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Introduction: Varieties of Comparative Criminology

GRAEME NEWMAN* and GREGORY J. HOWARD**

Introduction

ALMOST EVERY PAPER one reads on the topic of comparative criminology repeats the quote from Durkheim to the effect that "comparative sociology is . . . sociology itself" (Durkheim 1938:39). True enough, if Durkheim meant that we follow the "scientific method" in sociology, given that the kernel of the scientific method lies in the comparison of experimentally allocated groups. Of course, in social science, especially the sociological version, the chances of conducting a scientific study in which the compared groups are constructed according to "the scientific method" are not too great, since the subjects of study — from small to large groups — have already formed without the aid of social scientists. When groups are constructed by social scientists, such as in the variants of the social survey, there is the unavoidable problem that such groups are necessarily artificial, constructed by the research solely for the purposes of the study. Once the data are collected, such groups disappear. They live only as long as the study. Scientists with the aid of statisticians have, however, invented all kinds of ways to simulate scientific comparisons, using the data that groups and organizations in society produce. Today, it is possible to conduct group comparisons in many unlikely settings and with an incredible array of data. These data — and there are increasingly massive amounts of such data emerging as one of the byproducts of the electronic revolution — challenge the ingenuity of sociologists to adapt them for research purposes and, if the sociologist is so disposed, the development of social policy.

We use the word "group" in a very general sense. It is apparent that a bunch of students in a classroom taking Criminology 101 from Professor Y is a "group," though what kind of group, how it is organized, and what its goals are, may be

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a puzzle. If we compare the grades of this group with those of Criminology 101 taught by Professor X, we may also ask why there are differences in performance between the two groups. All of this makes much sense, and is the stuff of many introductory methods and design courses in all social science curricula. But suppose we compared the performance of Professor Y's students (from the United States) with those of Professor A in another country (Japan)? Must the method change? In fact, what is it that is being compared? Group performance itself, or group performance in particular countries? Such groups cannot be said to "represent" in the scientific sense their respective countries, can they? Would Professor Y learn anything by examining why Professor A's students performed at a higher level than his students? One could reasonably expect that he would — perhaps by discovering that there was a stronger "work ethic" among the Japanese students, or that there were higher demands placed on them. Arguably, Professor Y might learn something similar by comparing his class's performance to that of Professor X's, just down the hall from him. But what would he learn? He might learn that Professor X also places higher demands on his students. But he might not learn that it is the poor work ethic of his students since that would be more or less invariant. By doing a cross-cultural comparison, one can ask questions that may not arise in a single cultural setting. Such initial comparisons are not very scientific; in fact, they may be not much more than impressionistic. But they do raise the possibility that we will be confronted by novel discoveries that can set the stage for research on a more solid scientific footing.

What kinds of comparisons did Durkheim have in mind, scientific comparisons or impressionistic comparisons? We think both, given the range of methods reflected in Durkheim's own work, from the empirical and almost doctrinaire *Suicide* to his *Elementary Forms of Religious Life*, where impressions and speculation were woven together into a rich theory that remains a classic in the sociology of religion.

The papers in this special issue on comparative criminology represent a variety of approaches to making comparisons. Because of the limited space, we regret that this volume cannot cover a broader gamut of method and substance in comparative criminology, for the range of studies now available is quite considerable. Preferring to push the envelope a bit, however, we have privileged investigations that feature creative method, challenging theory, and unusual subject matter over equally competent studies that reflect the more typical fare in comparative criminology. The latter would, perhaps, make an excellent topic for another volume.

An Overview of the Present Volume

The opening paper in the present collection, "Micro-Macro Criminology" by Shlomo Shoham, seeks to establish "macro-criminology" as a legitimate field of

study, by linking the traditional theories of criminology ("micro-criminology") to the broader personality and cultural theory developed over three decades of Shoham's work. One could characterize the method here as "theoretical comparison" as Shoham constructs models of culture — a kind of typology of cultures drawn from historical data — and attempts to link these two cultures (perhaps "groups" is not too much of a distortion) to the mythical forces that eventually bear on the individual actor. This is quite a challenge, an enterprise that tries very hard to overcome Durkheim's miserable legacy: the splitting off of social explanations of social phenomena from the lower forms such as psychological and biological explanations, as captured in the dictum that social facts could only be explained by other social facts (Durkheim 1938). We have placed this paper first in the volume because we consider it by far the most challenging, both in terms of the subject matter and boundaries of criminology that it explores and in its methodological and theoretical innovation.

On first impression, the paper "What Does the World Spend on Policing?" by Farrell, Lane, Clark, and Tseloni seems a startling contrast to that of Shoham if only because it addresses a seemingly crass question concerning money. However, if the word "macro" means anything at all in social science, one would have to admit a paper that asks what a "group" no less than the world spends on policing is very much a study on the macro level of analysis; indeed, it qualifies as a "meta-level" study (i.e., using the country as the unit of analysis). Does it matter what the world spends on policing, or anything else for that matter? We pondered this question for some time, until we realized that the unease we felt in considering this question derived from the fact that at the world level there is nothing to compare the results to, except those imaginary worlds of Star Trek! The only comparisons possible are those within the world, in this case, a comparison of expenditure on policing in the world with expenditure on other kinds of goods and services, such as health or education or even McDonald's hamburgers, as suggested by these authors. Their concern, therefore, is not so much on comparisons between countries or groups of countries in expenditure on policing, but rather on how to make better use of the data sets now available. Farrell et al. employ a number of brave (perhaps brash) techniques for expanding and adapting their data set (the U.N. Survey of Crime and Operations of Criminal Justice Systems) to make it possible to ask more serious research questions. There is little doubt that the main impediment to conducting more penetrating analyses at the meta-level is the relative paucity of valid and reliable data sets (Howard, Newman, and Pridemore 2000). As globalization increases both the transparency and amount of governmental information, such data sets will inevitably emerge. As the authors note, the quality and availability of the U.N. Survey on Crime and Operations of Criminal Justice Systems has improved significantly over the 20 years since its inception.

As far as crime and justice data are concerned, there is still a long way to go, particularly in regard to missing data. The paper titled "Issues and Patterns in the Comparative Study of Police Strength" by Maguire and Schulte-Murray confronts this problem and tries a number of strategies to get around it. Supplementing the U.N. data with figures from other sources, Maguire and Schulte-Murray are able to develop a plausible measure of police strength at the international level. Significantly, they pay heed to the different definitional and operational meanings of "police" in various countries, and take these complex meanings into account when drawing inferences from the national police strength figures derived from their method. Perhaps the most interesting finding of their research — actually a question — is that rising police strength has outstripped the increase in world population. This paper provides a model for future investigations into the mysteries of policing strength. Future research may take the next logical step suggested by this study; that is, to ask whether police strength is related to "criminal strength" in different countries.

The meta-level studies of the first three papers may leave one with the impression that comparative criminology deals at highly abstract levels, and this may engender in the reader a desire to know more concretely what is really happening in each country. Of course, if we tried to learn everything that is happening in each country, with some 200 or more countries in the world right now, we would end up with a massive database of encyclopedic (possibly one day to be constructed) proportions. Fortunately, the concerns about levels (ultimate levels) of abstraction in meta-level studies, and in meta-theoretical studies like that of Shoham, are counterbalanced by studies that look more closely within one or two countries and attempt comparisons — often descriptive, impressionistic, or interpretive. Such a study is presented in "Women, Justice and Custom: The Discourse of 'Good Custom' and 'Bad Custom' in Papua New Guinea and Canada" by Cyndi Banks. This paper provides insights into why seemingly similar legal cases are treated differently in countries with similar histories of colonial justice. As Banks notes: "In both [Papua New Guinea and Canada] . . . struggles over rights and freedoms, over the place and value of custom, and over 'whose custom' will propel cultural values into the courtroom and test the notions of justice, fairness, and the legitimacy of legal domination. . ." occur on a daily basis. Examining the role of custom in court cases that involve women and justice, Banks pays special attention to the "judicial discourse concerning custom/culture and its interaction with positivist law." Banks's research reveals that in Papua New Guinea the courts have been resistant to accept certain customs, such as "head pay," as they seem inconsistent with general principles of human rights and positivist law; in Canada, however, custom has been invoked by men as a mitigating factor in certain rape cases. "The question arises," Banks writes, "whether Papua New Guinea and Canada, in engaging with cultural specificity, will continue in one case to erode

customs and values to meet the requirements of modern law, and in the other, to employ a discourse of cultural relativism which might have the effect of displacing human rights." Clearly, the incorporation of custom into judicial discourse can have unusual and perhaps ironic consequences.

The central issue of Mark Seis's paper, "Confronting the Contradiction: Global Capitalism and Environmental Health," is one that seeks to affirm cultural specificity in the face of global capitalism. It is difficult to deny Seis's main factual claims that environmental degradation is rampant around the world and that this degradation is likely the outcome of a world economy dominated by global capitalism. Still, one should understand that capitalism is a mode of economic relations that emerged from traditions and practices dating back many hundreds of years, well before humans and social institutions knew that there was such a thing as the "globe." In our ancestors' limited knowledge of the world, no doubt something akin to "globalization" seemed endemic to them, given the extensive trade and commerce that occurred throughout the ancient world. Our ancestors could not have known, though, that the systems of commerce they built would eventually come to be called "global capitalism" and would, according to Seis, threaten the very well-being of the world. There were doomsayers in the ancient world, certainly; the end of the world was predicted often enough. However, is this comparative criminology? It is certainly comparative because Seis shows easily enough that the actions of one country, or a group of countries, do have serious consequences for other countries of the world. But is it criminology? Seis's paper calls into question the boundaries that are traditionally set concerning the subject matter of criminology. However, instead of asking the question "where's the crime?," Seis asks more poignantly "where's the law?" For it appears to be his conclusion that the rule of law, so revered by modern states, is in the process of being subverted by the voracious appetite of capitalism, an appetite for destruction channeled through undemocratic organizations such as the World Trade Organization, which makes its own law and allows the activities of global corporations to trammel the laws of individual countries at will.

It is appropriate that the question of the rule of law emerges in a volume such as this. This concept has overtaken much of the discourse at the international level for the past decade, particularly since the collapse of the Soviet Union and the subsequent struggle of many independent states in Eastern Europe to emerge as full-fledged nations. Some international development agencies realized that there was little use in throwing large amounts of money at less developed countries if there was no rule of law to ensure that the money would be spent wisely, indeed, free of corruption. Much money was therefore spent on countries with the goal of strengthening their rule of law, so as to guarantee equal justice for all citizens. The paper by Bouloukos and Dakin titled "Toward a Universal Declaration of the Rule of Law: Implications for Criminal Justice and Sustainable Development" asks the

question that has not yet been asked in the discourse on the rule of law: what is it? And once having determined the answer, which turns out to be multifaceted, the authors move on to ask what can be done to make sure that the rule of law holds sway throughout the countries of the world. They use the history of human rights standards at the international level to derive clues about how the rule of law can be raised to a similar level of international recognition. Interestingly, nowhere in their paper do they advocate that this can be done through the expenditure of large amounts of money in particular countries or even internationally. They are, however, unswerving in their conviction that the mechanism to implement their recommendations should be the U.N.

Mention of the U.N., particularly as the mechanism to fashion a Declaration of the Rule of Law, would no doubt provide direct confirmation to the widely publicized right-wing militia groups of the United States that their fears about the U.N. taking over America are well-founded. The paper by Freilich, Pienik, and Howard, "Toward Comparative Studies of the U.S. Militia Movement," is a rich addition to this body of comparative work as the conclusions of these authors are most interesting and unusual. Spurred on by the media view that militias are some kind of unique product of the modern age, the authors instead maintain that the militia movement is not unprecedented at all, and that on a number of measures militias share similarities and continuities with a variety of social movements over time and place. They conclude: ". . . we are able to demonstrate the inaccuracy of those who depict the contemporary militia movement as a unique phenomenon, thus showing how comparative studies of social movements can be of use in providing a more complex understanding of contemporary social problems." What more could one ask from a comparative study?

There is one other paper in this collection that confines itself to one country, and it is titled "Women Police in a Traditional Society: Test of a Western Model of Integration" by Mangai Natarajan. This paper is what we would call a "case study" in comparative method: the careful analysis of one specific issue within one country or culture. The "comparative" element of such a study is often implied; the study is recounted in such a way as to invite the reader to compare the elements of this single case with cases in other times or places with which the reader is acquainted. The paper by Natarajan examines a topic that is probably the most studied subject in comparative sociology, that of modernization. It investigates whether a Western model of modernization is useful in understanding the integration of women police in India. Natarajan's paper, the culmination of several years of data collection, provides unusual insight into the stages and adaptations that the introduction of women into regular police forces has promoted in India. Perhaps one of the most important elements of modernization in countries that have a colonial past is the structure of social control and the complex array of social organizational challenges that are faced. Natarajan shows that the attitude toward the absorption of women

into the traditional policing role in India has changed over recent years. Originally, the view was that women's role in policing should remain more on the periphery of the policing function, carrying out tasks generally perceived to be more proper for women (e.g., work with juveniles and female victims). However, in her recent research, Natarajan has discovered that this attitude has changed in India and that there is now a case to be made for women to be incorporated right into the central policing role in India. Given the traditional role of women in India, this finding must be considered as indicative of a rapid change in the modernization — perhaps Westernization — of social control.

The issue of social control is central to the last paper in this volume, "Crime Prevention Policy and Government Research: A Comparison of the United States and United Kingdom," by Gloria Laycock and Ron Clarke, perhaps the most provocative of all the papers in this volume, although on first reading it may not appear as such. This paper employs the parallel study method (Howard, Newman, and Pridemore 2000), which is an approach that focuses on evaluative comparisons between two countries. In this case the evaluation is achieved by descriptive and interpretive assessments of the crime prevention programs in the United States and the United Kingdom. Clearly, certain judgments have to be made in conducting this kind of comparison. This paper also faces a very difficult problem that often faces comparisons of crime prevention, which is how to take into account the differing bureaucratic and political structures of each country. The complex federal system in the United States obviously makes it difficult to evaluate crime prevention research and to apply such research findings to particular local jurisdictions even within that country, let alone to the United Kingdom whose more centralized bureaucratic structure and political system offer quite different challenges and opportunities to researchers who aim to influence policy. Laycock and Clarke do not shrink from making their assessments and comparisons, though they leave the major evaluative conclusions that might be made from their study very much up to the reader. One conclusion could be, for example, that if the United States is to reap more benefit from the money it spends on research into crime prevention, it ought to take steps to ensure that the research it funds is linked directly to policy; in other words, its research arm, the National Institute of Justice, should do much more of its own research, as does the Home Office. Indeed, the contrast to the United Kingdom seems startling, especially as it appears that in the United Kingdom there is a much closer, even direct, link between the research arm of the Home Office and the actual policing units throughout the country. The authors begin their paper by referring to Garland's (1996, 2000) influential papers in which he argues that the levels of social control exercised by governments have increased significantly in recent years and raise somewhat the specter of a "Big Brother" society with TV cameras on every corner. This paper would suggest that such control is not likely to happen too soon in the United States. It would appear, however, that if social control does

reach such giddy heights, the United Kingdom is much better positioned to make this "dream" into a "reality."

Conclusion

It may seem unusual in an issue on comparative criminology that a majority of the articles should be on the topic of policing. Comparative criminology has traditionally studied other issues: the distribution and patterning of crime in different countries, the testing of traditional theories about the causes of crime at the international level, the description of different cultures and "subcultures" and their relation to crime. Until very recently, a focus on specific elements of the criminal justice system — after all, the other side of the crime rates reported by nations — has been ignored. We are therefore pleased in this issue to bring into comparative criminology a group of articles on policing which examine this topic from a number of diverse perspectives and use quite different methods.

We trust that this volume marks an important step forward in comparative criminology. The boundary of what is and what is not comparative criminology has been challenged. A wide variety of approaches have been highlighted, both in terms of the methods employed and the ways in which the research questions have been framed. The only downside to this step forward is that it makes abundantly clear just how many topics and approaches are not represented. Ever optimistic, we prefer to view this downside as an exciting challenge for the future of comparative criminology.

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Micro-Macro Criminology

SHLOMO GIORA SHOHAM

ABSTRACT

In this paper, the author incorporates his new conceptual scheme developed in an earlier book titled *God as the Shadow of Man* as a means of bridging between micro- and macro-criminology. The key concept is the mythogene, which is an ahistorical structure of longing and experience. He utilizes this concept to explain the recruiting process of the individual into crime. Then mythology, which is the sum total of all mythogenes in a given group, is utilized to understand the formation of criminal groups. Finally, the ethos, which is the conglomeration of mythologies, is utilized to explain, inter alia, the genesis of criminal societies such as the Third Reich of Germany.

Conceptual clarification

CRIMINAL AND DEVIANT behavior involve a relationship between certain forms of human behavior contrary to given social norms. Hence, criminal and deviant behavior are dualistic and associational. This relationship is the focal concern of criminologists and is not a unidimensional phenomenon as in psychology, which mostly studies the behavior of the human individual, or sociology, which focuses on human aggregates, or law, which deals in legal norms. Due to the perception that a relationship is the central subject of criminology, Walter Reckless studied the association between behavior and rules as early as 1961 (Reckless 1961). However, his ideas, grouped under the headline "Containment Theory," were largely ignored by the criminological establishment. Yet, in 1969 Travis Hirschi published his social bonding theory (Hirschi 1969), which is based largely on Reckless's theory and received almost universal acclaim from American criminologists. The gist of Hirschi's theory is that the lack of bonds of an individual to other individuals, to his membership groups, or to restraining social norms, sometimes lead to delinquency. Hirschi, however, did not deal with the contents of the social bonds, nor with the individual's motivation to entertain them. This was carried out in the pioneering work of Claude Levi-Strauss, whose epoch-making studies in the Amazon River Basin of Brazil revealed that myths link nature and culture (Levi-Strauss 1964). Following in the giant footsteps of Strauss, I have

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demonstrated in a recent trilogy that myths may also serve as bonds between subject and object, human and non-human, and the individual and group (Shoham 2000a, 2000b, 2000c). Of course, one recognizes that much research and theory concerning these topics has occurred since the time of Reckless and Straus (See Agnew 1985; Cernkovich and Giordano 1987:299-300; Laub and Sampson 1988; Wells and Rankin 1988; Voorhis et al. 1988). However, having been a student of both Reckless and Levi-Strauss, I shall try presently to base myself on the work of these two pioneers and provide a new framework for criminological theory.

The first claim is that myths provide the motivational contents of the normative bonds of individuals to groups. However, I distinguish between "mythogenes," the motivational structures of experience and longings of individual human beings, and "myths," which are, according to Freud (1961:141-2), "the distorted vestiges of the wish-fulfillment fantasies of whole nations... the age-long dreams of young humanity."

Freud actually raised his intrapsychic interpretation of dreams to the group level and claimed that the myth is an expression of the tribe's "social characters," the nation's or social aggregate's wishes and visions. Surely, the myth of the Flood was not dreamful wish fulfillment, but a projection of actual experiences with disastrous inundation by rivers, especially in Mesopotamia and Egypt. Myths are, therefore, also a projection of experiences and spectacular events borne by a group before written history.

Hence, mythogenes are projected by individuals, whereas myths are projected by groups. Still, mythogenes are the building blocks of myths; mythology is the collective body of myths in a given social aggregate. Since both mythogenes and myths are structures, we also have to clarify the meaning of the concept of a structure.

Being an existentialist, I have taken the advice of Kierkegaard that refraining from definition is a sign of tact. Hence, we shall consider the description of structures offered by Piaget (1971), which is the best available. He says that structures are historic entities created and projected by man. However, once created, they have lives of their own, which are subject to rules of adaptation and have all the important mechanisms of self-regulation. Piaget also assures us that children start thinking in structures. This might account for the fact that the most basic structures are ingrained in us during our oral phase of development, along with the acquisition of our "mother tongue." Structures are therefore independent entities with internal transformations that do not change because self-regulation keeps them intact (Piaget 1971).

The bonding theories of Hirschi (1969) and his followers are inchoate, incomplete, and disconnected since they postulate bonds, or a lack of them, between delinquent socializers and membership groups, which are hollow and without any discernible contents. I commence my analysis of mythogenic structures of experi-

ence and longing, which provide the motivational driving force for delinquents to link themselves to, or disband from, their families and other socializing agencies, at the micro-level, and see how these mythogenic structures affect the bonding of the individual adolescent to a delinquent or non-delinquent resolution.

Micro-criminology

A model of the etiology of juvenile delinquency for the purposes of our present analysis is offered in Figure 1. The model is tentative and is adduced for demonstrative purposes only.

The predisposing factors on the right hand side raise the probability that youngsters will be ready to choose the bonding course towards delinquency and membership in delinquent groups. Hence, the model presents a combination of two different groups of factors; one set is probabilistic and deterministic while the other is an indeterministic chain of choices. We present our model as a feedback cycle since delinquent groups also feed in their predisposing factors (e.g., ecology, conflict, anomie, etc).

The general hypothesis is that when there is a disjuncture, a contradiction, or an incompatibility between mythogenes of experience and mythogenes of longing regarding a given bonding link, the chances of a delinquent choice are higher. On the other hand, if there is a relative complementarity, balance, and compatibility between the mythogenes of experience and those of longing, the chances of delinquent choice are lower. The predisposition to delinquency factors are largely geared to the interrelationship of the individual youth to the family whereas the associational links are anchored to the youth's relationship with his or

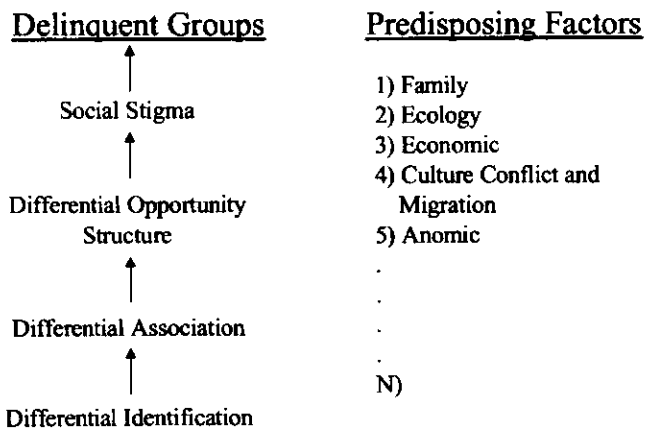

Figure 1. A Tentative Model of the Etiology of Juvenile Delinquency Involving Predisposing Factors and Bonding Links with Delinquent Groups.

her delinquent peer groups. When there is a disjuncture or disharmony between the two types of factors, a delinquent solution is more likely.

To clarify this hypothesis, let us consider the bonding link of differential identification. This link was formulated by Daniel Glaser (1956) as follows:

> A person pursues criminal behavior to the extent that he identifies himself with real or imaginary persons from whose perspective his criminal behavior seems acceptable (p. 440).

As formulated, it means that if a youngster identifies with the likes of Lucky Luciano or Lepke Buchalter, he would seek to associate with the mob and be recruited to one of their juvenile cadres. This, to say the least, is simplistic and shallow. I will try to introduce into this "hollow" bond the idea of mythogenes of experience and longing, and trace their criminogenic dynamics to the life history of Jean Genet ([1949]1964) as an illustrative example.

Most of Genet's writings, both plays and novels, are largely autobiographical. He spent most of his life in criminal and deviant groups and in prisons, and depicts with devastating sincerity his criminal self-image vis-à-vis the legitimate "opposite" society. Genet was born out of wedlock. His mother abandoned him in his cradle and he was cared for in his formative years by the Assistance Publique, which in due course entrusted him to a foster home — a peasant family in Le Morvan. He soon realized that he was not like the other village youngsters. He was a foundling, with no mother, no father, and therefore no clear identity to internalize. The village was a close community, and he soon found that in the peasant family he was "Jean the little bastard." The other children in the family found it easy to impute any mishap or misdeed to the little bastard from the orphanage.

Young Genet became the receptacle for all the unwanted attributes of both the family and the surrounding peasant community. His self-image and inner sense of identity were references, images, and characterizations tagged on him by the "relevant others." Young Genet, in a state of "other-directedness" since he longed like all children to be loved and accepted (in our context this constituted his basic mythogene of longing), complied with the image built of himself by his immediate surroundings. The branding, the tagging in Genet's case, resulted because an inner-directed alternative image did not exist. Referring to his need to become what he was accused of being, Genet explained: "I owned to being the coward, traitor, thief and fairy they saw in me" ([1949]1964:176).

The "other-directedness" of Genet, who was branded as illegitimate, bad, and a thief, and his effort to please the "others" by actualizing their vile image of him, is a display of acquiescence and submission. He willfully, almost joyfully, plunged into the depths of negativity. He finally knew who he was; he had been given an image he never had. And if the image was that of a pederast and thief, it had to be honed assiduously. This undoubtedly subconscious process was one facet of a

cyclic ambivalence toward the stigmatizing group. In other words, the acceptance of the vile image offered by the "others" (i.e., submitting to it and compulsively over-conforming to its dictates) alternates with a cognitive counter-rejection of the family and "your world" following the painful rejection by it.

