 2003). In a telephone survey of 262 Chinese immigrants and Chinese American adults, it was found that nearly 10% of research participants had used physical aggression against a spouse or partner in the last 12 months, and over 15% had used physical aggression during their lifetimes (Yick, Shibusawa, & Agbayani-Siewert, 2003). Pho and Mulvey (2003) found in their qualitative study that DV was particularly a problem in the Southeast Asian community in Lowell, Massachusetts.

Although there are many theoretical explanations for DV (see Yick, 2001), many researchers (e.g. Ahn et al., 2003; Han, 2003; Kasturirangan, Krishnan, & Riger, 2004; Natarajan, 2002; Niaz, 2003; Rondon, 2003; Vlopp, 2001; Weil & Lee, 2004) seem to agree that immigrant communities' traditional cultural values, which promote male hierarchy and gender roles that tolerate male violence toward women, contribute to high incidences of DV. Morash (2006) pointed out that one of the first theories on DV purported that battered women remained in abusive relationships because of their states of mind. According to Morash, this theory "ignored *cultural*, financial, and safety considerations that could explain why rational women would not leave an abusive relationship" (2006, p. 12, emphasis added). Several studies addressed the effects of traditional cultural beliefs on high incidences of DV in immigrant communities such as in the Arab community (see Ammar, 2000; Kulwicki & Miller, 1999), Indian community (see Natarajan, 2002), Asian community (see Alvi et al., 2005; Bui & Morash, 1999; Pho & Mulvey, 2003; Yoshioka, Dinoia, & Ullah, 2001), and Latino community (see Adames & Campbell, 2005).

Despite high incidences of DV in the United States, this type of crime is underreported by immigrant battered women. Surveying district attorneys and chiefs of police in the 50 largest U.S. cities, Davis and associates (2001) found that two-thirds of the respondents believed that DV is less frequently reported by recent immigrants than by other victims (Davis et al., 2001). According to Orloff et al. (1995), immigration and socioeconomic status, language barriers, race, and gender are factors that complicate an abusive relationship for battered women. Orloff et al.'s claim seems to be generally or partially supported or even theoretically explained by research in the case of Haitian immigrant women (Latta & Goodman, 2005), Vietnamese immigrant women (Bui, 2003), immigrant women who married or are engaged to U.S. military servicemen (Erez & Bach, 2003), and Indian immigrant women (Natarajan, 2002). Studying Indian immigrant women in Canada, Shirwadkar (2004) found that cultural, social, and family ties prevent these victims from getting the necessary help for DV. Santiago and Morash (1995) found that overall, Latina victims of DV rarely seek help.

Less frequent reporting of DV cases seems to be a bigger problem among Asian immigrant women. Natarajan (2002) pointed out that underreporting of

DV as found in the National Violence against Women Survey, suggests that maintaining harmony and closeness in the family, which are traditional Asian values, might explain why Asian women may not report violence. It was found that South Asian immigrant women who agreed with patriarchal social norms were less likely to view spousal abuse as abuse (Ahmad, Riaz, Barata, & Stewart, 2004).

Officers' Perceptions of and Responses to DV

According to Hendricks (1991), police are the primary contacts for DV victims and therefore usually determine the outcome of a domestic disturbance. Traditionally, there are several ways for the police to respond to DV (see Erez, 2002; Melton, 1999). According to Melton (1999), there are five types of police responses to DV: arrests, mediation, referrals, separation, and no action. However, since the late 1970s, police departments nationwide have been greatly influenced by a mandatory arrest policy as a result of the Minneapolis Domestic Violence experiment (Sherman & Cohn, 1989), which indicated that arrest was the most effective method for handling DV (Sherman & Berk, 1984). Since then, arrest has apparently become the ideal response to DV (Davis & Smith, 1995).

The literature reveals three theoretical approaches to the relationship between police officers' discretionary actions to arrest and their ideals (Mendias & Kehoe, 2006). One of the approaches, interactionist theory, was adopted by Robinson (2000), who observed officers' decisions to arrest suspects in domestic dispute cases. According to Mendias and Kehoe (2006), the interactionist approach has focused on concrete situational variables such as the extent of a victim's injuries and psychological variables such as the officer's policing ideals.

Previous literature reveals that an officer's decision to arrest offenders also depends on the officer's demographic characteristics, attitudes, and situational factors (e.g., use of a weapon during the crime, use of alcohol, injury to the victim, and level of intimacy. See Belknap, 1995; Browne & Hamilton, 1999; Buzawa, Austin & Buzawa, 1995; Mignon & Holmes, 1995; Robinson & Chandek, 2000a, 2000b). For example, it was found that when dealing with Black battered women, White officers, when compared to minority officers, arrested offenders at a significantly higher rate (Robinson & Chandek, 2000b). Belknap (1995) reported that the signs of an injury were the greatest factor influencing an officer's decision to arrest batterers. Kane (1999) found a similar result, stating that officers considered risk to the victim over other considerations when making decisions concerning arrest. Browne and Hamilton (1999) found that the police either take no action or give warnings to 61% of DC cases that involve an injured victim and 89% of cases that do not involve injuries. Mignon and Holmes (1995) indicated that the decision to arrest was affected by the presence of an injury to the victim, use of a weapon, use of alcohol, and the presence of a witness. Robinson and Chandek (2000a)

reported similar results, stating that situational factors (e.g., an officer's belief in the likelihood of prosecution, presence of alcohol or drugs, whether or not the victim had a probable drug or alcohol problem, the presence of the suspect at the scene, etc.) influence an officer's decision to arrest perpetrators. Examining the DV Incident Report in three sites in New York City, Hall (2005) found a similar result: the presence of the suspect significantly increases the probability of an arrest.

A study was conducted to examine the influence of departmental arrest policies on officers' decisions in family violence cases (Finn, Blackwell, Stalans, Studdard, & Dugan, 2004). Finn et al. (2004) found that whether the officer arrested both the victim and the offender or the offender only depended on the department's level of encouragement toward making arrests. Feder (1999) reported similar results. An officer's knowledge of departmental policy on domestic assault and his or her holding a pro-police intervention position are positively related to an outcome that includes arrest.

In the past, police practiced a policy of underenforcement when responding to DV (see Feder, 1999; Melton, 1999; Sinden & Stephens, 1999). According to Feder (1999), one reason for this pattern of underenforcement was that DV was treated as a crime only if the case was severe. Another reason was that officers regarded DV as a private affair, and arresting the offender may cause greater harm to the victim. In addition, officers assumed that victims would drop charges against the offender, leading to a lack of prosecution. Third, often, DV disputes still fall into the category of misdemeanors; therefore, police cannot legally arrest the offender immediately.

It was found that because officers tend to mediate in domestic assault cases, those who utilize crisis intervention techniques may be shirking their primary responsibilities to enforce the law. However, most of the officers under study had no training in mediation or crisis intervention for domestic disputes (Oppenlander, 1982). In fact, it was found that officers are significantly less likely to arrest perpetrators in domestic assault cases compared to non-domestic assault cases (Eigenberg, Scarborough, & Kappeler, 1996). Buzawa et al. (1995) reported a similar result, stating that fewer arrests were made for cases involving domestic assaults than for cases involving assaults on strangers. It is not quite clear why officers make fewer batterer arrests in domestic dispute cases; however, Hoyle (1998) argues that "cop culture" may contribute to an officer's response to DV. According to Hoyle, "... machismo, sexism, and an emphasis on crime-fighting are important traits of 'cop culture,' with the result that crimes against women in the domestic context are not taken seriously" (1998, p. 68).

Police officers' responses to DV may be affected by frustration with their experiences with domestic disputes cases. Several studies (e.g., Johnson, 2004; Sinden & Stephens, 1999) indicate that DV is one of the most frustrating types of crime that officers experience for various reasons. Shoham (2000) described many police officers' frustration when dealing with DV as follows:

On [the] one hand, the officer has a duty to act against any violence, to apprehend the violent party, and to protect the victim. On the other hand, he functions in a social framework that sees that family as the central, even supreme, value and applies certain preconceived views regarding the traditional roles of the respective spouses. The officer is reluctant to damage the family framework, believing the violence to be simply a part of the general tenor of family life and thus outside his province. (p. 246)

Police Response to DV in Immigrant Communities

Over the past 30 years, women of color, both immigrant and American-born, have been greatly influenced by the dramatic increase of law enforcement presence and actions in the United States (Bhattacharjee, 2001). Unfortunately, mainstream strategies about how to handle DV has brought negative consequences to many women of color (Bhattacharjee, 2001; Richie, 2000, in Sokoloff & Dupont, 2005). More specifically, according to Bhattacharjee (2001), public pressure to increase the number of arrests for DV offenders simply results in the increased arrest of men of color, an outcome that sometimes puts an additional strain on their wives and children, who often depend entirely on their husbands and/or fathers for financial support.

It seems that race and gender relations are major influences in the U.S. criminal justice system. Explaining the intersectional approach to gender within a race-class-gender framework, Burgess-Proctor (2006), citing Daly and Tonry (1997), state that criminologists and legal scholars have adopted three modes of conceptualizing race and gender in criminal law and criminal justice practice. One of the modes is the racialized/gendered mode, which "assumes that race and gender relations structure criminal law and justice system practices" (1997, p. 237).

The policing of violence against racial minority women is the double bind of "gendered racism" and "racialized sexism" (Adelman, Erez, & Shalhoub-Kevorkian, 2003, p. 117). Adelman et al. (2003) state:

[M]inority women are subjected to a convergence of racism and sexism in the majority society while they also experience sexism and male domination in their own community...When abused minority women attempt to call the police for safety, they find themselves in this double bind. If they expose their battering, their own communities view them as traitors or disloyal sisters for disclosing the violence. If they bring their battering experience to the attention of the police, they risk exacerbating the racism directed at their community — at both minority or immigrant men and women...[Due to the double bind of "gendered racism" and "racialized sexism"], the police may readily accept retractions when dealing with closed communities, as they may be genuinely convinced that it is in the abused woman's best interest to forgive and forget. (p.117-118)

The goal of this study is to shed light on how police officers' understanding of cultural differences may affect their responses to DV within Hmong society. Although little research has been done on this particular immigrant group, the literature reveals that when dealing with DV cases in an immigrant or racial

minority community, officers may decide to adopt different strategies other than to arrest offenders. It was found that arrest was significantly less likely when victims and suspects were young and Black (Robinson & Chandek, 2000b). Studying the Latino immigrant community, Ferraro and Johnson (1983) found that officers believed that violence is the norm in Latino communities; thus, arresting Latino immigrant offenders of DV is futile. Based on the literature about cultural differences and law enforcement's perception of and responses to DV, the researcher developed the following two research questions:

1. Does an officer's previous experience with domestic disputes in Hmong families influence an officer's decision about arresting Hmong offenders?
2. Does an officer's belief that Hmong culture tolerates degrees of DV impact his or her decision about arresting offenders in Hmong communities?

METHOD

Procedures

A self-administered survey was the main instrument used to collect data. The survey was distributed to officers from two police departments in Minnesota, and the data were collected from August to September 2002. The survey was designed to examine officers' experiences with DV in the Hmong community, their perceptions of the relationship between culture and DV in the Hmong community, and their responses to DV in that community. The survey also examined various demographic, social, and employment characteristics of respondents. In addition, questions related to characteristics of suspects and victims from officers' most recent involvements in domestic disputes also were included. The end of the questionnaire included an open-ended question, which asked, "What should the police do if the Hmong culture regarding domestic violence is in conflict with the Minnesota law regarding domestic violence?"

Measures

Table 1 summarizes the pertinent variables in the survey and their measurements.

Characteristics of Officers

Five variables (gender, race, age, years of experience, and education) were included to measure an officer's characteristics. Males were coded as 0 and

Table 1. Variables and Measurement

Variables	Definition and Measurement
Hmong	"Have you ever been involved in a domestic violence case involving a Hmong family?" 0: Yes; 1: No
Hculture	"Do you think that Hmong culture affects the high percentage of domestic violence within Hmong communities?" 0: Yes; 1: No
Hrelation	"What was the relationship between the offender and the victim in the most recent Hmong case you were involved in?" 0: Married; 1: Other than married
HHandle	"How did you resolve the Hmong case?" 0: Arrested the offender 1: Arrested the victim 2: Sent the victim to the hospital 3: Referred the victim to a social service agency or advocacy group 4: Separated the offender and the victim 5: Other
HHandle (dichotomous)	"How did you resolve the Hmong case?" 0: Arrested the offender 1: Other than arrested the offender
Gender	0 = Male, 1 = Female
Race	0 = Caucasian, 1 = African-American, 2 = Latino/Hispanic/Chicano/Puerto Rican, 3 = Asian/Pacific Islander, 4 = Native American, 5 = Other
Race (Dichotomous)	0 = Caucasian, 1 = Non-Caucasian
Age	Verbatim
Years of experience	Verbatim in years
Educational Level	0 = Associate's, 1 = Bachelor's, 2 = Master's, 3 = Law Degree, 4 = Other
Age (suspect & victim)	0 = 10s, 1 = 20s, 2 = 30s, 3 = 40s, 4 = 50s, 5 = 60s, 6 = 70s, 7 = Other
Relationship (Suspect & Victim)	0 = married, 1 = Partner (boy friends & girl friends) 2 = living together (not-romantically involved)

females as 1. Respondents were categorized as Caucasian (coded as 0), African American (coded as 1), Latino/Hispanic/Chicano/Puerto Rican (coded as 2), Asian/Pacific Islander (coded as 3), Native American (coded as 4) and Other (coded as 5). The race variable was also dichotomous (Caucasian = 0, Non-Caucasian = 1). An officer's educational level was categorized by degree: Associate's (coded as 0), Bachelor's (coded as 1), Master's (coded as 2), J.D. (coded as 3), and Ph.D. (coded as 4). Age and years of experience in police work were coded as verbatim.

Characteristics of Suspects and Victims

Demographic information about suspects and victims and their relationship were obtained by officers from their most recent responses to an incidence of DV in both a Hmong community and a non-Hmong community. Officers were asked to provide demographic information (i.e., gender, race, and age) for both the offender and victim and the relationship between the offender and victim. Both offenders and victims were categorized by Gender (male = 0 and female = 1), Race (Caucasian = 0, African American = 1, Latino/Hispanic/Chicano/Puerto Rican = 2, Asian/Pacific Islander = 3, Native American = 4, and Other = 5), and Age (10s = 0, 20s = 1, 30s = 2, 40s = 3, 50s = 4, 60s = 5, 70s = 6, and Other = 7). An officer's response to the relationship between offender and victim was coded "0" for "married," "1" for "boyfriend and girlfriend," and "2" for "living together (not romantically involved)."

Independent Variables

Two independent variables were measured. The first variable, "experience with domestic disputes in Hmong families," was measured by a single question that asked, "Have you ever been involved in a domestic violence case involving a Hmong family?" The second variable, "an officer's belief that Hmong culture tolerates degrees of domestic violence," was measured by "Do you think that Hmong culture affects the high percentage of domestic violence within Hmong communities?" The response categories of independent variables were: Yes = 0 and No = 1.

Dependent Variables

One main dependent variable, "an officer's decision about arresting Hmong offenders," was measured by a single item that asked, "How did you resolve the Hmong case?" The response category (dichotomous) was coded "0" for "arrested the offender" and "1" for "other than arrested the offender" (i.e., arresting the victim, sending the victim to the hospital, referring the victim to the social service agency, separating victim and offender, and other).

Study Population and Sample

The population studied is two police departments in a metropolitan police agency in Minnesota. The units of analysis are the sworn police officers from the departments. These two departments were selected for the study based on purposive sampling for the researcher's needs and judgments. The researcher needed at least two police departments in order to compare officers' responses and attitudes toward DV in the Hmong and non-Hmong communities. More specifically, the researcher needed to select police departments in which officers frequently deal with domestic disputes in the Hmong community and where officers received cultural training to effectively handle DV in Hmong families, and police departments in which officers deal with DV in the non-Hmong community and did not receive cultural training.

One recruited department is one of the largest police agencies in Minnesota, and it has a special DV unit. Most of the officers from this unit have been trained specifically for DV response and have experience geographically with DV in an immigrant group, particularly the Hmong. The other police department was recruited because it is relatively small compared to the other department, and it does not have a special DV unit. It is also believed that the officers deal less frequently with DV in the Hmong community geographically as compared to officers in the larger department.

The researcher contacted police chiefs from the two departments by mailing the cover letter with detailed information explaining the purpose of the study along with a survey questionnaire to recruit potential participants. Police chiefs from both departments agreed to participate in the study and distributed the surveys to their officers. The letter to the officers emphasized ethical considerations including a statement of confidentiality, guarantee of anonymity, and a statement of voluntary participation. To increase the return rate and to reduce cost and time, the researcher asked the chiefs if they were willing to distribute the surveys and collect them rather than mailing the surveys to individual officers in the department. Both chiefs agreed to do so. The participating officers filled out the surveys and returned them to their chiefs, who then returned them to the researcher. However, it must be noted that having officers return surveys to their chiefs rather than return them back to the researcher directly may indicate possible coercion.

Initially, a total of 82 officers from both departments participated in the study, but only 79 surveys were included for analysis because of missing data. Due to the confidentiality concern of both departments, the researcher was not allowed to discuss detailed information about the characteristics of the officers from both departments. However, the researcher was not concerned about how different officers who participated in the study were from those who did not participate in the study because the majority of officers who initially were recruited did participate in the study.

Table 2 summarizes the demographic information for the two groups of respondents: (1) the general sample, which included officers with experience

in Hmong DV and officers with experience in DV outside of Hmong communities; and (2) the specific sample, which included only those from the general sample that had previous experience with violence in Hmong families. The officers were asked if they had ever been involved in a response to DV in Hmong families. The majority of the officers (approximately 80%) said that they had.

Table 2. Characteristics of the Sample

	All officers in general sample (some with previous Hmong experience and some without)	Officers from general sample with previous experience in Hmong domestic violence
Gender	Male: 68 (86.1%) Female: 11 (13.6%)	Male: 52 (83.9%) Female: 10 (16.1%)
Race (Dichotomous)	White: 67 (84.8%) Non-White: 11 (13.9%)	White: 53 (85.5%) Non-White: 9 (14.5%)
Race	Caucasian: 67 (84.8%) African American: 4 (5.1%) Latino/Hispanic/Chicano/Puerto Rican: 1 (1.3%) Asian/Pacific Islander 5 (6.3%) Native American: 0 (0%) Other: 1 (1.3%)	Caucasian: 53 (85.5%) African American: 4 (6.5%) Latino/Hispanic/Chicano/Puerto Rican: 1 (1.6%) Asian/Pacific Islander: 3 (4.8%) Native American: 0 (0%) Other: 1 (1.6%) Missing: 1 (1%)
Rank	Patrol officer: 63 (79.7%) Sergeant: 9 (11.4%) Detective/investigator: 3 (3.8%) Deputy chief: 1 (1.3%) Chief: 1 (1.3%) Other: 1 (1.35)	Patrol officer: 52 (83.9%) Sergeant: 7 (11.3%) Detective/investigator: 1 (1.6%) Deputy chief: 1 (1.6%) Chief: 1 (1.6%)
Educational Level	Associate's degree: 37 (46.8%) Bachelor's degree: 35 (44.3%) Master's degree: 5 (6.3%)	Associate's degree: 27 (43.5%) Bachelor's degree: 30 (48.4%) Master's degree: 3 (4.8%)
Age	Min.: 23; Max.: 52 Mean: 34.7143 Median: 33 Mode: 31	Min.: 23; Max.: 52 Mean: 34.7333 Median: 33 Mode: 29
Years of Experience	Min.: less than 1 year; Max.: 32 Mean: 9.4938 Median: 6 Mode: 3	Min.: less than 1 year; Max.: 32 Mean: 9.2419 Median: 6.5 Mode: 3

According to Table 2, the demographic and social variables of these two sub-samples did not differ substantially. The majority of respondents in both the general sample and the specific sample were White (84.8% and 85.5%, respectively), male (86.1% and 83.9%, respectively) and patrol officers (79.7% and 83.9%, respectively). The average length of experience for both groups was about 9 years.