This constituted a head-on collision between young Genet's mythogenes of longing to be accepted by his foster family and their stark and brutal rejection of him, which in our context constitute mythogenes of experience. Clearly, young Genet's mythogenes of longing clashed with his mythogenes of abusive repudiation by his foster family. After being rejected by his foster family, despite complying with the image cast on him, Genet felt cheated; he had what seemed to him a justified grievance and he became thoroughly negativistic for a double purpose. One purpose was to perfect the vile image; maybe his contrariness was not thorough enough, maybe he had not yet accomplished the requirements of the relevant others; therefore, he had to pursue more evil and greater vileness. "When I undertook to accomplish evil," Genet writes (1949), "I know it is the only thing that has sufficient power to communicate enthusiasm to my pen, a sign in this case of my perfected allegiance to that daring to pursue a destiny that is against all rules" (p. 87). His normative transformation was, of course, not instantaneous; he had his inner struggles with the remnants of conventional morals he managed to internalize from his surroundings. "I had to combat... to abolish what is called remorse (Genet [1949] 1964:81)." These might have been intermediate stages of an incomplete negation of the normative system. Genet's excessive reaction against "established" norms indicates an ambivalence toward them.

The mythogenic clashes within young Genet's psyche made him ready for the outward action of differential identification or the seeking of criminal and deviant role models. The theoretical innovation in the present context is that the mythogenic *psychomachia* — Greek for internal clashes — are a prerequisite for any outward bonding, in our case differential identification. As was stated in the initial hypothesis, a concordance between mythogenes of longing and those of experience are often associated with the search for legitimate role models; a discordance between the mythogenes of longing and experience would result in a search for deviant and criminal role models. Indeed, in Genet's case we find him seeking to identify with the images of criminals following his mythogenic *psychomachia*. "In children's hells, in prisons, in bars, it was not heroic adventures that I sought; I pursued there my identification with the handsomest and most unfortunate criminals" (Genet [1949] 1964:86). Indeed, such identification with criminal images and a desire to play criminal roles are in line with Glaser's (1956) theory of criminal behavior. The so-called differential identification theory presupposes inner identification with the criminal image prior to outward delinquent behavior, but it does not try to explain why some people identify with criminal images and others with non-criminal ones. The

mythogenic premise might account partially for this differential identification. The rather extreme case of Jean Genet can illustrate how an inner mythogenic struggle provides a motivational driving force to seek bonding with criminal and deviant images.

Another bonding link in this model of juvenile delinquency is differential association. This theory, presented by Sutherland and Cressey ([1924] 1939), comprises nine postulates:

1. *Criminal behavior is learned*;
2. *Criminal behavior is learned in interaction with other persons in a process of communication*. This communication is verbal in many respects but includes also "the communication of gestures;"
3. *The principal part of the learning of criminal behavior mainly occurs within intimate personal groups*;
4. *When criminal behavior is learned, the learning includes (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple; (b) the specific direction of motives, drives, rationalizations, and attitudes*;
5. *The specific direction of motives and drives is learned from definitions of the legal codes as favorable or unfavorable*;
6. *A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law*. This is the principle of differential association. . . . When persons become criminal, they do so because of contacts with criminal patterns and also because of isolation from anti-criminal patterns;
7. *Differential associations may vary in frequency, duration, priority, and intensity*. This means that associations with criminal behavior and also associations with anti-criminal behavior vary in those respects;
8. *The process of learning criminal behavior by association with criminal and anti-criminal patterns involves all the mechanisms that are involved in any other learning*. Negatively, this means that the learning of criminal behavior is not restricted to the process of imitation;
9. *While criminal behavior is an expression of general needs and values, it is not explained by those general needs and values since non-criminal behavior is an expression of the same needs and values* (Sutherland and Cressey [1924] 1960:77-79, emphasis in original).

Differential association theory has also generated an impressive corpus of research by scholars such as C. Ray Jeffrey (1965); Voss (1964); Burgess and Akers (1966); Akers (1985); Short (1960); Krohn and Massey (1980)' Jackson, Tittle, and Burke (1986); Costello (1997); Matsueda (1997); and, Bernard and Snipes (1996). The gist of the differential association bonding-link postulates that an individual "becomes delinquent because of an excess of definitions favorable to violation

of law over definitions unfavorable to violation of law" (Sutherland and Cressey [1924] 1960:78). This statement is not only tautological but also completely mechanistic and meaningless since Sutherland and Cressey do not dwell on the contents of the definitions pro delinquency nor on the definitions con delinquency.

I intend to demonstrate that my hypothesis would be applicable as well to differential association; namely, a clash or a discord between mythogenes of longing and experience should be linked to pro-delinquency definitions (pressures), whereas a consensus or concord between mythogenes of longing and experience should be related to con-delinquency definitions. Since we assume that delinquency is a relationship between behavior and norms, the definitions pro- and con-delinquency must, perforce, be related to the attitude, or rather to the nature, of an individual's internalization of the social or legal norms. In other words, the mythogenic concord or discord between longing and experience should be related to the attitude of the individual towards the restraining norm (in the present context the norms of the criminal law), to the degree the individual internalized the restraining norm as a personality element, and to the process necessary to overcome, or "neutralize," the restraining force of the norms at the personality level.

It may be useful in the present context to adopt a model of norm internalization developed by Ragnar Rummetweit which analyzes the processes leading to conformity to social norms, the transmission and enforcement of norms by the group (norm-sending), and the degree to which the norms have been received and internalized by the individual (Thibaut and Kelley 1959). The norm-sending process requires a statement by the group as to the desired behavior and the consequences of non-compliance. The group should maintain surveillance over the individual to determine the extent of his or her norm compliance and apply sanctions to non-complying individuals. The degree of conformity to the norms by the individual are graded from mere compliance, where the individual is induced to conform by constant surveillance and threat of negative (i.e., depriving) sanction, to identification, where conforming behavior is induced by positive (i.e., rewarding) sanction, and finally to conformity. This latter category involves the internalization of the norm by the individual; therefore, surveillance and sanction are not necessary because the internalized norm, when incorporated by the individual as a personality element, becomes "just," "right," and "true."

My hypothesis is that when norms are promulgated in the family and internalized to a deep level by children, a normative barrier is formed against delinquency and the pressures to engage in it. To use Sutherland and Cressey's ([1924] 1960) conceptualization, the definitions favoring norm infringement must be formidable indeed if the normative barrier may be breached at all. There is ample evidence that conflictual situations in the family socialization process, which cause a discord between mythogenes of longing and actual experience, interfere with the norm-

sending process and consequently cause a shallow level of norm internalization or, in Sutherland and Cressey's terms, lead to weaker definitions against delinquency.

The "broken" family caused by divorce, death, or the prolonged/permanent incapacitation of one or both of the parents was once considered a major cause of delinquency; however, later research has revealed that the problem may not be the broken home as such but the faulty socialization process that results from the tension and family discord. As formulated by our hypothesis, the significant etiological factors are the flaws in the norm-sending process due to conflictual situations in the primary socialization agency. The findings that support this part of our hypothesis include those of F. Ivan Nye (1958), who found that rates of delinquency are significantly higher in unbroken but unhappy and conflict-ridden homes than in broken ones. Long ago, Burt (1925) found that inconsistencies in child discipline, as well as erratic and ambiguous demands, were seven times more strongly linked with delinquency than was consistent treatment. Studies by researchers from a variety of approaches have generally supported this view of the relationship between inconsistent home discipline, disruptive family life, and delinquency (Wilson and Herrnstein 1985; in regard to social disorganization, Sampson 1987; and in regard to home discipline, Sampson and Laub 1993). Shaw and McKay (1942) also found that continuous family tension and discord are a far more important factor in delinquency than the actual divorce of parents. They even suggested that actual divorce might lessen the chances of children in a tension-laden family becoming delinquent or maladjusted.

Bearing the results of this research in mind, the socialization process as related to delinquency seems to depend on the following:

1. Degree of marital maladjustment;
2. Discord of parents toward main values and norms (e.g., attitude toward authority, private property, education, resort to violence, etc.) which might be relevant to forming the children's attitude toward delinquent or non-delinquent behavior;
3. Discord between parents and children over values and norms;
4. Degree of consistency of parents in disciplining their children. The effects of inconsistencies in the norm-sending process, either in contradictory statements of rules or arbitrary application of sanctions, have been identified by social psychologists such as Lewin (1948), learning psychologists such as Trasler (1962) and sociologists such as Sampson and Laub (1993);
5. Value and norm discord between the parents and other socializing agencies (e.g., school, church, youth club, etc.).

In other words, prior to any learning of criminal behavior by association, the normative barrier against delinquency must be destroyed or weakened. This is effected by conflict situations in the socialization process, which result in discordance between the mythogenes of longing and experience within the personality of the

youth, and leads to little internalization of restraining norms and a weak barrier against delinquency. The youngsters who have weak normative barriers against delinquency may then be ready for association with the delinquent or street corner gangs. Newcomb (1958) points toward that solution by citing with approval that "adolescents frequently find relief from puzzling, inconsistent, and confusing situations by... anchoring themselves to an age-mate world" (p. 326). Much research generally supports this observation in regard to delinquent gangs (see for example Cohen 1955; Warr 1993).

The "street-culture" provides a sense of security inherent in a simple and consistent normative system, where values are sharply defined in black and white with little space for gray. This age-mate world provides not only a clear outlook, instead of the confused or almost nonexistent value system at home, but also the intense adolescent need for the emotional security of belonging to a peer group. By closely associating with (anchoring on) his age-mates, an adolescent joins a group that is composed of individuals who have similar adjustment problems and gains thereby further emotional security. Only when a restraining normative barrier against delinquent behavior has not been formed by the family or other socializing agencies is a child ripe for absorbing the "street-culture," and the road is thereby paved for the differential association and other processes which lead to membership in a criminal subculture. In my conceptualization, the discordant mythogenes of longing and experience, which make for a low normative barrier against delinquency, prepare the adolescent for a subsequent bonding with delinquent patterns and gangs.

The next bonding link in this model of juvenile delinquency, differential opportunity structure, has been formulated by Richard Cloward and Lloyd Ohlin (1961). They were concerned with the formation of delinquent subcultures, especially among lower-class youth. Agreeing with Merton (1968) that anomie was particularly acute among the lower class, Cloward and Ohlin (1961) wrote:

> The disparity between what lower-class youth are led to want and what is actually available to them is the source of a major problem of adjustment. Adolescents who form delinquent subcultures, we suggest, have internalized an emphasis upon conventional goals. Faced with limitations of legitimate avenues of access to these goals, and unable to revise their aspirations downward, they experience intense frustrations; the exploration of nonconformist alternatives may result (p. 86).

This, indeed, is a formulation in sociological concepts of my premise that the disparity between the mythogenes of longing and those of experience results in a frustration which motivates youths to rescind approval from the legitimate structures and seek bonding with delinquent groups.

Cloward and Ohlin (1961) also agreed with Cohen's (1955) belief that the externalization or internalization of blame for failure to achieve goals is a key

ingredient in determining whether delinquent adaptations occur. Moreover, not all persons aspire to the same level of cultural goals. Cohen's classic account of youth joining delinquent gangs is also in line with the *psychomachic* conflicts of mythogenes of longing and experience. If the youth attributes the blame for the discrepancy between the mythogenes of longing and experience to himself, no seeking of delinquent gangs would result since he would not tend to blame the legitimate society and its institutions for his defects and disappointments. Per contra, if the youth would blame "the system" (i.e., society and its institutions) for his disappointment and unfulfilled hopes, he would repudiate the legitimacy of its legal and normative system and be motivated to engage in delinquency.

The social stigma bonding link operates on two levels. The first pushes the ex-convict and labeled criminal to further crime since the stigma "once a thief, always a thief" operates on all levels. "You cannot trust an ex-con" makes for shutting the doors of potential employers in his face. Hence, he rejoins the criminals and ex-cons with whom his stigma is not pejorative but a card of entry to a club. Thence, his road to habitual or professional criminality is enhanced by his initial stigma of a criminal and convict. The second effect of stigma is to generate initial criminality as in the case of Jean Genet, which was described above. The stigmatization model may be applied to a wide variety of types of deviance, in a variety of cultural contexts. The model in Figure 2 applies it to the etiology of prostitution of girls of North African origin who grew up in Israel. After this discussion, we will turn to the case of group delinquency in the form of violent gangs.

The Dynamic Processes of Stigmatization of Prostitutes

The relevant processes would presumably be initiated in the formative years, both pre-adolescence and adolescence, in a state denoted by Erikson (1956) as "ego-diffusion." The technical term itself is actually not crucial; the importance lies in the focus on the developmental stage of the amorphous plasticity of the personality, the no-man's land of transition prior to the crystallization of the personality.

The second consecutive stage would coincide with the girl seeking her ego-identity as part of her developing personality. The predisposing factors of both the parent and the girl as described in the model would make the stigma of badness, pollution, inadequacy, "source of trouble," and all the other derogatory tags hurled at her in these relevant periods, the most readily accessible "raw material" which the girl would internalize as the framework and anchor of her ego-identity. In the tightly-knit North African family, internally cohesive and relatively isolated normatively, the role expectations in the family for the girl, in this case the stigma, would have optimal force and efficacy. We may even go so far as to hypothesize

Transmission of stigma by the family (mostly the father) and other relevant others	The Girl
1. Scapegoating as an outlet of ggression and projection of guilt through extra-punitiveness.	1. She would be significantly conspicuous, behaviorally, physically, or by any other trait that would set her apart, as far as her social visibility is concerned.
2. Authoritarian family, coupled with authoritarian personality of stigmatizer.	2. She would be intolerant of ambiguity.
3. Change in social position of the parent and/or personal incapacitation.	3. Objective perception of the girl's powerlessness by the stigmatizing adult.
4. Transmission of stigma with the stigmatizer's deprivational change of social position or personal incapacitation.	4. Tendency to conform.
5. North-African Jewish families prescribing for girls the internalization of an ego-identity within the nuclear family, irrespective of its being non-stigmatizing or stigmatizing.	5. A high tendency for other-directedness.
6. Distortion of age and sex roles in the attitude of the stigmatizing father towards his daughter.	6. The girl would be in a subjective state of mind of powerlessness.
7. Scapegoating would be directed by the stigmatizing father towards his daughter as a consequence of his tension with his wife.	7. She would be subject to an attitudinal definition of conspicuity as related symbolically to the causes of tension.

Figure 2. A Model of Stigma Processes, as Applied to the Etiology of jewish North-African Prostitutes Deriving from Authoritarian Families in Israel.

that the stigma projected towards her would be the most relevant component with which the girl could construct her ego identity.

After internalization of the stigma and partial achievement of ego identity, we hypothesize a dichotomous divergence of the facts of stigmatization as related to Rosenzweig's (1938) tracing of an individual's reaction to frustration. We may exclude the possibility of the girl reacting in a less than punitive or passive manner as quite remote. This is so because the extreme stimuli to which she is exposed, as hypothesized by us in relation to both the parents' and the girl's predisposition to stigma, would generate presumably an extreme or at least active reaction and not a passive one. The remaining relevant reaction would be either intra-punitive (i.e., relating the causes of failure to herself) or extra-punitive (i.e., relating the causes of failure to the outside world, in this case her parents and her family).

In the intra-punitive type of reaction, the girl would internalize the projected derogatory image as a compliance with the expectations of her socializers; in this case the stigmatizing members of the family. She would then expect reinforcement for her conduct in the form of an approving attitude towards her from the relevant adults in her life. She expects, in a way, that her parents will fulfil their part of this "dyadic bargain." Naturally, this reinforcement fails to materialize because no parents would approve of the "evil" behavior of their daughter, although they prescribed this behavior subconsciously by transmitting stigma on her. Here we have the initial frustration to which the girl has to react. Being intra-punitive she would impute to herself the causes of this disharmony between the expectations of her parents and their actual reaction to her behavior. She would tend, therefore, to blame herself for not complying properly enough with the stigmatizing expectations of her parents. She would, therefore, carry on compulsively and ever more extremely the derogatory behavior prescribed by her parents, expecting thereby a complementary acceptance by them. She is geared, of course, toward receiving subconsciously their transmissions of stigma, as it is inherent in their behavior towards her. The actual reaction that she experiences subsequent to her behavioral compliance with the stigma is perceived by her as a dissonance. However, she will again tend to blame herself for this dissonance, resulting in a positive feedback cycle of extreme negativistic behavior, which might result in almost ritualistic performance of the various deviations connected with sexual promiscuity and other breaches of accepted norms.

The other extreme manifestation, with an extra-punitive type of reaction, would reveal itself in the following manner. After recognizing the derogatory image cast on her and behaving accordingly (e.g., sexual promiscuity, petty larceny, truancy, etc.), the girl will also expect an initial reinforcement from the parents. Failing this she will accuse her parents of bringing her to this cognitive dissonance. She will react to her parents' rejection of her with a counter-rejection of them. The positive feedback cycle in this case would result in a complete separation of the girl from her family, ultimately leading to the severance of all ties between them.

These two alternative etiological avenues are, of course, extreme instances. They are, so to speak, "pure" theoretical instances, which rarely exist in "real life" situations. Various possibilities short of these ideal type, extreme reactions are more likely, including some combination of the two. However, our hypothesis is that these extreme manifestations would be more probable in the present case. This is so because the very traits that predispose the girl to be a recipient of stigma (e.g., conspicuity, "other-directedness," intolerance of ambiguity, and compulsive over-conformity to the stigmatized roles projected on her) tend to make her marginal and estranged within the family. We have evidence that marginal individuals will tend to be of higher ego-involvement towards their roles (Sherif and Cantril 1945). The girl would, therefore, be more predisposed to alternate in a polar manner

in her roles. The choice of either the intra-punitive, compulsive conformity to stigma or the extra-punitive rejection and counter-rejection of family cycle would be presumably more imminent in this case.

Ambivalence towards the parents would be more probable with the intra-punitive solution than with the extra-punitive one. In the latter case, severance of relationships quite early in the process would physically separate the girl from any contact with her parents. On the other hand, the intra-punitive solution would most likely maintain a relatively close proximity between girl and family, although the deviation process with the girl has already started. We also hypothesize that affective links between the girl and her family would continue even if she has physically left the family. Also, we presume that the intra-punitive solution would be more likely with our research population of prostitutes from North African authoritarian families, whereas the extro-punitive type of solution would tend to take place with prostitutes of European origin.

The conflict between the girl's mythogenes of longing (i.e., her desire to be the recipient of approving attitudes from her parents) and her mythogenes of experience (i.e., her overt rejection by the parents) would be the motivational infrastructure for the girl to be initiated eventually into actual prostitution by some overt processes which are outside the scope of our present deliberations.

Group Delinquency (Gangs)

The stage between the micro-level recruitment of individuals into delinquency and the macro-level engagement of social aggregates in crime is the intermediate one of group delinquency and criminality. I shall not presently engage in a description of professional or organized criminals; rather, I will try to make the theoretical point concerning the role of conflicting mythogenes in the genesis of group criminality by considering the case of a violent gang. It may also be noted that there has been much disagreement among theoretical criminologists as to whether theories addressing themselves to this level of analysis assume "micro" or "macro" factors (Vold, Bernard, and Snipes 1997:173). For this very reason, one can suspect that they often assume both, or at least can more usefully be thought of as theories of the intermediate stage. Such theories include some already discussed, including Cloward and Ohlin (1961) and Merton (1968).

Cloward and Ohlin (1961) identified three types of delinquent subcultures that result from differential opportunity structures. First, the criminal subculture arises in areas where a close bond exists between adult and juvenile offenders. Furthermore, there are usually close ties between criminal and conventional elements. These factors lead to illegitimate opportunity structures that provide alternative means for realizing success goals. This type of subculture is usually involved in property crimes, fencing operations, and organized crime.

Second, conflict subcultures arise in areas with a lack of both legitimate and illegitimate opportunity structures. These often develop in slum areas, which may be defined as socially disorganized. The lack of any opportunities leads to intense frustrations among youth. Criminal activities tend toward violence as youth search for status and reputation.

Finally, the retreatist subculture consists of double failures — those who have neither legitimate nor illegitimate channels for accomplishing goals. They also tend to internalize the blame for their failure. As an escape from their frustration, youth in such a subculture often turn to drugs or alcohol.

Our conception of mythogenic conflict as a motivation for joining a delinquent gang is in line with the celebrated exposition by Merton (1968) concerning the disjuncture between cultural goals and institutional means of achieving them. For the present discussion, we shall confine our deliberations to a documentary prepared by the Coroner of Little Rock, Arkansas, about killings by violent gangs to illustrate our theoretical premises. The lifestyles and information concerning gangs documented in this movie are also depicted in the widely acclaimed autobiography of a gang member in Los Angeles (Shakur 1993).

The documentary made about the violent gangs in 1992 to 1993 depicts a murderous collection of unattached youths, both whites and blacks, whose aspirations (mythogenes of longing) to be integrated into any legitimate structure (i.e., family, school, and employment) were thwarted (i.e., a frustrated mythogene of experience). The solution was "gang banging" — shooting and killing rival gang members. The gang banging provided the youth, both male and female, with what they called "honor," "nation," "life," and "love." "Honor," which they never had either in their homes or elsewhere, was provided by the "gang banging" and involved fights for their turf against rival gangs. Whoever displayed more courage in the war was given "honor" by other gang members. This mythical "honor" was also gained by referring to themselves with derogatory labels, but giving these labels an inverse meaning. Some gangs were called Crips (stemming from either "the crib," which is slang for home, or a misspelling of crypt, which is the terminology we prefer to follow), Bloods, or Slobs. These tags, which were pejorative in the legitimate context, were given laudatory mythogenic meaning by the violent gang members.

Each gang was called a "nation." This mythogenic denotation gave a whole host of meanings to the gang members, including the all-important ones of membership, belonging, and loyalty, which they never had outside the gang. Membership in the gang was "for life." Here again, the mythogenic structure of "for life" gave a sense of continuity and even eternity for their otherwise erratic existence. However, the most important mythogene in the gang was "love," yet in the context of the gang, "love" meant violence, blows, and severe injuries in the "quoting" (initiation rites) of individuals. In our theoretical interpretation, this

inverse denotation was effected as follows: Every child wishes to be accepted by his family and, of course, loved (mythogene of longing), yet the boys and girls interviewed while being "quoted" to the gang by severe blows recounted a history of familial neglect, violence, and sexual abuse by parents (frustrating mythogenes of experience). Hence, violence became conditioned and associated with "love." Therefore, when the girl undergoing "quoting" asked for "love," she was actually demanding more blows from the gang members.

These, to be sure, are rather cursory remarks, but they may serve as an initial empirical anchor for the importance of mythogenes in the understanding of gang behavior. Perhaps of significant interest as well is the development by the gang members of a whole rationale concerning the nation-like characteristics of their gangs. Monster Kody (Shakur 1993) depicts the gang-bangs as warfare, and he speaks of the importance of "inter-nation diplomacy." Furthermore, there were "international rules" that governed the warfare as well as the respect given to territories and leaders. It is as if these gang members understood that they were at the crossroads of micro- and macro-criminology!

Following their lead, we shall pass now to macro-criminology and see how myths and mythogenic structures may help us understand the genesis of some instances of genocide. Since macro-criminology has been so little studied by criminologists, we shall devote more attention and space to it than to the micro-level recruitment of individuals to a life of delinquency and membership in a delinquent gang, which we have so far sketched only in outline.

Macro-criminology

Genocide, the annihilation of one tribe, society, or nation by another, has been widespread from time immemorial. It started with club-yielding cavemen and continues into the third millennium with electronic warfare. But the most striking macro-criminological and victimological phenomenon was no doubt the destruction of European Jews in the Second World War. It has also been the most studied.

We believe that we can add a new vantage point to the current explanations of the Nazi regime, within the context of macro-criminology, as a special case of our stigma and labeling theories (Shoham and Rahav 1982), outlined above in the micro-criminology section. Furthermore, our theories on the main dialectics of human behavior (Shoham 1982) are applicable to the mutually-dependent relationship between the Germans and the Jews, which was ultimately disrupted by the Holocaust.

George Mosse has already pointed out the scant etiological results yielded by years of research into the origins of Nazism and the Holocaust (Mosse 1961:81). This may be due to the enormity of the events, which defy attempts at intellectual

or rational analysis. Economic, political, and social factors may contribute to, but cannot in themselves explain, complex social phenomena. At the risk of stating the obvious, one must point out that no "nothing but" explanations nor, on the other hand, eclectic theories, can totally explain social and behavioral phenomena. Thus, the theory favored by Sartre ([1946] 1970) and many others, to the effect that the Nazis used the Jews as scapegoats, might be incorporated into a more elaborate causal model, but in itself is of scant explanatory power. Similarly, Hannah Arendt's (1958) "banality of evil" might indeed characterize some Nazis, but to anchor on it a whole theory of National Socialism and the Holocaust is simplistic and shallow. To tag Hitler as a madman, psychopath, and sexual deviant explains, like all psychiatric tags, very little. Of more importance is to explain how this raving maniac almost succeeded in conquering the whole of Europe and winning the Second World War. Moreover, almost the entire German nation followed him. Dissidence appeared only when it became obvious that he had failed to fulfill his megalomaniac promise to build the Thousand Year German Reich. The model to be constructed, therefore, will be multi-faceted. I shall point out as we go along some guiding clues that will identify factors and trends to be incorporated in the model that appears at the end of this article.

How could a civilized and culturally sophisticated nation of 80 million accept, with almost no effective resistance, the absolute rule of a bunch of thugs? Nothing short of a type of religious frenzy could account for it. Uriel Tal has already pointed out the religious nature of the Nazi movement (Uriel 1980), but what kind of religion? We contend that Nazism, as a macro-criminological phenomenon, may be viewed as an example of black, or inverse, religiosity. Some crimes may be related to the inverse religious belief of a Jacob Frank that "to uphold the Torah is to infringe it." Some esoteric religious sects claimed that in a world dominated by evil, one must worship it in order to survive. A Jean Genet, for example, worshipped the trinity of homosexuality, theft, and betrayal, and with it constructed a normative system diametrically opposed to bourgeois morality. For didactic purposes, we may envisage the Nazi regime as a Frankist movement that seized power. Frank — Hitler then becomes prophet and Führer, with Al Capone — Goering, Genet — Roehm and Sade — Streicher as his aides. The rejection by the Nazis of the restraints of Jewish morality and laws made everything possible and permissible. The repression of Christian grace, compassion, and mercy allowed S.S. death squads to commit wholesale murder. Without the constraints of Christianity, the pagan *Furor Teutonicus* can reign unchecked, with Himmler, the arch-murderer, believing himself to be the incarnation of Henry the Fowler, a Saxon king of the tenth century. Göring, when drunk, also imagined himself as a Germanic tribal chieftain and jumped onto banquet tables to dance a Teutonic war dance. Without laws and morals, the Nordic war gods reigned supreme. Only power counted, and

those soldiers who died to further the Nazis' murderous aims would be resurrected in Valhalla.

A Theory of Personality and Social Character

Most authorities agree that anti-Semitism was a central issue for the Nazis, more so than for any other movement in history. Hannah Arendt (1958:7) goes further and states that it constituted the center of Nazi ideology.

This anti-Semitic obsession of the Nazi hierarchy, which was openly or tacitly approved of by the vast majority of Germans, cannot be explained by psychiatric labels or by superficial personality factors or social forces. We claim, as a second clue for our model, that the anti-Semitism of the Nazis was related to the core dialectics of the German social character. Both of these concepts, "core dialectics" and "social character," need clarification. The first is linked to our core personality theory, which we have developed elsewhere (Shoham 1982) and which we plan to incorporate into the causal model of our present work.

This theory identifies two opposing personality types: the "participant" and "separant." "Participation" means the identification of the ego with people, objects, or symbols outside the self, and the desire to lose one's separate identity in fusion with external entities. "Separation" implies the opposite. These two character types define the poles or extremes of a continuum of personality types (Shoham 1982).

Our personality theory also posits three main developmental phases. The first is the process of birth. The second, the crystallization of an individual ego by the molding of the "ego boundary." The third phase, a corollary of socialization, is the achievement of an "ego identity." The strain to overcome the separating and dividing pressures never leaves the human individual. The striving to partake of an all-encompassing whole is ever-present and takes many forms. If one avenue toward its realization is blocked, it seeks another. Total participation fusion is, by definition, unattainable. In addition to the objective impossibility of participation, the separant trait acts as a countering force, both on the instinctive and interactive levels. At any given moment of our lives, there will be a disjuncture, a gap, between our desire for participation and our subjectively defined distance from our participatory aims. We call this gap the "Tantalus Ratio" (Shoham 1984).

Another basic premise of the theory concerns the fixating of separant and participant personality types. This is related to the stage of development, at later orality, when a separate self crystallizes out of the earlier undifferentiated whole. There is an ontological baseline by which the self is defined by the non-self — the outside object. The coagulation of the self marks the starting point for the most basic developmental dichotomy (Shoham 1982).

Two separate developmental phases can be distinguished: the first, from birth and early orality until the point at which the ego boundary is formed around the

emerging individual separatum; and the second, from later orality onwards. In the first phase, any fixation that might occur, and thereby imprint character traits on the developing personality, is not registered by a separate self capable of discerning between the objects, which are the sources of the fixation-causing trauma, and itself as recipient. The entity which experiences the trauma is a non-differentiated whole. However, if the traumatizing fixation occurs at the later oral phase, the self may well be in a position to attribute the cause of pain and deprivation to its proper source: the external objects. We therefore propose a personality typology that is anchored on this developmental dichotomy of pre- and post-differentiation of the self (Shoham 1984).

The process of molding the separate individual determines the nature and severity of the fixation, which in turn determines the placement of a given individual on the personality type continuum. However, the types themselves are fixed at different stages in the developmental chronology; the participant at pre-differentiated early orality and the separant after the formation of the separant self. The participant factor operates, with a different degree of potency on both these personality types, but the quest for congruity manifests itself differently with each polar personality type. The participant aims to achieve congruity by effacing himself, by melting back into the object and regaining the togetherness and non-differentiation of early orality. The separant aims to achieve congruity by overpowering, or "swallowing," the object (Shoham 1982).

When our core personality continuum is applied to the characteristics of groups or cultures, it relates to a social character. The family and other socializing agencies transmit the norms and values of the group, which the individual then internalizes. It is important to note at the outset, however, that social character as the composite portrait of a culture is never pure. It portrays only essentials, not peripheral traits. One culture may absorb the social character of its conquerors. This social character may thence be classified along a continuum similar to our personality core continuum. The separant pole can be denoted as Sisyphean, after the Greek stone-manipulating Titan; we denote participant as Tantalic, after the stationary, inner-directed and abstract demi-god. Thus the social character constitutes the cultural dimension of the personality continuum.

Patterns of Culture and Social Character

The classification of cultures along a continuum and on the basis of their relationship to a given personality structure necessitates two basic assumptions. First, cultures possess generalized traits that may be measured and ranked on a predetermined typology or scale. Second, these traits can be related to the character of the individual. Riesman (1950), who uses, mutatis mutandis, Fromm's (1973) definition of social character, relies for the sources and genesis of this social

character on Erikson, who claims that "systems of child training... represent unconscious attempts at creating out of human raw material that configuration of attitudes which is the optimum under the tribes' particular natural conditions and economic-historic necessities" (cited in Riesman 1950:19). Erikson's mesh of social Darwinism and Marxist material dialectics is too concrete and harsh, in our view, as an explanation for the volatile concept of social character. I prefer to see the social character as a "collective representation," in the sense used by Levy-Bruhl (1966:3-5), of acts, symbols, and transitions from the concrete to the abstract displayed by groups in their interaction with the individuals who comprise them or with other groups. This involves the transmission of the social character of the group from generation to generation by a process of learning and socialization, and not by heredity as postulated by Jung with his view of the "collective subconscious" (Jung 1944:616). The social character is the psychological type of a character as displayed by a collectivity, and not by the individuals comprising it. Yet, when the group implants this social character in the individual, it provides the necessary link between the phylogenetic and ontogenetic bases of the personality structure.

The use of a continuum to describe social characters means that no culture may be tagged by one definitive label. Consequently, in every participant social character there are also separant patterns, and vice versa. In Judaism, for instance, Yom Hakipurim, the Day of Atonement, is a participant ritual in which the individual strives to partake of divinity through self-humiliation and effacement. Yom Hapurim, the feast celebrating the deliverance of the Jews from Haman, Ahasuerus' evil Wazir, is written in Hebrew like the Day of Atonement less one syllable: Ki. This led the Lurianic Kabbalists to link the two holidays: the Day of Atonement being Yom ki Purim. The lots cast by children and adults on the festival of Purim were compared with the lots of life and death cast by God on Yom Hakipurim, the Day of Atonement. And yet, Purim is a separant ritual of frenzy in which individuals strive to reach each other through the ecstatic togetherness of wine, song, and dance (Encyclopaedia Judaica 1971:1390). The pure separant or participant culture does not exist in reality, but the signs that indicate the presence of one or another type of social character may be arranged on several continua, representing various cultural areas. At the separant extreme, we may place the northwest European societies that are imbued with the Protestant ethic. On the participant pole, we find cultures dominated by the Hinayana Buddhist doctrines of quietist self-annihilation.

It might well be that the separant-activist trends of northwest European cultures have their origins in the ethos of the Germanic tribes that conquered their way across Europe, carrying Thor's hammer as a symbol of power. They even dispensed with the fear of the afterlife by having Odin, the God of Battle, send his armor-clad maidens, the Valkyries, to carry slain warriors to eternal bliss in Valhalla. There is no doubt that the concern with achievement, the manipulation by force of less

powerful societies, and the scientific conquest of nature which marked the rise of northwest European societies in the last centuries, were boosted by the Protestant ethic. A separant trend runs through Luther's sanctification of work as a sacred calling, Calvin's stress on achievement as proof of predestined worth, Hegel's doctrine of action as the necessary bridge between subject and object, and Marx's edict to harness all means of production in order to mold man's (dialectical) future. The separant culture is Sisyphean because its aim of incorporating and controlling spatiotemporality within itself is unattainable. At the same time, hyperactivity often channels itself into routine and aimless ritualism. However, social engineering is more likely to lead to the social death of totalitarianism or the robotic zombies of Orwell's *1984*, and the scientific manipulation of matter seems to achieve the suffocation of air, the death of water, and the perfection of artifacts for mass murder. Yet, the separant striving to reach Utopia through the dialectics of action is never-ending, like the pushing of the Sisyphean rock.

On the participant extreme of our continuum, we have placed Hinayana Buddhism, of the Southern Theravada school. The Hinayana is the "small vehicle," as condescendingly labeled by the Mahayana Buddhists who called themselves the "great vehicle." The Hinayana rejects spatiotemporal existence as a burden because all action and interaction is irritation, friction, and suffering (dukkha) (Humphreys 1952:81).

Thus we arrive at the basic assumption for our present premise: The German social character is situated on the extreme separant Sisyphean pole of our continuum, whereas the Jewish social character, although not on the pole, is quite close to the participant-Tantalic ideal type.

Separant Character	Participant Character
Object-manipulation	Self-manipulation
Reason	Intuition
Flux	Constancy
Plurality	Unity
Action	Resignation

Figure 3. Polar Patterns of Social Character.

Clashes, Syntheses, and Disruptions

We propose, therefore, to view anti-Semitism, and specifically the Holocaust, as, inter alia, a manifestation of the dialectical clashes and syntheses between the Jewish Tantalic social character and a series of extreme Sisyphean social characters leading up to the Germans. The Jews were probably the first harbingers

of abstract monotheism in Europe. As we have already suggested, religion is a prime component of social character; thus, the Jews' primacy in monotheism contributed greatly to their sense of uniqueness. Another basic fact is the Jews' astounding durability over the years, through all the clashes with an ever-changing cast of Sisyphean social characters. The Jews' position on the Tantalic-participant segment of the continuum had been fairly stable until the advent of Zionism and the establishment of the State of Israel. With this, Israeli Jews, in a remarkable transformation, jolted towards the Sisyphean-separant pole of the continuum. These facts are linked to two basic events in Jewish history that are relevant to our present study. The first is the clash between the Jewish and the Hellenistic social characters after Alexander's conquest of Palestine (332 B.C.E.). Before this, the Jews were embedded in an oriental, and largely Tantalic, set of cultures. The Hellenistic conquerors provided the first European, Sisyphean, culture with which the Jews came into contact. The second clash is the destruction of Jerusalem and most of Judea by the Romans (70 C.E.). The subsequent dispersion of the Jews throughout the Roman Empire generated continuous clashes and dialectical syntheses between Jews, as a conspicuous minority, and the majorities.[1] Our starting point is, therefore, that the seeds of the Holocaust were sown in the frontal clash in the fourth century B.C. between Greeks and Jews.

Reinach (1895), in his compilation of Greek and Roman sources relating to Judaism and Jews, stresses the relevance to these sources of understanding anti-Semitism. The Jews, he rightly points out, were usually politically subordinate to Greek and, later, Roman dominion. Hence, the sympathies or antipathies (anti-Semitism) of these dominant cultures toward the Jews determined their well-being, prosperity, and sheer survival (Reinach 1895).

The crucial point, however, is not the political subjugation of the Jews by other cultures. This had happened periodically many centuries before the conquest of Palestine by Alexander. The Egyptian, Babylonian, and Persian empires, under whose political patronage and cultural influence Judea and Israel found themselves, were more participant-Tantalic, hence closer in social character to the Jews. On the other hand, the Greek and Roman cultures were diametrically opposed to it, with the Greek social character, for instance, anchored on the object and its environment. It strove for aesthetics, whereas the Jew turned to his inner-self. The participant ideal of non-being is expressly anti-aesthetic. The Jews' shunning of plastic arts is also reflected in the Old Testament's proscription of the graven image of God. The Jew had a tendency to be more abstract in his religion and culture, whereas the Greeks had concrete deities and a concrete Weltanschauung. The Greeks valued harmony in their surroundings and a Sisyphean ordering of their possessions according to a preconceived scheme. The Jews tolerated total disarray of things and objects, so long as they could be enmeshed in a normative and ethical scheme that made this world, and especially the ever-after, meaningful. The Jew

focused on transcendence, whereas for the Sisyphean Greek, everything important was in the here-and-now; the away-and-beyond was an illusion. For the Greeks, even myths and hell were part of objective reality. The Jews were monotheistic, reflecting their quest for participant unity, whereas the Greeks were polytheistic and projected onto transcendence the separant plurality that they perceived in the objective world. The Jew longed for salvation through a divine Messiah who would deliver him from his spatiotemporal vicissitudes into the boundless eternity of the Divine Presence. For the Greek, salvation belonged to the possibility that one was able to achieve anything in this life.

The Judeo-Hellenistic clash was so fateful to the history of Europe and its culture that there had been a tendency among some scholars, notably Heinrich Graetz (1891), to exaggerate its importance. He claimed that these two nations molded the foundations of European civilization. Whatever the veracity of this claim, there is no doubt that the extreme polarities between the Hellenistic and Jewish cultures resulted in the widest possible range of conflicts and the broadest variety of cultural syntheses. Only the Jews, among all the cultures subjugated by Alexander and his Hellenistic heirs, consistently resisted the imposition of the Greek normative religious code (Talmon 1976:115f). This in itself made the Judeo-Hellenistic clash sui generis in its violence and in the magnitude of its subsequent cultural syntheses.

One of the most conspicuous outcomes of these polarities was that the self-effacing Tantalic Jewish social character periodically lost its political independence to more voracious, action-bound, Sisyphean cultures; however, intellectual independence and innovation continued. This is apparent in the flourishing of scholarship in Yavneh, under the leadership of Rabbi Johanan Ben Zakkai, immediately after the destruction of the Temple. This scholarship continued with only a few interruptions, including the notable revolt of Bar Kochba (132-135 C.E.), which was bloodily suppressed by Hadrian (351 C.E.) when the Emperor Constantius the Second destroyed the seats of learning in Tiberias, Sepphoris, and Lydda. The pursuit of learning continued, though, in full force in Mesopotamia, where centers of learning had already been established in the second century. These achieved widespread recognition in the third century and were epitomized by the Babylonian Talmud, the most important spiritual core of Judaism to this day. After the Moslems conquered the Middle East, North Africa, and later Spain, Jewish spiritual life continued to flourish, due to the relative tolerance of the Moslem Caliphas, Sultans, and Pashas. In Mesopotamia, Jewish exilarchs and geonim (academy heads) continued to foster the spiritual excellence of the centers of learning. In Moslem Spain, such figures as Hasdai-ibn-Shaprut (915-970) and Samuel-ibn-Nagrela (993-1063) utilized their prestige with the Caliphas to help Spanish Jews materially, but mainly in furtherance of religious learning, the study of medicine and languages, and the pursuit of poetic excellence. The towering figure of the Jewish Diaspora in Moslem

North Africa of the twelfth century was Maimonides. He was both court physician to Saladin and the author of the Mishneh Torah, which systemized Judaic principles of religion and ethics and, after the Talmud, remains the most important document of Jewish religious philosophy.

In Christian Europe, too, the Jews pursued spiritual excellence, motivated by their participant social character. The Talmid Hakham — the Talmudic scholar who studied most of his waking hours in the Beit-Midrash or in the Yeshiva — enjoyed the highest prestige. His intellectual activities were mostly an end in themselves and the repetitious immersion in the Talmud was the primary interest of his life. The Talmid Hakham flourished in a medieval Europe whose Christian population was mostly illiterate, and in the shadow of violent Crusaders. This tradition of holding scholarship in high esteem lasted until the end of the nineteenth century. In the Jewish Shtetl of Central and Eastern Europe, the prominent members of the Jewish community aspired to be Talmidei Hakhamim themselves. If they could not do so, they tried to secure a Talmid Hakham as a son-in-law. After the Emancipation, the pursuit of spiritual excellence manifested itself in an influx of Jews into prominent positions in the arts, humanities, and sciences far beyond their relative numbers in the population. This led anti-Semites of the nineteenth and twentieth centuries, and ultimately the Nazis, to regard the pursuit of culture as a Jewish trait. Characteristically, Hans Johst, the Nazi arbiter-elegantiarum, was heard to exclaim that when he heard the word "culture," he reached for his gun.

In the beginning, Christianity was a Jewish sect, but with the strengthening of its separant components (i.e., the deification of Jesus, the dogma of the Trinity, and the forgoing of circumcision and other rules of Jewish observance), it became unacceptable to the Jews. The rejection of Christianity by the Jews took place in the typical participant manner of self-segregation and self-effacing resignation. St. Paul, however, exercised foresight indeed when he realized that proselytizing Gentiles to the new creed was more promising than trying to convert the Jews. The newly-converted pagans utilized the crucifixion of Christ to persecute the Jews. Typical of separant-activist social characters is the tendency to behave in a militant manner, even in apparently other-worldly religious matters. Moreover, the participant, repressive, guilt-laden component in Christianity that was contributed by Judaism curbed the free expression of passions and aggression to which the former Sisyphean pagans had been accustomed. This also fuelled a subconscious feeling of violence against the Jews, who were "responsible" for the displacement and repression of the pagan-separant traits by Christianity.

The Jews rejected the Greek polytheistic separant religion because they held their own abstract monotheism to be superior. They also dismissed Greek philosophy as an inferior form of Judaism (Wolfson 1968:85). In a similar vein, the Jews also rejected Christianity because of its separant objectification of man as God and its introduction of the plurality of a trinity into the uniqueness of monotheism.

The Greeks and Romans, on the other hand, accepted Christianity when their religions were in decline (Murray 1955). Hellenistic and Roman cultures were also exposed for considerable periods to Oriental cultural and religious influences, which tempered them with participant components and thus made them more amenable to Christianity.

The Germanic tribes, on the other hand, paid the price for their separant growth, vigor, and expansion when they were converted, quite often by coercion, to Christianity. Hence, the fact that Christianity was an artificial graft was evident especially in those Germanic cultures that had not been assimilated by Latinized societies. The German Holy Roman Emperors always tried to shirk the yoke of the Popes, no doubt mainly for secular, political reasons. However, the conflict was exacerbated by the contrast between a separant force-oriented Emperor and a Pope whose aim was to impose on the world Judeo-Christian participant morals and the notion of universal guilt.

The first massive rebellion against the participant elements in Christianity, and especially its overtly Judaic components, was launched by Luther and his German Protestant followers. This again shows that the participant Judeo-Christian elements were not organically absorbed and integrated into the German separant social character. Finally, when the Jews, after the Emancipation, tried to integrate into the world of German culture, they did so through the perspectives and Weltanschauungen of their participant background and social character. Hence, a considerable segment of the culture and art generated by German Jewry was a synthesis between German separant patterns and their original culture, utilized as raw material, and the processing contributed by the participant Jewish artists and scientists. This synthetic product was not really accepted or even understood by the vast majority of Germans outside the confines of the main urban centers (Gershom G. Scholem 1975:114-117). However, the normative restraints of the participant elements in Christianity kept the German social character in a precarious balance. When this was disrupted by the Nazi rejection of Christianity, which was seen as a Jewish imposition on the freedom of the Germanic spirit, all hell broke loose. The *Furor Teutonicus* exploded in frenzy after centuries of confinement within the bounds of participant laws, morals, and idealistic transcendence. When the explosion occurred, it erupted violently in all directions; everything was possible. The Nazis, paraphrasing Nietzsche ([1883] 1905), decreed that if the Judeo-Christian God was dead, then the Teutonic supermen were now gods. In the new order, with Hitler-Odin as leader, these "deities" could reshape the world, breed new strains of supermen, and exterminate the lowly Untermenschen.

Our premise about the dialectic between separant and participant social characters may be summarized as follows. The first phase was the encounter between Hellenism and Judaism, which produced the synthesis of Christianity by the participant Jews and then, in the second phase, its adoption by the more separant

European cultures. The third phase was the renewed encounter, in the nineteenth century, between the Jewish social character, recently emancipated from the ghetto but still largely participant, and the separant Germans. The German völkisch movement rejected the resultant synthesis of "Jewish" art and culture. When it came to power with the Nazis, the whole Judeo-Christian mesh of restraints was shed and the explosion of the Holocaust followed. Schematically, these three dialectical phases are presented in Figure 4.

The Jews rejected the Christian synthesis mainly because of a dynamic we have designated as "the least interest principle" (Shoham 1984); that is, a mutual rejection of likes and attraction between non-likes. The second phase, that of segregation, will be dealt with in the framework of stigma and scapegoating. The third phase of the model is again amenable to a core dialectic interpretation: the German rejection of the synthesis of "Jewish" culture and the resultant explosion were precipitated by the rejection of Christianity, the synthesis of our first phase.

The link between the first and third phases of our model makes a cycle in which the removal of the participant restraints of Christianity (synthesis of first phase) enables the eruption of the Holocaust (third phase) to occur, the violence of which prevents any further viable synthesis. The Jews of Europe were slaughtered and their culture destroyed. The Germans suffered a Götterdämmerung, their culture

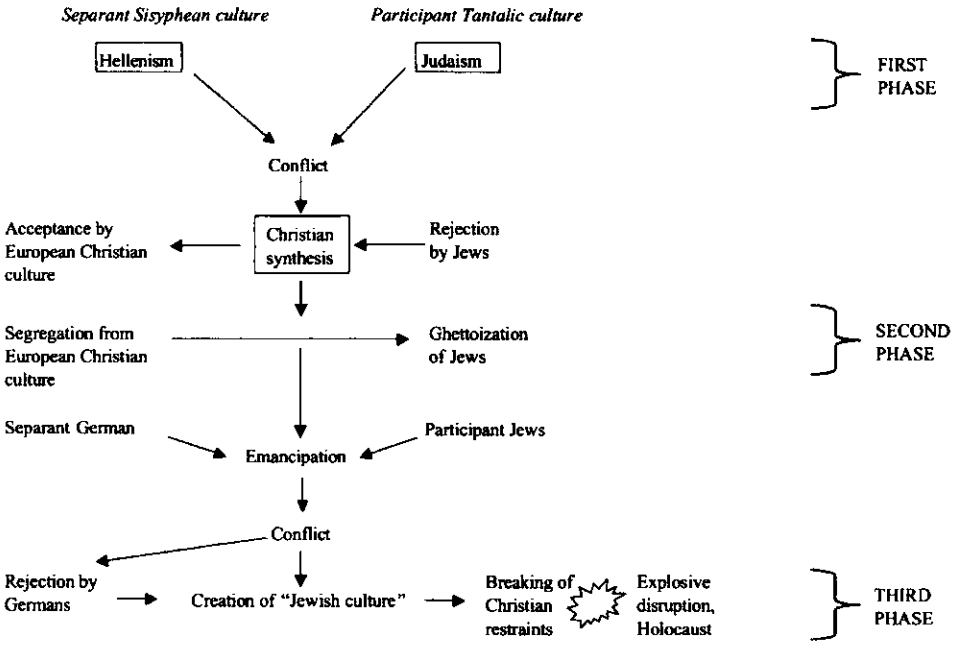

Figure 4. Dialectical Model of the Phases Leading to the Holocaust.

was severely maimed, and their country divided for two generations. Worse still, the rampage of the *Furor Teutonicus*, probably more than any other single factor, set in motion the forces of the Orwellian ([1949] 1963) apocalypse of *1984*, which threatened to engulf the world for four and a half decades.

The Murderous Family

One of the main attributes of Judaism is the participant inclusion of both the here-and-now and the ever-after into a complete legal code. The Torah — the "law" — is a pulsating unity that engulfs every Jew and the whole Jewish nation and regulates all the routines of life. The duty of every Jew is to study the Torah through the Talmud and its interpreters. The Talmid Hakham, the Talmudic scholar, is in essence a law student who imbues his scholastic endeavors with a religious character. These legal and moral rules of behavior were enforced by the inner controls of conscience and guilt, to which Christianity added mercy and compassion.

Elsewhere we have denoted the acquisition of morality and a set of norms as the "Isaac Syndrome," after the Biblical myth of Abraham's offering of Isaac (Shoham 1979). It is a variation on the theme of formal and informal rites of passage. Indeed, most transitions from childhood to adulthood involve the acquisition of the burdens of responsibility by painful rites of passage (Shoham 1979). Socialization involves deprivation and conflict with the normative authority of the family (i.e., the father or his surrogate). Oedipal pressures, according to Freud ([1924] 1962), have always been associated with the acquisition of morality and with the social indoctrination of male children. We claim, however, that the process of normative separation is initiated by the father (or his surrogate) in a dynamic that is, in fact, diametrically opposed to Oedipal pressures. This dynamic involves deprivational pressures on the son by the father and is meant to effect the separation of the adolescent from the family fold and therefore his entry into the loneliness of social responsibility.