RESULTS

Characteristics of DV in Hmong Families and in Non-Hmong Families

Table 3 compares the characteristics between DV in non-Hmong communities and DV in Hmong communities. When the officers were asked about their most recent experiences with DV, they reported that offenders were predominately males in both the non-Hmong group and the Hmong group (83.1% and 90.3%, respectively), and victims were predominately females in both groups (87.5% and 90.3%, respectively). Over 60% of batterers were in their 20s and 30s in both groups. Victims who were in their 20s and 30s represented approximately 75% of the general sample and about 67% of the Hmong sample, although the total age range for Hmong victims is broader than that of the general sample. Among the Hmong population, victims were reported in age groups ranging from the 10s to the 60s, whereas most victims of DV in the general sample were in their 20s, 30s, 40s, and 50s. Interestingly, the relationship between most offenders and victims is distinctive between these two groups. In Hmong communities, most domestic disputes (83.9%) occurred between married couples, whereas only 12.5% of family violence in the general sample involved a husband and wife. A much greater percentage (38%) of domestic disputes in the general sample involved family members other than spouses who lived in the same home (e.g., mother and daughter or uncle and nephew).

Officers were asked how they became involved in their most recent case of DV. According to table 3, the majority of respondents (81.3%) in the general sample reported that the victim called the police, whereas in the Hmong sample, only 35 officers (56.5%) gave this response. In the general sample, only 12.5% of DV cases were reported to police by the victims' children compared to 24.2% in the Hmong sample.

Officers also were asked how they resolved their most recent cases of DV. Most officers (75%) responding to cases in the general sample arrested offenders, whereas only 42% of the officers responding to Hmong cases took that action. In fact, officers responding to Hmong disputes referred 21% of the cases to social service agencies.

Officer's Previous Involvement in DV Cases Within Hmong Families and Their Responses

Officers were asked if they had any experience with DV cases involving Hmong families to see if it influences their decision to arrest offenders.

Table 3. Characteristics of DV Cases Known to the Police: A Comparison of Hmong With Other Groups

	Domestic Violence in Non-Hmong Communities	Domestic Violence in Hmong Communities
Offender's Gender	Male: 13 (83.1%) Female: 1 (6.3%) Other: 1 (6.3%)	Male: 56 (90.3%) Female: 3 (4.8%) Other: 1 (1.6%)
Victim's Gender	Male: 1 (6.3%) Female: 14 (87.5%) Other: 1 (6.3%)	Male: 2 (3.2%) Female: 56 (90.3%) Other: 2 (3.2%)
Offender's Age	10s: 1 (6.3%) 20s: 6 (37.5%) 30s: 5 (31.3%) 40s: 1 (6.3%) 50s: 2 (12.5%) 60s: 1 (6.3%)	10s: 0 (0%) 20s: 13 (21.0%) 30s: 27 (43.5%) 40s: 19 (30.6%) 50s: 1 (1.6%) 60s: 1 (1.6%)
Victim's Age	20s: 7 (43.8.0%) 30s: 5 (31.3%) 40s: 2 (12.5%) 50s: 2 (12.5%) 50s: 1 (1.6%) 60s: 1 (1.6%)	10s: 2 (3.2%) 20s: 15 (24.2%) 30s: 27 (43.5%) 40s: 15 (24.2%)
Relationship Between Offender and Victim	Married: 2 (12.5%) Boy or girlfriend: 5 (31.3%) Living together: 6 (37.5%) Other: 3 (18.8%)	Married: 52 (83.9%) Boy or girlfriend: 5 (8.1%) Living together: 4 (6.5%)
How Police Became Involved	Victim called: 13 (81.3%) Victim's children called: 2 (12.5%) Someone in the neighborhood called: 1 (6.3%)	Victim called: 35 (56.5%) Victim's children called: 15 (24.2%) Someone in the neighborhood called: 8 (12.9%) Other: 2 (3.2%)
How the Case Was Resolved	Arrested offender: 12 (75%) Referred victim to the social service agency: 2 (12.5%) Separated victim and offender: 1 (6.3%) Other: 1 (6.3%)	Arrested offender: 26 (41.9%) Referred victim to the social service agency: 13 (21.0%) Separated victim and offender: 13 (21.0%) Sent victim to the hospital: 1 (1.6%) Other: 8 (12.9%)

According to Table 4, the majority of the officers ($N = 62$, 79.5%) had experience and 20.5% of the officers did not. Officers then were asked how they handled their most recent cases of DV. Among the officers who responded to DV in Hmong communities, 46% of them arrested the offenders, and 53% of them either arrested the victims, referred the victims to a social service agency, or separated the offender and victim. In contrast, most officers (75%) who responded to DV in non-Hmong communities arrested the offenders, and only 25% adopted other methods (see Table 4).

Chi-square testing for independence was used to detect statistically significant differences between these two groups in order to answer the first research question, "Does previous experience with domestic disputes in Hmong families influence an officer's decision about arresting Hmong offenders?" A statistically significant relationship was found (Pearson Chi-Square, $X^2 = 4.064$, $p < .05$) in the relationship between an officer's experience with Hmong DV and his or her decision to arrest offenders. Therefore, officers who had experience with Hmong DV are significantly less likely to arrest offenders than their counterparts (see Table 4).

Table 4. Previous Hmong Experience and Resolving DV

	Have You Ever Responded to a DV Case Within a Hmong Community?		
	Yes	No	Total
Arrested Offender	29	12	41
Row %	70.7	29.3	100
Column %	46.8	75.0	52.6
Other Than Arrested Offender	33	4	37
Row %	89.2	10.8	100
Column %	53.2	25.0	47.4
Total	62	16	78
%	79.5	20.5	100.00

Note: Pearson Chi-Square = 4.064, $p = .044$, two sided, ($df = 1$)

Officer's Perceptions of Hmong Culture and Their Responses

The officers who responded affirmatively to the question of whether they had any experience with Hmong DV were asked about their beliefs regarding Hmong culture. As shown in Table 5, the majority of these officers (80%) said they believe that Hmong culture tolerates family violence, and only 20% said

that they do not. In the former group, only 35% of the officers arrested the offenders, whereas 75% from the latter group decided to arrest.

Chi-square testing was used to determine if an officer's belief that Hmong culture does or does not contribute to the high incidence of family violence influences his or her decision to arrest an offender. A statistically significant relationship was found between an officer's belief about how Hmong culture affects Hmong DV and an officer's tendency to arrest offenders (Pearson Chi-Square, $X^2 = 6.126$, $p < .05$). In fact, officers who believed that Hmong culture affects Hmong DV were less likely to arrest Hmong offenders than their counterparts (see Table 5).

Table 5. Hmong Culture and Resolving Hmong DV

	Does Hmong Culture Influence Hmong DV?		
	Yes	No	Total
Arrested Offender	17	9	26
Row %	65.4	34.6	100
Column %	35.4	75.0	43.3
Other Than Arrested Offender	33	3	34
Row %	91.2	8.8	100
Column %	64.6	25.0	56.7
Total	48	12	60
%	80.0	20.0	100.00

Note: Pearson Chi-Square = 6.126, p = .013, two sided, (df = 1)

However, it should be noted that the result suggests that most officers, although they acknowledge cultural differences between Hmong society and mainstream society, believe that DV should be responded to as a violation of the law in spite of any cultural circumstances. This suspicion was confirmed by officers' responses when they were asked what they would do if elements of Hmong culture violated Minnesota law regarding DV. Although a few argued that officers should take cultural differences into consideration and treat Hmong offenders accordingly, the majority of the officers agreed that perpetrators should be treated equally, despite cultural differences, as dictated by Minnesota law. Some of the officers' responses are as follows:

- "It doesn't matter what ethnic background they have — domestic violence is unacceptable."

- “Arrest based on Minnesota law. Hmong should be educated during country orientation of our laws. They should obey them.”
- “Nothing different. Everybody should be treated equally under the law, despite cultural differences.”
- “All residents conform to the law regardless of cultural issues.”
- “The law is the law. If you live here, you live within the law of the land.”
- “Minnesota Law (State Statutes) supercedes cultural beliefs.”
- “Culture does not matter. If a person is in violation of state law then that is enforced. Unfortunately Hmong culture clashes with state law. They need to understand that they need to abide by state laws.”
- “The law must be fairly and consistently enforced regardless of the culture of ethnic groups.”

DISCUSSION AND CONCLUSION

The results of this study indicate that the police surveyed deal with DV differently in the Hmong community than in the general population. Officers who have experience with Hmong family violence have different attitudes about arresting perpetrators than officers who have no experience with Hmong families. Chi-square statistics indicate that officers who have been involved with Hmong family violence were significantly less likely to arrest offenders than their counterparts. Although Smith (1987) did not specifically study DV, he found that the police are less likely to arrest non-White combatants than White combatants when it comes to interpersonal violence. For future research, it is suggested that researchers examine whether police are less likely to arrest batterers in other immigrant communities (i.e., Mexican, Chinese, Korean, Cambodian, Vietnamese, Arab, Jewish, and Indian) than offenders in non-immigrant communities.

Another finding of the current study is that officers who believe that Hmong culture at least somewhat contributes to the high incidence of Hmong DV were significantly less likely to arrest Hmong offenders than were their police counterparts. It may be that non-arresting officers choose this action because the victim often does not desire an arrest. Some victims even withdraw their claims of physical abuse when interviewed by police in order to affirm cultural values that emphasize a strong family system (Shetty & Kaguyutan, 2002). For example, traditions that demand a woman's self-sacrifice in order to maintain family harmony are common in many Asian immigrant families (Okamura, Heras, & Wong-Kergerg, 1995, in Shetty & Kaguyutan, 2002). Several studies (e.g., Robinson & Chandek, 2000a) reveal that an officer's decision to arrest an offender was significantly related to the victim's willingness to cooperate, preference for arrest, and likelihood to press

charges. In a related study, Johnson (2004) found that the most frustrating factor for an officer handling a DV case is a victim who is unwilling to cooperate. However, careful studies should be followed to examine and identify the factors among immigrants' cultures that deter police from arresting batterers. For example, Ferraro and Johnson (1983) found that an officer's belief about violence being a part of the Latino community determined the officer's pattern of arrest in that community.

Findings clearly indicate that the majority of officers who have experience with the Hmong believe that Hmong culture contributes to DV. However, it should be noted that there might be a potential overlap of officers who have experience with Hmong culture and those who believe that Hmong culture contributes to DV. Nonetheless, it is suspected that an officer's experience with DV in Hmong families or with Hmong culture contributes to his or her perception and attitudes toward DV in a Hmong community. Although there are limits to the role experience plays in perception (Rock, 1983), it is known that personal experience shapes human attitude and perceptions (Coon, 2001).

Another distinctive feature of Hmong family violence is the manner in which the police usually become involved. Fewer calls to the police are made by the victims among Hmong families than among the mainstream population. More specifically, 81% of officers responding to non-Hmong family violence said their cases were reported by the victim, whereas approximately 57% of officers responding to Hmong cases had that experience. Cultural factors may explain the low percentage of Hmong female victims who initiate police involvement. Because so many immigrant women are dependent on their husbands or partners for financial support, it is reasonable to assume that these women harbor fears of losing their shelter and economic support and feeling the wrath of their abuser if they report their victimization (Senturia, Sullivan, Ciske, & Shiu-Thornton, 2003).

An additional cultural factor might prevent Hmong women from reporting domestic abuse to the police: English is usually a language barrier. The language barrier is one of the most common problems most immigrant women face (Orloff et al., 1995). It was found that among Asian groups, the Hmong population has the second highest percentage (about 60%) of people over 5 years old who have little success learning English (Reeves & Bennett, 2004). In her qualitative study, Faruque (2003) found that many of the adult Hmong people she interviewed had great difficulty speaking English. However, additional research should be followed carefully to examine the exact factors that contribute to the low reporting rate to police among Hmong battered women.

The findings of the current study indicate that although the police generally understand the cultural differences that exist in the Hmong community, they seem to agree that DV should be treated seriously like any other crime. Most officers agreed that the law should be enforced fairly regardless of cultural differences. This finding suggests that, at least from a police officer's point of view, it is not a good idea to send a message to the Hmong community that

DV is a natural, tolerable social situation based on their patriarchal traditions. However, these are the officers who actually responded to DV differently in this particular community. Cultural training focusing on an understanding of this particular immigrant group and its customs and cultures may help officers who are unsure of the best way to handle these situations. Hirschel and Dawson (2003) argued that in addition to training on the laws and procedures of DV, training also should address attitudes toward DV.

Several studies conducted on police training show that police training, in fact, positively affects officers' attitudes, behaviors, and responses to DV. Student officers, upon completion of crisis intervention training, determined that: (1) DV situations were a police matter, (2) Their actions could affect families in crisis, and (3) People in crisis seek assistance and will benefit from it (Buchanan & Perry, 1985). Pearce and Snortum (1983) found that trained officers, when they compared themselves to non-trained officers, believed they had a better comprehension of the motives behind DV disputes. In addition, the trained officers claimed to have a higher level of resolved cases. Specialized training for police officers seems to be critical in the immigrant community. Poole and Pogrebin (1990) argued that because of a pluralistic constituency, police officers should be given the option to train in conflict resolution, human relations, and minority cultures and languages. Future studies should be followed carefully to examine how police training on DV and culture contribute to officers' perceptions/attitudes toward DV and their decision to arrest.

The purpose of this study was to determine police officers' perceptions of and responses to DV within immigrant groups, especially the Hmong group; however, it should be noted that the current study did not examine the effects of officers' demographic characteristics (e.g., gender, race/ethnicity, age, etc.) or social characteristics (e.g., years of service, departmental affiliation, socioeconomic status, etc.) on their attitudes and decisions about arresting perpetrators. Previous studies have shown that there are some associations between these variables and an officer's decision about arresting perpetrators (see Belknap, 1995; Feder, 1999; Robinson & Chandek, 2000a). This study should be followed by careful research on how these variables influence an officer's decision about making an arrest in a Hmong DV case. Particularly, Natarajan (2002) suggested a practical application by arguing that more women police officers should be trained to deal effectively with minority women who are battered because immigrant women may feel less frightened to talk about their domestic problems with a female officer than with a male officer. In fact, by citing the study by Homant and Kennedy (1985), the National Center for Women and Policing (2003) argues that hiring and retaining more women brings advantages to law enforcement agencies. More specifically, Homant and Kennedy (1985) found that compared to male colleagues, female officers showed more empathy, patience, and concern when responding to DV calls. Further study should be conducted to evaluate the

differences between female and male officers' attitudes and understanding of DV.

This study also has been limited by a sole reliance on one factor to measure an officer's response to DV in Hmong communities: his or her tendency to arrest offenders. Whether mandatory arrest is the effective response to DV is beyond the scope of this paper. There has been (and is still and will be) constant academic debate about the effectiveness of arrest in DV cases. However, it should be recognized that resolving DV is a complex issue in Hmong communities, and handcuffing "bad guys" and taking them to the station may not always be the best solution. In the current study, 21% of the officers who had previous experience with Hmong domestic violence reported that they referred the victim to a social service agency. In order to fully understand officers' responses to DV in Hmong communities, researchers should study the relationships and procedures between police officers and social service agencies. While surveying patrol officers in their study, Corcoran, Stephenson, Perryman, and Allen (2001) suggested that an effective way to resolve DV cases may be to provide inclusive services by coordinating both law enforcement and social work.

As Stewart wrote, "A 'one size fits all' criminal justice response is an inappropriate response to domestic violence because of the variability in the expectations of victims and the different types of perpetrators" (1999, p. 8). Violence is a complex social issue influenced by a wide range of factors. Several researchers warned of the danger of simplifying immigrant/minority groups as a monolithic identity. Examining four cases of DV involving Arab Americans, Ammar (2000) found that stereotyping and ignorance of the complex reality of the Arab American immigrant identity resulted in the police's failure to protect victims. The same may be true with respect to Asian immigrant groups, considering the fact that Asian Americans are the most diverse of any ethnic group in the United States (Herrick & Brown, 1998). As Cousineau and Rondeau (2004) argued in a cross-national study on intimate violence, it is important to define violence within the specific context of each nation or culture. For future research implications, DV in Hmong groups should be treated separately from other Asian immigrant groups.

Despite limitations, this exploratory study addresses the importance of evaluating police officers' attitudes about DV in the Hmong immigrant population. Belknap (1995) noted that it is useful to determine officers' attitudes about arrest and battering in order to understand police responses to physical violence toward women. It is critically important to examine officers' attitudes about DV in Hmong communities to fully understand their responses to victims in Hmong populations.

NOTES

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Turkish Hizballah: A Case Study of Radical Terrorism

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The Republic of Turkey is one of the many countries that have been struggling with terrorism for decades. This article concentrates on the development and activities of Turkish Hizballah. Following an overview of the resurgence of radicalism and terrorism in Turkey, the main characteristics of Turkish Hizballah are highlighted and compared to other notorious terrorist groups, KONGRA-GEL (Kurdistan People's Congress) in Turkey and Hizballah in Lebanon. The ideology, goals, and structure of Turkish Hizballah also are examined. A final analysis focuses on contemporary trends including law enforcement and security operations against Turkish Hizballah, as well as related policy implications.

The phenomenon of terrorism has plagued countries throughout the world for centuries. In September 2001, when the United States experienced its first major terrorist attacks on American soil since the World Trade Center bombing in 1993 and the Oklahoma City bombing in 1995, the American public suddenly became painfully aware of a variety of fundamentalist religious terrorist groups that had been active elsewhere in the world for many years. The Republic of Turkey is one of the many countries that have been struggling with terrorism for decades. This article will focus on the development and activities of a specific terrorist group: Turkish Hizballah. An overview of the resurgence of radicalism and terrorism in Turkey and the main characteristics of Turkish Hizballah are highlighted and compared to other notorious terrorist groups, KONGRA-GEL (Kurdistan People's Congress) in Turkey and Hizballah in Lebanon. An examination of the ideology and structure of Turkish Hizballah will lead to a final analysis focused on more contemporary trends of this terrorist group.

Terrorism in Turkey

For over three decades, Turkey has been affected by domestic insurgencies and political violence without receiving much attention from the international community. Turkey has been plagued by terrorism for several years and on many fronts. Active terrorist groups include not only Turkish Hizballah (Party of God), but also the Kurdish separatist group known as the Kurdistan Freedom and Democracy Congress (PKK-KONGRA GEL, formerly called PKK),

the Revolutionary People's Liberation Party/Front (DHKP/C or Dev-Sol), as well as other entities tied to terrorist groups based in Syria and Iran. In order to understand the development of Hizballah in Turkey, it is crucial not only to understand the resurgence of political Islam and radical terrorism in a fundamentally secular country but also to distinguish Turkish Hizballah from the more notorious PKK-KONGRA GEL and its Lebanese namesake.

Religious Violence and Radical Terrorism in Turkey

Although religious faith itself cannot produce violence and terrorist behavior, it may be interpreted in such a way as to justify an attack on social structure. According to White (2000), three circumstances must be present in order to motivate believers to shift their thoughts towards violent action: (1) believers must perceive a threat to their values, (2) a theology must be transformed into dogma produced by textual interpretation, and (3) the true believers must embrace the violence as a means for preserving their faith. Where these criteria are met, terrorism becomes an integral part of theology (Ozdogan, 2002). Nevertheless, Islam does not inherently condone terrorism: The word *Islam* shares the same Arabic etymological root as the word *peace* and the Holy *Qur'an* condemns war as an abnormal state of affairs opposed to God's will.

Essentially, Islam is "an apolitical religion concerned solely with spiritual and ethical guidance," and using Islam as both a religion and a state or global political structure may be perceived as "a deviation from and a perversion of that true conception" (Flores, 1993, p. 32-33). Furthermore, political Islam may be construed as "an illegitimate extension of the Islamic tradition outside of the properly religious domain it has historically occupied" (Hirschkind, 1997, p. 12). In recent years, the phrase "political Islam" has been used to refer to "the seemingly unprecedented irruption [sic] of Islamic religion into the secular domain of politics" as "Islam has become a central point of reference for a wide range of political activities, arguments and opposition movements" (Hirschkind, 1997, p. 12). Nevertheless, even though Muslim activists often use Islam for political purposes, it is important to note that not "all forms of contemporary Islamic activism involve trying to 'capture the state'" (Hirschkind, 1997, p. 14).