Norms are thus imprinted on the adolescent by, as it were, a sacrificial ejection from the permissiveness of the family into the restrictive mesh of laws and morals. Hence, the Nazis' rejection of Judeo-Christian participant law and morality coincided with the quest to revert to the German tribal family, where everything was performed with a paganistic lack of restraint and where norms were few and almost everything was permitted, if one could get away with it. This might not have been historically true, but it was accepted and adopted by the Nazis through the projection of the amoral and lawless behavior of the Teutonic family of the Aesir. Odin, Thor, Loki, and their kin would murder, pillage, rape, and manipulate with the sole factor being the power of the attacker versus the resourcefulness of his opponent. The abrogation by the Nazis of Judeo-Christian law and morality entailed the rejection of both the norms reflected in the sacrifice of Isaac, as well as the sacrifice of Jesus, which signified the ultimate participant morality of

achieving grace through victimization. The quest to return to the previous collective developmental phase of the pagan tribal family is linked to the völkisch ethos of "Blut und Boden," the return to the blood-kinship of the tribe and the ancestral land of the family. Tal rightly notes that this stress on the blood element of kinship constitutes the essence of social togetherness and exclusiveness (Tal 1976:87). We may add that Nazi racism is rooted in the idea of the biosocial primacy of the tribal family. The Nazis actually went further. By rejecting Christian guilt,[2] they abrogated original sin. They thus reverted to Edenic innocence, together with the feeling of omnipotence unrestrained by any participant feeling of guilt. The Nazis' regression to previous developmental phases therefore entailed the amoralization of the regime of the Third Reich and the adoption of the familial-blood kinship of tribal racism.

When Judeo-Christian law and morality are forgone, and the German finds himself in the bosom of the extended tribal, pagan family, he is not subject to collective norms, yet as an individual might still find himself subject to morals and compassion. This is why the Nazis intuitively stressed the importance of collectivity with their phrase "ein Volk, ein Reich, ein Führer," which is a variation on the theme of the trinity or, rather, plurality in unity. Indeed, Göbbels highlighted the transformation of the individual German within the collectivity by using the metaphor of the plurality of German worms becoming a dragon within the group. To this end, Nazi rallies, especially in Nüremberg, served to create a unified, heaving, growling carnivore out of a motley assortment of peasants, artisans, clerks, and intellectuals. The goose-stepping, uniformed Nazis felt themselves elevated to the Germanic mythological Asgaard; every cowering butcher, salesman, and teacher hearing the magic voice of the Führer could imagine himself transformed into a demi-god of the Aesir. The individual German lost his separate self within the "dragon." Such collective regression to a former developmental phase which is the pure participant goal of man but is impossible to realize, both on the personal and on the group level, was thus dragged down to reality by pagan rites. The Nazis induced the German people to re-enact in real life the Teutonic myths, replete with their competitive cruelty and religion of war. This, as we will later elaborate, inevitably led to Götterdämmerung, which was ordained by the Eddic myths and acted out by the Nazis and through them by the German people as a self-fulfilling prophecy. Myths are projections of longing, quests, and collective experiences. However, when someone insists on using mythology as a blueprint for actual existence, disaster is the inevitable result.

There is an anecdote about an event that occurred after the Wannsee Conference at which Nazi leaders formulated the Final Solution which has not, however, been fully verified: The participants reportedly got drunk and danced a Germanic tribal dance on the tables. If true, this is a symbolic ritual signifying that the foreign Jews have no place in the blood (Blut) and racially pure tribal family of the Aesir.

In the Darwinist struggle of the pagan tribe (Tal 1976:114), in which violence is not restrained by law, morals and mercy, Jews are the normative Wiedergeist, the sinister counter-power of the Wise Men of Zion, who must be exterminated. The wandering Jew had no place in the land-rootedness of the pastoral Aesir. Indeed, the polytheistic deities, both Greek and Teutonic, which reflect the separant Greek and Germanic social character, are family-centered, cruel, arbitrary, and amoral; yet, they are subject to the fateful order of things imposed by Moira and Ananke. Such lawlessness and amorality correspond to the normlessness and irresponsibility of the pre-rites-of-passage family fold before the adolescent has been brought into the limits and bonds of normative responsibility by a symbolic sacrifice (i.e., the Isaac (or for girls, the Iphygenia syndrome).

The Aesir and the Vanir, the families of the Teutonic tribal gods, are given to xenophobia, cruelty, fornication, and infantile practical jokes (MacCulloch 1964). In contrast, the sacrifice of Isaac and the self-willed victimization of Christ signify the imposition on man of law, morals, guilt, and the duty of compassion toward fellow men. Thus, our model decrees that at each developmental stage, both the individual and the collective seek to revert to an earlier developmental stage. The Germans longed to shed the normative constraints of Judeo-Christian law and morals and return to the amoral irresponsibility of their paganism. They resented the Jews, who symbolized to them the imposition of restraints on their hedonistic paganism.

Some observers have noted the extremities of the German social character and the contradictory fluctuations of the Nazis.[3] Our thesis also states that the base of the German social character was shaky because its two core vectors were not integrated. When the center did not hold, it was possible for the Nazis to subdue, or even neutralize, its restraining participant components so that the separant core frenzy of the *Furor Teutonicus* could reign in full force. The regression to the tribal pagan ethos facilitated the acceptance of the authority of an absolute leader. The Judeo-Christian concepts of justice and morals imply the weighing of the pros and cons of a given situation and emphasize restraint, not the arbitrary use of power. When this sense of law and justice is rejected, the tribal chieftain reigns supreme. Thus, the separant power of Odin knew no limits; consequently, the omnipotence of Adolf Hitler, der Führer, recognized no boundaries of law, morality, or mercy.

Living Myths and Myth-Playing

As we have pointed out earlier, we use myths not only as illustrations for our theoretical premises but also as their empirical anchors. Myths, as personal history, may therefore be regarded as accounts of crucial developmental stages in the formative years. Moreover, human development in the early formative years passes at an accelerated rate through the whole evolutionary phases of the species.

Consequently, myths are also a projection of the development of the species. It is interesting to note that the conception of myths as a projection of personal history may be inferred from the Apocalypse of Baruch, which states, "every man is the Adam of his own soul" (quoted in Tennant 1968:140). Every human being experiences original sin as a stage of development so that the myth of the fall is a projection of individual, yet also universal, developmental experience. However, myths become archetypal projections of human experience only when they are widespread. The more common a developmental experience, the greater its chances of becoming a mythical projection. The inverse is also true: the more widespread a myth, the higher the chance that it is a projection of a widespread, or even universal, phase of human development. The universality of the myth of the Fall, for instance, points to the fact that the corresponding developmental phase, the separation of the individual self from the unified whole of early orality, is indeed experienced by every human being. We denote this method as "mytho-empiricism." For all their theoretical differences, Bachofen (1967), Jung (1944, 1964), Claude-Levi-Strauss (1964), and Eliade (1954) are all mytho-empiricists because they rely considerably on myths for the empirical validation of their theories.

We may point out, however, that the role of myths and, in our context, German Eddic mythology has not been readily appreciated by all scholars. Trevor-Roper (1962), for instance, considers the mythological roots of Nazism as "... bestial Nordic nonsense" (p. 55). The Eddic myths were not nonsense, but the core component of Nazism. We shall show that the Nazis were not only guided by the Germanic myths, but that they actually tried to relive and re-enact them, both in their frenzied burst of power and their subsequent decline and fall into Götterdämmerung.

The mythology of separant cultures is not about the after-life, but the here-and-now. In Greek mythology, Tartarus (Hell) is just another place within space and time. In a similar vein, the concern of Germanic mythology is just another level of existence in the here-and-now. Thus, soldiers slain in battle are taken by the Valkyries to Valhalla, where they carry on their earthly existence as if on another continent or somewhere in the mountains high above the clouds. Hitler and the Nazis aimed to mold the German Reich into a sacred myth. After this was established, der Führer would slip naturally into the role of the god Odin-Wotan (Jung 1964:185). The vast majority of the German people embraced the manic mythical existence. They started to rebel only when it became clear that the Thousand Year Reich was the pipe dream of a lunatic and that the Führer could no longer credibly play the role of Odin-Wotan.

The Nazis, as Tal states, turned myth into reality (Tal 1979:43). According to W.I. Thomas's (1966) theorem of social science, if a myth is defined as reality, it becomes real in its consequences. But, as mythology warns, both Sisyphean and Tantalic goals may be longed for but never fully realized; thus, the living of

a myth and acting out mythological roles inevitably lead to disaster. This is the macabre saga of a whole nation whose mythology ceased to be just one facet of its collective subconscious and became an actuality, guiding its political, social, and individual lives. In the beginning, the Nazis took the world by surprise and most of Europe was swept by their mythological frenzy. But, later on, Hitler-Wotan, Göring-Thor, Göbbels-Loki, Himmler-Heinrich the Fowler, and the German war machine committed such glaring mistakes precisely because they were pursuing mythological goals through a potpourri of realistic and mythical means. They soon started sliding on the steep road to ruin.

The Nazis often played mythical roles in which reality and play-acting intermingled, creating a surrealistic haze around reality. At Munich, the French and the British conducted themselves by the rules of diplomacy and international law, according to which *Pacta sunt Servanda* (pacts should be complied with). But Hitler and the Nazis played by rules of the mythical Aesir, according to which one could cheat and trick one's opponents outside the restraining obstacles of law and morals. The end was what counted, whatever the means. For Himmler, the Reich was a sacred myth. In the spirit of Heinrich the Fowler, the medieval Saxon king of whom he believed himself to be the reincarnation, he regarded his S.S. divisions, and later the whole of German society, as a tribal blood unit which had to subjugate, enslave, or exterminate all those who did not belong to it. Hess flew to England, literally motivated by the mythical vapors in his chaotic brain, on a mission to induce the Germanic brethren to stop fighting and to rejoin the Germans in the family fold of the Aesir. Hitler planned to construct megalomanic monuments to himself that were fit for the abode of the chief deity of Asgaard and his court. Even on the verge of defeat, he was still contemplating the construction of his Great Domed Hall, which would have been larger than St. Peter's and the Arch of Triumph (Speer 1971:72, 97, 193, 194). This mythological role-playing induced Hitler to make his worst tactical error, which probably sealed his fate even at an early stage of the war. After the collapse of France, he behaved towards Britain like one Niebelungen knight to another. He did not attack the retreating British forces at Dunkirk, nor did he launch a massive attack against the British Isles. He thus allowed Britain to reorganize its defenses and army. As he regarded the British as members of his mythical Aesir, he waited for peace overtures from England, which never came; nor could he have expected them to come, had he assessed the situation realistically.

The Nazis followed the blueprint drafted for them by Eddic mythology to the hilt, replete with the Grand Finale of the Twilight of the Gods (Götterdämmerung). In August 1944, Hitler realized that Germany would lose the war. He therefore decided to make good his statement of November 27, 1941, that if the German nation was not strong enough to make the sacrifices necessary for its existence, then it should perish, and carried out a series of campaigns destined to destroy Germany (Haffner 1968). These campaigns included the suicidal German attack in

the Ardennes on December 16, 1944, which squandered Germany's last military reserves; the catastrophic decisions concerning the Eastern Front, which left the German army exposed to the vengeance of the Russians, whereas his resolve to resist more ardently on the Western Front curbed the advance of the less destructive Western Allies. On March 18, 1945, Field Marshal Keitel issued a Führer-order to evacuate the entire German populace in the face of the advancing Western Allies. As no organized transportation was available, this evacuation would have amounted to a death march. On March 19, 1945, Hitler issued another order that amounted to a total "scorched earth" policy to destroy the industrial, communications, and supply resources of the Third Reich. Speer (1971) writes of this order that it would have realized Hitler's plan to drag the German nation to Valhalla and was concomitant with the Final Solution of the Jewish problem. The rationale of this might have been that the Nazis used the contrast with the inferior Jews to reinforce their own sense of superiority. Hence, if the Germans were doomed to perdition, their Wiedergeist definers should also go down with them, as an inseparable appendage in both glory and doom. Furthermore, if the Jews signified for the pagan Nazis the restraining, participant element in European culture, they had to be fought all the more ferociously. This could explain why, as German military losses increased, so too did the quantity of scarce supplies and logistical means given over to the destruction of the Jews.

Symbiosis

Another component in our dialectical model is the fact that prior to the Holocaust, the Jews developed a spectacular symbiosis with German culture. In the wake of the Emancipation, *fin-de-siècle* Vienna and Germany witnessed an inrush of Jews whose ancestors had just left the ghettoes and were acquiring an ever-growing hold on Austrian and, later, German culture, science, and fine arts. People like Einstein, Freud, Marx, Heine, Mahler, Ehrlich, Boaz, Mendelsohn, Hofmanstahl, Schnitzler, Straus, Zweig, Lasker-Schiller, Wassermann, Schoenberg, Weil, Liebermann, Reinhart, Klemperer, Von-Sternberg, Weittgensten, Toller, and Tucholsky were leaders and innovators in German and Austrian science, art, and philosophy and were also either Jews or of Jewish descent. The Jews made their contribution on a German cultural base, but as we shall show later, their creativity was filtered through their participant background and social character. This cultural synthesis was largely not understood and basically not accepted by the German hosts. However, with the German Götterdämmerung and the Jewish Holocaust, both victim and tormentor suffered severely. Germany and Austria experienced a scientific and cultural decline after the Second World War from which, in some areas, they have not yet recovered. After the Holocaust, European Jews went into almost total cultural and creative eclipse, and Israel, which absorbed a large propor-

tion of Holocaust survivors, has not reached, in comparative terms, the cultural excellence of Jews in *fin-de-siècle* Vienna or Germany at the beginning of the present century.

The Sacrificial Victim

We have already pointed out that the collective Jewish adoption of the Torah was a manifestation of the Isaac Syndrome extended to the entire people of Israel. Christianity, which stressed the universal values of love, mercy, and grace, was initiated by the Jew, Jesus Christ, who was the archetypal participant victim. However, this Christ was adopted by the separant Crusaders, the rapacious feudal lords and the martial medieval church, and used as a weapon to bully Christ's old compatriots. The glaring paradox here was that Christ, the self-effacing participant and willing victim – "God's own sacrificial lamb," was used to further victimize the participant European Jews. The Jews sang "Lechu Nerannena L'Adonai" ("Let us sing to the Lord") while being burned at the Auto-da-Fe. This further enraged the bullies, who took this readiness to be sacrificed as a diabolical affront. The dance macabre of Jewish martyrdom exploded to monstrous proportions with the Holocaust. The fatal encounter of the Jews with a cannibalistic separant horde stripped of the restraining Judeo-Christian check of law and mercy claimed six million non-resurrected Isaacs and Jesuses. The Warsaw Ghetto even provided another archetypal victim, a direct descendant of Isaac and Christ. This was Janus Korczak, who refused the Nazis' offer of freedom if he agreed to abandon his 200 orphans. He dressed all of them in their best clothes, as befitting Agnus Dei, and climbed with them onto the cattle trucks destined for the crematoria at Treblinka. Unlike Christians, Jews need no passion play to reinforce their faith. Their role as perpetual participant victims has been ingrained in them by torrents of blood. It has been projected onto them in the form of myths and metaphysical symbols and highlighted by the hallowed trinity of Isaac, Christ, and Korczak.

There might be some validity in the contention that the younger culture and religion was antagonistic to the older in an Oedipal manner. In our context, however, the paternal Jewish, participant culture was bullied and slaughtered by a maternal, separant pagan culture. A corollary to this is that the victim himself is to blame for his plight. "It serves them right, the Elders of Zion and their kin, if we let them have it, for trying to subjugate the world" (Cohn 1981:238). If the victim is "guilty," then the bully can attack him with impunity. Hence, the Jews were an ideal victim. Their symbolic power and danger justified their being bullied; yet their real powerlessness made such an assault a "safe" and hazard free venture. This is one of the main reasons why the history of the Jews in Europe is that of an almost continuous martyrdom. A Jungian analyst once commented to me at a private dinner: "The Jews are the perennial archetypal victim for the

last two thousand years." Israel for some years became a heroic nation. This was against the archetype. However, after the Yom Kippur War, Israel became a victim again and thus reverted back to the Jewish archetype. The chosen people were thus chosen to suffer and to be victimized. Ezekiel (16:6) said: "... and when I passed by thee, and saw thee polluted in thine own blood, I said unto thee, when thou wast in thy blood, live." Such victimization serves to reinforce the normative excellence of the Jews. The sacrifice of Isaac, signifying the choice of the Jews to accept the legal authority of the paternal God, is constantly re-enacted in blood. By his submission to victimization, the Jew fortifies his normative righteousness before God. His constant affirmation of the Law thus becomes sealed in his own blood. This might well be the subconscious complicity of the Jewish victim in the carnivorous assaults of the separant bully.

The Macabre Dyad

Hitler had warned the Jews often, but they failed to take him seriously because, among other reasons, he spoke bad German. Hitler never gave a written order for the Final Solution. In all probability, it was given orally to Himmler. The roving units of the S.S., the Einzatzgruppen, were entrusted in April 1941 with the Endziel (i.e., the "final goal"), Nazi jargon for the killing of all undesirable elements on the Eastern front. On July 31, 1941, the "total solution" of the Jewish problem was extended to all areas under German dominion. On January 29, 1942, the Wannsee Conference was held to coordinate the various ministries and services engaged in the Final Solution. All these preparations were taken with the separant order and Teutonic meticulousness typical of the Nazis. As for the victims, many students of the Holocaust, foremost amongst them Reitlinger (1961) and Hilberg (1973), have pointed out the meager resistance of the Jews to their extermination, as they went like "sheep to the slaughter." On the other hand, recent studies showed that the Jews resisted the Nazis more often and in more ways than was previously realized (Bauer 1976). However, the main reason given for the Jews's failure to resist more frequently was that no country was eager to receive Jewish refugees; all Nazi plans to deport Jews, including the Madagascar Plan, failed. The Nazis thus launched a full-fledged extermination campaign. Passive acceptance of the genocide of the Jews was shown by the great majority of nations under Nazi dominion, the heroic resistance to the deportation of the Jews by the Danes being a glaring exception. The Nazis utilized techniques of secrecy, deception, and degradation very effectively in order to break the will of their victims to resist. They gave power and executive functions to the Jewish Judenrats and police so that collaboration in the deportation to the death camps was inevitable. The Jews had a long history of bargaining with their oppressors, and over the centuries they had developed a technique of gaining time. This is characterized by the story of a cruel, feudal lord

and his dog. In the tale, the feudal lord ordered the Rabbi of the Jewish community to teach his dog to talk; if this task were not accomplished, the lord would kill all the Jews. The Rabbi agreed to perform this task within five years. When he returned home, the Jews in his congregation worriedly asked him how he could fulfill such an impossible promise. "In five years' time," answered the Rabbi, "the Paritz may die, or the dog may die." And so the Jews tried to gain time with the Nazis by complying with their demands, bargaining with them as much as they could, and

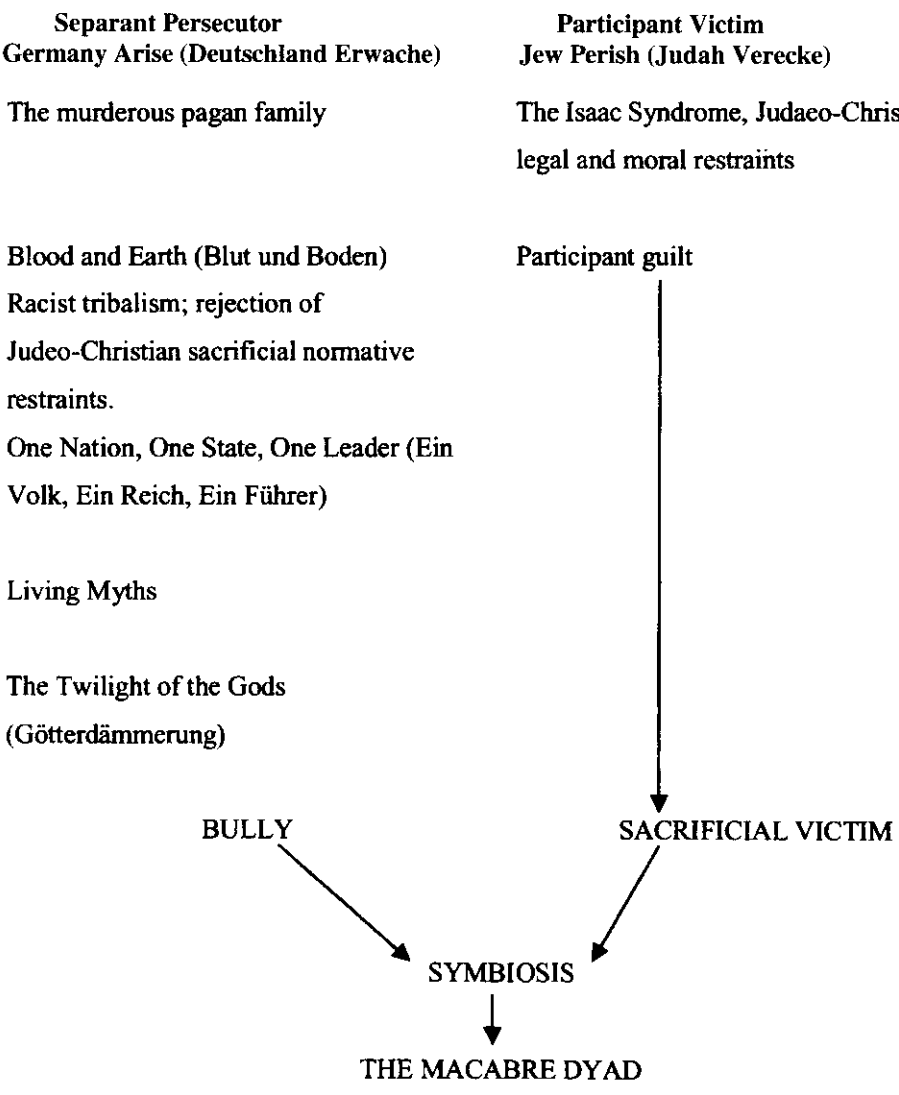

Figure 5. A Dialectical Model of Persecution and Victimization.

hoping something would materialize which would save them as it had in the past. It was useless to resist the Nazis because this would provoke them to accelerate the deportations and exterminations. Some groups of Jews did not believe, or did not want to believe, in the existence of the death camps; and others still believed in the compassion and humanity of the Germans.

I claim, however, that whatever the resistance of the Jews to their extermination, and whatever the reasons for helping the Nazis to carry out their task, the opposition of the Jews to their slaughter would have been greater and the task of the Nazis more difficult if there was not a subconscious tendency among the Jews to make victims of themselves. The participant social character, which aims as a core goal at the annihilation of itself into non-being, is predisposed in a dyadic situation to take on the role of victim. This macabre symbiosis between oppressor and victim means that persecution of the oppressed reinforces the latter's normative suffering, hence his sacrificial righteousness. Moreover, in Jungian psychology, the aggressor and his victim are the two complementary components of a single archetype. Through victimization, the Jew reinforces his unique participation, his moral ascendancy, and his choice of suffering as a sign of transcendental excellence. The Nazis, on the other hand, tried to get rid of their own participant components by projecting them onto the Jew and making a scapegoat of him, presumably cleansing themselves in the process of their despised restraining norms and morals. The notion of kiddush hashem, the sanctification of God by a willing, self-sacrifice, also includes disdain for the oppressor and moral superiority over him, and is the sign of Jewish participant martyrs from Jesus to Janusc Korczak. A summary of the dialectical component of our model is offered in graphic form in Figure 5.

The Sinister Side

We shall now commence our initial survey of the second group of preconditions for the Holocaust. While the first set of preconditions deals with the core dialectics of social character, these second preconditions relate to the self-definition of the Nazis as worthy and superior to the vile Jews. In Nazi Germany, an authoritarian state where ambiguity could not be tolerated, the Jew was portrayed as the antithesis of the Teutonic superman. Actually the Jew was much more; he was an essential part of Nazi ideology. Thesis and the antithesis, the ideal and its negation, were generally voiced together. In a typical speech, Hitler ranted: "Everything beautiful we see around us today is only the creation of the Aryan, his spirit and industry; only the bad things are the heritage of the Jew" (quoted in Heiden 1944:121-2). This was the basis of the declaration of von Schönerer, the founder of modern political anti-Semitism, some decades before Hitler: "We pan-Germans regard anti-Semitism as the mainstay of our national ideology" (Arendt 1958:229).

Tannenbaum (1938), who wrote one of the most penetrating analyses of Nazi racism, has stated:

> In general, it seems that there could be no 'true Aryan' without a Jew somewhere in the background. This may sound like a paradox, yet it can be easily explained. German racists needed both an 'Aryan' and a 'Semite' race to balance each other out. As in a cable-car mechanism, the two pulleys are needed to compensate each other: down goes the Jew, up goes the Nordic. The superiority of the Aryan is predicated on the inferiority of the Semite (p. 259).

Pulzer's (1964) study of the genesis of anti-Semitism in Germany and Austria concludes, after a rigorous statistical analysis, that it drew its strength mainly from the proliferating new class of white-collar workers rather than from the lower classes. He writes:

> Economically, the members of the new Mittelstand... were almost undistinguishable from the proletariat.... In social status, however, they were distinct from the working class and in a society as rigidly hierarchic as the German, they were strongly endowed with 'consciousness of class superiority.' Their (preoccupation was) to keep their distance from those below (p. 70).

The more the new middle class could stigmatize, degrade, and oppress those below them, the higher became their own relative status. This is why they were so eager to scorn and degrade the Jews, once the government offered them as scapegoats. There was no objective point or level from which status and class could be measured. If one could not climb the tower, one could deepen the abyss.

In *The Mark of Cain* (Shoham and Rahav 1982), we presented a model of stigmatization, of which most of the components are relevant for our current purposes. We envisaged the tagging process as a projection of undesirable features and an outlet for the aggression of the stigmatizer. The stigmatized was conceived by us as a scapegoat, somebody to look down upon. The object of stigma was characterized by conspicuousness, symbolic threat, and lack of real power. All these components apply to the relationships between Jews and Nazis or, for that matter, between Jews and all anti-Semites.

The conspicuousness and separateness of the Jews was pointed out by one of the earliest anti-Semites. "And Haman said unto King Ahashverosh: There is a certain people scattered abroad and dispersed among the people in all the provinces of thy kingdom; and their laws are diverse from all people; neither keep they the King's laws; therefore, it is not for the King's profit to suffer them" (Esther 3:8). The separateness of the Jews arose more than anything else from their monotheism. Jews were glaringly conspicuous in a polytheistic milieu with a pagan tolerance for a plurality of gods. This led to a social separation and ethnocentric self-segregation

by the Jews. This, in its turn, was balanced with a counter-segregation by their socioreligious environment.

Later, in Christian Europe, the segregation of the Jews was even more conspicuous; their refusal to accept Christianity led to their ghettoization, their being limited to lowly occupations, and their actual tagging with special signs and attire. Hans Johst defined the excellence of the Aryan race, "the anti-Jew," by contrast with the "degenerate Jew" as follows:

> The uniqueness of the Aryan race is a manifestation of the Volk-spirit. Since this spirit is from and for the Volk by virtue of its elitist essence, 'it cannot be given to every man to profit' (1 Cor. 12:7). These charismatic gifts are uniquely Aryan. It is enough to look at the Jew and his history of suffering; the Jew who is the very embodiment of moral decay and physical perversion, of spiritual petrification, and aesthetic degeneration, in order to realize that only the counter-Jew, the anti-Jew, is the one on whom the charisma of world leadership, of life, power, and destiny had been bestowed (quoted in Tal 1979:22-23).

Johst uses here the precise terminology of definition by contrast: The Aryan, socially-pure Nazi, is not defined by his "positive" attributes, but negatively by his non-Jewish ones. The Jew thus provides the contours and characteristics of the anti-Jew.

Hence, the Jew in Nazi ideology is the age-old Wiedergeist, the sinister side that defines the right side. This vile Wiedergeist had to be created out of disparate components because, physically and behaviorally, the Jews were heterogenous. This task was entrusted to the anti-Semitic caricature, especially to Streicher's *Stürmer*. The stereotypical *Stürmer* Jew was short with crooked legs and a pot-belly, fat lips below an enormous hooked nose, tiny beady eyes behind thick glasses, his hand fondling money or the helpless, limp figures of Aryan girls. The Aryan stereotype was the positive mirror image of the degeneracy of the Jew. Needless to say, the physically and behaviorally heterogenous Aryans were as remote from their stereotype as the Jews were from theirs.

The Jewish stereotype was not invented by Streicher. Seneca and Tacitus had already portrayed the dirty and treacherous Jew. The non-aesthetic Jew was thus contrasted by these early anti-Semites with the Graeco-Roman ideals of beauty. This stereotype of the disgusting Jew was adopted and developed further by the medieval Christians. It was refined by Luther and inflated to monstrous proportions by Dühring and the Völkisch ideologists. Hitler followed a well-trodden path when he claimed in *Mein Kampf* that Jews were dirty, sexually depraved, whoremongers. The Jew was racially low — an Untermensch, in contrast with the pure-blooded German Übermensch. Blut und Boden were also positively contrasted with the homeless, wandering Jew. Finally, the Jew was a Marxist, the ideological anathema

to Nazism. Dühring thus proclaimed the Jews to be the "inner Carthage" of Germany; and, like Cato, he demanded their destruction lest they destroy Germany.

The need of the Germans for a scapegoat was fierce. Despite their potential vigor, they lagged behind in most Sisyphean areas. Until the unification of Germany in 1870, the country consisted of hundreds of independent principalities, duchies, and counties (over 300 at the end of the eighteenth century). Industrialization and urbanization came late. Moreover, the separant "Deutschland Über Alles" credo suffered a severe blow in World War I. The crack German army was, in the eyes of the Germans, not defeated but stabbed in the back by the Bolsheviks and the liberals, the puppets of the Elders of Zion. Hence, the participant Jew, "the enemy of the people," was the restraining buffer. His curbing of the German Sisyphean force made him an internal saboteur. If the Jews managed to perform this destructive feat, they must be omnipotent. Hence, the wise Elders of Zion were portrayed by the Nazis as the clandestine rulers of the world. Some of the Nazis sincerely believed in this myth. S.S. General Von Dem Bach Zelewsky, for instance, testified at Nüremberg that only when he saw the Jews helplessly slaughtered with nobody coming to their rescue, did he stop believing in the omnipotence of the Elders of Zion. Indeed, the Jews were the ideal scapegoat: a powerless power symbol. They were also a handy and socially conspicuous enemy of the people. Whenever it was necessary to divert attention from internal problems, or to tighten the cohesion of the German people, aggression and hatred were directed toward the bizarre, incomprehensible, and dangerous Jew. This scapegoating and rejection of the Jew in Christian Europe during the Middle Ages and later, and the counter-rejection by the Jews of the Gentiles, resulted in Jewish ghettoization. After the Emancipation, the Jews became frantically arriviste as a reaction to their participant self-effacement in the ghetto. Such achievement-orientation made them ostentatious and, thus, once again prone to scapegoating. This time, however, they could not find solace in Judaism, which many of them had left behind in the ghetto. Their frames of reference were German; hence, they had no defense in the face of the stigmatizing tags. They thus internalized the stigma and sank into Selbsthaas (self hatred), from the extreme suicidal self-despair of a Weininger to the stoic self-derogation of a Rathenau, who stated that the Jews were an Asiatic tribe in the midst of Germany. Consequently, even if the Jews tried to become assimilated, as they eagerly did in Germany, the need for a scapegoat would re-identify them as the despised outsider.

Church, Race, and The Nazi Aesir

There is continuity to the stigmatizing of Jews by Christians and Nazis, although there are also some marked differences. The most important of these differences was that no baptism could save a Jew from Auschwitz. The main segregating criterion of the Nazis was based not on creed and affiliation but on

blood and race, which cannot be altered. The Nazis adopted the deicidal image of the diabolical Wiedergeist branded on the Jew by the Christians. However, the additional tag of racial pollution they added was indelible. The struggle between the pure-blooded Nazis and the racially-polluted Jews could only be resolved by a blood-letting. The seeds of the Holocaust were already sown when the labels of degeneracy that were tagged on the Jews were deemed to be based on unalterable biological and genetic criteria. Furthermore, if the Nazis were the resurrected deities of the Eddic Aesir and Vanir, they were permitted everything, especially if they were engaged in ridding the German Herrenrasse, the master race, of genetically corrupt elements. The task could not be subject to sentiments and morals. The extermination of undesirable elements was viewed as a matter of course.

The racial purity of the Nazis was beatified by the transcendence of German mythology, with Hitler-Odin as God incarnate. Race was thus made sacred and the purity of the blood of the German Volk and its excellence ordained by destiny (Tal 1979:27). One was born into the beauty and wholesomeness of the German Volk. Judeo-Christian norms did not apply to the separant Aesir family, in which everything was morally permissible. Moreover, these moral mandates came from a race that anchored itself on anti-aesthetic participant abstractions. Such abstractions stemmed from the proscriptions of graven images by a monotheistic God, who did not lend himself to physical, temporal, or personal description.

Changes in the self-image of the Nazis and the re-labeling of their acts became possible with the shift in their frame of reference from themselves as individuals to themselves as part of a collectivity. The Nazis' collective fixation on the group whitewashed all their deeds. Morals are for individuals; but a nation, a Reich, cannot be wrong or morally depraved. Hitler, Borman, and Himmler were honest in their personal expenses (Speer 1971:99), but colossal gangsters in the name of the Reich. The Nazi corporal at Auschwitz, defending himself, claimed that he took part in a collective work; a collectivity cannot be immoral. Indeed, even Durkheim would have supported him in saying that in a cohesive society like Nazi Germany, being regarded as immoral is a contradiction in terms.

The Nazi revolution, with its radical change of values and abrogation of morals, needed a corresponding change of labels and language. The Nazi "Newspeak" drew heavily on religion, archaic Völkisch sources, Eddic mythology, and Blut und Boden terms of speech. "Language," said Walter Poppelreuther, "should give free, conscious expression to the primordial impulses of the German man, who is bound to a racial stock, and the sound, vital impulses of his natural life, precisely by overcoming the counter-race" (quoted in Tal 1979:41). The German language thus became a branding tool in the fight against the Jews. Figure 6 sums up the predisposing labeling and stigmatizing factors that supported Nazi anti-Semitism.

The Stigmatizers	The Stigmatized
An outlet of aggression	Scapegoat; "Somebody to look down upon"
Projection of vileness	Conspicuous outsider
Self-definition of worth by contrast with the vile and genetically polluted Wiedergeist	Powerless power symbol; the stereotype of the racially impure and inferior Untermensch

Figure 6. Anti-Semitism as a Stigmatizing Process.

Background Factors

The two groups of predisposing factors we have just examined interacted with the background socioeconomic, cultural, and political processes of German society to effect the eruption of the Holocaust. These background factors may be roughly classified under four headings: economic, cultural normative, political, and structural (see Figure 7).

In the economic sphere, Sombart points out that the Jews, at the beginning of the twentieth century, constituted about one percent of the German population, yet they controlled seven percent of the national property (cited in Friedlander 1971:64) and were managing directors of nineteen percent of commercial and industrial firms. In 1907, 30 out of 52 bankers in Berlin were Jews (Geva 1977:70, fn. 3). No doubt, these facts kindled the fires of envy among competitors, particularly among those who were economically hurt by the war. The severe inflation in Germany in the 1920s, and the economic crisis that ensued shocked the populace and induced them to seek a scapegoat. The economically successful Jews were a natural target for resentment, especially when their consumption and display of achievement were ostentatious.

Turning to the cultural normative background factors, the newspapers, at that time almost the sole mode of mass communication, were heavily controlled by Jews. In Berlin, for instance, out of 21 daily newspapers, 13 were owned by Jews and four more controlled by them (Friedlander 1971:68). The Jews also played a central role in the cultural and artistic life in the urban centers, especially Berlin. An extreme disproportion could be observed in the number of Jewish university students; they constituted around fifty percent of the student body (Friedlander 1971:60). All this reflected the frantic Jewish drive for upward social mobility.

Politically, Jews were prominent in the Weimar Republic and occupied a number of positions that made them both politically prominent and vulnerable. Rathenau, for instance, was responsible for meeting the economic and political demands of the victors of the First World War while Cohn and Zinsheimer were members of the Inquiry Committee that investigated the German defeat before which august war heroes such as Hindenburg and Ludendorf had to testify (Friedlander 1971:90). This, we may assume, exacerbated the resentment.

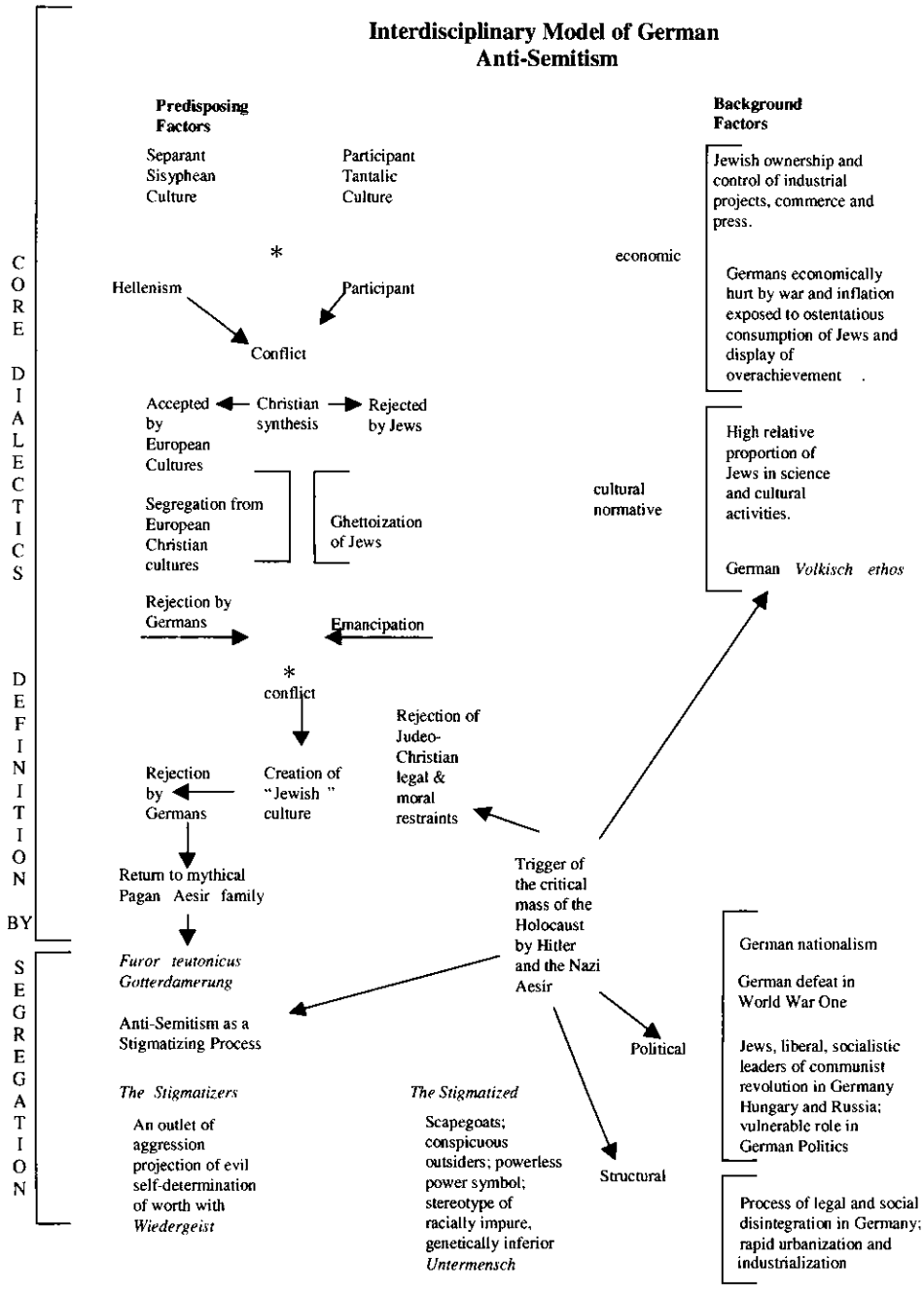
Interdisciplinary Model of German Anti-Semitism
Predisposing Factors
Separant Sisyphean Culture
Participant Tantalic Culture
Background Factors
Jewish ownership and control of industrial projects, commerce and press.
economic
Germans economically hurt by war and inflation exposed to ostentatious consumption of Jews and display of overachievement .
Hellenism
Participant
Conflict
Accepted by European Cultures
Christian synthesis
Rejected by Jews
High relative proportion of Jews in science and cultural activities.
cultural normative
Segregation from European Christian cultures
Ghettoization of Jews
German Volkisch ethos
Rejection by Germans
Emancipation
conflict
Rejection of Judeo-Christian legal & moral restraints
Rejection by Germans
Creation of "Jewish" culture
Return to mythical Pagan Aesir family
Trigger of the critical mass of the Holocaust by Hitler and the Nazi Aesir
German nationalism
German defeat in World War One
Furor teutonicus
Gotterdamerung
Anti-Semitism as a Stigmatizing Process
Political
Jews, liberal, socialistic leaders of communist revolution in Germany Hungary and Russia; vulnerable role in German Politics
The Stigmatizers
An outlet of aggression projection of evil self-determination of worth with Wiedergeist
The Stigmatized
Scapegoats; conspicuous outsiders; powerless power symbol; stereotype of racially impure, genetically inferior Untermensch
Structural
Process of legal and social disintegration in Germany; rapid urbanization and industrialization
CORE DIALECTICS
DEFINITION BY
SEGREGATION

Figure 7.

The nineteenth century was a time of fierce nationalism in Germany, a nationalism altered by a xenophobia directed especially against Jews, "the outsiders in our midst." Defeat in war, the shameful Treaty of Versailles, the masses of disenchanted soldiers returning to a ruined economy, to inflation and unemployment, all fuelled the search for a culprit. The Jews, "the traitors in our midst," fouled the separantly efficient German war machine, stabbing the country in the back. Otherwise, the German army, the glorious kin of the Aesir, could not have lost the war!

Moreover, the Jews tended to be Democrats, Socialists, and Communists because these movements were, outwardly at least, strongly in favor of granting full equality to all minorities, including Jews. Moreover, the Jews were conspicuous among the leadership of socialist movements and among the Communist revolutionaries in Russia. This again reinforced the Wiedergeist image of the Jews.

Finally, anomic structural processes in Germany, which also served as important background factors, were linked to the classic dynamics of social change. In 1871, Germany's population was 69 percent rural and 31 percent urban. Within 40 years, the urban population increased to 60 percent (Geva 1977:70). By the beginning of the twentieth century, Germany had become the second largest industrial state in the world after the United States. This speedy urbanization and industrialization was recognized by Durkheim as a potent anomic process. As Jews were prominent in these dynamics of social change, which damaged the social position of the traditionally conservative Germans, the Jews were thus exposed to blame for destroying deeply rooted völkisch values.

The Full Model

The interdisciplinary model presented in Figure 7 represents the composite interaction of the predisposing and background factors for German anti-Semitism that were triggered by Hitler. Having laid out the components of this model in the preceding pages, our discussion will now turn to an overview of the full model.

As already stated, the approach described in this article is composite, dynamic, and multivariate. Any model that tries to explain a social phenomenon solely by one group of factors is untenable. Methodologically, our model is composed of two sets of multivariate factors. It should be stressed that the background factors of our model have been studied and documented by many researchers and scholars. The segregating mechanisms of anti-Semitism have also been researched but have not previously been structured into the stigma theory that we present. The core dialectics of separation and participation, and the mytho-empirical predispositions to anti-Semitism, are entirely new, as are the dynamic components of our model.

Core dialectics, as predisposing factors to anti-Semitism, have been adapted from our personality theory to group relationships. When the separant Teutonic social character was seemingly subdued by Judeo-Christian participant laws and

morals, the Germans reacted with an eruption of *FUROR Teutonicus* against the scheming, wise Elders of Zion.

The self-definition of the Nazis, in contrast with the stigmatizing stereotype assigned to the Jews, might overlap the core dialectic factors, but at this stage of our analysis, determining the nature and extent of the overlap is not crucial. The background factors may also overlap, but this, too, does not alter the essential structure of our model. It should be noted that both groups of predisposing factors fall within the periphery of the background factors. The triggering of the two parts of our model into the Holocaust by Hitler and the Nazi Aesir has not been addressed in the discussion so far and we shall elaborate on it in the remaining pages.

Scholars of Nazism disagree as to whether Hitler initiated the Nazi movement or whether it evolved through an accumulation of factors. Our answer is that both views have validity if considered within a framework of a deterministic model like ours. In our model, the predisposing and background factors are triggered into Nazi anti-Semitism by the person of the Führer. Indeed, Hitler seems to have unified the German people like no other leader before him. He catalyzed the process by which, to use Göbbel's metaphor, "the multitude of German worms became a dragon." It is irrelevant whether Hitler was sane or not. What counts is that the German people's messianic quests and mythical projections converged on a person who was able, within a given context of place and time, to embody and fulfill them. Hitler became the head of the German dragon, spewing oratorical fire in the "Cathedral of Ice" built for him by Speer in Nüremberg. Thus, he reached out for the mythical Asgaard in the turgid German heaven. The Völkisch nationalist ideology was free-floating in the German political and social climate. Hitler crystallized it around his person; his leadership embodied the will of the people (Tal 1978:40). He thus provided the Germans with a martial faith in the "second coming" of Odin, at the head of the Eddic Aesir. "My will," he declared, "is your faith" (quoted in Tal 1978:34). Hitler regarded himself as a Wagnerian Siegfried, but he was more than Siegfried; he was Odin incarnate. He was the Son of God, becoming God in the flesh; the source of faith, as well as its symbol; the source of law and justice as well as its enforcer; the source of power, as well as its brandisher. The Nazi salute served as, and looked like, a benediction; the benediction of the Nazi flags was a communion and a holy mass. The Führer provided a magical field force of protection. The Germans believed that the wall on which his portrait hung could not be damaged by Allied bombs.

Conclusion

In sum, the micro-level of criminology explains deviance in terms of the mythogenes that are first embedded in the developing child and which produce, when certain social, familial, and economic conditions dominate, an individual and

sometimes groups that play out in concrete terms the myths that structure the larger society. These deviants — and those who react to them — do not comprehend the difference between their own longings and the myths at the macro-level that structured them. Hitler's own psyche became indistinguishable from the people he ruled. And since Hitler's psyche was, like all those he ruled, driven by the mythogenes of anti-Semitism and fed by ancient anti-Semitic myths of racial and religious purity, his figure assumed God-like proportions, exuding a mystical aura. Hitler converted the actual myths that structured German culture into concrete acts of destruction on a massive (macro) scale. The destruction was massive, I have noted, because Hitler and his followers attempted to concretely reproduce the ancient myths themselves, in all their destructive glory. As mythical heroes, they were freed from the regular normative constraints of society over which they had risen. In contrast, Genet at the micro-level practiced the opposites of the established culture, seeking not to rise above it, but rather to become its fodder, to happily find his place at the bottom of society. While he forced the dominant culture to apply its myths to his individual case, and made fun of the mythogenes that drove the authority figures of dominant culture, he nevertheless reinforced the overall cultural constraints against massive destruction. For while the anger of society was completely focussed on him and his kind, society could rest in peace because he took upon himself the "sins" of established culture. It is as though Genet was saying: "If you must cast a stone, cast it at me!" Thus, the model applies to North African prostitutes and other delinquents and deviants of various kinds. With each deviant act it is as though the deviants transcend their own psyches — and in a sense they have, for they act out of an unconscious sense of longing, driven by the mythogenes embedded in their young minds, structured by the culture they inherited. As Katz (1988) notes in describing criminals who commit "senseless" murder:

> Their killings emerge from a *dizziness* in which *conformity* is the greatest spiritual challenge and *deviance* promises the peace of transcendent significance (author's italics) (p. 296).

The present work is not value-free. No one can be intellectually neutral toward Auschwitz, especially if the author is a Jew and an Israeli. Nonetheless, the author, being an existentialist, does not believe in regrets or forgiveness. Each act, each event, is a unique convergence of events, making an indelible mark on the cosmos. The present work therefore seeks explanations that are as intellectually insightful as possible. Still, in the background there is a muffled shriek of rage. In the end, we are left to unsuccessfully contain our fury against the monstrosity of man, which has been evidenced ever since his Neanderthal forefathers were pushed toward, or stumbled upon, the path to culture.

NOTES

1 Even before the destruction of the Second Temple, there was a sizable Jewish diaspora in the Roman Empire.
2 Professor Hauer declared: "The Germans have no feeling of guilt and they were not born guilty" (quoted in Baynes [1941:105]).
3 Notably the first hand impressions of Shirer (1961:434-5).

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What Does the World Spend on Policing?*

GRAHAM FARRELL, ERIN LANE, KEN CLARK,
and ANDROMACHI TSELONI

ABSTRACT

Social indicators vary in their breadth and coverage. One popular indicator of the priority that society gives to specific areas of life is a measure of monetary expenditure. Do we spend more or less on X or on Y? Is the balance correct? A necessary precursor to such comparisons is measurement. This paper presents a method for estimating annual global expenditure on policing. Data from the fifth sweep of the United Nations Survey of Crime Trends and Criminal Justice Systems are supplemented with information from other sources. The relationship between gross domestic product and policing expenditure is examined via regression methods. The coefficients are used to extrapolate across space to produce national policing estimates from which a global estimate is derived. It is estimated that the world spent U.S. $194 billion on public policing in the year 2000. The method utilized to produce this estimate is described, and the implications and possibilities for future research are discussed.

Introduction

PUBLIC EXPENDITURE is always a concern for taxpayers and policy makers alike. Everyone wants value for money, effective and efficient resource allocation, and to spend public monies most appropriately. Yet knowing how much is spent is a prerequisite for making such judgments. This is no less true for policing than for other areas of public policy. At the local level, police chiefs examine expenditures on the various units and sections operating within their jurisdiction. At regional levels, such as provinces in Canada, counties in the U.K., and states in Australia, India, and the United States (Bayley 1992 compares police organizations in these countries), police managers look at overall expenditures and try to determine whether the monetary grease is getting to the crime squeak.

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At the national level, policy makers may look at policing expenditures between regions or states and try to match them according to some sort of criteria such as expenditure per capita or per crime. This is all part of the public policy process of determining the balance between equity and efficiency in resource allocation. At the international and global level, statistics are now frequently used to compare countries and to develop global figures from which we can judge how well individual countries are doing, as well as how we are doing as a planet.