The role of Islam in Turkey is peculiar insofar as it is intricately related to Turkish history, nationalism, and identity. Historically, Turkish Islam has been tolerant and respectful of other religions, which helped Ottomans expand their empire and rule over millions of people without significant conflicts. Furthermore, the first Turkish Muslims, who were heavily influenced by Sufi-oriented ideas, "kept a certain distance from the politics of their times in contrast to other Islamic movements" (Aras & Bacik, 2002, p. 156). As a result, prominent religious leaders have denounced any action associated with violence by asserting that a terrorist could not truly be a Muslim and, conversely, a Muslim could not be a terrorist.

Owing to its unique location between Europe and Asia, Turkey has been composed of and influenced by a variety of cultural, ethnical, and historical entities for centuries. Diversity is still a hallmark of contemporary Turkey, and the rapidly modernizing country has seemingly set "an example of what is possible in integrating Islamic movements into its relatively democratic political system. By accommodating Islamic voices and expanding the boundaries of participation, Turkey has preserved and consolidated its democracy and civil society" (Yavuz, 1997, p. 63).

Nonetheless, fundamentalist terrorism is still a reality, and radical terrorist groups such as Turkish Hizballah are active in Turkey today. Overall, the activities and ideologies of these groups have been met with much resistance by the mainstream society. Major issues have been revived and cause growing concern throughout the country, including radicalism, integristism, separatism, and terrorism (see Cakar, 1996; Esposito, 2002; Flores, 1993; Juergensmeyer, 2000; Kazemzadeh, 1998; Kramer, 2000; Sayari & Hoffman, 1991).

Major Differences Between Turkish Hizballah and PKK-KONGRA GEL

The most prominent source of Turkish terrorism, with which Turkish Hizballah is sometimes confused, is the Kurdistan Freedom and Democracy Congress (PKK-KONGRA GEL). PKK-KONGRA GEL was founded in 1974 by Abdullah Öcalan as the Kurdistan Workers' Party or PKK (*Partya Karker-en Kurdistan*), a Kurdish political party and insurrectionary group adhering to a Marxist-Leninist ideology.³ The main objective of PKK-KONGRA GEL has been the creation of an independent United Democratic Kurdistan in southeast Turkey (Anatolia), northern Iraq, Iran, and Syria. Since the early 1980s, it has led a brutal campaign of guerrilla warfare and terrorism against Turkey with the collaboration and protection of various countries and groups, mainly Syria and Greece. In the early 1990s, PKK-KONGRA GEL evolved from radical activism in rural areas to more structured urban terrorism. Today, the group operates in Turkey, Europe, and the Middle East. It is arguably one of the best-organized terrorist organizations in the world, with an estimated 4,000 to 5,000 members mainly located in northern Iraq, and thousands of sympathizers throughout Turkey and Europe. The financial stability of PKK-KONGRA GEL is guaranteed by its heavy involvement in narcoterrorism, arms smuggling, kidnapping (primarily children and tourists) and other forms of organized crime. Between August 1984 and February 2000, PKK-KONGRA GEL was credited for approximately 22,000 terrorist actions. The *leitmotiv* of PKK-KONGRA GEL's left-wing extremists is the use of their ethnicity as an incentive for politico-ideological recruitment. Paradoxically, however, PKK-KONGRA GEL has arbitrarily murdered Turkish citizens of Kurdish origin — that is, the people on whose behalf it allegedly acts. The group further considers both the Kurdish Democratic Party and the Patriotic Union of Kurdistan (the two main Kurdish groupings in northern Iraq) enemies (Ergil, 2002).

PKK-KONGRA GEL is most notorious for its promotion and use of terrorist suicide attacks, a *modus operandi* to which Turkish Hizballah has never resorted. The suicide terrorism techniques used by PKK-KONGRA GEL are characteristic of a continuum that entails not only a hierarchical organization with a highly charismatic leader (known as the "pioneer"), but also the idea of a "suitable culture" likely to promote self-sacrifice for the sake of religion or the interests of the group through intense indoctrination. Thus, PKK-KONGRA GEL's "indoctrination of its members is based on praising valor and rebellion against oppression and victimization" (Ergil, 2002, p. 118). Additionally, situational factors play an important role in the continuum of PKK-KONGRA GEL's suicide terrorism campaign. Whereas PKK-KONGRA GEL only ordered a few suicide attacks in prisons until the 1990s (none of which resulted in mass casualties), several attacks took place in the 1990s that were mainly prompted by political or internal crises. Many of the terrorist suicide attacks perpetrated by PKK-KONGRA GEL actually coincided with the arrest, imprisonment, sentencing, or extradition of Öcalan as well as upsurges in repressive measures adopted by the Turkish government. Between June 30, 1995, and July 15, 1999, 15 terrorist suicide attacks occurred and caused the death of thousands of people, including many women and children. In addition, PKK-KONGRA GEL, which strives to impose its subversive views on the uneducated and the ignorant, is also responsible for the assassination of more than 100 schoolteachers.

PKK-KONGRA GEL membership is often favored by educated people who prefer its more public actions. PKK-KONGRA GEL and Hizballah have openly clashed in Turkey since PKK militants killed the father of a Hizballah member in 1990, and Hizballah militants retaliated by murdering a PKK sympathizer. According to Turkish Hizballah, the main reason for its struggle with PKK-KONGRA GEL is that the latter is a Marxist-Leninist group that kills Muslims and collaborates with Armenians, who are considered to be infidels. In reality, the groups' rivalry results from a long-standing fight for authority over southeastern Turkey. Both PKK-KONGRA GEL and Turkish Hizballah have high stakes in that region, which is composed of a highly religious Muslim population. From an ideological perspective, even though it has nothing to do with religion, PKK-KONGRA GEL understands that the only way to influence such a public is to use the *imams* (prayer leaders). Consequently, in order to gain support from the religious population of the area, PKK-KONGRA GEL has established the Kurdish Prayer Leaders Association (*Kurdistan Imamlar Birliđi*). The PKK-KONGRA GEL strategy obviously contradicts the ideology and tactics defended by Turkish Hizballah, which seeks to radically alter the secular regime in Turkey by organizing religious people toward the use of violence. For a long time, PKK-KONGRA GEL claimed to be the only dominant group in southeastern Turkey. However, Turkish Hizballah has engaged in hostile activities against PKK-KONGRA GEL interests in the region that have reinforced the struggle between the two

groups in Turkey. As a result, both sides lost over 500 members between 1992 and 1995, including 22 *imams* killed by Hizballah.

Major Differences Between Turkey's Hizballah and Lebanon's Hizballah

Turkish Hizballah has no official organic ties with either the Lebanon-based Islamist terrorist group also named Hizballah⁴ or its offshoots throughout the Middle East (See Hudson, 2000; Larrabee & Lesser, 2003; Morris, 2000c). Notwithstanding a few similarities in terms of ideology, methods, and goals, they are essentially very distinct terrorist groups. Officially backed by Iran, the Lebanese group Hizballah seeks to reestablish the supremacy of Islam in the political and socioeconomic life of the Muslim world.⁵ Hence, as indicated by the political manifesto of the group, its goals are mainly to eradicate any western influence from Lebanon and the Middle East in general, to destroy Israel, and to liberate Palestinian territories and Jerusalem from Israeli occupation. The ultimate purpose underlying Hizballah's actions in Lebanon is to establish a radical Shia (or Shiite) Islamist theocracy in that country. Lebanon's Hizballah is indeed based on Shia ideology, whereas Turkey's Hizballah is predominantly rooted in Sunni Islam. In Lebanese Hizballah, the spiritual leader assumes an important function in terms of motivating his members along the lines of the Shiite writings. This responsibility is apparently not as primordial for Turkish Hizballah, as evidenced within the *Himciler* group when Huseyin Velioglu served as political and spiritual leader despite his weak religious background or training (which actually led Fidan Gungor, the leader of the *Menzilciler* group, to claim that Velioglu was incapable of leading his group).

Lebanon's Hizballah has been active not only in Lebanon but also throughout Europe, North America, South America, and Africa. The terrorist group has resorted to various tactics including car bombings, kidnappings, and hijackings, primarily targeting Western and Jewish interests. Turkish Hizballah, on the contrary, has not perpetrated attacks outside of Turkey, which is also why it is not technically or officially considered an international terrorist organization. In terms of affiliation with other terrorist organizations, the main difference between the two groups lies in the fact that Lebanon's Hizballah has served as an umbrella organization for such terrorist groups as Hamas. Turkey's Hizballah, on the other hand, has only had very limited relationships with such groups. In addition, Turkey's Hizballah does not strive to be legitimized, whereas Lebanon's Hizballah has become a major part of Lebanese politics. As such, Lebanese Hizballah has been struggling for the liberation of southern Lebanon from Israeli occupation for years. Furthermore, it has carried out social activities to support social, economic and educational life of the Shiite community. It thus functions like a *de facto* government for the Shiite people of southern Lebanon. In contrast, the functions of Turkish Hizballah are strictly limited to a very secret group that has nothing to do with everyday life in the community. The main purpose of Turkey's Party of God is to estab-

lish a religious-based government by overthrowing the existing secular government See Aras & Bacik, 2002; Human Rights Watch, 2002; Hurriyet, 2000; Wörn, 1999).

Moreover, Lebanon's Hizballah pioneered suicide bombings in the Middle East, another important characteristic that differentiates it from its Turkish homonym. The Lebanese group is responsible for the wave of suicide terrorism that started in April 1983 when a truck laden with explosives was driven into the U.S. Embassy in Beirut, killing 49 and wounding about 120 people. The goals of Hizballah suicide operations evolved over time as the group gained notoriety at the local and international levels and became a role model for and supporter of several other terrorist organizations. The group and its Iranian benefactors used suicide terrorism as propaganda for the dissemination of the precepts of the Islamic revolution throughout the Middle East. Foreign UN peacekeeping forces eventually had to leave Lebanon, and the Israeli army also retreated from central Lebanon to a restricted strip further south. Hizballah further used suicide terrorism as an instrument of deterrence and reprisal against Israel. The use of suicide attacks as a primary method of operation has now declined to one attack per year or less, but the overall success of Hizballah has been observable even outside of Lebanon, where the terrorist group inspired and occasionally sponsored several other terrorist entities.

Ideology and Structure of Turkish Hizballah

The Growth of Hizballah in Turkey

According to an online U.S. Department of State report, "Turkish Hizballah is a domestic terrorist group of mostly Kurdish Sunni Islamists with no known ties to Lebanese Hizballah. Turkish officials and media assert that Turkish Hizballah has received limited Iranian support (2001)." Turkish Hizballah, also known in Iraqi Kurdistan as the Kurdish Revolutionary Hizballah (*Hisbullahi Kurdi Shorishger*), is thus composed of Kurds, a large ethnic group that is predominantly Sunni Muslim and concentrated in the mountainous regions bordering Turkey, Iran, and Iraq. The "network is alleged to be responsible for numerous assassinations and disappearances over the past decade, including a number of high-profile terrorist incidents. . . . 1999 estimates suggested that Hizballah may have as many as 25,000 adherents, including 4,000 armed militants (Larrabee & Lesser, 2003, p. 37)." Hizballah members are economically and socially alienated from mainstream society: They typically come from low-income families, and half of them are not steadily employed, which reflects the situation of the Turkish socio-economic crisis. More important, a quarter do not have any kind of education and about a third of the members only have an elementary-school-level education (Akyol, 2000; Leicht, 2001).

Based in southeastern Anatolia, Turkish Hizballah originally operated mainly in the cities of Diyarbakir, Van, Batman, and Mardin. Members of the

terrorist group habitually gathered in and around bookstores, where they discussed their ideologies and spread their propaganda. According to official reports, the founding members of Turkish Hizballah initially gathered at one bookstore, Vahdet, but they were never able to form a homogenous group (Aras & Bacik, 2002). Due to ideological divergences and leadership disputes, Turkish Hizballah separated into two major groups: *Hilmciler* (Scientists) and *Menzilciler* (Rangers). The *Hilmciler*, led by Huseyin Velioglu, met at the Ilim Bookstore, whereas the *Menzilciler*, led by Fidan Gungor, congregated at the Menzil bookstore. Besides a leadership struggle, the two factions were opposed in the tactics they used to accomplish the goal of terrorism. Whereas the *Hilmciler* defended armed struggle and comprised Hizballah's most brutal factions, the *Menzilciler* believed it was too early for such radical action and opposed, for instance, attacks on suspected PKK-KONGRA GEL members (Human Rights Watch, 2000). An intra-group struggle stemmed from the battle for leadership and caused the death of over 100 people on both sides. In 1994, the assassination of *Menzilciler* leader Fidan Gungor by *Hilmciler* members almost obliterated the dispute between *Hilmciler* and *Menzilciler*, but the truce was short-lived, and the factions remain opposed to this day.

In the late 1990s, Hizballah attempted to widen its area of operation to cities in the western part of Turkey, particularly Istanbul. The ongoing conflict between Hizballah and PKK-KONGRA GEL in southeastern Turkey was the major impetus for the shift. Still, western cities such as Istanbul did not prove to be as favorable an environment as southeastern cities had been (e.g., Diyarbakir, Van, or Mardin) for the development of Hizballah. The efforts of the group were seriously curbed as major operations were carried out against Hizballah cells in and around Istanbul in early 2000, one of which led to the killing of Huseyin Velioglu, the *Hilmciler* group leader, and the arrest of his two top lieutenants, Edip Gumus and Cemal Tutar.

Ideology and Goals

The ideology defended by Turkish Hizballah is similar to the principles almost all terrorist organizations have adhered to throughout the world and history. According to Turkish Hizballah, the world is divided between two forces, Good and Evil, which represent the Ultimate Truth. "It is likely that in closing themselves off from others, they became isolated and lived in an imagined community that struggled to destroy the 'unjust other' in order to prove that they were the 'just selves' " (Aras & Bacik, 2002, p. 7). Based on such ideology, Turkish Hizballah has opposed every group that has deviated from what its members believe to be the true path of Islam, including other Islamic movements and organizations.

Hizballah's brand of radicalism further derives from "the threat of the Modern Kharijites" (O'Brien, 2002). The uncompromising principles defended by the Kharijites (*Hariciler*) were, in fact, the source of the first rebellion against the rulers of the Islamic world (Akyol, 2000, Department of Religious

Affairs, 2000). The Kharijites divided the world into two parts, one that belonged to true Muslims and the other belonging to nonbelievers; they declared a *jihād* against all nonbelievers and apostate Muslims and used any means available to them in order to rid the world of the infidels.

The ultimate goal of Turkish Hizballah is to overthrow the constitutional secular regime of Turkey in order to introduce a strict Islamic state inspired by Iran. Accordingly, a two-fold scheme has been devised: People are first invited into the group (the term officially used is *davet*, “to invite”) and then, once the group has secured enough supporters, it can deal with other organizations in the region (Aras & Bacik, 2002). As has been observed in other terrorist groups, Turkish Hizballah follows the rigid rule of “you are either with us or against us.” Those who believe in the same values and means as Turkish Hizballah side with the group, and those who do not are against it. If they choose not to change their mind, and join the struggle, opponents of Turkish Hizballah are destroyed by any means available and necessary. Thus, the “unjust others” targeted by Turkish Hizballah have included moderate Kurdish businessmen who support the secular constitutional government as well as religious individuals who do not embrace the ideology of the terrorist group.

Organizational Structure

The structure of Turkish Hizballah clearly defines each position by the specific functions assigned to each individual (see Figure 1). There are three major levels in the hierarchy of the group: leadership, top council (*Sura*), and lower-level (city) council.

Leadership. The first level of the hierarchy of Turkish Hizballah is the leadership. It is divided between two individuals: the spiritual leader and the political leader. The former has no power or influence on the decision making or the execution of the operations; he does, on the other hand, have to support the members by means of religious motivation. The latter has decision making power regarding the activities of the group: He can modify or change the directions of general operations. Although political and spiritual leadership positions are typically not assumed by one man, Huseyin Velioglu was an exception, because he served as both the spiritual and the political leader of *Himciler*, the dominant Hizballah faction.

Top council. The second major hierarchical structure of Turkish Hizballah is the top council, or *Sura*, a central committee composed of high-ranking political and military members. Important decisions regarding the group are discussed and made by the Top Council, which controls both the military and the political wings of Hizballah.

Lower-level council (city-level council). At the local level — that is, in Turkish cities and towns — the hierarchy of Hizballah is divided between the military and the political branches, following a pattern similar to the *Sura* framework. The military wing is the unit that carries out the armed operations of Hizballah in Turkey. The leader of the military wing, who can be a member

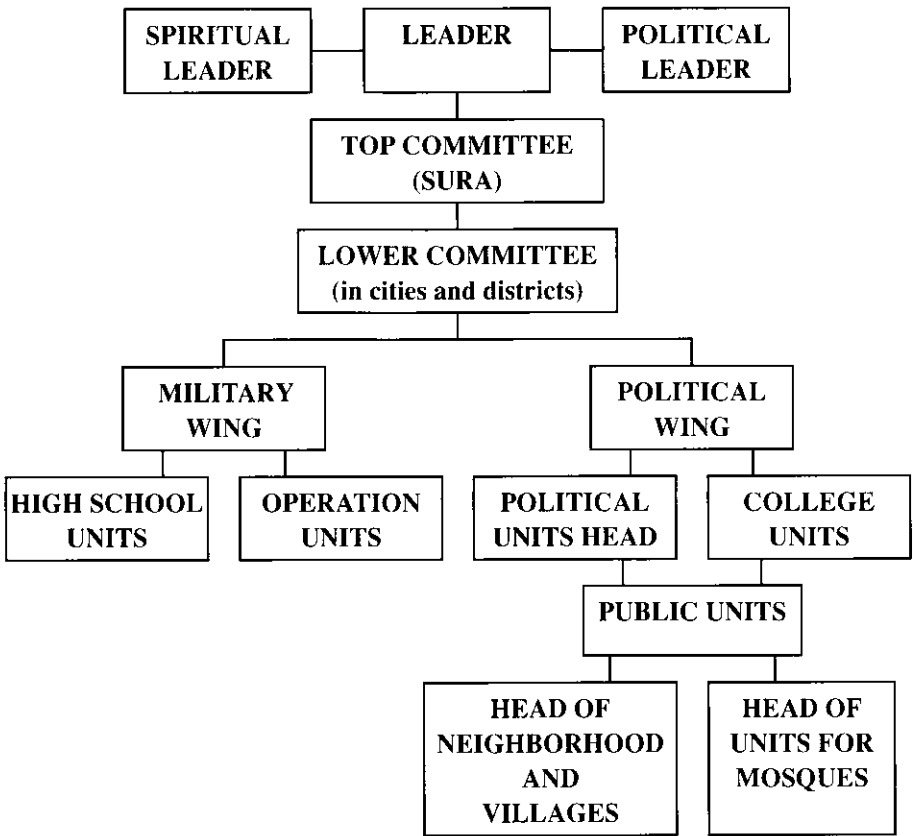


Figure 1. Organizational structure of Turkish Hizballah

of either the *Sura* or a lower-level council, is responsible for the execution of the armed operations on behalf of either council he has membership in. The military wing is composed of unit leaders and operation teams or units. Within each lower-level council, unit leaders are in charge of directing military operations carried out by up to three operation teams. They are supervised by the city leader and direct his orders to the operation units. The latter come last in the chain of command of the military wing; they are typically composed of two to six people. As a rule in the *Ilmiciler* group, operation teams are bound by secrecy: Members know only of the members in their own team, not of any members of the group in general (i.e., according to official reports, members of operation team A will have code names starting with A, for instance, whereas members of a group B will have code names starting with B).

The political wing, on the other hand, is responsible for recruiting new members and communicating the precepts of Hizballah to persuade the people

of Turkey to establish an Iranian-like regime. The leader of the political wing of Hizballah is a member of the *Sura*. High-ranking officials of the political wing are in charge of public relations and propaganda. Furthermore, Hizballah radicals perform duties of propaganda and recruitment in units operating in local schools and colleges. Finally, the public unit, generally organized in and around mosques as well as in neighborhoods and villages, has no influential role in the decisions made on behalf of the future operations of Hizballah.

Contemporary Trends of Turkish Hizballah

Modus Operandi, Victim Selection, and Activities

When Turkish Hizballah first came to the attention of the Turkish public, it was often mistaken for the Lebanese movement of the same name. The major differences between the two groups, as explained above, were clarified rapidly, and Turkish Hizballah steadily gained notoriety throughout the 1980s and 1990s “for the killings of Kurdish rebel sympathizers . . . at the height of a conflict between Turkish security forces and the separatist Kurdistan Workers’ Party” (Reuters, 2000). Ever since its emergence in Turkey, Hizballah has been operating in great secrecy. Unlike most terrorist groups, it typically does not claim responsibility for its actions and usually does not publish any written propaganda. Turkish Hizballah started out as “a mainly urban phenomenon” observed in predominantly Kurdish cities of southeastern Turkey and became particularly known for its distinct “style of assassination carried out in broad daylight, often by pairs of young assassins using pistols of Eastern European manufacture” (Human Rights Watch, 2000).

Initially, only suspected members or sympathizers of the Kurdistan Workers’ Party (then PKK) were targeted by Hizballah. Opponents of governmental policies and separatists “were being killed at the rate of two a day . . . [and] more than a thousand people were killed in street shootings from 1992 to 1995” (Human Rights Watch, 2000). In the late 1990s, however, Hizballah started killing secularists, moderate Muslims, representatives of Kurdish religious charitable foundations, and clerics from other religious movements. One of the first widely publicized incidents attributed to Turkish Hizballah was the April 1997 grenade attack on the Ecumenical Patriarchate of Constantinople. The attack, originally attributed to “some hard-core group,” specifically targeted “the spiritual heart of hundreds of millions of Orthodox Christians all over the world” and occurred in a “climate of extreme nationalism and militarism” (Athens News Agency, 1997). In January 2000, police and security forces became yet another tactical target to boost the motivation of the group members when Police Chief Gaffar Okkan and five police officers were assassinated in Diyarbakir, the largest city in southeastern Turkey. Okkan had led a very successful operation to take apart Hizballah factions the year before and had subsequently been added to the death list of the group.

The indictment of high-ranking *Himciler* members in 2000 actually specified that the activities of Hizballah in Turkey “included shootings, arson, assault with meat cleavers, kidnapping, beatings and attacks with acid on women not dressed in an Islamic manner” (Morris, 2000f). Kidnapping is indeed one of the methods of operation favored by Hizballah in Turkey. Targets vary from PKK-KONGRA GEL members and sympathizers to members of other religious movements; businessmen also have been kidnapped for ransom, as was discovered during recent police raids (Hurriyet, 2000). Above all, Turkish Hizballah has set a gruesome record for torture in Turkey. The *Himciler* group in particular has resorted to extremely brutal torture techniques in a methodical and premeditated manner. Some have argued that Turkish Hizballah is an intrinsically fundamentalist terrorist group in which “killing and torturing were perceived of as inherently a part of their mission” (Aras & Bacik, 2002, p. 156). Turkish Hizballah victims are characteristically bound and gagged and subjected to severe torture prior to being killed. Some tortured bodies are even buried alive, and most corpses have thus far been recovered from shallow graves, concrete blocks, or coal sheds (Morris, 2000b, 2000c, 2000f). Such tactics have been used either to merely inflict pain on the victims or to persuade them of the validity and righteousness of Hizballah’s struggle in Turkey. Even individuals from the *Menzilciler* group and other religious people opposed to Hizballah’s ideology and tactics have been subjected to torture by the *Himciler* group.

Suspected Support From Iran

The 1979 Iranian Revolution posed the first major threat to the stability of Turkish-Iranian relations in the 20th century (see Calabrese, 1998; Sivan, 1989). Regarding terrorism in particular, the activities of PKK-KONGRA GEL and other right-wing terrorist groups have increased Turkey’s suspicions about neighboring Iran. For example, during his interrogation, Abdullah Öcalan alleged that Iran had served as a mediator between Hizballah and PKK-KONGRA GEL, and members of Hizballah have asserted that they received training in Iran (Karmon, 1999; Milliyet, 1999).

In April 1998, the daily newspaper *Cumhuriyet* claimed to have uncovered evidence of links between Iran and various radical Islamist groups outlawed in Turkey, including Hizballah. In an effort to dismiss the allegations, the Iranian Embassy in Ankara declared: “Iran recognizes no group entitled Turkish Hizballah (party of God) in Turkey” and also rejected “any link with the Turkish Hizballah or any other illegal group in Turkey” (Iran News, 1998). Even Hizballah members, in fact, have dismissed those claims as inconceivable and revolting. However, *Cumhuriyet* affirmed that the Iranian regime was in effect the “spinal cord” of Turkish Hizballah and that their accusations were supported by a “statement made by the Iranian Foreign Minister Kamal Kharrazi” (Reuters, 2000).

In June 2000, as officially reported by the Representative Office of the National Council of Resistance of Iran [RONCRI], Turkey "sent Iran a detailed dossier drawn up by its security forces on the Turkish Hizbollah, a fundamentalist organization suspected of carrying out hundreds of assassinations with support from Iran" (Representative Office of the National Council of Resistance of Iran [RONCRI], 2000). Official reports assert that members of Turkish Hizbollah received weapons, financial support, and training from Iran, notably from the Iranian Secret Service (see Calabrese, 1998; Morris, 2000a; RONCRI, 2000). Both Iranian and Turkish officials have vehemently denied that members of Turkish Hizbollah had ever been armed or trained by the Iranian government, but no investigation has ever been launched to establish the truth. Even allegations that Turkish Hizbollah has formally approved of the Iranian Revolution have not been verified, and the Turkish terrorist group therefore remains officially unrelated to its Iranian neighbor. Overall, it has been noted that the relationships entertained by the "Iranian theocratic regime with the neighboring Turkey have never been easy ever since the victory of the Islamic revolution of 1979" (Azadi, 2000). Turkey keeps accusing Iran of not only helping Turkish Islamist and terrorist groups to create an Islamic Republic, but also of supporting and protecting PKK-KONGRA GEL separatists.

Analysis of Contemporary Trends, Law Enforcement Response and Nationwide Security Operations

Since the early 1990s, Human Rights Watch and other organizations have openly criticized the *laissez-faire* attitude of Turkish authorities towards the activities of Hizbollah in their country. "Belated police operations against Hizbollah often appeared to be carried out for show, rather than as a determined move against a dangerous illegal armed group. Initially, police did not move against the more ruthless Hizbollah Ilim group . . . but against their rival, the Menzil faction, which was reportedly opposed to attacks on suspected PKK members. . . . The authorities were inexplicably coy about their successes in combating Hizbollah and declined to respond to Amnesty International's repeated requests for detailed information on prosecutions of alleged Hizbollah members" (Human Rights Watch, 2000). Consequently, some argue that "by action or omission, the Turkish state bears some responsibility for the slaughter committed by Hizbollah" (Human Rights Watch, 2000).

Following a concentrated effort to bring down the secular branch of Turkish Hizbollah, about 400 people linked to the terrorist group by local authorities were arrested in February 1999 (Morris, 1999). In addition, weapons and propaganda material were seized during raids in three southeastern Turkish provinces. These arrests marked the first stage of a nationwide effort by Turkish law enforcement to dismantle the country's Hizbollah network. In early 2000, a "crackdown on Turkey's violent and shadowy Hizbollah network" gave the formal fight against Islamic fundamentalists "a more direct security

dimension” (Larrabee & Lesser, 2003, p. 37), just as Hizballah leaders were attempting to restore the strength of their group. Hizballah safe houses were raided methodically and mass graves of victims tortured and executed by Hizballah members were discovered throughout the country. According to the International Institute for Strategic Studies (2000),

The operation launched by the Turkish police . . . against suspected members of the Turkish Hizballah has dealt a severe blow to the operational capabilities of the militant Islamist organisation. There are also widening splits within the Kurdish nationalist and moderate Islamist movements. These divisions are causing frustration among younger radicals. Unless the government acts swiftly to improve socio-economic conditions and ease cultural and religious restraints, there will continue to be a stream of ready recruits for Islamic militant groups. It is becoming more likely that the focus of armed resistance to the Turkish state will shift in the long term from Kurdish nationalism to religious fundamentalism.

By the fall of 2000, nearly 1,000 alleged members of the radical Islamist group were taken into custody. About 20,000 pages of documents also were recovered from computer archives. Up to 70 alleged high-ranking *Sura* members and local-level council leaders of the right-wing terrorist group were apprehended and put on trial, “accused of killing 156 people and wounding 80,” and most of them faced the death penalty for “organizing an armed group that aimed to bring strict Islamic law to Turkey” (Reuters, 2000). The alleged deputy leader of the group, Edip Gumus, declared that they had “fought for Islam” but had not taken part “in a single armed attack,” adding, “we intended to make Islam rule the world, not just Turkey. . . . We did not spend a single bullet aiming to break the state’s constitutional order. If we had wanted to do that we could have made Turkey a lake of blood with a group of 20 or 30 people” (Reuters, 2000). In January 2001, Turkish authorities launched another massive security operation following the assassination of Police Chief Gaffar Okkan and five of his colleagues in Diyarbakir. Okkan, as mentioned earlier, had led the successful anti-Hizballah campaign in his province the year before. According to official reports, efforts by Hizballah to spread out to western Turkish cities have been quelled, and the expansion movement has been stopped (Morris, 2000e, 2001). In recent years, Hizballah’s actions seem to have alienated more members and sympathizers, and the public has even renamed the group *Hizbul Vahset*, or Party of Slaughter.

Following the operation in Beykoz, Istanbul, through November 2002, approximately 1,763 operations resulted in the detention of 4,957 people, and the number of terrorist incidents carried out by the Turkish Hizballah dropped significantly from 1,282 in 1999, which resulted in the deaths of 975 terrorists and 185 security personnel, to 221 incidents in 2000, with 362 Turkish Hizballah terrorists killed and 26 security personnel killed. From January to November 2001, 185 incidents were reported, with 113 Turkish Hizballah terrorists killed and 22 security personnel killed (Nugent, Jr., 2004).

The phenomenon of Turkish Hizballah deserves its own analysis in terms of how the group emerged and widened its operations and conducted its atrocities against its victims. The case of Turkish Hizballah also deserves to be analyzed in terms of the root causes leading to its emergence and how the leadership has been able to recruit members. The emergence of Turkish Hizballah has shown the world how a terrorist organization can take advantage of the situation in a country where the security forces have been dealing with a bigger threat. The emergence and development of Turkish Hizballah coincides with the operations of Turkish security forces against the PKK-KONGRA GEL terrorist organization. While Turkish security forces have been spending most of their capabilities in dealing with the PKK-KONGRA GEL, Turkish Hizballah took advantage and operated in that region. Once they attempted to widen their operational area from southeastern Anatolia to the big cities in the west, they became more vulnerable due to a lack of support they might have had in southern cities.

The second major analysis of the Turkish Hizballah case has to do with the operations carried out by the Turkish National Police (TNP). The operations, which have to involve inter-agency coordination and collaboration, rapid intelligence analysis, and swift operation planning and execution of the planning have been conducted by the TNP. The cooperation and coordination of those operations led to the capture of prominent members of the organization.

This success also enabled the TNP to use that knowledge and experience to pursue further investigations. Another very important aspect of these operations against the members of the Turkish Hizballah involves the way the members of the intelligence and anti-terrorism teams treated members, suspected members, or their affiliates. One example would be providing female officers to search for female suspects. During these investigations and interrogations, several people also have been brought forward for questioning. Handling these activities necessitates that officers be cautious to avoid any mishandling. There may be people who have nothing to do with terrorist organizations or any other illegal organization; if the officers' approach to these individuals is not appropriate, these individuals could be alienated and might even become new candidates for recruitment. In some cases, police or other security forces in a given country may treat the suspected members of a terrorist organization in a way that creates new sources and justifications for the terrorist to recruit new members. Those who are responsible for handling terrorism investigations should conduct their investigations to prosecute the members of the terrorist organization, not the society in which they live and operate. If the security forces do not handle their investigations appropriately, including search, seizure, interrogation, and other investigative procedures, their mistakes may provide new opportunities for the terrorists to recruit new members in the long run.

The current activities of Turkish Hizballah deserve a detailed explanation. After successful operations in which prominent leaders have been killed or captured, it can be a fatal mistake to assume that the organization has disap-

peared. In fact, a recent police intelligence report has shown that the terrorist organization has been pursuing new tactics. According to the report, effective police operations have caused the remaining leadership to flee to Europe, and they have been trying to reorganize their activities in Europe, where they will be immune from surveillance of the security forces (Hicyilmaz, 2005). Several Islamic groups in Europe have nothing to do with violence and represent the mainstream Islamic society. Hizballah's new strategy requires its members to establish affiliation with these groups so that they will be seen as nonviolent, law abiding, and religious individuals to mask their activities. By doing so, the terrorist organization tries to escape scrutiny. At the same time, this enables Turkish Hizballah to benefit from some of the activities such as collecting donations, widening their operational areas, and recruiting new members. Finally, according to the report, Turkish Hizballah established coalition with the Kurdish Islamic Movement, which is part of the propaganda unit of the PKK-KONGRA GEL. The Kurdish Islamic Movement was established by the PKK-KONGRA GEL to be able to include religious figures in their propaganda. Turkish Hizballah's new strategy is fundamentally different than the one it used before, which involved targeting Kurdish businessmen who support the secular constitutional government as well as religious individuals who do not embrace the ideology of the terrorist group. From a different perspective, this tactic targets moderate Muslims because of possible confusion created by the fact that the members of the terrorist organization can act as if they are part of mainstream society. Security forces are burdened with the responsibility of differentiating terrorists from the general population. Regardless of its ideology or propaganda, every terrorist group represents certain discernible patterns of behavior; therefore, security forces should analyze each incident carefully before they reach any conclusion. Care must be taken by officials to prevent confusing mainstream society with terrorists, thereby alienating society as a whole.

CONCLUSION

Terrorism is not a new phenomenon: It has been observed in various forms throughout history. In the past few decades, terrorism has developed internationally with the establishment of global terror networks and has intensified into a seemingly intransigent phenomenon that many countries have been unable to address effectively. Turkey has been struggling with political violence and terrorism on many fronts for more than three decades. In effect, the resurgence of fundamentalism and radicalism has caused major concerns regarding the revival of radicalism, integrism, separatism, and terrorism in and around Turkey. Turkish authorities have adapted their policies and responses to cope more effectively and independently with various terrorist groups from the PKK-KONGRA GEL to the radical fundamentalist Turkish Hizballah. The latter, composed predominantly of Sunni Muslim Kurds, has been striving to overthrow the constitutional secular regime of Turkey in order to establish a

strict Islamic, Iran-inspired state. Turkish Hizballah has targeted PKK-KONGRA GEL sympathizers and suspected members, secularists, moderate Muslims, representatives of Kurdish religious charitable foundations, and even clerics of different religions. Amidst allegations of leniency towards Hizballah and official support for the terrorist group, Turkish authorities attempted to topple the secular branch of Hizballah in the late 1990s and have vowed to dismantle the terrorist network. However, Turkish Hizballah's regimented methods and extremely violent actions, as well as its distinctive brand of radicalism, have baffled and overwhelmed authorities for years. The radical terrorist group is a contemporary version of the Kharijites, a sect that deviated from mainstream Islam: Their extremism is constantly fueled by pervasive forms of social alienation such as widespread illiteracy and inferior education, as well as the inadequate economic and social development of certain segments of Turkey's society.

The relative success of their counter-terrorism approach notwithstanding, Turkish law enforcement authorities have had to regularly reassess, adapt, and alter some of their tactics in order to address the constantly evolving threat posed by the various terrorist groups active in the country. The outcome of counter-terrorism strategies depends largely upon the ability of law enforcement authorities and state officials to comprehend the source of the problem and, accordingly, to tackle it at its roots. It is crucial to correctly define the goals and ideology of radical religious fundamentalist groups instead of merely associating their fanaticism with Islam in a simplistic and reductive attempt to justify or explicate their actions. Thus, these groups must be clearly distinguished from mainstream Islamic society, and the Islamic community as a whole should not be stigmatized as terrorist or violent.

Having acquired much experience in the fight against terrorism over the last few decades, Turkey has now established itself as a major participant in the global war on terror. Indeed, Turkey could play an important role in countering international terrorism and dismantling global terror networks worldwide. Over the years, Turkey has acquired massive amounts of intelligence about terrorist groups and their members that are active in Turkey and its surrounding countries. Sharing that intelligence with the international law enforcement community would be an invaluable contribution to the global fight against terrorism. In addition to intelligence, Turkish law enforcement agencies and security forces could transfer their experience to law enforcement agencies in other countries by providing training and education. Turkey could, in fact, become a training hub for agents in Middle Eastern and European countries. Considering that many international terrorist groups have gained importance and have even established networks throughout Europe, sharing intelligence and creating training programs would provide new opportunities and tools to counter international terrorism. More important, Turkey could become a model nation for Middle Eastern countries by effectively integrating an Islamic perspective that promotes tolerance and respect for other religions within a secular democratic regime.

NOTES

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3. Sometimes also referred to as the Kurdistan Labor Party or the Mesopotamian Army.

4. The Party of God is also known as: Hizbullah; Hizbollah; Hezbollah; Hezballah; Hizbu'llah; Islamic Jihad (Islamic Holy War); Islamic Jihad Organization; Islamic Jihad for the Liberation of Palestine; Ansar al-Allah, Ansar Allah, or Ansarollah (Followers of God, Partisans of God, or God's Helpers); Al-Muqawanah al-Islamiyyah (Islamic Resistance); Organization of the Oppressed; Organization of the Oppressed on Earth; Revolutionary Justice Organization; Organization of Right Against Wrong; and Followers of the Prophet Muhammed.

5. The term "Hizballah" was not coined in the early 1980s. In fact, it is a Qur'anic reference to the perpetual conflict between the true believers and the infidels of the *Hizbashaitan*, the Party of the Devil. These infidels were pagans; today, the Party of the Devil is composed of the heretics belonging to the western culture and Judaism. Hence, the teachings dictate that if Muslims are the victims of a worldwide conspiracy, they must belong to both *Hizballah* and *Jundalla* (the Army of God). This explains why religious fundamentalist groups are characteristically semi-military organizations whose members are viewed as soldiers fighting a holy war through various forms of terrorist activities.

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The Proliferation of Private Security Agencies in South Africa and its Concomitant Effect on Crime Prevention and Crime Reduction

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Private security industry is a growing phenomenon in South Africa, similar to the rest of the emerging global markets. This paper outlines the nature of the security industry in South Africa and examines various issues relating to regulation and licensing of this industry as well as its role in crime prevention.

INTRODUCTION

The South African private security industry is of considerable strategic and economic importance. The security industry's strategic role in ensuring safety and security is highlighted by the vast human and material resources it deploys to protect and safeguard people and property in South Africa.

Across the globe, crime remains the single largest threat, and South Africa is by no means an exception. Crime is a threat that not only endangers profitability but may also cause the collapse of an economic system. Following worldwide trends, South Africa has also experienced rapid growth in its private security industry. According to Hollemans (2005), a private security researcher, "The business of private security is growing and has gone through a silent revolution. All over the world, the industry has boomed and it has taken over functions that were previously performed by the police" (p. 2). As in many countries, the growth of the private security sector challenges outdated ideas on the roles of public and private policing. Private policing is said to be reemerging mainly because of its flexibility and responsiveness to consumer demand and because of an apparent loss of faith in some policing standards and an increase in private property ownership.

Growth of the Private Security Industry in South Africa

The rapid growth and expansion of the private security industry in South Africa cannot be ignored or go unnoticed. Minnaar (2004) argues that "internationally the last twenty years has witnessed the growing role and influence of private security in many aspects of social control. This phenomenal growth has been attributed on the one hand to demands by the

public for increased personal safety and protection, by business for increased security, the growth not only in the mass property market but also in the size and number of shopping complexes, private security villages and enclosed or gated neighbourhoods” (p. 42). In human resources terms, the security industry has grown at an average rate of 11% per year over the past 3 years. The strategic importance of the security industry to the country from a safety and security perspective is self-evident. Considerable trust is placed by clients in an industry which has more resources available than the public police service.

On June 1, 2004, there were approximately 132,000 people employed by the South African Police Service. Of these, approximately 98,000 were uniformed police officers performing policing functions. In the recent research conducted by Irish-Qhobosheane (2005), private security officers outnumber police officers by 4 to 1. South Africans seem to be relying more and more on private security, evidenced by the growth of an army of armed and unarmed security guards that seems to be filling in the gaps left by the overstretched police force.