While national estimates allow cross-country comparisons, global estimates allow across-issue comparisons. As a planet, do we spend more on policing or on health? Do we spend more on policing or education? What is the disparity between them? If such disparity exists, is it appropriate in terms of addressing global priorities? Comparisons outside the realm of public expenditure also serve as social indicators of a different sort: Do we spend more on policing than on burgers and fries? (see Figure 1); fish and chips?; wine and beer?; oil and petroleum? Comparisons of such seemingly disparate commodities are of sociological interest, since they give some indication of society's priorities and preferences. As such, changes in those priorities over time can also be monitored. If, for example, more or less is spent on policing over time — in relative as well as absolute terms when compared to other indicators — then this might arguably be said to reflect changes in society's priorities.

It is in this context that the present paper reports what the authors' believe to be the first estimate of global expenditure upon policing. The primary data source is the fifth sweep of the United Nations Survey of Crime Trends and Criminal Justice Systems (UNCJS), the most recent version of the survey in the public domain at the time of writing. Based on national-level estimates of policing expenditure for all countries reporting that data item, an estimate is made of how much is spent globally on policing in the year 2000. It is presented as a first effort with acknowledged limitations. As such, if it serves to provoke the production of a more

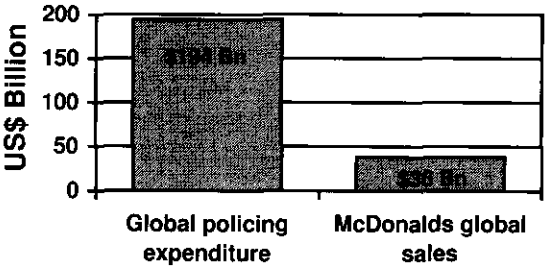

Figure 1. Global Social Indicators, 1999-2000. Sources: Fifth UNCJS and McDonalds (2000).

refined estimate, as well as improvements in the collection and collation of the relevant information, then the task of the present study will have been served.

Calculating Global Policing Expenditure

The method of calculating global policing expenditure is conceptually simple. The UNCJS provides data relating to expenditure on policing for some, but not most, countries. As Newman and Howard (1999b:140) demonstrated, there is a strong and positive relationship between per capita expenditure on policing and per capita gross domestic product (GDP). Hence, for countries where the information on policing expenditure is not known, an estimate can be derived based upon knowledge of per capita GDP since the relationship between GDP and policing expenditure is known. From there, it is a short step to an estimate of global policing expenditure. As always, the practice was slightly more complex than the concept. The specifics of the method are explained in more detail after an introduction to the dataset.

The One-eyed Database

There is an old and gender-biased adage that, in the land of the blind, the one-eyed man is king. Thus it is with the UNCJS database for significant aspects of comparative criminology. While the data have a range of acknowledged limitations, the alternative is usually worse, if it exists at all.

The present study utilized the fifth sweep of the UNCJS survey. The survey has its origins in the 1970s, was undertaken every five years for the first five sweeps, and has changed in orientation over time (see Burnham 1999 for an overview of the history of the survey). Some countries do not respond to the survey while others only respond to parts of the survey. Further, it is sometimes difficult to compare the same data item across countries due to legal and definitional differences. These methodological issues have been reviewed and discussed at length elsewhere in relation to different aspects of the survey (see e.g. Joutsen 1998; Newman 1999; Van Horne and Farrell 1999). It is despite such limitations that the survey provides what is, at the time of writing, probably the best global information relating to many areas of criminal justice. The survey has been the primary data source for a number of studies over the years, including those by Nalla and Newman (1994), Harvey et al. (1992), Pease (1994), Tseloni and Pease (1994), and Kangaspunta et al. (1998a, 1998b). Jon Spencer (1993) recognized the utility of measuring global expenditure on criminal justice, and a series of studies brought together in a recent publication under the auspices of the United Nations Centre for International Crime Prevention may have proven the utility of the survey to even the most skeptical of its critics (Newman and Howard 1999a, b; Lewis 1999; Mukherjee and Reichel

1999; Shinkai and Zvekic 1999). The UNCJS survey has facilitated unprecedented insights into various aspects of the global criminal justice system. Newman and Howard (1999a) made a most insightful statement addressing the issue of the reliability and accuracy of the survey data when they noted:

> There are many difficulties for researchers and policy makers alike in using and interpreting the UNCJS statistics. These statistics are, first and foremost, official statistics of member countries. *They are, in fact, probably the most official statistics of international crime and justice that are published anywhere.* One only need observe the ways in which countries behave internationally as entities — the ritual care with which they make statements in the international arena — to realize that a country's open announcement of the extent of its crime problem and its processing of offenders through the criminal justice system is a major political event. Countries do not reveal such information to other countries (and often to their own citizens) unless this information has been rigorously checked, not only for its 'validity' but also for the impression that it creates (p. 8, emphasis added).

Some of the methodological issues relating to cross-national comparisons of policing and the U.N. survey are worth covering in more detail. In his analysis of criminal justice expenditure using UNCJS data from the 1980s and performing analysis different from that herein, Jon Spencer (1993) observed:

> [O]ne country may spend more on the police than another but may not have any more police — it is just that they pay them more. However, this type of distinction is difficult to make due to definitional problems of who the police actually are; in some countries the police are included as part of the military. Are special, voluntary or part-time police officers included? (pp. 10-11, fn 1.)

Ineke Haen Marshall provides an excellent overview of the policing resource aspects of the present UNCJS database:

> The Fifth United Nations survey instrument defines the police or law enforcement sector as any '[P]ublic agencies whose principal functions are the prevention, detection and investigation of crime and the apprehension of alleged offenders' (page 10). In some countries, these functions are performed by para-military or military forces or national security forces. For this reason, the administrator responsible for completing the U.N. questionnaire is asked to '. . .try to limit as far as possible replies to the civil police proper as distinct from national guards or local militia (p. 10)' (Marshall 1998:57).

Marshall's discussion was focused upon the measurement of personnel resources. Since these typically constitute a large part of police expenditure, the issues are relevant to the present study. Marshall (1998) groups the definitional issues relevant to measurement into two main categories:

> First, the distinction between sworn/uniform and civilian police is problematic. Civilian police personnel is increasingly important as police officers now are aided by a far larger number of civilian employees in the police service than in the past... However, what exactly is civilian police personnel? Does it include support staff, such as secretaries, computer specialists, and crime lab technicians? Some countries (such as Moldova) indicate that they have no civilian police personnel (leaving it open to speculation whether this means in contrast to military, or in contrast to uniformed personnel), while others (such as Liechtenstein and Northern Ireland) simply leave this part of the question blank. Second, even when focusing on 'total police,' some of the national figures provided in the responses may be questionable, reflecting the impossibility of summarizing often very complex systems of policing (centralized or decentralized, with different structures and organizations, under different jurisdictions) into one single summary measure (p. 57).

These authors capture many of the significant methodological issues relating to the present dataset and study. Another potential source of variation may be countries with secret police forces that may not include those elements of the police in their estimates of expenditure, or may not fully disclose information to the survey. In other instances, items included in the estimate of expenditure upon policing may vary, so that a budget item falling under policing in one location may fall under a different category in another. The present research study is therefore offered as a preliminary effort to produce an estimate of global policing expenditure while at the same time acknowledging that such variations may influence the direct comparability of country-level estimates. However, if the present sample is representative, then this would significantly reduce such concerns. This issue is considered later.

Method

If all of the world's countries responded accurately to all items in the UNCJS questionnaire, the present study would only have taken minutes to complete: national policing expenditure could be summed across countries. However, since the dataset is incomplete, the bulk of the present study is concerned with trying to fill gaps in the data. Two main techniques constituted this process. The first was to supplement the UNCJS data with country-level information from other sources. This was undertaken for the variables relating to currency exchange rates, population, and GDP. The second step was to extrapolate from countries for which data were available to countries for which they were not. Implicit to the method is the argument that the assumptions made are hopefully the least worst under the circumstances, and that without them a global estimate of policing expenditure would not be possible. In what follows, the currency referred to is U.S. dollars.

It is acknowledged that the policing expenditure estimates produced herein will undoubtedly contain errors in estimates for individual countries. Some estimates will be higher and some will be lower than the true figures. It is not unreasonable to expect that in the aggregate, since no particular bias toward higher or lower is anticipated, such errors may largely balance out. In addition, since many of the countries for which data were absent were countries with relatively smaller GDPs, they would make less of an overall contribution to the global expenditure estimate. Therefore, the impact of an error factor would be proportionally less. This is touched on further in what follows.

Supplementing the UNCJS Data

The most recent year for which UNCJS data were available was 1994. The UNCJS data were supplemented with information from other sources with respect to three variables. These were the currency exchange rates between national currencies and U.S. dollars, national population estimates, and national GDP estimates. Population estimates were readily available from information provided with a popular spreadsheet program. Some currency exchange rate information was available in the UNCJS database, and this was supplemented with information provided by our colleague Matthew Fleming from the database of the International Monetary Fund.

Information relating to GDP was taken from the Human Development Report of the United Nations Development Program (UNDP 1998). This provided information for 94 percent of countries. For those countries for which the UNDP report did not provide the relevant figure, the per capita GDP for countries in the same U.N. income aggregate group was used as the substitute. For countries that were not categorized into a U.N. income-aggregate group, the mean of countries in that U.N. geographical region was utilized. While this may produce only ballpark estimates of GDP, ten of the twelve countries for which the method was used had populations of less than 100,000 people, and one had less than half a million citizens. The largest absentee was the country then known as Yugoslavia, with a population of ten million. Despite the presence of one medium-sized country, any error factor incurred in relation to these countries should have a negligible impact upon the overall estimate of global policing expenditure.

The fifth UNCJS asked countries how much money they spent on policing for 1990 and 1994. The United States was the only country that reported policing expenditure for 1990 but not 1994. The 1990 figure of $35.9 billion for the U.S. was adjusted for inflation to create a figure for 1994 of $40.6 billion.[1]

The Relationship between GDP and Expenditure on Policing

For the thirty-five countries for which annual policing expenditure estimates were provided to UNCJS, local currency estimates were converted to U.S. dollar estimates to make them comparable. These were then converted to per capita rates to allow comparison using a common denominator. Such a comparison had been previously undertaken by Newman and Howard (1999b:140). However, their analysis had only 22 data points. In the present study, supplementing the data with information from other sources increased the useable sample size by 60 percent to thirty-five countries.

That a strong positive relationship between per capita GDP and per capita policing expenditure emerged in Figure 2 is not particularly surprising. Rich countries can spend more per capita upon policing because they have larger public policy purses based on taxation from higher incomes.

The next steps of the study aimed to extrapolate from these data to the remaining countries. This involved producing national estimates of policing expenditure from which a global estimate could be produced. As the work progressed, it became evident that there were different ways of calculating such an estimate, and three sets of estimates were produced from econometric models with different specifications. Each is described in turn below.

Model 1: Per Capita Model

The Pearson's correlation coefficient showed a highly significant ($n = 35$, $r = 0.662$, $p < 0.001$) positive relationship between GDP per capita and policing expenditure per capita. It is also evident from Figure 2 that there is a clear

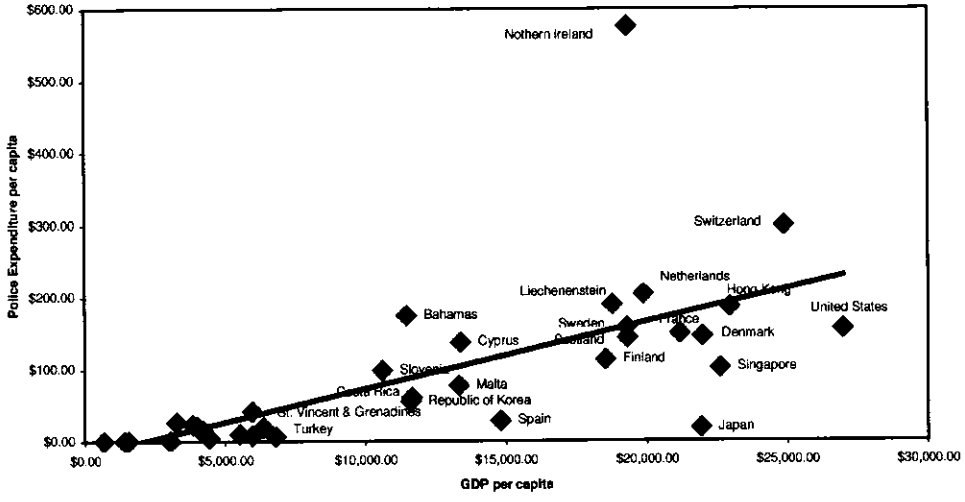

Figure 2. Police Expenditure and GDP Per Capita, 1994.

outlier, Northern Ireland, with per capita police expenditure far above the best-fit regression line, which has been superimposed on the Figure. Throughout the analysis, Northern Ireland is treated as a special case by the inclusion of a dummy variable that takes the value one for Northern Ireland and zero otherwise.

An ordinary least squares regression of per capita policing on per capita GDP produced the fitted equation:

$$P/K = \underset{(0.0006)}{0.006977}G/K + \underset{(47.94)}{440.8801}ni \quad (1)$$

where P is policing expenditure in a country in 1994 dollars, G is GDP in millions of dollars, K is the country population in millions, and ni is the dummy variable for Northern Ireland. Note that the constant was suppressed from the regression as a statistical test suggested that it was insignificantly different from zero. Throughout this text, standard errors of the coefficients are shown below and in parentheses. This model suggests that out of every dollar of per capita GDP, the world spent around .7 cents per person on policing in 1994.

Using this method of estimation to predict per capita policing for each of the 199 countries, the median per capita expenditure on policing per country was $28 and the mean was $52. In this instance the mean is less representative than the median due to the skewed distribution of per capita GDP. The per capita policing expenditure was multiplied by country population to give an overall policing expenditure estimate for each country. The sum of these gave a first global policing expenditure estimate of $228 billion for 1994. Applying the dollar inflation rate provided by the U.S. Bureau of Labor Statistics, yielded an estimate for the year 2000 of $U.S. 264 billion.

Model 2: Linear Multiple Regression Model

The model described above could be considered restrictive for two reasons. First, it imposes an exact relationship between per capita values that restricts interaction between the variables in a manner that may be implausible. Second, the model imposes a purely linear structure on the data that may not reflect the underlying relationship between the variables.

To see the potential drawbacks associated with the first of these issues, consider what the estimated model implies about a situation in which the population in a country changes. For the sake of illustration, suppose that the population doubled. Then GDP per capita would fall by half and, likewise, per capita policing expenditure would also fall to half its previous level. However, this model imposes the restriction that total police expenditure is invariant to population growth. In practice, conditional on a given level of GDP, more or less populous countries' policing expenditure might vary. The proposed modification to the regression model is to estimate a multiple regression of total policing expenditure in which

population and total GDP enter as separate independent variables. This allows population growth to affect total policing expenditure independently of its impact on per capita GDP.

Using the same notation, the linear multiple regression model was estimated as

$$P = \underset{(2.636)}{-7.98K} + \underset{(0.0003)}{0.0055G} \tag{2}$$

This produced a global policing expenditure estimate of $136.5 billion for 1994, or, adjusted for inflation, $158.3 billion for 2000.

Model 3: Double Log Multiple Regression Model

To account for the influence of nonlinearity in the relationship, a logarithmic version of the multiple regression model was estimated. The statistical test of Box and Cox (1964) was applied to establish whether the logarithmic version of the model fit the data better than its linear counterpart. The results of this test (available on request) strongly indicated that the logarithmic model was preferred. The Northern Ireland dummy variable was dropped since the coefficient was not significantly different from zero and it made the estimators less efficient. The estimated model was:

$$\log(P) = \underset{(0.2648)}{-1.52\log(K)} + \underset{(0.2523)}{2.233\log(G)} - \underset{(2.336)}{16.51} \tag{3}$$

where $\log(P)$ is the logarithmically transformed level of total policing expenditure for a country in 1994 U.S. dollars, $\log(G)$ is the country's logarithmically transformed GDP, and $\log(K)$ is its total population also logarithmically transformed. This equation was used to predict $\log(P)$ for each of the countries in the sample and then this figure was converted back into dollar units to obtain the estimates of each country's total policing expenditure.

Applying this more flexible statistical technique yielded an estimate of global policing expenditure of $95.7 billion in 1994 dollars. When the predicted values were replaced with the true values for the thirty-five countries for which they were available, a 1994 estimate of $106.3 billion was produced. Adjusted for inflation this produced an estimate for 2000 of $123.3 billion. This is the estimate from Model 3 without the application of a correction for bias, detailed below.

A correction for bias was subsequently applied to Model 3. The bias correction refers to retrieving the dollar values from the predicted values of the double log model. The predicted values are in log units and it would be natural to take the antilog to get the dollar value back. This approach is advocated by a number of forecasting textbooks (e.g., Wood and Fildes 1976). However, Granger and

Newbold (1977) argue that this is statistically incorrect. Specifically, they show that the mean of the error term in the logarithmic model is non-zero which implies that the antilogged predicted value from (3) is a biased estimator of the true underlying value of policing expenditure. The bias correction is intended to compensate for this. In other contexts it has been suggested (Harvey 1990, for example) that this correction will make little difference to the estimates, although this turns out not to be the case in the present application. Applying the bias correction increases the estimate of global policing expenditure for 1994 to $167.1 billion, producing an inflation-adjusted estimate of $193.8 billion for the year 2000.

Is the Sample Representative?

A key issue remaining is whether or not the sample of thirty-five countries was representative of the world as a whole. If the sample of countries were representative, then many of the potential methodological issues relating to definitional differences in policing between countries would arguably be significantly reduced. Without representativeness, extrapolation from thirty-five countries to one hundred and ninety-nine seems likely to produce a skew in the findings. In fact, the key issue is whether the distribution of incomes in the sample will produce a predictor that is representative of the global pattern. Since there is a good spread across the overall range of global incomes, including a range of countries at the lower end as well as a number at the upper end (refer to Figure 1), there is no reason to believe that the predictions derived will be inaccurate. If anything, the more wealthy countries are overrepresented because they tend to have more established infrastructures with which to collate and report the relevant statistical information to the United Nations. This should be a good thing since it would be at the upper end of the income distribution that a greater variation in policing expenditure, relative to GDP, would be expected in absolute terms. In relation to the specific instance of estimating global policing expenditure, therefore, it is proposed that while the sample is possibly not representative of countries in the world, it is likely to embody a representativeness that is sufficiently accurate for the present exercise.

Discussion and Suggestions for Further Research

Three models were presented from which estimates of global policing expenditure were derived. The predictions change significantly depending on the model (Table 1). This is probably inevitable in an exercise that imputes values for 164 countries based solely on data on two explanatory variables in 35 countries. It is asking a lot of a very small sample of data representing countries which will exhibit a great deal of heterogeneity.

Which model is best? As discussed above, the per capita model (Model 1) imposes an implausible restriction on how the level of population can affect

Table 1

Global Policing Expenditure Estimates for the Models (US$ Billions)

Model	1994 ($ Billions)	2000 ($ Billions, inflation adjusted)
Model 1	228.4	264.9
Model 2	136.5	158.3
Model 3 (uncorrected)	106.3	123.3
Model 3 (corrected)	167.1	193.8

policing expenditure; the multiple regression models allow for more flexibility in this relationship and may be preferred for that reason. As for the choice between Models 2 and 3, the test of Box and Cox unambiguously prefers Model 3, the double log specification. Moreover, of the other simple log transforms that could be undertaken, the double log dominates on the basis of simple goodness of fit statistics. Hence Model 3 has something to commend it and, given the arguments in favor of the bias correction, our "preferred" estimate for 1994 is $167.1 billion, adjusted to $193.8 for the year 2000. Having said this, the range of estimates is quite wide and the reader should be aware of the sensitivity of the results to the statistical assumptions made.

It would be possible to estimate further variants of these models and subject them to a battery of statistical tests. In our view, due to the limitations of the data set, this would almost certainly result in rapidly diminishing returns. However, when subsequent sweeps of the UNCJS survey become available it may be possible to test the models developed here by repeating the exercise with new data for the same thirty-five countries in order to determine which model best predicts policing expenditure in the additional countries for which data are available.

This paper has presented a conceptually simple method for estimating global policing expenditure. The authors would be pleased if the present study stimulates a refinement of knowledge in this area. Future research may also examine changes in global policing expenditure over time. Comparisons of such change may give an indication of the relative importance of policing among the world's competing spending priorities.

The bulk of the present study was concerned with overcoming the problem of partial information. It reinforces the need for additional effort to be made to build upon and improve current data collection efforts relating to UNCJS. At the same time, it is hoped that the present study lends a little additional weight to the growing body of evidence that UNCJS can be utilized to a greater extent than it has been to date. The present method may be transferable to a range of areas of study. The UNCJS data analyzed here related to 1994, the most recent year available at the time of writing. The use of the inflation rate to derive an estimate for the year

2000 is acknowledged to be questionable, for it makes the uncertain assumptions that per capita policing expenditures did not significantly change over six years. These may prove unreasonable assumptions. If the relevant data are collected for the year 2000, the validity of the present estimates may be tested. With hindsight, it is possible that if policing expenditure data are available for earlier UNCJS sweeps, then the fifth survey might serve as a validity check for predictions based on data from prior years.

There are sobering variations between the different models presented. They reinforce the fact that the estimates are sensitive to changes in model specifications and assumptions. It is possible that a more accurate model could be developed by incorporating more independent variables, such as the percent of GDP spent on public expenditure, to reduce disparity between actual and predicted values.

The comparison of the global policing expenditure of $194 billion to McDonalds global sales for 1999 of $38 billion (see Figure 1) received surprisingly favorable comments from colleagues reading earlier versions of this paper. The indicator seemed to be one with which people could relate and provided an immediately grasped comparative context. The first author wishes that McDonalds glowing sales figure were due to the growing popularity of that company's vegetarian products, but it probably is not.[2] Other indicators will be available that are more probing in relation to society's overall priorities. The World Health Organization (WHO) produces statistics on public health expenditure by country that, with some assumptions, allow a tentative comparative indicator to be developed. The WHO concludes that, on average, 2.6 percent of GDP is public health expenditure.[3] They also report per capita GDP for the world to be $4,123 in 1995 and estimate the global population at 5,884,576,000 (slightly less than 6 billion people). This would produce a ballpark estimate of global public health expenditure of $630.7 billion. This is a crude aggregate utilizing data from different years. It is perhaps suggestive of the potential for furthering this exercise rather than a precise effort. If it is anywhere near correct, then it suggests that global expenditure on public health is slightly more than three times that on public policing.

Without significant retrospective data collection, which seems unlikely to prove feasible, it is unlikely that further national-level data relating to 1994 policing expenditures are likely to become available. Hence, significant changes in the estimates produced here are unlikely without improvements to the regression techniques. Precise policing expenditure information for several additional countries would be unlikely to vastly change the regression results for the present models; therefore, the derived estimates are probably reasonably stable. It is hoped that time will tell how accurate these estimates prove to be.

The UNCJS data contain expenditure information for other areas of the global criminal justice system. Perhaps similar exercises to the present one are possible, so that overall expenditure on the global criminal justice system can be

estimated. This may allow comparison between countries and over time of the GDP-criminal justice expenditure trajectories for policing, prosecutions, courts and prisons,between countries and overtime. Are countries that are outliers in relation to one area of criminal justice also outliers in relation to other areas? Do particular countries or groups of countries have particular signatures relating to criminal justice expenditures? Do countries exhibit general deviations or deviations that are specific to a particular stage of the criminal justice system? Have the differences increased over time? Have they followed common or divergent trends? There may be a rich vein of comparative indicators to be developed and explored.

NOTES

1 Throughout the text, inflation adjustments were made according to information from the U.S. Bureau of Labor Statistics. In this instance, the inflation calculator on its website at http://www.bls.gov./cpihome.htm stated that $1 in 1994 was equivalent to $1.16 in 2000.

2 Police aficionados in the United States might be excused for anticipating that global donut sales would be the principal culinary reference point.

3 See http://www.who.int/whr/1999/en/indicators.htm for statistics from the World Health Report 1999.

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Issues and Patterns in the Comparative International Study of Police Strength*

EDWARD R. MAGUIRE and REBECCA SCHULTE-MURRAY

ABSTRACT

Published studies have examined patterns of police strength in only a handful of industrialized, and mostly English-speaking, democracies. There are primarily two reasons for this. First, practical limitations, especially language, make it difficult to collect international data on police strength. Second, even when such data are available, they are often riddled with errors related to erratic reporting and other reliability and validity problems. Perhaps the most important source of these problems is simply confusion among researchers and/or survey respondents about the meaning of the term "police." We begin by reviewing existing research and theory on police strength. Using a new data set compiled from multiple sources, we then explore differences in police strength, both between nations (cross-sectionally) and over time (longitudinally). After summarizing what is and what remains to be known about police strength from a comparative perspective, we close with an explicit agenda for future theory, research and data collection on this topic.

Introduction

POLICE STRENGTH is a term used to describe the number of police officers and/or police employees in a particular organization or jurisdiction. A great deal of domestic research has explored the causes and consequences of police strength within nations, most often in English-speaking, western democracies such as the United States, the United Kingdom, and Canada. Very little research has explored police strength from a comparative international perspective. One exception is the work of David Bayley (1975, 1985, 1992), which we will draw upon heavily

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throughout this article. Little is known about why some nations are more heavily policed than others and how police strength varies over time within nations. Furthermore, unlike research and intelligence on military capacity, no effort has been made to measure and track the size of the world's policing establishment.