Generally, the private security industry is made up of individuals and companies providing a service to clients or employers and is charged with protecting and safeguarding persons and property. The basic feature of the private security industry in South Africa is that its activities, structures, and performance are based on free enterprise business principles (SOIB Policy Document, 2000, p. 38)

Pre-1994 Apartheid Dispensation

Historical Context of the Private Sector Security Industry in South Africa

In a literature review conducted by Mistry and Minnaar (1999) on the private security industry in South Africa, the following salient points emerged:

- In the period preceding the 1994 democratic elections, the surveyed literature indicated that the growth of the private security industry was linked to the repressive political culture which existed during the 1970s and 1980s in South Africa.
- The apartheid police force was used primarily to uphold the law and enforce discriminatory and racist laws.
- As the opposition to apartheid grew in intensity, the more affluent residents and the corporate world began to take the issue of private security more seriously.

Former Deputy Minister for Safety and Security Joe Mathews asserted the following at a meeting of the Security Officers Interim Board on April 18, 2000:

“We come from a historical situation where security was basically aimed at preventing the emancipation of Black people. That is how people perceived security. That is how they looked at it. And a lot of people believed that the security industry was merely another arm of the security apparatus of the [previous] government. Now we have to remove those perceptions” (SOIB Policy Document, 2000, p. 25).

According to Shaw (1995), the interests of the state and the private security industry coincided on the issue of protecting property belonging to Whites. Consequently, many White residents and the commercial world, who became increasingly afraid for their own safety and security as well as the impact on their livelihood, turned to private security companies for their own protection. Another factor that gave rise to the increasing growth of the private security industry in South Africa was that during the 1980s, the South African Police shifted its emphasis from ordinary policing to controlling political resistance. This left room for an increase in security company activity. The apartheid state actively encouraged the private security sector to fill the gap left by the police as they became over stretched. Consequently, a close relationship formed between the private and public policing sectors and created considerable functional overlap.

According to Schonteich (1999), private policing is reemerging because of its flexibility, responsiveness to consumer demand, and a loss of faith in the standards of certain public policing services.

Post-Apartheid Private Security Expansion

In democratic post-apartheid South Africa, the private security industry contributes substantially to the economic growth of the country because it:

- gives employment to hundreds of thousands of people,
- presents lucrative opportunities for entrepreneurs and investors to be involved in marketing a service for which there is a significant demand; and
- provides for the protection of assets and economic resources worth hundreds of billions of rands (R14b).

According to the Seth Mogapi, Director of the Private Security Industry Regulatory Authority, “even though the number of registered security businesses has dropped to 6,167 in 2001 to its current 4,385, the Authority was expecting a growth in the private security sector, already one of the fastest growing employee industries in South Africa to escalate in 2005” (Smit, 2005, p. 10). Some of the reasons attributed for this phenomenal growth are crime, the perception of crime, the demand for more sophisticated and personalized security, and declining resources available to the South African Police Service.

Regulating the Private Security Industry in South Africa

As far as the existing regulatory framework is concerned, the need for a review and transformation of the private security industry became more apparent for the following reasons:

- Political circumstances in South Africa are now fundamentally different from those that prevailed when the present legislation was adopted.
- Proper effort must be given to the general transformation initiatives of the government since 1994.
- The existing legislation pre-dates the Constitution of 1996 and may not be entirely consistent with all of its values and principles.
- There is a need to ensure that new legislation is consistent with other laws that apply to facets of the security industry.
- There is a general need to effect technical improvements to current legislation and to devise a more sophisticated and modern regulatory framework.

Change in the security industry also has been necessitated by the following factors:

- The need to deal effectively with certain malpractices, abuses, and corruption in the industry and to lower the possibility of harm to public interest.
- The need to address certain unacceptable attempts by members of the industry to avoid the impact of the current regulatory framework.
- The need to ensure access by emerging entrepreneurs to an industry that is perceived by some as displaying some monopolistic tendencies and allowing entrenched positions to previously disadvantaged positions.
- Socioeconomic developments and the substantial growth of the industry.

Who and What is Being Regulated?

The original legislation creating the first Security Officer's Board (the Security Officer's Act 92 of 1987) came into operation on April 3, 1989. The purpose of this legislation was to provide for the establishment of the Security Officer's Board to deal with and to exercise control over the occupation of security officer. As the various amendments to the Security Officer's Act 92 of 1987 indicate, the legislature has been actively engaged in attempts to improve the Act since the early 1990s with new substantive and other formal changes

and to address problems that have emerged, as a result of certain shortcomings, including:

- It became apparent that there was a need to put in place effective mechanisms to deal with certain misconduct, abuses and dishonesty in the industry and to reduce the risk of harming public interest,
- At the time there was a need to tackle certain objectionable attempts by members of the industry to avoid the impact of the regulatory framework that was in existence at the time,
- It also emerged that the phenomenal growth of the industry prompted the government to introduce a more acceptable regulatory framework that would serve the wider interest of the public and consumers of various security services.

The mid-1990s saw phenomenal growth in the size of the security industry. This further posed challenges with respect to proper regulation. Moreover, the economic role of private security in providing business opportunities and creating employment has added impetus to the need for proper regulation.

Towards the end of 1994, initiatives to reform the security industry and its regulation were launched. This culminated in the promulgation of the Security Officers Amendment Act 104 of 1997, which provided for the establishment of the Security Officers Interim Board.

In the originally promulgated Security Officers Act, the objects of the Board set out in section 2 were stated to be the exercise of control over, and the maintenance, promotion, and protection of the profession of the security officer. In the Security Officers Amendment Act 104 of 1997, the legislature added two further objects, namely, to ensure that the industry acts in the public interest and for the periodic submission of reports to the Minister on the regulation of the industry. The appointment of an Interim Board, with a mandate to advise on changes in the relevant legislation, is a clear indication that the government is of the opinion that the current legal framework is in need of review and change.

With this background, on January 25, 2002, the South African government enacted the Private Security Industry Regulation Act No. 56 of 2001. The main purpose of this new Act was "To provide for the regulation of the private security industry; for that purpose to establish a regulatory authority; and to provide for matters connected therewith" (Government Gazette, 2001, p. 2).

Chapter 2, Section 3 of Act 56 of 2001 outlines the following Objectives, namely:

The primary objects of the Authority are to regulate the private security industry and to exercise effective control over the practice of the occupation of security service provider in the public and national interest and the interest of the private security industry itself, and for that purpose, subject to this Act.

The following are subjected to regulatory norm and control:

- Persons (e.g., employers, employees, managers, directors in the “security industry,” as well as for certain purposes, consumers of those services);
- Business entities (e.g., companies, close corporations, partnerships, sole proprietorships, and business trusts);
- Activities and practices (e.g., the rendering of certain types of security services and the manner in which this is done);
- Occupations (e.g., security guard, electronic security monitoring officer, private investigator, security consultant, and security manager/supervisor);
- Sectors (e.g., “contract security,” “in-house” security, “guarding sector,” the “unarmed” sector, and “cash in transit”);
- Relationships (e.g., employer/employee, and principal/contractor); and
- Objects or equipment used in providing a security service (security equipment as defined, for example, armoured vehicles, armed reaction vehicles, electronic alarms, electronic alarms, satellite tracking devices, security dogs, fire-arms, etc.).

It is imperative to define “security service” and “security officer” in accordance with current statutory definitions. The current scope of regulation is mainly provided for by two provisions in the Security Officers Act 92 of 1987, which determines what a “security service” and who a “security officer” are.

Section 1(1) of the Act contains the definition of security service, which is currently used for determining the scope of regulation. This definition reads as follows:

“[A] service rendered to by a person to another person for reward by:

- making himself or a person in his employ available for the protection or safeguarding of people or property in accordance with an arrangement concluded with such a person; or
- advising such other person in connection with the protection or safeguarding of people or property in any manner whatsoever, but does not include such a service rendered by an employee on behalf of his employer.”

What is Regulation?

Given the above, the Security Officers Interim Board, on which various stakeholder categories in the security industry in South Africa are represented,

had the statutory function of advising the Minister of Safety and Security on any future regulatory framework in respect to the security industry. It was therefore an appropriate moment to introduce a new statutory framework that would regulate the South African private security industry.

It may be useful to get an understanding of what regulation means in the context of the private security industry.

The Security Officers Interim Board Policy Paper on the future regulation of the occupation of the security officers and other related matters states the following:

Regulation generally means that the important aspects of the nature and activities of the security industry, including who is admitted to the industry and the standard of conduct expected of members of the industry, are controlled and shaped through enforcement strategies and actions in accordance with values, principles and standards contained in the applicable regulation (SOIB Policy Document, 2000, p. 12).

In essence, regulation implies that the members of the industry are not allowed to determine or govern all aspects of their professional or occupational activities in terms of self-imposed standards and principles and that the application of general laws is not sufficient.

Therefore, special legal principles are made applicable and an enforcement mechanism is created to monitor and enforce compliance.

Ibbotson (1998) aptly summarizes the objects of regulation in South Africa as follows:

“Regulation is simply to ensure that security officers — in any security discipline — who interact with the public are trustworthy and competent” (p. 10).

In their policy paper (2000) the Security Officers Interim Board, subscribes to the following:

“Regulation is intended to ensure a legitimate, trustworthy and competent private security industry which is optimally capable of contributing to the achievement and maintenance of sufficient levels of safety and security in our country” (SOIB Policy Document, 2000, p. 82).

As a point of departure it may be useful to briefly elaborate on some aspects of the industry that are subject to regulation.

Protection and Safeguarding of Property or Persons in General

This topic covers a wide range of activities in the “guarding sector” of the industry such as patrolling, protecting, guarding, watching, or performing access and exit control. Also included are services such as “close personal protection” or “VIP protection” (bodyguarding services).

Reactive Security

This refers to the security service usually described as “armed response” or “alarm response.” An alarm signal or other warning is reacted to by the dispatch of armed security personnel to investigate or to take such other necessary steps. Those who monitor alarms and similar equipment (in a control room or elsewhere) or dispatch any security personnel or supervise them are included in the regulation.

Armed Escort of Valuables (the Provision of a “Secured Transport,” “Cash-in-Transit,” or “Assets-in-Transit” Service)

This form of security service is already covered by the general description providing for the protection or safeguarding of property. This implies that the fact that cash or other vehicles are being transported or moved while being protected or safeguarded does not render their guarding or protection anything less or else than a security service.

Providing a Service Aimed at Ensuring Order and Safety on the Premises Used for Sporting, Recreational, Entertainment, or Similar Services

This includes the occupational activities of bouncers, crowd controllers, and those providing control at entertainment venues or during so-called “special events.” These operators perform important functions in the field of safety and security.

Manufacturing, Importing, Distributing or Advertising of Monitoring Devices as Contemplated in Section 1 of the Interception and Monitoring Prohibition Act, 1992 (Act No. 107 of 1992)

It is common knowledge that the use of electronic security equipment plays a pivotal role in most security systems. The equipment referred to includes equipment or systems concerning the following: vehicle security, intruder detection, fire detection, closed circuit television (CCTV), electronic surveillance, metal detection, X-ray inspection, bomb detection, telephone security, electronic access control, and aspects of telephone security. It is suggested that the activities of those who advise on the use and installation of security equipment at premises, or persons who monitor any signals from such equipment, be subject to regulation. The trustworthiness and competence of these persons should be promoted by subjecting them to an enforceable code of conduct.

Performing the Functions of a Private Investigator

The occupational activities of private investigators or private intelligence agents do not currently fall under the existing Security Officers Act, as

amended, and needs to be brought expressly under the provisions of the new legislation and the future regulatory authority.

Some of their activities/services include the following:

- Criminal, financial, forensic, personal, and asset investigations
- The surveillance of persons or the monitoring of some of their activities
- The gathering of business intelligence
- Risk assessment
- Tracing of persons or property
- Counter-intelligence activities

It is self-evident that the above activities pose a significant threat to the rights of individuals, the public interest, and even the interests of the State (internally as well as in its foreign relations). It is therefore necessary to bring the persons involved in such activities within the regulatory framework and make them subject to an enforceable code of conduct.

Provision of Security Training or Instruction

The current definition of a security service does not expressly include the activities of someone who provides training or instruction in relation to a security service. In terms of the proposed new legislation, security training means any training, instruction, or qualification required in terms of any law before a person may be registered as a security service provider or allowed to render a particular security service. Training providers have been included because of various serious malpractices in the security training industry that have highlighted the need for comprehensive and improved regulatory control. Such control will be promoted by requiring registration and compliance with the code of conduct for security officers.

Performing the Services of a Locksmith

A locksmith means a person who, for the benefit of another person:

- (a) opens, closes or engages locks, including locking mechanisms operated by means of an electrical, electronic, magnetic or other processes, by means other than keys, objects or procedures normally used;
- (b) repairs, replaces, rebuilds or adjusts locks or other locking mechanisms or their components;
- (c) manufactures parts designed for use in locks or such other locking mechanisms; or

- (d) cuts or reproduces keys or objects used to open, close or engage locks or such other locking mechanisms, but not a person who manufactures such locks, other locking mechanisms, keys or objects, only by repetitive methods. (Government Gazette, 2001, p. 7)

The Role of Private Security Industry in Crime Prevention

It was recently reported that the rapid growth and the increased need for private security services happened without any real development of policy, and some commentators have argued that there has not been any debate on what role private security should play in society.

Minnaar (2004) contends that internationally, the last 20 years has witnessed the growing role and influence of private security in many aspects of social control. This phenomenal growth has been attributed on the one hand to demands by the public for increased personal safety and protection, by business for increased security, and the growth not only in the mass property market but also in the size and number of shopping complexes, private security villages, and enclosed or gated neighborhoods. All of these factors were subtly encouraged by public perceptions of the efficacy of the public police to provide safety, law, and order, coupled with the declining trust and faith in the police to prevent crime.

Irish-Qhobosheane (2005) stated the following: "Thus far, we have talked about how the sector should be regulated, but we have not been making policy or defining the role of the industry. Where does public policing end and private security start? The separation between these roles has become very blurred" (p. 9).

The boundaries between public and private policing are becoming increasingly blurred. The establishment of a strong armed response component within the private security industry has moved the industry one step closer to performing some of the roles traditionally performed by the police. There also is a growing number of businesses and neighborhoods that are employing private security companies to patrol their streets and suburbs. In a number of places around the country, security companies are part of the local community police forums.

South Africa suffers from a kind of siege mentality, where people barricade themselves in their houses. Some of these measures seem a bit drastic, but the fear of crime is not hype. This situation becomes exacerbated because of the fear of existing property crime, which is rooted in economic differences.

This [protection] can lead to a breakdown in social bonding. It increases de-personalisation and the anonymity of the individual. The sense of responsibility towards other people and the community diminishes, which in turn leads to a breakdown in social control. The fact that we feel the need to hire armed response and move into gated communities and boomed areas is a manifestation of loss of faith in the police. People do not trust the police to effectively protect their area; they buy themselves some safety (Holleman, 2005, p. 2).

Residents who live in these gated townhouse complexes seem to believe there is safety in numbers. Complexes are guarded full-time and many have guards posted at the front gates.

According to Hollemans (2005), "this is not peculiar to South Africa, but [is] the pattern around the world. Informal settlements and gated communities are the fastest-growing forms of urban development across the world today" (p. 3).

Minnaar (2004) points out that in South Africa, there have also been ongoing efforts by the authorities to increase the regulation of the industry, but this has been met with considerable resistance or reluctance from the private industry. One of the problems has been in defining the parameters of powers that can be delegated to private security officers in any crime prevention policing operations.

Minnaar (2004) further argues that, "the debate has been complicated by the fact that in the last few years the provision of policing and crime prevention by the private sector has and is already occurring even in the absence of any official co-operative and regulatory framework" (p. 15).

The role that the private security industry plays in crime prevention, crime reduction, and crime control in South Africa will continue to supplement the traditional role of the South African Police Service in protecting the citizens of the country.

Duties shared by a partnership between the police and the private security industry include the following:

- responding jointly to crimes in progress
- investigating crimes
- sharing crime intelligence
- joint involvement in crime intelligence gathering (i.e., by means of joint surveillance teams or CCTV operations)
- sharing of expert knowledge (e.g. on the latest technology [private sector] or training methods [police])
- accessing and supplying official crime information
- joint planning and policing of special events
- assistance with training from both sides (e.g., for computer forensics by private sector companies or collecting and correct control of evidence at a crime scene by the police)
- crime prevention advice (i.e., sharing of risk analysis and audits information)

CONCLUSION

Some of the crucial issues that need to be resolved by the state and the private security industry include:

- defining the role of the police versus that of the private security industry;
- developing guidelines and mechanisms to enable the police and the private security industry to work together;
- creating mechanisms to enable the state and the industry to deal effectively with elements in the industry that are involved in illegal activities and practices; and
- protecting the public where they interface with the private security industry.

The first two points should be addressed through clear policy guidelines, the third through the criminal justice system, and the last should be dealt with through the introduction of effective regulation.

NOTES

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A Book Review on

Criminal Law Sourcebook. Peter Rush and Stanley Yeo (Eds.).
Sydney: Butterworths, 2000. ISBN 0-409-31633-4. 723 pages.

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Criminal law is a species of political and moral philosophy. Its central cause is justifying the use of the state's coercive power against free and autonomous persons. The link with moral philosophy derives from one answer to the problem of justifying the use of state power. If the rationale or a limiting condition of criminal punishment is personal desserts, then legal theory invariably interweaves with philosophical claims about wrongdoing, culpability, and justifying circumstances and excuses.

The *Criminal Law Sourcebook* presents cases and materials illustrating the statutory and judicial practices of criminal law in the common law states of Australia.

The authors of this book lead the reader on an interesting and useful journey through the terrain of research design, and they strike just the right balance between theory and practice, detail and generality.

The *Criminal Law Sourcebook* is a thoughtful and well written comparative study on the common law jurisdictions (New South Wales, Victoria, South Australia, and the Australian Capital territory) and the Code Jurisdictions (Queensland, Western Australian, Tasmania, and the Northern territory).

It is pleasing to see the emergence of more works such as *Criminal Law Sourcebook* that use comparative analysis to examine developments in the related Australian criminal laws.

In their introduction, the authors do a good job of setting the scene and justifying the selection of topics. Their intention is to transcend the discontinuities that exist between the states and territories in Australia. Moreover, the parliaments in each of the states and territories have transformed the form and content of discrete areas of substantive criminal law. Similarly, the judicial interpretations of criminal statutes and the common law of crime have expatiated extensively on the abstract and conceptual architecture of general principles of criminal responsibility and the institutional policies of due administration and justice.

It is difficult to conduct a complete survey of a topic in a collection. In this book of 12 chapters, each is introduced by a brief overview of the topic and the central issue. These chapters are all well rooted in empirical research. The cultural context for the chapters in the *Criminal Law Sourcebook* is Australia, and its orientation is theoretical, practical, and descriptive. The book, therefore, can contribute to theoretical and practical debates worldwide.

Substantive criminal law is a global phenomenon, and the themes and issues elaborated upon in this book are equally relevant for North America, Europe, and elsewhere. It is important to comment on the quality of this work as a comparative analysis. Today, there is a dearth of comparative legal analysis that addresses statutory and judicial trends in Australia. For that effort, Rush's and Yeo's work deserves applause. This book is a noteworthy contribution to the field of Australian criminal law.

The first chapter covers jurisdiction and general principles. In the first section of this chapter, the authors speak of the general principles of criminal responsibility because the interpretation of these principles provides one dominant way of constructing the meaning or value of current criminal law. The authors note the prevalence of these principles in the cases and their effects on how the Australian jurisdiction of criminal law may be understood. In the final section of this chapter, the authors draw their attention to a number of cases that have challenged (in Anglo-Australian courts) the reception of the common law of crime, and the judgments in these cases provide studies of the jurisdiction of criminal law in Australia.

The second chapter focuses on the laws of theft and larceny. This chapter is concerned with understanding the basic crimes against property, namely, theft and/or larceny. In the first section of this chapter, the authors begin with the social and legal history of the law of property crime. The cases in this chapter repeatedly return to social and legal history for their understanding of the current law of theft and/or larceny. In the final section of this chapter, the following questions are posited:

1. When does the act of taking property amount to an appropriation (or what, in the law of larceny, is called an asportation)?
2. What is the test of dishonesty that must be used when deciding whether a particular appropriation is dishonest? Related to this issue is the question of who is responsible for the decision of dishonesty — the jury or the judge.
3. What is the scope or meaning of "property belonging to another"?
4. What are the difficulties of proving the requirement that the accused possess an "intention to permanently deprive" that property?

The third chapter examines crimes of deception and other crimes against property. In this chapter, the authors are concerned with the basic offences of obtaining by deception and obtaining by false pretences, as well as a number of aggravated property crimes. Section one of this chapter extracts leading judgments on the acquisition of property by a deceptive practice. In section two and three of this chapter, the authors consider the legal ramifications of the crimes of robbery and burglary.

In the fourth chapter, the authors address the laws of assault. In the legal construction of the central crimes of assault elaborated throughout this chapter, a number of specific issues of definition and application are addressed. These issues arise in each Australian jurisdiction. In respect of each legal type of assault, they are:

1. the level and type of behaviour that falls within the *actus reus*;
2. the required standard of mentality and its meaning;
3. the doctrine of temporal coincidence that links the *actus reus* to the *mens rea*; and
4. the availability of the "defence" of consent in the law of assault.

In the fifth chapter, the authors are concerned with the legal construction of two core sexual offences, rape and indecent assault. In this chapter, the authors are concerned with the formulation of the legal doctrines and what these doctrines implicitly and explicitly say about the links between law and sexual relations. In the first section, the text addresses the different levels at which the law of rape/sexual assault is created and applied. The second section of this chapter addresses the laws of indecency in the crime of indecent assault. Indecent assault's factual distinction from rape is that the law targets sexual acts where penetration does not take place. Throughout the readings in this chapter, there is the more fundamental theme of the law of sexual offences: namely, what does criminal law regard as a sexual relation and how does criminal law imagine sexual relations? These questions establish the threshold beyond which criminal law transforms sexual relations into licit and illicit forms of sexual assault.

The sixth chapter addresses the conduct of homicide, and it is concerned with the legal formulation of the crimes of murder and manslaughter. The *actus reus* of murder and manslaughter is addressed by the readings in this chapter, which return once again to the enterprise of general principles of criminal responsibility. This chapter is concerned with the general principles of voluntariness and causation in criminal law and the specific legal problems that arise when applying those general principles to particular factual situations where death has occurred and the accused is prosecuted with murder or manslaughter. The first section of this chapter deals with the voluntary action of the accused. In this chapter, the readings from the judgments in Ryan and Falconer spell out the specific legal meaning of voluntariness. The second section of this chapter considers the general principle of causation in criminal law. The final section of this chapter addresses the specific legal problem known as "omissions."

Chapter 7 presents the minds of homicide. The readings address the processes through which the various *mens rea* of homicide are formulated in current Australian criminal law. The first section of this chapter addresses the rhetoric of legal psychology dealing with judgments in Hancock, Shankland, Pemble, Crabbe, and Royall. The second section addresses the meaning of the requirement that the intention or recklessness of the accused coincide in time with the actions of the accused causing death. This is called the doctrine of temporal coincidence, and the case of Meyers illustrates the demand that the prosecution closely adheres to the doctrine. The remaining sections of this chapter are concerned with crimes of homicide, which involve what are traditionally regarded as departures from the common law tradition of *mens rea*. In the law of manslaughter and of constructive murder, a person will have volun-

tarily acted in such a manner as to cause death, and yet did not intend, nor was reckless as to, causing death or grievous bodily harm. In such situations, criminal law builds another *mens rea* to take the place of the subjective standard that law cannot see in the facts. There are several methods that criminal law uses to construct the substitute *mens rea* of homicide. The third section provides readings on the law of constructive murder, or what the common law calls felony murder. In section four, the readings address two legal types of manslaughter.

Chapter 8 considers doctrines of provocation and self-defence. The readings in this chapter turn to the doctrinal formulation and definition of substantive defences. The first section of this chapter provides the leading and authoritative cases on provocation, which are relevant to an understanding of the defence in all Australian jurisdictions. The statutory definitions largely embody the common law approach. Alternatively, the High Court has attempted to bring the common law position into line with the statutory approach. The second section deals with the doctrine of self-defence and provides the leading cases on self-defence for New South Wales, Victoria, and the Australian Capital territory. In South Australia, there is a recently enacted statutory definition, which at least is being judicially interpreted in the same way as the common law approach. Unlike the other jurisdictions, South Australia also has the partial defence of excessive self-defence. The third section of this chapter organizes the readings and cases in terms of the substantive social issues to which the courts have been responding when formulating the legal definitions of provocation and self-defence.

Chapter 9 focuses on the legal formulation and elaboration of the doctrine of duress and the doctrine of necessity. Section one deals with the doctrine of duress. The starting point of the appellate consideration of the doctrine of duress is whether, on the evidence before the trial court and in the current state of the law, the defence should be put to the jury for its decision. The answer to this question provides the substantive law of duress. One way of answering it is to assess and elaborate the proper directions to and summation for the jury on the defence. This approach completely dominates the judgment in *Abusafiah*. By contrast, the cases of *Lawrence* and *Howe* formulate the doctrine of duress by expatiating upon the authority, principles, and policies of the common law. Section two studies the doctrine of necessity. The question that has dogged the courts is whether criminal law recognises such a defence.

In the tenth chapter, the authors have collected readings that address situations in which the accused relies on a claim that his or her psychological processes were in some way disrupted at the time of committing the crime. Section one deals with the defence of insanity and the defence of diminished responsibility. The doctrine and defence of diminished responsibility is closely allied with the defence of insanity. Whereas the doctrine of insanity speaks of "defect of reason" and its cognate expressions, the doctrine of diminished responsibility speaks of "abnormalities of mind." Section two focuses on the doctrine of intoxication. The primary concern is "self-induced intoxication," namely, intoxication that is the result of choosing to consume alcohol or drugs

(licit or illicit). Section three considers the doctrine of automatism. Automatism and insanity are related defences and in some trials, their interaction is crucial to the legal dispute. The final section of this chapter addresses the doctrine of mistake.

Although it is a discrete doctrine of criminal law, it cannot be understood apart from its formulation in the doctrine of strict and absolute liability. The general principles of criminal responsibility have been fundamentally created and formulated by the common law tradition. In common law, the presumption was that all crimes require proof of *mens rea*. With the rise of statutes and statutory crimes in the nineteenth century, the issue became how to interpret crimes that did not exist at common law but were created by statute: Did the common law presumption of *mens rea* apply and, if so, how did it apply to the specific statutory section? The answer to this question is the doctrine of strict and absolute liability.

Section one begins with an overview of the doctrine of complicity and its various prosecutorial methods. The authors collect leading cases on the legal discourse of complicity. The legal concern is to target the formation of and participation in collectives or groups and to attribute criminal liability to individuals for their personal participation in the group's criminal activity. The doctrine of complicity is an example of the concern of criminal legal practice to widen the net of criminal liability to cover people on the fringe, as it were, of personally committing crimes. The doctrines of complicity do not create and define a substantive crime called complicity, rather, the doctrines create no more and no less than a legal method for finding criminal liability.

Chapter 11 offers doctrines of complicity. Complicity is not a crime but a method of finding criminal liability in the specific factual situations of particular cases. The doctrines of complicity construct two such methods. Section two addresses the first method, which constructs complicitous liability by reference to the common law classifications of principals and accessories. This method is primarily concerned with the forms of "secondary participation." The term "secondary participation" is increasingly used in Australia as the generic phrase describing what the common law calls "aiding, abetting, counseling or procuring" the commission of a crime. This method is applicable in all the common law jurisdictions of Australia. The final section addresses the second prosecutorial method of complicity. That method of constructing complicitous liability references the more specific doctrine of common purpose (in Victoria, it is also referred to as "concert" and in New South Wales as "joint criminal enterprise"). The second method also deals with the activity of secondary participation; however, liability is not constructed by reference to the common law classifications of principals and accessories but by reference to the distinct doctrine of common purpose. The central issue of the doctrine of common purpose is how wide or how narrow the law will draw the common purpose in the specific factual situation.

The final chapter covers doctrines of attempt. The law of attempts targets individuals who try to commit a crime but who, for various reasons, do not succeed. Under the doctrines of attempt, the accused is held responsible for

trying to commit a crime. The liability of the accused is extended beyond what the accused did to what he or she tried to do, and even beyond what he or she caused to happen. In this sense, the crime of attempt — together with the crimes of conspiracy and of incitement — were traditionally referred to as “inchoate” or “incomplete” crimes. The substantive crime of attempt is an incomplete crime. The doctrine of attempts concerns itself with those elements that must be proved in all cases where the prosecution alleges that the accused attempted to commit a crime. Section one deals with the elements of the doctrine of attempt. The basic formulation of the doctrine establishes two elements that must be proved by the prosecution when accusing a person of attempting to commit a crime. The accused intended to commit the complete crime, and the accused engaged in conduct that is “more than merely preparatory” and is at least “proximate” to the commission of the complete crime. These two elements constitute the *mens rea* and *actus reus* of the common law doctrine of attempt. The final section of this chapter addresses the question of impossibility. The question of impossibility does not give rise to any additional elements of the crime of attempt. The application of those elements to specific factual situations is an issue in the question of impossibility: Can you attempt to commit a crime that it is impossible to commit? This question and its response are presented in this section.

This is a well-informed and well-argued book that would be welcome as a substantial contribution to scholarship on criminal law. It is also a useful resource for anyone engaged in the study of criminal law, and it would serve well as an orientation to criminal law issues for postgraduate students of law.

Today’s observers of Australia and scholars of crime “on the continent” would find this kind of publication useful if they are interested in understanding new information and acquiring judicial judgments for their studies. The conceptual framework and arguments in this monograph present valuable windows of opportunity for further study.

In summary, this is a very useful work for academics and practitioners who are dealing with substantive, evidential, and procedural law and who are focused on the substantive criminal law in Australia. Researchers and teachers will find an abundance of informative material. Law enforcement officials will find judicial judgments and legal discussion of current trends especially fascinating and useful.

Overall, this monograph lays the foundations for future scholarly inquiry into unanswered and emerging questions of scholars, advocates, and law students.

NOTES

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A Book Review on

Violence at Work: Causes, Patterns, and Prevention. Martin Jill, Bonnie Fisher, and Vaughan Bowie (Eds.). Portland, OR: Willan Publishing, 2002. ISBN: 903240-62-X. Hardcover GBP#25.00.
220 pages.

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Violence at Work: Causes, Patterns, and Prevention includes 12 articles authored by academics and practitioners from the United States, Britain, and Australia. The chapters present a broad set of perspectives on the issues related to workplace violence, inventive thinking about its causes, and approaches to reducing and preventing different types of violence.

Editors Martin Jill of the University of Leicester (U.K.), Bonnie Fisher of the University of Cincinnati (U.S.), and Vaughan Bowie of the University of Western Sydney (Australia) intend to provide a foundation on which others may develop new theories and improve current theories to explain, predict, and understand workplace violence and to develop more effective prevention strategies. The editors review the earlier literature on workplace violence and identify key trends and patterns in violence at work. They reapply and expand on traditional theories of victimization and approaches to prevention, security, and safety.

Vaughan Bowie ("Defining Violence at Work") provides a discussion about the definition and typologies of workplace violence. He examines the link between workplace conditions and violence and categorizes workplace violence as intrusive, consumer-related, relationship-based, or organizational. Claire Mayhew ("Occupational Violence in Industrialised Countries: Types, Incidence Patterns, and 'At Risk' Groups of Workers") describes the epidemic of occupational violence in certain jobs. She identifies the risk factors for victimization based on a previous study of Australian workers and notes the difficulties of gathering data on the patterns of reported and non-reported occupational violence in industrialized countries. Giles Arway ("Causal Factors of Violence in the Workplace: A Human Resource Professional's Perspective") provides a human resource perspective and focuses on human resource managers. He writes that factors such as working environment, stress, management styles, and coworker relationships cause or trigger occupational violence, and these factors may be handled by human resource managers. Matt Hopkins ("Developing a Framework for Understanding Patterns of Abuse and Violence Against Businesses") uses concepts from lifestyle theory to

understand the risk of victimization. He also draws from routine activities theory to theorize about how a suitable target and absence of capable guardianship cause workplace violence. Evaluating his findings from 894 businesses, he explains why some people are excessively victimized and offers a model about how violence occurs and how it is triggered. James F. Kenny ("The Process of Employee Violence: The Building of a Workplace Explosion") identifies the risk factors for offending, particularly stressors, and discusses opportunities for managers to tackle violence by using crisis management planning, pre-crisis intervention, and prevention strategies. Shannon Santana and Bonnie Fisher ("Workplace Violence in the United States: Are There Gender Differences?") examine different types of violence by reviewing several former studies to compare and contrast the degree of violence committed against females and males. From the viewpoint of gender differences in victimization, they report that women are more likely than men to be victimized at work. They focus on the need for different prevention strategies depending on these different victimization patterns. Marc Braverman ("Prevention of Violence Affecting Workers: A Systems Perspective") emphasizes organizational strategies, self awareness, and learning as ways for organizations to deal with violence. He uses a systems perspective, and he focuses on managerial skills.

Parallel to Kenny's ideas, Braverman states that workplace violence may be predicted by early signs of trouble. Brodie Paterson and David Leadbetter ("Standards for Violence Management Training") criticize the current unregulated world of management training, and they recommend standards for violence management training. They argue for developing alternative training programs to address specific problems and types of violence and against trying to fit one approach to all situations. Comparing workplace violence with workplace bullying, Oonagh Barron ("Why Workplace Bullying and Violence are Different: Protecting Employees from Both") recommends that because different forms of workplace violence at work have dissimilar behavioral characteristics and legal implications, the response needs to be specific. She provides an occupational health and safety perspective for developing solutions for various forms of violence. Anthony Pizzino ("Dealing with Violence in the Workplace: The Experience of Canadian Unions") provides information about Canadian trade unions tackling workplace violence by raising the awareness of risk factors and creating appropriate policies. Because most violent offences are done by outsiders, he focuses on safety issues in work places. Raymond B. Flannery ("The Assaulted Staff Action Program [ASAP]: Ten-year Analysis of Empirical Findings") reviews the work of 16 Assaulted Staff Action Program (ASAP) teams that dealt with 929 cases. He concludes that the program is effective for providing care to the victims of occupational violence. He also emphasizes the need for further research, especially on the severity of assaults and gender differences of assault victims. Noreen Tehrani ("Violence at Work: Supporting the Employees") emphasizes attending to victims' psychological health by supporting those who are victimized by

traumatic incidents at work. Based on a review of a trauma care system in the United Kingdom, she identifies the following useful program elements: dealing with the traumatic events systematically, presenting an organizational commitment to employees, providing an opportunity for employers to share their experiences with their colleagues, and helping the organization to identify those employees who need additional help.

Although the book *Violence at Work: Causes, Patterns, and Prevention* serves the editors' intentions by providing a foundation for future studies, it has some limitations. Despite the attempt at a global vision, the book only includes studies from the United States, Canada, the United Kingdom, and Australia. All of these English-speaking countries have similar cultural norms and legal traditions, and all of them are developed countries. Therefore, even though they are geographically scattered, they are far from representative of a global view. If the book had provided studies from several countries, both developed and developing, and from countries with different cultural traditions, it would have more fully considered a global phenomenon.

Furthermore, whereas the book provides detailed explanations of victimization through workplace violence, it provides little insight into the offenders. There is no theoretical attention to the offender except for the chapter "The Process of Employee Violence: The Building of a Workplace Explosion" by James F. Kenny. Risk factors are mostly evaluated for victimization, and risk factors for offending are relatively neglected. Equal attention should have been given to risk factors for both victimization and offending.

Finally, the reader is left to connect the chapters to each other. Even though the editors briefly provide general information about each chapter in the introduction, it would have been helpful to have an approach pointing to gaps in the material covered by comparing and contrasting the chapters. For instance, no mention is made about whether people who are violent in the workplace repeat their offenses. Such gaps might promote interest in areas for future research.

Despite its limitations, the book provides a sampling of knowledge for explaining, predicting, understanding, and preventing workplace violence. It brings together a good mix of analysis, and it presents a valuable set of academic and practitioner perspectives. It can be a useful starting point for researchers, policymakers, managers, and students who are interested in occupational violence.

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A Book Review on

American Militias: State-Level Variations in Militia Activities. Joshua D. Freilich. New York: LFB Scholarly Publishing, 2003. ISBN 19-31202532 Hardcover US \$58.00. 183 pages.

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This book presents research on the militia movement in 50 states during 1994 and 1995. The main focus of the author's investigation is to understand what differentiated states that had more militia organizations from those states with fewer. Secondly, the author seeks to fill a void in the literature on militia through the use of both quantitative and qualitative research methods.

The introductory chapter spells out the author's focus and goals and does a good job of preparing the reader for the chapters ahead. The author draws from scholarly articles and books, analyses by journalists and others, books by human rights watch groups, senate hearings, and materials produced by the militia members themselves. A number of hypotheses and predictions are set forth, which could account for observed variations in the distribution and level of activities of militia groups. There also is a discussion of data and methods as well as study results and implications.

In the literature review in Chapter 2, the author educates the reader about the structure and ideology of militia groups and describes a variety of recruitment methods. There are two general types of militia groups, above ground and below ground, and they have different structures, beliefs, and attitudes. The two types of groups share a general ideology that includes unconventional beliefs concerning governmental authority, especially the federal government, technology, modernity, the media, corporate elites, the global economy, and contemporary progress. The author advises that militias fear losing their constitutionally protected rights in general and their highly cherished right to carry firearms in particular.

Chapter 3 uses the State of Michigan as a brief case study of the history of militia movements. Chapter 4 begins with a review of the theories that might explain social movements. This review sets the stage for a consideration of theories that explain the rise of right-wing social movements and more specifically the rise of the militia movement in the United States during the mid-1990s.

In addition to his own empirical research, the author relies on the only other existing quantitative study, which used a statistical model to explain the variation in levels of militia activity across the United States. The prior research had shown that the strongest predictors of militia activity are the

number of ardent gun owners, the number of Gulf War veterans, the willingness/capacity to engage in violent behavior as measured by the amount of stolen explosives, and the percentage of democratic representation. The author felt the need to do his own research because the prior work only examined selected regions of the United States.

In Chapter 5, the author addresses the main research question: What differentiated states that had more militia organizations and activities in the years 1994 and 1995 from those states that had lesser numbers of militia organizations and militia activities? The author's own research was guided by propositions from each of the main theories that were discussed in the literature review. According to economic/social integration theory, a high concentration of farming, economic depression, and social disorganization are related to high levels of militia movement activity. Resource mobilization theory suggests that states that are more prosperous and socially integrated would be characterized by high levels of militia movement groups and activities. Cultural theories propose that states experiencing greater levels of cultural diversity, female empowerment, and paramilitary cultures have greater levels of militia movements and activities.

The author proposes a few "miscellaneous hypotheses" as possible influential factors. These include the legal status of paramilitary organizations, the state's past experience with right-wing extremism, the state's prior display of sympathy toward right-wing movements, level of social upheaval and political turmoil in the state, and the degree of tax burden in the state.

Chapter 6 describes the challenging task of defining and measuring the dependent variable, since there were no accepted valid or reliable data that measure the number of militia members on the state level. Militia movements are typically small, secretive, and disbursed throughout an area. Additionally, law enforcement is not willing to share information. Reportedly, the only sources which possessed data relevant to the research question are two human rights watch groups: the Anti-Defamation League (ADL) and the Southern Poverty Law Center (SPLC). The dependent variable was created by averaging the ADL and SPLC counts and dividing by the per capita number of militia organizations by state. In addition to the full description of the dependent variables, useful tables include lists of the numerous independent variables.

Chapter 7 describes the findings. Regression analysis tests those factors that impacted the rise of the militia movement. The author reports that there was tentative support for some aspects of the cultural theory and miscellaneous political turmoil prediction, whereas no support was found for any of the economic/integration or other miscellaneous hypotheses. In Chapter 8, the results are reviewed along with a discussion of a number of theoretical and policy implications and suggestions for future research.

The author realized his intent of identifying factors that distinguish which states are likely to have higher levels of "militia members." However, the author's intent to identify factors that distinguish which states are likely to have higher "militia activity" levels is not realized. The author admittedly

assumed that the greater the number of militia movements or members, the greater the number of militia activities. The variance in the level of militia activity is not actually measured, because the data just represented the number of militia organizations for each state.