This article explores cross-sectional and longitudinal differences in police strength between nations over the past decade. It represents the first product from a broader research agenda with three ambitious goals. First, after collecting data from a large number of nations, we hope to explore the factors that account for differences in police strength between nations. Second, after compiling a longitudinal data series on police strength over the past decade, we hope to explore why some nations are experiencing a period of growth (increasing police strength), others a period of decline, and others a period of stability. Finally, we hope to draw some inferences about whether the global policing industry has experienced a period of growth or decline relative to the world population over the past decade. Ideally, the data could be used as a springboard for understanding how the police, an important social control institution in every nation state, are becoming more or less prevalent in the lives of citizens throughout the world. Furthermore, these data could be used to test theories and make forecasts about future changes in the size of the international policing establishment. For reasons that will become clear shortly, this article represents only a small and tentative step toward answering these questions. Much remains to be done.

This article begins by reviewing what is known about police strength, its definition, the theories used to explain it, and the methods used to study it. We then describe the current state of international data on police strength. In a nutshell, significant data problems make it difficult at this point to draw much more than weak inferences about differences in police strength over time and place. After discussing these data problems, we describe how we developed the International Police Strength (IPS) file from numerous sources. Using the IPS data, we then describe national differences in police strength relative to the size of the population. Furthermore, we generate some tentative conclusions about the growth of the world's policing establishment. We conclude with a number of recommendations for future research and theory on this topic.

Research on Police Strength

Over the past 30 years, there have been more than fifty empirical studies on the "causes" of police strength (Maguire 1999). These studies have used a variety of theories, data sources, and statistical methods to explain variation in police strength over time and across jurisdictions. Some of the studies are methodical, careful and precise, but many use faulty methods and flawed data. While there has been some progress made in the statistical methods used, overall there has not been much

effort devoted to the incremental development of a scientific body of knowledge in this area. Researchers routinely ignore the cautions and findings of previous research. As a result, it is difficult to synthesize the results of this large body of research into a succinct summary of the causes and correlates of police strength.

What is Police Strength?

Police strength, while often peripherally defined (as above), is an imprecise term. Researchers have operationalized it in a number of ways, the three most common being the number of sworn police officers, the number of police employees, and the amount of police expenditures.[1] A handful of researchers have also discussed the difference between absolute and relative police strength (Chamlin and Langworthy 1996; Slovak 1986). Absolute strength is the raw number of police officers or employees in a jurisdiction, while relative strength expresses these variables as a ratio (usually per capita or per unit area). Thus, if we multiply the three potential measures of police strength by the two ways they can be expressed — as a ratio or a raw number — there are roughly six dependent variables used in this line of research. In addition, researchers have pointed out that explaining variations in police strength across jurisdictions is very different than explaining *changes* in police strength (growth and decline) within a jurisdiction (or sample of jurisdictions) over time. Several researchers have recently suggested that one reason for disparate research findings is that these three choices about how to measure police strength — to use employees, officers or expenditures, to use rates or raw numbers, and to use differences or levels — matter greatly (Chamlin and Langworthy 1996; Marvell and Moody 1996; Nalla, Lynch, and Leiber 1997; Slovak 1986; Snipes 1993).

Domestic research on police strength tends to regard the definition of "police" as assumed or self-evident. Yet, critics have pointed out that even within a single locality or nation, understanding exactly what constitutes a police officer can be difficult. For instance, estimates of police strength in the United States frequently exclude military police and federal law enforcement authorities such as the Federal Bureau of Investigation or the Drug Enforcement Administration. On the other hand, they often include sheriffs' deputies whose primary roles are to serve as guards in correctional institutions or courthouses (Maguire et al. 1998). The decision to include or exclude certain types of police usually has more to do with the way police strength data are recorded than with intellectual decisions about the definition of a police officer.

Yet, when shifting units of analysis from places and times within a single nation to nations as a whole, the need to define the term "police" becomes paramount. Bayley (1985) use the term police to:

> refer to people authorized by a group to regulate interpersonal relations within the group through the application of physical force. This definition has three essential parts: physical force, internal usage and collective authorization. (P. 7)

While other groups or agencies may oversee or direct the use of force, police alone are actually authorized to apply it. Similarly, other groups may serve a regulatory or enforcement function that appears similar to policing, but may not be authorized to administer physical force in carrying out enforcement functions. Internal usage refers to the threshold typically used to separate the police from the military. In most nations, police are responsible for internal security and the military for external security. In practice, this line is sometimes blurry (Newton 1998; U.S. Department of State 1999). Collective authorization refers to the source of police power: the state. This element is useful for separating out enforcement activities that are authorized by the state (e.g., police-related) and those that are not (e.g., vigilantes, terrorists). However, entities other than states can provide collective authorization. Among the examples Bayley provides are armies, universities, mining companies, and tribes. Even this fairly explicit definition leaves room for interpretation about what constitutes a police officer or police employee.

Theories

One area in which this body of research is more developed than other lines of research on police organizations is the use of theory (Eck and Maguire forthcoming). Studies of police strength are typically based (at least implicitly) on one or more of the following three theoretical foundations: (1) rational public choice (or consensus) theory, (2) conflict theory, and/or (3) some form of organizational theory (Nalla, Lynch, and Leiber 1997).

Rational public choice (also known as consensus or economic) theory implies that police strength increases in response to citizens' consensual requests for increased public service and protection, often in the face of rising crime rates. This theory implies that governments and police administrators dole out resources systematically. For decades, communities have relied on various methods for determining the appropriate amount of police resources for given areas and times. These methods range from informal rules of thumb, such as the need to have at least two officers per thousand residents, to more complex mathematical models implemented in computer software packages (Bayley 1994; Chaiken 1975; Larson 1978; O'Boyle 1990; Stenzel 1993). The kinds of variables that have typically been included in these formal and informal systems are the usual suspects: crime rates, population, calls-for-service, and other correlates of police workload. These various methods reflect an implicit theory of administrative rationality, suggesting that police strength is a function of a few simple workload variables. Research

evidence on the strength of this theory is thoroughly mixed. Most rigorous tests of this theory have concluded that alone it is incapable of explaining variations in police strength (Chamlin and Langworthy 1996). As Loftin and McDowall (1982) conclude, rational choice or economic models are "too simple to account for the relationship between crime and police strength" (p. 400). They suggest that models of police strength need to account for other factors in the social and political environment of police organizations.

If police strength is not based on a rational adjustment to variations in crime rates, then what other factors are important? Conflict theory posits that racial and economic inequality leads the powerful members (elites) in a community to exert political influence over social control institutions. Such conflict processes would lead to increases in social control over the powerless. Tests of conflict theory have concentrated on racial and/or economic sources of conflict. These tests are usually done by examining whether variations or changes in the size of "threatening" populations produce differences in police force strength. Research on social threat or conflict theory is also overwhelmingly mixed, although there is evidence to support both racial conflict (e.g., Jackson and Carroll 1981; Liska, Lawrence, and Benson 1981; Snipes 1993) and economic or class conflict explanations (e.g., Jacobs 1979).

Finally, organizational theories examine the effect of processes within police organizations in producing increases or decreases in police strength. This class of theories is the least developed of the three discussed here. Typically, the only explanation offered in this line of research is organizational inertia: that changes in police strength are incremental and that the best predictor of police strength in a given year is its value in the prior year (known as a "lag"). Thus, unlike other perspectives, organizational explanations assume that changes in police strength are based on conditions internal to the organization. According to Nalla and his colleagues (1997):

> this theoretical perspective assumes that organizational strength, as measured by annual budgets, is explained by incremental specification models whereby the present year's budget is influenced by appropriations in the previous year. (P. 120)

Studies have found evidence to support the organizational inertia explanation (Nalla 1992; Nalla, Lynch, and Leiber 1997). However, this explanation has at least two shortcomings: (1) it is banal in the sense that the lag value of any variable in a time series is nearly always the best predictor of the current value, and (2) while it is useful for understanding stability in police strength, it is not useful for understanding growth and decline over time.[2] Overall, the organizational explanations in this literature tend not to be well-specified, treating police organizations as a "black box." In other words, researchers use macro-level data about police organizations to draw inferences about the motivations and

behaviors of the actors within those organizations. Further developing this class of explanations will require researchers to open up the box and look inside. As Bayley (1985) notes: "we must get into the minds of decision-makers in order to determine the precise impetus to police growth" (p. 98).

In all, the studies drawn from these three theoretical perspectives have examined the effects of many different variables on police strength. As Maguire (1999) demonstrated, however, the effects of these variables remain unknown. Due to measurement error and other analytical problems, the results of the research are inconsistent. If these problems plague domestic research on police strength to such an extent, the world stage promises a whole new array of problems. In addition, as we will demonstrate shortly, theories of police strength that appear viable in domestic research probably require modification when applied to the comparison of nation-states.

Methods

The methods used in examining the determinants of police strength continue to grow more sophisticated, with recent refinements suggesting some excellent reasons for the mixed findings obtained in the past (Brandl, Chamlin, and Frank 1995; Snipes 1993). The relationship between police strength and crime rates is known as a "simultaneous" or "reciprocal" causal relationship because each one is known to cause the other. A variety of specialized methods have been devised by researchers to disentangle simultaneous causal effects. Since economists have a classic chicken-and-egg problem of their own — supply and demand — they have developed many of the statistical methods for dealing with simultaneity. While some of the early studies relied on improperly specified cross-sectional models that ignored the simultaneity issue, most of the studies done over the past two decades have relied on increasingly sophisticated cross-sectional and longitudinal models (Fisher and Nagin 1978; Maguire 1999). For this and other reasons, economists have done the bulk of the research on police strength. The findings from this research are not widely known for at least two reasons: (1) many of the articles appear in economic journals, and (2) the methods used are probably difficult for criminologists and policy makers to understand without advanced training in econometrics. We raise this issue here to highlight the methodological rigor necessary to investigate the causes, correlates, and consequences of police strength.

A Comparative Perspective on Police Strength

Studying police strength internationally presents a host of complications beyond those already described. First, there is no comprehensive source for international data on police strength. The U.N. World Crime Surveys (WCS) are the only

current source, but the police strength variables are recorded inconsistently. Second, even when data are available, as through the United Nations, there are often significant problems with data quality. Some of these are due to carelessness on the part of either responding nations or researchers, but others are due to legitimate questions regarding the definition of police. We will reserve our discussion of data quality issues for the next section. Finally, studying nations forces us to address new theoretical issues that are not as germane to western domestic research on police strength. Despite these issues, there is a small amount of comparative research on police strength, mostly by the American policing scholar David Bayley, on whose work we rely heavily in this section.

Measures of police strength are often difficult to compile within nations, especially in those nations described by Bayley (1985:59) as having decentralized multiple uncoordinated policing systems. The most notable of these is the United States, which has approximately 20,000 separate policing agencies, and which has historically had a difficult time estimating its own level of police strength (Bayley 1994; Maguire et al. 1998). If measuring police strength within nations is difficult, compiling comparative measures over time for nation states is much more so. While many nations have centralized statistical offices that keep track of such data, Bayley (1985) concludes that "except for a handful of countries, reliable information on police strength worldwide does not exist in any source available to the general public" (p. 75). Nearly fifteen years later, Bayley (1999:7) commented:

> At the present time, it is not easy to find out about foreign police practices. Information about policing globally is not routinely collected in reference volumes or databanks. Although several helpful reference works have been published in the last few years, international information is still superficial and patchy in coverage (Andrade 1985, Kurian 1989, Fairchild 1993, Terrill 1995).

Despite the trend toward globalization and recent advances in the technologies used to process, archive, share, and transmit data, little is currently known about police strength internationally. Furthermore, as we will demonstrate in the following section, even when such data are available, they typically have a host of validity and reliability problems.

Earlier we reviewed some of the western research on police strength. While that body of research is useful for a number of reasons, there are legitimate questions about the extent to which its theories, methods, and findings are germane internationally (Bayley 1985). The research is helpful for generating a laundry list of independent variables thought to influence police strength, though as mentioned earlier, methodological problems make it difficult to draw any consistent inferences about the effects of these variables (Maguire 1999). These methodological problems have received sufficient attention, however, that researchers now know it is

inappropriate to investigate the causal influences on police strength using simplistic methods such as bivariate correlations. The methodological lessons learned in this body of research can be applied easily to international data once such data become available.

Perhaps the most useful contribution of the western research has been to consolidate the explanations for police strength into a handful of theoretical approaches. The three main theories used in domestic research on police strength were reviewed earlier: rational choice theory, conflict theory, and organizational theory. It is unclear how much these theories will need to be modified before they can be applied to the comparative international arena. For instance, Bayley (1985) repeatedly discusses the role of threats to collective order as influencing the emergence, structure, and strength of national police systems. Bayley's (1985) list of events constituting a threat to collective order would not be wholly applicable to domestic research in western nations like Canada, the United Kingdom, and the United States:

> What kinds of events are commonly read as being threatening to the collective order? There are many possibilities: assassinations, kidnapping and intimidation of elite families, crippling strikes and boycotts, lawbreaking agitations, bombing of governmental property, and advocacy of the violent overthrow of the government. (P. 88)

While these kinds of events do occur within western nations, they cannot be used as explanatory variables in research on police strength because their rarity means that they will have too little useful variation to study. They are common enough internationally, however, that they could be fruitfully applied to comparative research.[3] Another explanation that has been applied to the evolution of policing and legal systems, but not specifically to police strength is societal complexity (Schwartz and Miller 1964). If it is true that formal social control displaces (or replaces) informal social control, then as traditional social control mechanisms in simplistic societies begin to weaken with the onset of societal complexity, formal social control mechanisms like the police may increase in strength. Again, while this variable may vary little within nations, it varies tremendously between nations and would therefore need to be accounted for in comparative international research.

Bayley (1975) offers additional insights in his attempts to determine the factors causing the *development* of modern police systems. Although his focus was centered more around the *emergence* of police systems than their increase or decrease in strength, his findings regarding the police of Great Britain, France, Germany, and Italy might also reasonably be applied to the study of police strength. This argument is based on the premise that some of the same factors influential in the formation of modern police systems also have an effect upon subsequent levels of

police strength. Bayley (1975:351) identifies seven sets of variables that might account for increase or decrease in police strength: (1) growth and population distribution; (2) extent of criminality; (3) social/economic transformation; (4) political transformation; (5) change in governmental capabilities; (6) external threat; and (7) an ideological *demarche*. His findings here are not so remarkable for what factors did seem to influence the emergence and rate of development of police as for those that did not appear to have an effect. For instance, while population growth had no effect on the formation of police systems, "the impact of population growth and aggregation on the *size* of police establishments is indeterminable" (Bayley 1975:352). Similarly, he found that it was impossible to determine the extent to which crime or criminality affect police strength because of the well-known problems inherent in measuring crime cross-nationally.

Bayley (1975) concluded that three factors appeared to play a more significant role than others (albeit still not a very strong influence): "(1) a transformation in the organization of political power, (2) prolonged violent popular resistance to government, and (3) development of new law and order tasks, as well as the erosion of former bases of community authority, as a result of socioeconomic change" (p. 360). Once again, while Bayley highlights these factors as being pivotal influences on the *emergence* of policing systems, they also deserve attention in comparative international research on police strength. Space precludes us from highlighting all of the possible theoretical issues that might arise in using the domestic research from western nations as a foundation for comparative research on police strength. It is sufficient to emphasize that changing units of analysis from cities, states, or times within a single nation to nations as a whole means more than just using different data: it means adapting theories as well.

A small amount of research has actually explored the correlates and causes of police strength internationally. In his analysis of the cross-sectional correlates of police strength, Bayley (1985) used Taylor and Hudson's (1973) data on the strength of internal security forces in 136 nations in 1965. He acknowledges that these estimates overstate the number of police by including paramilitary units such as national guards in their counts. Nonetheless, he observes correctly that these data were really the only comprehensive source (though dated) available at the time. Bayley (1985) concludes from his analysis that: "In sum, then, variations in police strength among countries are explainable in terms of economic development and the strength of the military. Police strength is not related to domestic turmoil" (p. 79). Nonetheless, he urges caution in either accepting or abandoning these hypotheses given the age and nature of the data available to test them. He also examines factors associated with changes in police strength using time series data he collected from nine nations. Bayley (1985) concludes that increases in police strength are "related to variations in population. They may be related as well to the incidence of ordinary crime, but the evidence is equivocal" (p. 87). Furthermore,

his analysis offers some support for the organizational theory explanation for police growth discussed earlier (Nalla, Lynch, and Leiber 1997). Bayley (1985) finds that "there is a strong tendency for police strength to grow fairly automatically, probably because both population and crime are perceived to increase inevitably" (p. 87). This review has covered only a small portion of Bayley's findings. For a more exhaustive review of research and other information on international police strength, readers are urged to consult Chapter Four of Bayley's book *Patterns of Policing*, entitled "Police Strength." Although it is fifteen years old as this article goes to press, it still represents the most encyclopedic source on issues related to comparative international police strength.

Data and Methods

The only major source of international data on police strength that we could identify is the WCS series which has been conducted periodically since 1975, and which contains data beginning in 1970.[4] So far, six waves of the survey have been conducted, with data from the first five waves archived at the Inter-University Consortium for Political and Social Research at the University of Michigan. Although data processing for the sixth wave was not completed at the time this article was being prepared, provisional data were released on the World Wide Web on March 15, 2000 (UNCJIN 2000).

We began by merging all six waves of the WCS data on police strength.[5] Table 1 shows the police strength data available in each wave of the survey, together with the number of member states providing data. Several observations about this table are noteworthy. First, although every wave contains data on total police employees (including non-sworn or civilian police employees who are not police officers), only the fourth and fifth waves collected data on the number of sworn police officers. Second, the response patterns suggest that nations have an easier time providing data on total number of police employees than sworn police officers. Third, the number of responses for the survey has increased with each new wave, with the exception of the sixth wave for which only provisional data were available (although the number of member nations receiving surveys has increased as well). Finally, the intervals used for collecting police employment data have changed with nearly every wave of the survey. The first wave, which covered the years 1970 to 1975, contains police data for only 1973. In the second wave, which covered 1975 to 1980, police data were collected for every year. The third wave, covering 1980 to 1985, contains police data from 1980, 1982, and 1984. In the fourth and fifth waves, covering 1986 to 1990 and 1990 to 1994, police data were collected in the first and last years of the period under study (1986 and 1990, and 1990 and 1994). In the sixth wave, which covered 1995 to 1997, police data were collected for 1995 and 1997. Since the utility of a longitudinal data series relies

Table 1

Availability of Police Strength Data from the U.N. World Crime Surveys

Years	Wave	# Nations Providing Sworn Officer Data	# Nations Providing Total Employees Data
1973	1		29
1975	2		29
1976	2		30
1977	2		30
1978	2		30
1979	2		31
1980	2		34
1982	3		50
1984	3		50
1986 (a)	3		50
1986 (b)	4	44	50
1990 (a)	4	46	56
1990 (b)	5	46	56
1994	5	47	59
1995	6		35
1997	6		35

largely on the consistency with which it was assembled, we will discuss these issues further in the conclusion of the article. For now it is sufficient to note that these inconsistencies make it difficult, but not impossible, to draw inferences from the data.

The merged WCS data set contains several noteworthy problems. The most important problem is erratic reporting. Nations routinely respond to one wave but not the next, making it difficult to compile a longitudinal series helpful for drawing inferences about change. Others respond to multiple waves but provide inconsistent data. For example, only eight nations have consistently reported the number of total police employees in all of the first five waves of the survey (only partial data were available for the sixth survey at the time this article went to press). Since these nations responded consistently to each wave of the survey, it is tempting to assume that their responses are more reliable than those of nations reporting inconsistently. Figure 1 demonstrates the erratic nature of the police strength estimates reported by each of these nations. Due to large differences of scale in these eight nations, we chose to standardize the police strength estimates so that each nation starts with 1,000 police employees in 1973. To do this, we simply computed a correction factor, Z, as follows:

$$\frac{\text{Total Police Employees}}{Z} = 1,000$$

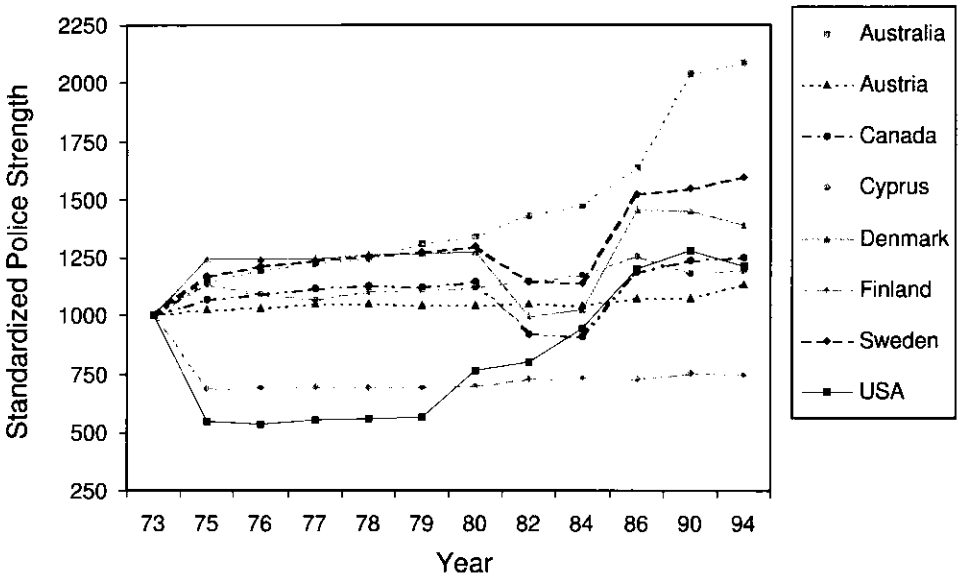

Figure 1. Nations with Complete Police Data for First Five World Crime Surveys.

Once the correction factor for each nation was computed, we divided it into the police strength estimate for each year to produce a standardized estimate.

The trajectories shown in Figure 1 are striking because they show the extreme discontinuities in the longitudinal series. The United States, for instance, has historically had trouble generating national estimates of its own police strength (Bayley 1994; Maguire et al. 1998). In 1973, the United States reported having more than 640,000 police employees. Two years later, that estimate dropped to approximately 350,000, where it remained fairly stable for several years before rising dramatically again. Unfortunately, this trajectory is purely fictional, telling us more about the shortcomings of data systems in the United States responsible for tracking police strength than about actual changes (Maguire et al. 1998; Eck and Maguire forthcoming). The United States is clearly not the only nation contributing erratic reports of police strength. Canada, despite having fewer police forces and a well-developed infrastructure for recording criminal justice statistics, reported having approximately 53,000 police employees in 1984 (during the third wave); in 1986, only two years later, the number rose to more than 69,000 employees (fourth wave). This increase did not represent a hiring boom in Canadian police agencies: it represented nothing more than measurement error. These two nations provide an interesting contrast. While the United States has lacked the capacity to provide valid and reliable estimates until just recently, Canada can easily provide such estimates. Statistics Canada offers online access (for a fee) to longitudinal data on police strength that appear to be much more reliable than the data series

Table 2

Concordance between Police Strength Estimates for Overlapping Years

	Total Employees	Total Employees	Sworn Officers
Year	1986	1990	1990
Waves	3 & 4	4 & 5	4 & 5
N	24	28	23
Correlation	.898	.955	.973
% Pairs with 0% Disparity	8.3%	17.9%	43.5%
% Pairs with <25% Disparity	58.3%	82.1%	69.6%
% Pairs with <50% Disparity	79.2%	82.1%	73.9%
% Pairs with >100% Disparity	8.3%	10.8%	13%

presented in Figure 1. This is a useful demonstration of the notion that erratic reporting does not have a single cause. It may reflect a poorly developed statistical capacity or simply carelessness on the part of reporting nations. We do not mean to focus only on Canada and the United States. Several other nations also provided erratic estimates of police strength. Clearly, however, erratic reporting is not only restricted to developing nations with poorly developed statistical capacities.

Further evidence can be used to shed some light on the nature of the erratic reporting problem. One method, for instance, is to examine carefully the overlapping years in which data were collected during consecutive waves. Respondents to both the third and fourth surveys provided data on the total number of police employees for 1986. Similarly, respondents to both the fourth and fifth surveys were asked to provide estimates of total police employment and the number of sworn officers for 1990. Table 2 shows the zero-order correlations between the responses in each of the three overlapping pairs of estimates. Observe that these correlations appear to be quite high, confirming the idea that high correlations can still conceal significant data problems.

Next, we computed the percentage differences for each pair of estimates using the following formula:

$$\frac{\text{Larger Estimate} - \text{Smaller Estimate}}{\text{Smaller Estimate}} = \% \text{ Difference}$$

For instance, if a nation reported having 1,000 officers in 1986 during the third survey, and then reported having 1,500 officers in 1986 during the fourth survey, the difference is 50 percent. Since we would expect minor fluctuations between survey waves, it may be more helpful to explore the distribution of these discrepancies. Table 2 demonstrates that very few nations provided the exact same estimate (0 percent discrepancy) of the number of officers or employees for the same year across separate waves of the survey. Approximately 60 to 80 percent of

the estimates have a discrepancy rate of 25 percent or less. So far, these findings suggest that most nations can provide approximate estimates of police strength with some degree of consistency, but that these estimates are usually not very precise (which represents a condition of strong reliability and weaker validity). However, approximately 8 to 13 percent of these pairs of estimates have a discrepancy rate of 100 percent or higher. Since a discrepancy rate of 100 percent means that the larger estimate is double the smaller estimate, these discrepancies clearly reflect serious measurement error. These larger errors were later filtered out during the data cleaning phase of our study. For those nations with minor discrepancies, a single estimate for each overlapping year was computed by taking the mean of the two estimates.