Additionally, the author does not specifically name which states contained predictor factors indicative of high militia movement levels. The characteristics of a state that has higher amounts of militia movements are identified, but the state is not named. After having read the book, I was left curious about which specific states are likely to have higher amounts of militia movements.

Overall, the book was well written and easy to follow. It provides a good basis for building a familiarity with the prior literature and research on militia movements. The book would serve as a useful reference for students or scholars interested in the general development of militia groups in the United States. Furthermore, the author contributes to theory by operationalizing into variables the major theoretical concepts and then testing theoretically relevant hypotheses.

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A Book Review on

Extreme Killing: Understanding Serial and Mass Murder. James Alan Fox and Jack Levin. Thousand Oaks, CA: Sage Publications, 2005. ISBN 0-7619-8856-4 Hardcover US \$74.95. ISBN 0-7619-8857-2 Paperback US \$29.95. 290 pages.

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Extreme Killing: Understanding Serial and Mass Murder by James Alan Fox and Jack Levin, is an eclectic mixture of storytelling and qualitative and quantitative research on a topic that is both disturbing and difficult to research. Both authors are noted scholars who have written over 40 books on homicidal killing and related phenomena. In addition, they have also written numerous journal articles and newspaper commentaries and have appeared in court and on television as experts on the topic. Their vast knowledge of this area is evident in the riveting and enlightening material that is found in this book, which provides concepts and explains assumptions relevant to multiple killings. It is well organized, contains detailed, descriptive text, and includes a clear presentation of relevant statistics.

Extreme Killing educates the reader about the similarities and differences in the concepts of serial murder and mass murder by using a mixture of empirical research and case studies to make important points about these complex concepts. The authors show how the offender's agency is affected by an array of complex physical, sociological, and psychological phenomena occurring in their lives.

The authors present the results of data analysis showing the prevalence and characteristics of serial killing and mass murder. The use of these data creates an important introduction to case studies. The tables and research findings complement and strengthen the subsequent rich descriptions of the various case studies of the killers. The book is a primer on understanding homicide through the eyes of the investigators, victims, and perpetrators.

The authors examine notable offenders like Jeffrey Dahmer, who sought out young gay men to kill, butcher, and cannibalize, and Charles Manson, who inspired a group of his followers to massacre several people in California as a part of his cult rituals. Fox and Levin also look into some less notable cases, such as Randy Kraft, who mutilated and killed as many as 67 men across three states. The contrasts and comparisons between these case studies provide intimate detail and corroborating evidence in a discussion of what drives killers to act in certain ways. However, for some of the descriptions, it is unclear

that such great detail is useful; rather, it may appear gratuitous. An example is the case of Harry De La Roche, Jr., who after shooting his sleeping family one by one, shot and injured his 12-year-old brother and then bludgeoned him to death. The book also lacks an analysis of how to stop these crimes, but the reader is encouraged to understand that it is not meant to be a "how to" book on catching killers.

The book is divided into four main parts: multiple murder, serial murder, massacres, and an epilogue. Each part includes several chapters, and the written and tabular materials are enhanced by several photos. In addition, each chapter is divided by subheadings that allow the reader to easily focus on different points within the chapter.

In Part I, the overview of multiple murderers describes several well-known cases. One of these is the Green River Killer, Gary Ridgeway, who killed at least 48 women and littered the countryside in Washington State with their corpses. Ridgeway routinely visited the sites, until one day he realized that the police might try to follow him to locate the bodies. Whereas Ridgeway and other serial murderers are difficult to capture because of their need for secrecy, mass murderers perpetuate their crimes openly to make personal or political statements. This is an important distinction that is reinforced throughout the book and shows how differences in typology are related to the possibility of capture.

In Part II, discussing serial murder, the authors begin with "An Anatomy of Serial Murder," which is a poetic turn of phrase signifying that many serial killers mutilate their victims' bodies. One of the more notable cases in the chapter is Theodore "Ted" Bundy, a serial killer who was able to captivate his victims by what was described as a charming personality. Fox and Levin capture the reader's attention by describing serial killers living in virtual anonymity within communities, burying corpses in their own homes, and carrying on normal relationships with those around them. They use quantitative data to describe 558 serial killers who were active in the United States after 1900 and propose how the offenders' demographic characteristics (such as age, race, or gender) contribute to the likelihood of killing. Whether the offenders commit their crimes alone or with others often is determined by their living arrangements or location. The quantitative analysis complements descriptions of the types of serial killers, and it highlights that large numbers are male.

The authors try to penetrate the façade of news reports and show the underlying motives for serial killing. These motives include desires to act out fantasies, dehumanize victims, or cannibalize them. An examination of childhood abandonment or abuse of the perpetrators shows how their actions were motivated by the need to reclaim power.

In the later chapters on serial murder, Fox and Levin look into biological and neurological factors, particularly brain dysfunction, as explanations of how injuries sustained in childhood could explain killers' actions. This topic is not fully explored in the book, but it might be a fruitful focus of further

research. The authors comment about their hesitancy to place this material in the book for fear of being called "biological criminologists." Historically, the ideas formulated by biological criminologists have received negative commentary in the field of criminology; however, recent advances in research on the brain, advances that are not considered in the book, suggest the need for further study of biological explanations.

The authors begin Part III of the book, on massacres, with the results of an analysis of the prevalence and types of mass murder. The data are from the *Supplemental Homicide Reports* from 1976-2002. Included are descriptions of different tactics and motivations and the general characteristics of mass murderers, who tend to be male and somewhat older than other murderers. The detail that is captured from the data set provides the reader with a snapshot of what will occur in the following chapters.

Many mass murders are done in public. Some of the more well-known cases involved killings at post office facilities, which are referred to idiomatically as "going postal." The intent of the perpetrator in many of these situations is to make a statement or to act out some repressed need to kill. The drive to commit mass murder is often money, love, or revenge. The perpetrators of mass murder are more deliberate and methodical in their attacks, and often attack within the family or workplace.

Fox and Levin examine the inherent frustrations that mass murderers exhibit due to romantic obsession, family financial issues, or workplace rage. They present colorful and dramatic stories of school massacres in the 1990s to highlight what drives some people to commit mass killings. Mental illness is involved in many cases. There also may be biological factors such as brain dysfunction, which again suggests an area for future research.

The concluding section (Part IV) is an epilogue inviting the reader to remember the victims of these tragedies through poignant accounts of their sacrifices. The authors include photos of the victims and memorials to remember how they died. It is an interesting concluding section that focuses on the victims, not the perpetrators.

In conclusion, this book addresses many questions about mass and serial murders, and about how the criminals' actions impact the world around them. It is not designed as a "how to" guide to capture criminals but rather is an eclectic, rich description of the circumstances of the murders. The details of the cases are insightful, and the data that are analyzed in the openings of the two main sections illustrate the demographics of the killers. This book could benefit from more empirical research on some of the main topics, such as how cults influence these killers. However, the research that is presented is very well prepared, and the flow of the material encourages readers to expand their understanding of the topic. It is not a book for the faint of heart, and it may leave the reader with disturbing recollections of these horrific incidents. However, the content and style of the book would be particularly engaging for undergraduate or graduate students studying deviance, psychology, sociology, or criminal justice. For young students, some consideration should be given to

the presentation of disturbing material. Taken as a whole, the authors' extensive research is packed into this quintessential book on understanding serial killings and mass murders.

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A Book Review on

Understanding Homicide. Fiona Brookman. London: Sage Publications, 2005. ISBN Hardcover 0-7619-4754-X US \$89.95. ISBN Paperback 0-7619-4755-8 US \$44.95. 355 pages.

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In *Understanding Homicide*, Fiona Brookman presents a comprehensive overview of homicide in the United Kingdom. Like many topical texts, this book provides the reader with quantitative information that describes patterns, characteristics, and typologies as well as theoretical information that describes the body of knowledge used to explain the phenomenon. What sets this book apart is not its focus specifically upon the United Kingdom, but rather its ability to critically assess our current state of knowledge regarding homicide. Homicide is discussed as a socially constructed crime category that is difficult to define and categorize due to the diversity of forms it takes. These very same characteristics make it difficult to develop universal theories and formulate preventative policy strategies. The reader is left with the impression that very little is known about homicides. Moreover, what is known is shaky at best.

The book is separated into four sections. The first section deconstructs the definitions of homicide that are produced by legal categorizations and social constructions. Brookman contends that traditional legal categorizations of homicide (e.g., murder, manslaughter, and infanticide) are limited, arbitrary, and do not encompass all the instances in which an unlawful killing may occur. In an effort to expand the concept of homicide, accidental death categories are evaluated according to their potential reconstruction into homicides. Similarly, undiscovered bodies, missing persons, and inaccurate cause of death classifications are discussed as a pool of potential homicides that will not be defined as such. After acknowledging the inherent difficulty in formulating a single definition of homicide and highlighting the downward bias of homicide statistics that rely upon legal categorizations, the remainder of the section examines homicide data for the three U.K. jurisdictions (i.e., England and Wales, Scotland, and Northern Ireland) and begins to develop generalized patterns, event characteristics, and typologies of a homicide encounter. Additionally, the data section advances the importance of age, race, class, and gender to the understanding of homicide, which is an underlying theme throughout the remainder of the book.

The second section examines theoretical discourses that have attempted to explain homicide. Biological, psychological, and sociological explanations are discussed in terms of their historical and contemporary content as well as their

underlying philosophical assumptions. Theories within each of the individual discourses are critiqued, and the reader is informed of the criticisms, contributions, and limitations of a theoretical approach to the study of violence in general and of homicide specifically. Noting the complexity of a homicide encounter and the limited explanatory scope of the theoretical approaches, Brookman suggests a movement toward integrative theories that encompass "the interplay between, at the very least, the offender, victim and facilitating environment" (p. 118). This suggestion is made cautiously, however, as the diverse nature of a homicide encounter makes it difficult to develop a single theory that universally explains homicide.

The third section examines four specific forms of homicide and sheds light upon the variability within and between distinct categories of homicide. Offender, victim, and event characteristics, vignette supported scenarios, and an exploration of the theories that may explain the specific type of homicide encounter are discussed. An initial emphasis is placed upon the development of a gendered understanding of homicide with a focus upon male- and female-perpetrated homicides. Male versus male and male versus female homicides are discussed, and the differences and similarities between the genders are analyzed. The remainder of the section moves towards homicides that are more "atypical." The homicide of children and infants is examined with a focus on male, female, and child perpetrators. Multiple homicides, in the context of serial killers, terrorists, and corporations, also are discussed.

The final section of the book examines the investigation process and efforts to prevent homicide. Although practical in nature, this section brings the focus back to the socially constructed nature of homicide. The investigation portion of the section focuses upon the degree of police interpretation and inference that is needed to construct a homicide event in a manner that will fulfill legal requirements. The roles and responsibilities of individual actors in the investigation process are discussed, and the section highlights important decision points in which a crime may or may not be classified as a homicide. The remainder of the section provides a general overview of preventative strategies. It is followed by an examination of specific strategies utilized to prevent domestic, child/infant, and alcohol-related street homicides. Similar to the discussions of homicide definitions and theories, a single preventative strategy that will curtail all homicides is simply unattainable. A fragmented approach may have more of a preventative effect, with specific strategies geared towards a specific category of homicide.

Brookman's ability to destabilize our understanding of homicide and challenge the reader to ask additional questions about the existing homicide knowledge base is the strength of the book. A few of the sections could have benefited from further elaboration. For instance, the third section attempted to develop a gendered understanding of homicide. Male versus male and male versus female encounters are used to examine male perpetrated homicides. For female perpetrated homicides, female versus male encounters were examined, but female versus female encounters were overlooked. The discussion of the

similarities and differences between the two genders would have been stronger if both genders were examined equally instead of placing the focus upon intimate partner and/or acquaintance homicide. Despite such marginal weaknesses, the book provides a comprehensive and insightful examination that may benefit students and scholars with an interest in homicide.

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A Book Review on

Will the Circle Be Unbroken? Aboriginal Communities, Restorative Justice, and the Challenges of Conflict and Change. Jane Dickson-Gilmore and Carol LaPrairie. Toronto, Canada: University of Toronto Press, 2005. ISBN: 0802089224 Hardcover US \$65.00.
ISBN: 0802086748 Paperback US \$29.92. 268 pages

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In *Will the Circle Be Unbroken?*, authors Jane Dickson-Gilmore and Carol La Prairie discuss how structural, cultural, and institutional conditions affect the implementation and effectiveness of Aboriginal restorative justice programs. By extracting main themes and findings from a limited body of Aboriginal restorative justice literature, the authors outline the problems encountered by those advocating for a more culturally sensitive system of Aboriginal criminal justice. In addition, they provide a holistic description of the community conditions and crime statistics of Aborigines that lead many to call for restorative justice alternatives.

Dickson-Gilmore and La Prairie begin by describing the Aboriginal communities' demographic, structural, and cultural conditions that pertain to the problem of Aboriginal overrepresentation in the criminal justice system. They show how Aborigines are increasingly moving from reservations to some of Canada's more urban areas. The authors cite research that shows that the Aboriginal population is younger in comparison to the general population and is more likely to enter the criminal justice system at an earlier age. Despite variation in Aboriginal lineage and location, Aborigines are more likely to live in areas of poverty where both familial and community resources are limited. By examining the social and structural conditions in which Aborigines exist, the authors provide a structure-based explanation of Aboriginal overrepresentation in the criminal justice system as an alternative to a simpler "clash of cultures" argument.

Placing their discussion of Aboriginal restorative justice in the context of a broader view of criminal justice reform, the authors reveal how some past reform efforts have served as "band-aids" to the complex social roots of Aboriginal crime and overrepresentation in the criminal justice system. They describe, for example, how some police departments require their officers to participate in cross-cultural sensitivity training and/or emphasize hiring Aboriginal officers. Such measures are supposed to increase cultural diversification and understanding. Dickenson-Gilmore and La Prairie conclude,

however, that past attempts by police departments to become more culturally sensitive to Aboriginal culture have been largely unsuccessful. In addition, the authors discuss research that reveals unintended consequences of indigenization practices (e.g., Aboriginal police officers not taking seriously particular crimes that are disproportionately committed by Aboriginality, such as domestic violence).

More generally, Dickson-Gilmore and La Prairie distinguish past criminal justice system reform efforts from restorative justice programs that aim to shift the formal adjudication power of the criminal justice system to Aboriginal communities. Ideally, restorative justice is designed to transform certain Aboriginal offenders' lives by allowing them to reconnect with the communities they have harmed and to empower victims by allowing them to play a role in deciding the nature of their offenders' sanctions. In short, victims, offenders, their families, and the Aboriginal communities may be empowered by having the opportunity to deal with crime in such a way that better reflects Aboriginal traditions and culture.

The authors provide a number of reasons why restorative justice reform efforts are largely unsuccessful in facilitating the necessary shifts in power to Aboriginal communities. In particular, they argue that the traditions and definitions of community are different depending on Aboriginal tribal lineages, geographic locations, and demographic characteristics. Therefore, assumptions about culturally relevant restorative justice initiatives may be erroneous. The authors also illustrate how some Aboriginal families are unable to provide the required support mechanisms needed to restore and reintegrate Aboriginal victims and offenders. For instance, Aboriginal restorative justice programs are tasked with problems such as family violence and intrafamilial sexual abuse. Strong emotions make it difficult for family members to be effective facilitators of healing and restoration. In short, the authors maintain that the assumption that Aboriginal tradition, culture, family life, and community support, are both present and functional could perpetuate further harms or injustices such as insufficient and disparate penalties as well as the revictimization of some victims.

According to Dickson-Gilmore and La Prairie, even when the criminal justice system promotes restorative justice reforms, it often does not provide the financial resources needed to ensure effectiveness. The actual authority to handle Aboriginal criminal justice may never actually be shifted to Aboriginal communities. Restorative justice programs may only serve as extensions of the formal criminal justice system, but may also provide an alternative and more efficient way to process Aboriginal offenders.

The authors conclude that despite the numerous potential problems with implementing restorative justice programs in Aboriginal communities, some existing programs can be considered somewhat successful: those that usually focus simultaneously on the socio-political context of Aboriginal communities and specific instances of Aboriginal crime. Continued evaluative research is needed to determine what types of programs (e.g., substance abuse treatments)

are most needed by particular Aboriginal communities. Finally, the authors emphasize the importance of increasing the social capital of communities along with the continued injection of social justice into Aboriginal criminal justice processes.

Will the Circle Be Unbroken? is a very informative book that illustrates the social problems that contribute to the overrepresentation of Aboriginals in the criminal justice system. It explains the failure of various restorative justice initiatives that aim to reduce Aboriginal overrepresentation. The literature review of Aboriginal restorative justice is extensive and allows readers to more fully understand the relationship between the criminal justice reform efforts, Aboriginal families and communities, and the broader socio-political context. The book is easy to read and can be understood by individuals with little or no knowledge of restorative justice reform. Readers should be aware, however, that the authors offer no new research on Aboriginal restorative justice. Rather, they review a number of past studies that examine Aboriginal restorative justice programs with a focus on the individual, family, community, or organization. Although each chapter presents new information, the authors' summaries of past research may seem repetitive as they emphasize reoccurring findings from various studies that examine a range of Aboriginal restorative justice programs at different time periods and locales. Nevertheless, this book is a must read for people interested in criminal justice reform including academics, students, practitioners, and those in the community responsible for the implementation of restorative justice programs. This book could serve as a primary text in any course on restorative justice or criminal justice reform.

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A Book Review on

Youth Crime and Youth Culture in the Inner City. Bill Sanders. New York, NY: Routledge, 2005. ISBN 0-415-35503-6 Hardcover US \$122.50. 228 pages.

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In *Youth Crime and Youth Culture in the Inner City*, Bill Sanders takes us into a London borough, where he originally intended to study U.S.-style gangs. In a matter of 6 months and after moving from the coastal beaches of San Diego, California to a more expensive apartment in London's inner city, Sanders finds that there are no gangs, at least in terms of how "gangs" are defined by U.S. standards. As a result, Sanders produces a thought-provoking analysis of youth crime and culture in Lambeth, a borough of London. Primarily concerned with youths' criminal motivation, larger sociological and criminological themes emerge for Sanders when he tries to answer the question, "Why do these young people offend?"

The book contains nine chapters. Chapters 1 and 2 introduce the methodology and London's inner-city environment. Drawing on field notes from his observations and in-depth, semi-structured interviews with 31 youth offenders and 67 street-level professionals that included police officers, probation officers, and social workers, Sanders provides us with a deep description of what he learned during his 6 years in the borough. Geographically one of the largest cities located near the center of London, the Lambeth area is a diverse milieu of lower and working-class citizens. It is a place where "white" and "black" and "rich" and "poor" mingle with one another. Separated from one another merely by a large socioeconomic gap, a lucrative "underground economy" thrives through stolen and traded merchandise, illicit drug sales and usage, and other illegitimate money-making practices.

Chapters 3 and 4 examine the Lambeth youth's involvement in and perception of this "underground economy." Drug and acquisitive offenses, defined as crimes ranging from shoplifting to robbery, are common among the Lambeth youth. For most youth, involvement in buying, selling, and using cannabis and various stolen merchandise such as car stereos and televisions generate a level of financial and social status within the community. Money therefore is empowering to the young people of Lambeth; by peddling drugs and committing acquisitive offenses, local youth are able to purchase clothing and other culturally significant material possessions. While striving to distance themselves from their already dismal socioeconomic positions, these

youth are unknowingly reinforcing and propelling the Lambeth area's "underground economy," which perpetuates negative economic conditions in the area.

The need for and purchase of superficial goods generate a cyclical process that leads to more acquisitive offenses and, as described in chapters 5 and 6, other more expressive offenses in order to maintain social status and respect within the community. Expressive offenses, or non-acquisitive offenses such as graffiti, joyriding, vandalism, and sometimes even fighting amongst the youth, are the more visible criminal offenses committed. These crimes parallel acquisitive offenses in that they center on the youth's self-image and status. For Sanders, it appears that building a popular reputation in the Lambeth community is important to most male youth. Engaging in illegal activities and fighting is a way for the youth to express themselves and their involvement in the hip-hop and consumer cultures. "To save face" and maintain respect in the inner city is a significant aspect of the Lambeth youth "culture." However, according to Sanders, youths' expressive and acquisitive offenses in the Lambeth area serve no higher practical purpose other than the need to pass the time. Joyriding on mopeds, "tagging" (graffiti), vandalizing rundown buildings, and using drugs such as cannabis produce excitement and pleasure more because of the excitement of their illegality than anything else.

In chapter 7, Sanders makes a major shift in his focus. Rather than addressing the specific types of offenses and their place in the youths' everyday lives, this chapter focuses on the Lambeth youth culture style, group behavior, and interactions with the local police. Sanders questions the factors surrounding these youth and their daily lives that can help us understand their behavior and involvement in illegal and illicit activities. The concept of homology is adopted here to stress an important link between the Lambeth youth culture and their behaviors. In this context, youth involvement in offending and the cultural aspects of their lives such as clothing, style, and hip-hop music, are all associated and/or linked. That is, the young people of Lambeth feel a connection between the music they listened to and their everyday lives.

Reflecting the "rough" inner-city life style, the hip-hop artists commonly listen to and rap about their own street offenses and involvement with gang-related activities. Sanders found that homology exists between the youth and the artists because both groups celebrate various aspects of their offenses and drug activities such as buying and selling cannabis in the community. However, contrary to his original purpose for this study, Sanders explains that there are no U.S.-style gangs present in this particular inner-city London borough. Instead, what he found are youth who are just simply getting into trouble together. According to Sanders, the Lambeth area is not culturally and structurally set up for the type of gangs common within the United States. In fact, there were no issues of territory or concentrated violence between rival gangs or groups on the streets of Lambeth. For the most part, youth are similar to each other in terms of their cultural style, music, and overall group behavior.

The final two chapters of the book, chapters 8 and 9, look specifically at what can be learned and can be done about problematic youth in the Lambeth borough. Sanders contends that no single theory of crime and delinquency can account for the complexity of the inner-city culture of youth that the Lambeth area presents. In other words, theories such as strain, control, subculture, rational choice, and transcendence are all able to explain some aspects of crime and delinquency, but none can capture every aspect. In his final chapter, Sanders suggests ways to reduce the presence of acquisitive offenses and some of the more prevalent drug offenses. In order to "break the circle," Sanders takes the position that more funding and resources are needed at the local level to assist with youths' education and to heighten the police presence in the more visible drug regions of the borough.

Sanders concludes his book with a brief reflection on how his data counter the stereotype of youth as villainous delinquents caught up in a criminal culture. His empirical assessment, therefore, brings out an interesting contradiction with much of the available research on youth crime and delinquency in the United States. At the very least, this book contributes an alternative perspective on youth culture and theory. In the main, the Lambeth youth are no different from youth in the United States; crime and delinquency are complex subjects and occur for many of the same reasons in both the United States and the Lambeth borough.

One minor criticism of the book pertains to how the data were presented. In particular, Sanders merges quantitative terminology and propositions with his qualitative research. As interesting as the book was, he may have lost some of the "richness" of the data and characters through such an approach. With that said, the primary strength of this book lies in its detailed content. Sanders integrates various theories with his own observations to explain youth crime in Lambeth, London. These attributes are what really give this text its meaning and purpose.

In the end, *Youth Crime and Youth Culture in the Inner City* is a fascinating analysis of Lambeth. This book would be useful as a secondary text for any undergraduate introductory course in juvenile delinquency or methodology. A text such as this is likely to engage students and more importantly, to give context to the issues of crime and delinquency and provide a basic background for juvenile methodologies and theory. Overall, this book would be useful for classroom discussions and to build connections between youth crime, methods, and theory.

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A Book Review on

Understanding Global Slavery: A Reader. Kevin Bales. Berkeley, CA: University of California Press, 2005. ISBN 0-520-24506-7 Hardcover US \$50.00. ISBN 0-520-24507-5 Paperback US \$19.95. 212 pages.

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In *Understanding Global Slavery*, Kevin Bales writes eloquently about causes, continuation, and the widespread practice of slavery across the globe. His book raises awareness and promotes current understanding of modern slavery and its consequences. Bales builds his argument primarily on the evolving forms of slavery. He also shows how slavery is related to morals, economics, and politics throughout the world. The book is composed of eight chapters and a coda. The first six chapters focus on slavery, and the last two chapters are devoted to human trafficking. The coda presents suggestions for the reader to contribute to anti-slavery initiatives.

Bales introduces the crux of his argument in the first chapter ("Understanding Slavery Today") by emphasizing that neither freedom nor the abolition of slavery can be achieved easily. Without external support, freedom alone can be a hollow victory, as it has been in the United States since Abraham Lincoln's 1863 Emancipation Proclamation. Bales asserts that slaves in America endured abuse, sexual assault, and violence to create beauty and great plantations out of wilderness, but they were not provided compensation and restitution after the end of the Civil War. Therefore, freedom without education and basic resources has put generations of African Americans in a second-class status, making them vulnerable to further exploitation and has created a population whose suffering and anger have been growing over the decades.

Chapter 2 ("Slavery and the Human Right to Evil") emphasizes the importance of promoting active mediation between victims and perpetrators. In the construction of human rights over time, mediation could lead to a consensus on what constitutes evil. Thus, focusing on the motives of slave holders could stimulate people to provide alternative economic opportunities and reconciliation as possible interventions to eradicate or suppress slavery. A list of the types of actors who can be categorized as human rights violators can be lengthened and diversified as part of a redefinition of evil and evil acts. As Bales argues, transnational companies, the World Trade Organization, and the International Monetary Fund are claimed to be evil perpetrators of slavery in this current process of redefinition.

Slavery takes different forms depending on culture, religion, and social change. There is human trafficking in Eastern Europe, debt bondage in South

Asia, and short-term contract slavery in Brazil. More dramatically, consumers today are also directly and/or indirectly linked to labor exploitation in a global system of commerce and finance because consumers use slave-made products. Governments have been unable to regulate this illegal trade, for they still conceptualize slavery as a legal status requiring titled ownership.

To develop these ideas, in Chapter 3 ("No One Shall Be Held in Slavery or Servitude: A Critical Analysis of International Slavery Agreements"), Bales first traces the development of slavery definitions in international agreements and then attempts to develop a dynamic definition of slavery that is universal enough to capture changing forms of slavery, no matter how slavery evolves. To this end, building his discussion primarily on Marxist and neoclassical theory and current examples of slavery, Bales tries to conceptualize slavery based on its core three aspects: the complete control of one person by another, the appropriation of labor power, and the enforcement of these conditions by threats or acts of violence.

Chapter 4 ("Slavery and the Emergence of Non-Governmental Organizations") draws attention to the importance of non-governmental organizations (NGOs) in changing the public perception and definition of slavery and in translating this public definition into voter and/or consumer demand. According to Bales, non-state organizations are capable of creating a redefinition of the concept of slavery and pushing it up on the public's list of priorities through a bottom-up approach, for NGOs rely on moral definitions of slavery.

In Chapter 5 ("The Challenge of Measuring Slavery"), Bales attempts to test what he calls a contemporary theory of slavery. Based on the results of his quantitative analysis, Bales contends that the existence of slavery in a country is predicted by the country's infant mortality rate, the proportion of the population below the age of fourteen, the population of the workforce in agriculture, governmental corruption, and the extent that a country has threatened or endangered species.

Chapter 6 ("Globalization and Redemption") contrasts positive and negative effects of both globalization and redemption as they pertain to contemporary slavery. On one hand, globalization fueled slavery by causing proliferation and elaboration of its existing forms, and it transformed the slaves from fixed assets (chattel slavery) to flexible or disposable resources in the global economy. On the other hand, as a result of globalization and the mass transfer of information, there is global consensus on the right to not be enslaved. Prohibitions against slavery are as strong as those against murder and torture. Besides, regulation of trade by internationally recognized standards provides important regulatory and economic mechanisms with global implications. As for redemption, Bales argues that because slaveholders have already stolen the lives, works, properties, and products of slaves, they should not be compensated for giving up slaves. Yet, if it is the only immediate and effective way to remove a person from danger, compensation could be acceptable.

Chapters 7 and 8 ("Human Trafficking: A Worldwide Concern," and "Understanding the Demand Behind Human Trafficking") are devoted to

human trafficking, which is an increasing form of international crime. There is an agreed-upon and standard definition of human trafficking provided by the 2000 United Nations Anti-Trafficking Protocol: the action of transporting people by means of force or deception in order to control and exploit them. Human trafficking is the modern term for forcing and transporting people into slavery. Based on his analysis, Bales contends that the level of governmental corruption, infant mortality rate, the proportion of the population below the age of fourteen, the level of food production, the population density, and the amount of conflict and social unrest predict trafficking from a country in descending order of power. The proportion of the destination country's male population over the age of 60, the level of governmental corruption, the level of food production, and low infant mortality predict trafficking to a country. Bales asserts that trafficking organizations simply take advantage of the growing demand for vulnerable people and apply various ways to stimulate and meet the demand for their product. Therefore, in order to reduce trafficking, the cost of trafficking and of using or consuming trafficked labor should be dramatically increased through legal sanctions.

Consistent with his premise that freeing slaves generates stability, reduces crime, builds the economy, and creates citizens, Bales basically attempts to persuade governments to enforce current anti-slavery laws and tries to find better ways to liberate slaves. However, even though the book is well-researched and documented enough to draw the world's attention to this overlooked side of the global economy, it is not without flaws.

First, the book consistently presents the third world as the site of slavery driven primarily by the global economy as well as population growth and corruption. Bales does not attempt to examine the effect of race or discrimination. Such an examination would make sense because human slavery heavily involves the third world. Beyond just aggregate information about modern slavery, detailed information regarding various practices in each country (included in the data set) would show the role of race, poverty, or other social or cultural dynamics within this inhuman practice.

Second, Bales' contemporary theory of slavery is primarily based on case studies conducted in five countries. These case studies include both personal accounts from the lives of individual slaves and an overview of legal, political, economic, and historical factors that contribute to a particular manifestation of slavery. The five countries are Brazil, Pakistan, India, Taiwan, and Mauritania. The author may not necessarily include all of the important variables in his explanatory model.

Third, in a discussion of the macro-level quantitative test of the factors predicting trafficking of persons from and to countries, Bales does not specify the theoretical framework that guided the selection of independent and/or control variables. With no clear theoretical model, the author examines variable-to-variable relationships in order to figure out what predicts trafficking from and to countries. The limitations of available quantitative data affect variable construction, analysis procedures, and interpretation of the results.

Reservations aside, Bales presents an innovative approach in terms of defining contemporary slavery at the convergence of three main concepts based on his own research: complete control of one person by another, appropriation of labor power, and the enforcement of these conditions by threats or acts of violence. His argument is articulate enough to draw our attention to a field that demands scrutiny by researchers and practitioners in order to stop human trade and prevent related crimes. In essence, Bales demonstrates that not all of the people across the globe equally benefit from the global economy. Thus, the book is useful for anyone who wants to learn about contemporary slavery and its consequences.

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A Book Review on

The New Global Terrorism: Characteristics, Causes, Controls.

Charles W. Kegley, Jr. (Ed.). NJ: Prentice Hall, 2003.

ISBN: 0130494135 Paperback US \$46.20. 284 pages.

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This book contains 21 different articles by various authors and presents a collection of information on several characteristics, causes, and control methods relevant to terrorism. The contributors include experts, researchers, lecturers, and activists, all of whom analyze the terrorism concept from varying perspectives.

In the preface and introduction, editor Charles Kegley indicates that this book seeks to make a distinctive contribution to the terrorism literature by assembling the major arguments, most authoritative statements, and most compelling empirical descriptions and normative interpretations on new global terrorism, its causes, and possible solutions. He further notes that he designed the book to introduce students to key concepts that they can use to analyze present and future acts of terrorism.

In keeping with this promise, the book begins with the chapters on changing characteristics of 21st-century global terrorism. Brian M. Jenkins, in his chapter "International Terrorism: The Other World War," explains that under the names of revolution, liberation, and holy war, the Third World War has started with terrorist acts across the world. He also defines international terrorism and describes the various tactics, philosophies, beliefs, and purposes of terrorists. In "The New Face of Combat: Terrorism and Irregular Warfare in the 21st Century," Michael T. Klare explains how terrorists benefit from technology and also how globalization affects the development of terrorism. Further, he stresses the importance of a deep analysis of economic globalization and violent conflict in mounting an effective fight against terrorism. David C. Rapoport's "The Four Waves of Rebel Terror and September 11" uses a historical approach to describe four waves of terrorism, each marked by new characteristics. "A Dual Reality: Terrorism Against the State and Terrorism By the State" by Richard Falk focuses on two different dimensions of terrorism. First, terrorism includes political violence by revolutionary groups acting against the state. Second, some states use terrorism against others to defend themselves. Timothy Garton Ash ("Is There a Good Terrorist?") provides a case study. This chapter includes an interview with the leader of the Albanian National Liberation Army (NLA) and other Albanian authorities. The NLA seeks equal status and equal rights for

Albanian Macedonians. Gregory A. Raymond, in "The Evolving Strategies of Political Terrorism," classifies the military logic of opposition groups that use terrorism to attack existing political systems. Raymond identifies terrorists' strategic objectives, examines their tactics, and compares asserted paramilitary doctrines that link strategic objectives to terrorist acts. In "The Mystery of the New Global Terrorism: Old Myths, New Realities," Michael Stohl attempts to define the phenomena behind the September 11 terrorist attacks. He focuses on three erroneous myths based on incorrect assumptions: terrorism is random and lacks specific direction; governments always oppose non-governmental terrorism; and the source of contemporary political terrorism may be found in the evil of one or two major actors. He emphasizes that the September 11 attacks differ from previous attacks in terms of offenders, targets, scope, and means. Taking Al-Qaeda into consideration, he explains that there is no simple solution to terrorism. Hence, how we structure our response to the new globalized threat of terrorism is very important.

Kegley introduces the second part of the book with the recapitulations of different causal explanations for terrorism. His main question is, "What precipitant conditions and forces make the new global terrorism possible, and how do these pre-conditional stimuli threaten to make future global terror even more prevalent?" He emphasizes that interpretations offered in the book advance rival theories and reveal evidence of the causes of the new global terrorism. Without an awareness of the root causes of terrorist events, it is not possible to prevent or cope with terrorism. A number of chapters present arguments that national conditions cause terrorism, but others offer examinations of this issue from a global point of view. Martha Crenshaw, in "The Causes of Terrorism, Past and Present," accentuates the shortcomings of this field by pointing to the lack of studies on cross-national factors that influence terrorism and the lack of internal agreement among studies. She considers concepts pertinent to explaining terrorism such as modernization, urbanization, social habits, historical problems, revolutionary ideologies, absence of opportunities, and failures of governments. Further, she explains some other elements that accelerate terrorist events as well as psychological factors that motivate terrorists. Paul Wilkinson's study, "Why Modern Terrorism? Differentiating Types and Distinguishing Ideological Motivations" evaluates the causes of terrorism within the framework of state-sponsored terrorism, ethnic conflict, extreme "left" ideology, extreme "right" ideology, and religious fanaticism. He also considers the relationship between terrorism and organized crime.

Some authors in this volume focus on the United States as the primary target of terrorism. In "Why is America the Primary Target? Terrorism as Globalized Civil War," Martha Crenshaw explains terrorism as a strategic reaction to U.S. power in the context of a globalized civil war. She attributes the increased number of terrorist attacks against U.S. targets to the military presence of U.S. forces in countries such as Saudi Arabia as well as U.S. peace-keeping missions and support for Israel. Llewellyn D. Howell, in "Is

the New Global Terrorism a Clash of Civilizations? Evaluating Terrorism's Multiple Sources," develops a similar idea and explains the reason for the attacks against U.S. targets using Huntington's "clash of civilizations" thesis. According to Howell, differences in cultural perceptions create enemies, and this results in attacks against the U.S. culture, economic system, and way of life. Howell identifies four main reasons for terrorism against the United States: an increasing population, increasing disparities in wealth and benefits, the expansion of religious extremism, and technological developments.

Several of the authors emphasize the new characteristics of terrorist acts. For example, Richard E. Rubenstein's chapter "The Psycho-Political Sources of Terrorism" links the escalating number of terrorist acts to new technological systems, highly explosive substances, jet aircrafts, and other recent advances. Terrorist groups may use violence to restore self-respect in the face of capitalism's global expansion into their lives. Walter Laqueur ("Postmodern Terrorism") similarly argues that motivations, strategies, opportunities, and weapons of terrorism have changed. Further, he predicts that future terrorism will be individually based, as it was in the Oklahoma City bombing case, rather than part of a group movement.

Some of the authors who write about causes of terrorism emphasize religion as its base. Mark Juergensmeyer ("The Religious Roots of Contemporary Terrorism") stresses the effects of religious extremism, typical of very few people, on daily life in the secular world. Religious extremism is characterized by the rejection of liberal values and secular institutions regardless of religion, refusal to observe the boundaries that is set by secular society around religion, and movements to create a new form of religiosity. Bernard Lewis ("The Roots of Muslim Rage") develops a similar idea but focuses on Muslim countries. He points to different factors as causes of Muslim rage against the Christian-dominated West. These include the loss of Muslim domination in the world; invasion of foreign ideas, laws, and ways of life in their home countries; and American support for Israel. Because the United States is the "leader" of the West, it is the focus of secular hate. The last author who writes about causation is Ted Robert Gurr ("Terrorism in Democracies: When It Occurs, Why It Fails"). He points to the reciprocal relationships of terrorists with the larger population. He recommends that the best approach to combating terrorism is the use of developmental, educational, and participatory strategies to restrain corruption and open up alternatives for future generations.

The third and final part of the book advances methods to control and contain terrorism. Richard A. Falk's chapter, "The Aftermath of 9/11 and the Search for Limits: In Defense of Just War Thinking" suggests that in the aftermath of September 11, 2001, offenders and their supporters should be identified, use of force should be legitimized through legal channels such as the United Nations, use of force should be consistent with international law, and political and moral justification for the use of force should be accompanied by protection of people in the same ethnic and religious groups

as terrorists. He notes that terrorists seek more violent responses from the government in order to legitimize their movement. Thus, together with the cooperation of the entire international community, a reliance on the law is critical in the fight against terror.

In a similar vein, James Turner Johnson ("Just War Theory: Responding Morally to Global Terrorism") argues for a moral response to the terrorist attacks of September 11, but with a justified military response to terrorists who continue to pose a threat. The most appropriate and moral form of the force is that which achieves its objective but causes the least damage; new technologies are useful to this end. Loch K. Johnson, in "Strategic Intelligence: The Weakest Link in the War Against World Terrorism," criticizes the failure of U.S. intelligence agencies in many important cases including the September 11 attacks and suggests extensive reforms. David Held's "Bringing International Law to Bear on the Control of the New Terrorism in the Global Age" describes new international structures (e.g., the European Convention on Human Rights) that can counteract terrorism, and he criticizes George W. Bush for seeing the world as divided into those for and against the United States. Peter C. Sederberg's chapter "Global Terrorism: Problems of Challenge and Response" is of particular interest because it takes a different approach than the other chapters. Sederberg compares the concepts of war and terrorism and criticizes George W. Bush's declaration of "war against terrorism." He notes that terrorism is a different phenomenon because there is no exact location, battle zone, or target. Terrorism is directed at broad targets to make the group's claims heard. The author classifies the potential responses to the challenge of terrorism as: defense and destruction leading to deterrence, investigation and intelligence leading to interdiction, reaction and remediation leading to recovery, and compromise and conciliation leading to cooperation. He also stresses the importance of effective decision-making processes.

Although *The New Global Terrorism: Characteristics, Causes, Controls* keeps the editor's promise by assembling the major arguments and authoritative statements on new global terrorism, there are some disappointments. For example, there are insufficient compelling and empirical descriptions of terrorism, and there is complete disagreement about the causes and possible control mechanisms of the new global terrorism. In addition, it is left to the reader to relate the many and diverse chapters to some basic themes and also to understand these themes. Contrary to the editor's promise, it is difficult to come to any conclusions about future acts of terrorism after reading the book alone.

Along with these disappointments, there are also unique contributions that are worth mentioning. *The New Global Terrorism: Characteristics, Causes, Controls* presents a very broad perspective on definitions of terrorism, causation, and likely precautions to cope with it. Additionally, the book's global point of view is useful in thinking about permanent and universal policies and solutions to address terrorism. Although the editor indicates that

this book was designed for students, this collection would also be a useful addition to university libraries and a valuable set of readings for scholars, experts, and policymakers who are interested in the concept of terrorism, its causes, and possible control mechanisms.

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