Once the WCS data were merged, checked, and cleaned, we provided additional data from numerous sources. The most important of these was a fax survey that we administered from March to June, 2000, to the embassies and permanent missions of 182 nations with fax numbers and diplomatic representation in the United States. The survey instrument asked for the number of sworn police officers, civilian police employees, and total police employees for even numbered years from 1988 to 2000. This survey produced 23 useable responses which, although it constitutes a very low response rate on its own, can be appended to the existing WCS data file. Another major source of data was an insightful article written by Newton (1998) on policing systems in the South Pacific, which included police strength estimates for twelve nations.[6] Data on most of these nations were largely unavailable from any other source.

In addition to these major sources of additional data, we undertook a search of data from national police or statistical agencies. For instance, we eliminated the U.S. estimates since research has shown them all to be incorrect (Eck and Maguire forthcoming; Maguire et al. 1998). We were only able to replace these estimates with data for a single year (1996), since the most reliable estimates of police strength in the United States come from the 1996 Directory Survey of Law Enforcement Agencies (Reaves and Goldberg 1998). We replaced the Canadian estimates with data from Statistics Canada (2000) that lists the total number of police employees in the nation on its World Wide Web site. We replaced the data series for England and Wales with data available from the House of Commons (Policing Now 2000). We also replaced the data series for Scotland with data available from the Scottish Parliament (1999). Other sources, such as official documents or World Wide Web sites, were used to supplement the data set with data from seven additional nations.[7] Finally, to compute estimates of relative police strength, we supplemented the data file with population estimates from the U.S. Census Bureau's (2000) International Database (IDB). The IDB is a computerized database containing demographic and socioeconomic data for 227 countries and

areas. When these estimates were unavailable (which was rare), we used local estimates from each nation.

Overall, the original longitudinal data file for the WCS was supplemented with additional data from 45 nations. The final data file, which we will refer to as the International Police Strength file (IPS), is not an ideal source for international information on police strength. Although we cleaned some of the obvious errors, it probably contains a host of more subtle errors that we were unable to detect. Nonetheless, to our knowledge, it represents the single most comprehensive source of current data on international police strength available today.

International Estimates of Police Strength

As discussed earlier, police strength has many meanings. It can be understood in both absolute and relative terms. Police strength can be computed relative to population, area, or workload (such as the number of crimes per officer). It can be computed using total police employees or sworn police officers. It can even be computed using only those police officers who actually "work the streets" (Chamlin and Langworthy 1996). In this section, we examine police strength relative to the population. Since estimates are available for both the number of sworn police officers and for total police employees, we compute the strength of each relative to the population. Table 3 presents the latest available estimate of sworn police officers per 1,000 population for the 83 nations in the IPS with valid data. The estimates are presented in descending order of relative police strength and range from more than 13 to just over one officer per 1,000 residents. The mean ratio of sworn officers per 1,000 residents in these 83 nations is 3.01.

Table 4 presents the same information for the 111 nations in the IPS with valid data on total police employees. The estimates are presented in descending order of relative police strength and range from more than 14 to only .02 police employees per 1,000 residents. We were unable to confirm whether the very low police strength estimates represented in the bottom right half of Table 4 are errors or true values. The mean ratio of police employees per 1,000 residents in these 111 nations is 3.44.

Despite numerous data problems, we have demonstrated here that it is possible to generate cross-sectional estimates of police strength for a large number of nations. The quality of the data is unknown. Therefore, the challenge now is to continue supplementing and refining the estimates provided here, updating them as new data become available. Then they can be used to test hypotheses about the factors producing national differences in police strength. At a minimum, these estimates are more useful for contemporary hypothesis testing than the 1965 Taylor and Hudson (1973) data on internal security forces used by Bayley (1985).

Table 3

Sworn Police Officers per Thousand Population

Nation	Year	#	Nation	Year	#
Saint Kitts and Nevis	1998	13.71	Ireland	1998	2.98
Antigua and Barbuda	1998	9.55	Hungary	1998	2.97
Singapore	1994	9.09	France	1994	2.95
Russia	1994	8.65	Scotland	1998	2.93
Northern Cyprus	1998	7.74	Kiribati	1994	2.91
Bermuda	1994	7	Czech Republic	1990	2.87
Uruguay	1994	6.8	Spain	1990	2.82
Niue	1990	6.71	Botswana	1990	2.68
Seychelles	1990	6.4	Marshall Islands	1994	2.54
Kuwait	1990	6.3	United States	1996	2.5
Mauritius	1994	6.3	Colombia	1994	2.48
Saint Vincent & the Grenadines	1994	6.03	Samoa	1994	2.47
Nauru	1998	5.9	England and Wales	1998	2.42
Tokelau	1991	5.71	Poland	1990	2.42
Italy	1998	5.68	Switzerland	1990	2.39
Hong Kong	1994	5.42	Fiji	1998	2.37
Kazakhstan	1994	5.21	Chile	1994	2.36
Lithuania	1998	5.01	Moldova	1994	2.35
Barbados	1990	4.57	Slovakia	1994	2.29
Malta	1998	4.55	Turkey	1998	2.26
Israel	1998	4.47	South Africa	1992	2.11
Tonga	1998	4.23	Solomon Islands	1998	2.05
Panama	1994	4.2	Liechtenstein	1998	2.03
Lebanon	1998	4.18	Swaziland	1990	2.02
Cook Islands	1991	3.96	Syria	1990	1.98
Ukraine	1994	3.95	New Zealand	1993	1.97
Latvia	1994	3.87	Greece	1990	1.96
Malaysia	1998	3.79	Romania	1994	1.95
Taiwan	1990	3.72	Australia	1994	1.92
Macedonia	1998	3.6	Denmark	1998	1.88
Austria	1998	3.57	Egypt	1994	1.88
Jamaica	1990	3.56	Korea, South	1990	1.87
Estonia	1994	3.55	Sweden	1998	1.85
Vanuatu	1998	3.44	Japan	1998	1.81
Slovenia	1994	3.43	Canada	1999	1.79
Croatia	1994	3.4	Finland	1998	1.53
Northern Ireland	1994	3.32	Norway	1990	1.37
Armenia	1986	3.24	Philippines	1994	1.36
Sri Lanka	1990	3.23	Nigeria	1998	1.09
Tuvalu	1991	3.21	Lesotho	1986	1.03
Peru	1994	3.16	Zambia	1994	1.01
Cyprus	1990	3.08			

Table 4

Total Police Employees per Thousand Population

Country	Year	#	Country	Year	#
Saint Kitts and Nevis	1998	14.1	Marshall Islands	1994	2.68
Russia	1994	12.22	Colombia	1994	2.67
Antigua and Barbuda	1998	9.7	Turkey	1998	2.64
Armenia	1990	9.52	Slovenia	1997	2.6
Cayman Islands	1986	8.49	Poland	1995	2.58
Bermuda	1994	8.4	Samoa	1994	2.56
Uruguay	1994	8.24	Netherlands	1990	2.54
Northern Cyprus	1998	7.95	Paraguay	1998	2.51
Kazakhstan	1994	7.8	Luxembourg	1990	2.5
Gibraltar	1986	7.79	Canada	1994	2.49
Mauritius	1994	7.43	Singapore	1997	2.49
Seychelles	1990	7.38	Sweden	1998	2.48
The Bahamas	1997	7.03	New Zealand	1993	2.44
Northern Ireland	1997	6.83	Denmark	1998	2.43
Jordan	1990	6.21	Romania	1997	2.42
Saint Vincent & Grenadines	1994	6.03	Liechtenstein	1998	2.38
Italy	1998	5.97	Fiji	1997	2.37
Hong Kong	1997	5.9	Andorra	1997	2.35
Cyprus	1997	5.5	Iceland	1997	2.25
Dominica	1986	5.09	Swaziland	1990	2.2
Lithuania	1997	4.99	Japan	1998	2.09
Malta	1998	4.99	Australia	1997	2.05
Panama	1997	4.99	Syria	1990	2.01
Macedonia	1998	4.72	Finland	1998	2
Latvia	1994	4.63	Switzerland	1997	1.99
Albania	1997	4.59	Korea, South	1997	1.94
Israel	1998	4.57	Nepal	1990	1.61
Portugal	1997	4.57	Moldova	1997	1.55
Croatia	1997	4.45	Nicaragua	1994	1.53
Lebanon	1998	4.28	Philippines	1994	1.46
Ukraine	1994	4.2	Honduras	1986	1.42
Peru	1994	4.12	Norway	1990	1.41
Tonga	1997	4.06	India	1994	1.35
Malaysia	1998	4.05	Burma	1990	1.33
Czech Republic	1997	4.02	Spain	1997	1.26
Vanuatu	1990	3.95	Zambia	1994	1.15
Trinidad and Tobago	1990	3.94	Nigeria	1998	1.13
Hungary	1998	3.93	Argentina	1986	1.02
Scotland	1997	3.81	Morocco	1994	0.99
Jamaica	1990	3.79	Zimbabwe	1995	0.96
Greece	1997	3.72	Liberia	1986	0.92
Saint Helena	1986	3.61	Lesotho	1997	0.85
Austria	1998	3.57	Bangladesh	1986	0.73

Table 4

(Continued)

Country	Year	#	Country	Year	#
Slovakia	1994	3.52	China	1990	0.72
France	1994	3.48	Uganda	1995	0.71
United States	1996	3.47	Malawi	1986	0.62
Belgium	1994	3.43	Egypt	1994	0.35
England and Wales	1998	3.43	Venezuela	1990	0.28
Kuwait	1990	3.36	Maldives	1990	0.25
Ireland	1998	3.19	Madagascar	1994	0.24
Sri Lanka	1997	3.09	Costa Rica	1990	0.16
Kiribati	1994	3.04	Rwanda	1990	0.08
Estonia	1997	3.02	Mexico	1994	0.05
South Africa	1992	2.86	Burundi	1986	0.03
Chile	1994	2.75	Ethiopia	1990	0.02
Botswana	1990	2.7			

Changes in Relative Police Strength

Is the world's policing establishment growing, shrinking, or remaining stable relative to the population? Bayley (1985) found that the absolute number of police had increased dramatically over the past 150 years. "In relation to population, however, there has not been a uniform intensification of policing" (p. 80). Bayley's (1994) later research in five nations found that police strength relative to population had increased from 1970 to 1990 by 32 percent in Australia, 24.5 percent in Britain, 15.5 percent in Canada, 4 percent in Japan, and 26 percent in the United States.[8]

To answer this question, it was necessary to deal with the tremendous amounts of missing data in the IPS. Much of the missing data can be attributed to gaps in the WCS questions on police strength. For instance, while the second WCS collected police strength data for every year the survey covered (1975 to 1980), subsequent surveys asked for either all even numbered years (the third survey asked for 1980, 1982, and 1984), or only the beginning and ending years of the survey period (fourth survey: 1986 and 1990; fifth survey: 1990 and 1994; and sixth survey: 1995 and 1997). To some extent these decisions are understandable. The WCS instruments have historically been quite long and have generated low item and survey response rates. These measures were likely taken to decrease respondent fatigue and improve response rates. On the other hand, the result of these decisions is that longitudinal data on police strength contains uneven gaps with missing data in between. It is almost impossible to draw reliable inferences about change without addressing the missing data problem.

Numerous methods are now available to deal with missing data. In fact, statisticians have devoted an enormous amount of attention in recent years to the treatment of missing data in social science research (Schafer 1997). The approach that we have chosen is both conservative and easy to understand. Because we are not building causal models, many of the new methods that rely on multiple imputation or full information maximum likelihood procedures are less defensible and are not likely to outperform more simplistic approaches. Therefore, we have chosen to use linear interpolation, which simply means replacing missing values that occur between two valid data points with values that will render the series linear. In other words, if a nation reports having 500 officers in 1990 and 1,000 officers in 1995, linear interpolation will produce an estimate of 600 in 1991, 700 in 1992, 800 in 1993 and 900 in 1994. We want to emphasize that we are interpolating only those missing values that lie between valid estimates, not extrapolating, or filling in missing values outside the valid range of a data series.

Table 5 shows relative police strength estimates for both sworn officers and total police employees from 1986 to 2000. The ratio of *sworn officers* to residents ranges from 2.88 in 1986 to 4.12 in 1999. The series mean for the sworn officer ratio is 3.38, which is based on 626 separate country-year estimates. While the number of nations with valid estimates drops considerably after 1994 (when the sworn officer question was dropped from the WCS instrument), it is clear that police strength, as measured using sworn officers, is increasing relative to the population. From 1986 to 1994, the period when valid data were most numerous, relative sworn strength rose by 26 percent. If one accepts the ratio reported in 2000 as valid, then relative sworn police strength has increased by more than 36 percent since 1986.

The ratio of *police employees* to residents ranges from 3.37 in 1986 to 4.51 in 1999. The series mean for the police employee ratio is 3.73, which is based on 862 separate country-year estimates. While the number of nations with valid estimates drops considerably after 1997 (the last year for which data were available from the sixth WCS), it is clear that police strength, as measured using total police employees, is increasing relative to the population. From 1986 to 1997, the period when valid data were most numerous, relative police employee strength rose by more than 12 percent. If one accepts the ratio reported in 2000 as valid, then relative police employee strength has increased by nearly 33 percent since 1986.

While exact estimates of the growth in police strength relative to population are not prudent given the data problems we have described, we believe the data are more than sufficient to warrant the overall conclusion that increases in police strength are outpacing increases in population. Furthermore, although we have not directly addressed trends in hiring non-sworn or civilian policing employees, the fact that increases in sworn personnel are larger than increases in total personnel suggests that a greater portion of the increase in police strength is due to sworn

Table 5

Changes in Relative Police Strength, 1986-2000

Year	Sworn Police Officers per 1,000		Total Police Employees per 1,000	
	Mean	N	Mean	N
1986	2.88	41	3.37	74
1987	2.97	39	3.48	64
1988	3.11	48	3.58	70
1989	3.09	48	3.59	70
1990	3.18	73	3.50	89
1991	3.35	57	3.82	68
1992	3.33	56	3.87	71
1993	3.40	56	3.91	70
1994	3.63	57	3.92	72
1995	3.68	26	3.61	50
1996	3.67	27	3.75	49
1997	3.82	26	3.79	49
1998	3.86	29	4.28	24
1999	4.12	21	4.51	21
2000	3.94	22	4.47	21
Overall	3.38	626	3.73	862

officers rather than civilian or non-sworn employees. Thus, the growth in sworn police officers is outpacing the growth in both population and in non-sworn policing employees. We will discuss this finding more thoroughly in the following section.

Discussion and Conclusion

This article has explored several issues related to the data, methods, and theories used to investigate police strength in comparative international research. Our research highlights a number of findings related to data, methods, and theory. In this section we review our findings and explore their implications for future studies in this area.

While increasing attention has focused on world policing in the past two decades, there is no authoritative and current source of information on the structures and practices of policing throughout the world. Since description necessarily precedes inference in social inquiry, the comparative international study of policing remains in its infancy. As Bayley (1985) notes: "the fact that data as elementary as the number of police personnel is unavailable internationally indicates how limited understanding is of policing and law enforcement in the world today" (p. 75-76). We have demonstrated that it is now possible to construct a current database on the

police strength of nations, though the quality of the data is uneven, and in many cases, unknown.

In the course of assembling our IPS file, we learned a number of lessons that may be useful in future research. First, while the WCS is the only comprehensive longitudinal data source on police strength, the frequent redesign of the survey instrument, erratic reporting practices, and the high frequency of data errors make the data set very difficult to use. Any conclusions drawn from it alone are likely to be tentative or unreliable. We urge the United Nations to adopt consistency in the police strength portion of its WCS survey instrument. Furthermore, data should be collected every year, with overlapping years between separate waves of the survey. The overlapping years serve as important reliability checks, since differences in estimates for the same year provide a visible red flag that something is wrong with the data. The questions on sworn police officers should be reinstated and data filled in for the missing years. The number of police officers is an elemental fact describing the criminal justice system of a nation, and is certainly worthy of survey space. Finally, while we support the United Nations' efforts to make survey data available as quickly as possible, the police strength estimates from the sixth survey contain a number of obvious data entry errors that should be cleaned before releasing the data to the public. We sincerely hope that with these changes, the United Nations can ensure that the WCS meets the needs of researchers and policy makers who rely on the data.

In addition to using data from the WCS, we also attempted to collect our own data by fielding a brief fax survey to the embassies or permanent missions of 182 nations with diplomatic representation in the United States and working fax numbers. At the time this article went to press, only 23 nations had provided useable responses (12.6 percent). Several other nations promised replies, but these were not expected to arrive until after the article was completed. While this survey was not nearly as successful as we hoped, it did provide valuable data that we appended to the other data sources used in this study. What does this mean for the future of data collection on police strength? Bayley (1999) argues that:

> Embassies are not particularly helpful, tending to view policing as a sensitive matter and generally not having information about police ready-to-hand. Trying to work through embassies to construct an informative sample of global experience is an uncertain and tedious process. For many topics, therefore, the only alternative is to develop local informants in foreign countries or visit the countries personally. These processes are costly and time-consuming (p. 7)

Since traveling to a country personally to collect police strength data is expensive, perhaps the best way for individual researchers to amass data on police practices around the globe is to develop a network of local informants who can provide reliable and valid information.

In addition to better data, we urge future researchers in this area to learn from the methodological experiences of the domestic western research introduced in this article. The relationship between police strength and crime (and other variables) is exceedingly complex, like the supply and demand relationship studied by economists, and statistical methods need to account for this complexity. Simple bivariate correlations, even when they use lags to control for simultaneity, have no place in testing hypotheses about simultaneous causal relationships (for a more detailed review of these issues, see Fisher and Nagin 1978, or Marvell and Moody 1996).

Once quality data on police strength worldwide become available, how shall we use them? Theories of police strength come largely from domestic research in western nations and may not be applicable to comparative international research. Thus, in addition to challenging researchers to collect new and better data, we also issue a challenge to develop new theoretical frameworks that can accommodate all research on police strength, domestic or international. This means determining whether variables unique to world research fit within existing theories or must be cast within new theories. Once that is done, then hypothesis testing on the factors influencing police strength throughout the world can begin in earnest.

Another challenge for comparative sociologists is to develop an explanation for why police strength has outpaced population growth over the past 15 years. According to Bayley (1985), while police grew in absolute numbers over the 150 year period following their emergence in the early nineteenth century, they did not uniformly grow relative to population. The research we presented in the previous section demonstrates that the stability identified by Bayley is being followed by a period of steady growth. Police, as an institution, represent a formal mechanism of social control established by states to maintain internal order by force or threat of force. Their increase relative to population growth needs to be explored, both empirically, as we have done here, but also theoretically. Unlike many of the idiosyncratic research questions explored in research on policing, explaining increases in social control, especially on a global scale, represents a fundamental sociological question. Crime is an obvious answer, but the research, both domestic and international, is not so clear (Bayley 1985; Eck and Maguire forthcoming; Gurr 1979; Maguire 1999). Increasing levels of social complexity may be another answer; though designing research to address this hypothesis would be difficult (Bayley 1985; Schwartz and Miller 1964). Regardless of the answer, the question is both important and fundamental, and deserves attention by researchers and theorists alike.

NOTES

1 Researchers using police expenditures justify their choice on the basis that policing is a personnel intensive industry, and there is an almost perfect correlation between the number of police personnel that a jurisdiction employs and the amount it spends on police protection. While the correlation is indeed strong, it is inconsistent over time and place and therefore makes a poor proxy for the number of sworn police officers or employees (Maguire 1999).

2 As Chamlin and Langworthy (1996) conclude: "once one controls for prior levels of police force size, there is little variance to be explained by any theoretically derived predictors" (p. 181).

3 Perhaps the closest analogue was American research that used data from the turbulent 1960s period to examine the effect of riots on police strength (Jacobs 1979).

4 Although several survey items are measured as early as 1970, police strength estimates are only available starting in 1973.

5 We should note that although the WCS has periodically collected data on the gender of police employees, we chose not to include that information here.

6 These nations included the Cook Islands, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, and Vanuatu.

7 These alternative sources provided additional data for Bermuda, Lithuania, New Zealand, Poland, South Africa, Sweden, and Taiwan.

8 As noted earlier, readers are urged to use caution with any longitudinal estimates of police strength in the United States.

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Women, Justice, and Custom: the Discourse of "Good Custom" and "Bad Custom" in Papua New Guinea and Canada*

CYNDI BANKS

ABSTRACT

Court decisions involving custom, the rights of women, and positivist law in Papua New Guinea and Canada are explored and contrasted. In Papua New Guinea the courts have struck down aspects of custom or customary law as being repugnant to the general principles of humanity and in violation of positivist law. In Canada men have argued for the application of custom as a mitigating factor in sentencing, asserting that it offers justification for conduct against women judged criminal under positivist law. Examining judicial discourse on custom or customary law in the two countries illuminates the tensions between custom and positivist law, revealing how custom comes to be judged "good" or "bad" and is reframed as non-normative in one country but as an appropriate cultural component in sentencing in the other.

Papua New Guinea[1]

ON 3 MAY 1996, the *Post-Courier*, one of the two daily newspapers circulating in Papua New Guinea, carried the following headline on its front page:

"*Girl Sold in Death Compo*"

The story revealed that a "young girl" (later identified as Miriam Willingal) had "been included as part of a compensation payment to be made to the relatives of a man recently shot dead by the police" (*Post-Courier* 1996). The maternal uncles of Koi Dam, the deceased man, had demanded either a "young girl" or K20,000[2] together with pigs, and the villagers (Miriam's relatives) had agreed to give Miriam

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as part of the compensation payment to Koi Dam's relatives. At the time of the incident, University of Papua New Guinea anthropologist Dr. John Muke, whose village lies in the area, was in the location and is reported as saying that although he did not agree with the woman being given as compensation, "pressure" was applied and the villagers were left with no option. The villagers gave 24 pigs as part of the compensation settlement.

Canada

In 1984, in the Northwest Territories of Canada, in the case of R. v. Curley, Nagamalik and Issigaitok, three Inuit[3] men pleaded guilty to the charge of having intercourse with a female under the age of 14. When considering sentence, the trial Judge, Judge Bourassa, stated: "law and the morality it reflects (must) walk hand in hand with the people" (Nightingale 1991:93). The Judge noted that in his view, as established from a pre-sentence report and "this court's experience in the eastern Arctic" (Nightingale 1991:93), there was a conflict between alleged Inuit values that a woman was ready to engage in sex once menstruation commenced and the provisions of the Canadian law which make intercourse with a girl under 14 an offence. He imposed a sentence of one week in prison followed by eight months of probation. The case was appealed on the grounds of inadequacy of sentence and incorrect assertions of Inuit values. Although the appeal court did not consider the latter issue, it did recognize, as did Judge Bourassa, "that knowledge of the law is an evolving factor" (Nightingale 1991:94). The sentence was increased to four months imprisonment. One commentator argues that this case, amongst others, shows some Canadian courts equating cultural difference as inferiority in that espousal of values different to those pronounced in Canadian law is defined as ignorance of the law (Nightingale 1991:94).

In this paper I contrast court cases involving custom, women, and justice in Papua New Guinea with such cases in northern Canada and explore the judicial discourse concerning custom/culture and its interaction with positivist law to illuminate tensions, to reveal how custom comes to be judged as "good" or "bad," and to show how custom is reframed as non-normative in one country but as an appropriate cultural component in sentencing in the other.

The "Selling" of Miriam

To return to the Papua New Guinea narrative, on May 9 the *Post Courier*, again in a front-page story headed "Judge Looks into Girl Compensation Case," reported that human rights groups and the National Court were looking into the issue on the ground that Miriam's constitutional rights might have been violated by the exchange (Palme 1996). The report detailed that 18-year-old Miriam had been

offered in exchange without her consent as a form of compensation for the death of her father. According to the girl's guardian, "the practice of including women in compensation deals had been abandoned since the arrival of the missionaries in Highland society" (Palme 1996:1).

On 14 May 1996, the *Post Courier* (this time on an inside page) reported that the National Court in the capital city of Port Moresby had ordered the leaders of the two clans involved, together with Miriam, to appear before the nearest National Court, that sitting in Mt. Hagen in the Western Highlands Province (Kili 1996b). The Court was to hold a hearing into the allegations that the constitutional rights of Miriam had been breached by the terms of the compensation settlement. The Individual and Community Rights Action Forum (ICRAF), a nongovernment organization, indicated that it would be applying to the National Court in Mt. Hagen to enforce Miriam's constitutional rights on her behalf.[4] The news report outlined her application before the Court and noted that it was not simply a matter of her being exchanged into the other clan but that she would be forced into a customary marriage to a tribesman of the other clan against her will. The application to the Court cited breaches of her right to be treated with respect, right to liberty, right to privacy, right to freedom of movement, and the right to equality of citizens.

On 12 June 1996, the *Post-Courier* (again on an inside page) reported that on 24 May 1996, the National Court in Mt. Hagen had issued a "protective custody order" protecting Miriam and had made orders restraining the clan from threatening or assaulting her and demanding compensation (Kili 1996a). More details were provided of the actual arrangement between the clans, and it was reported that Miriam's mother's tribe (the clan demanding compensation) had demanded two girls as part of the compensation after the death of her father.

The narrative now shifts to the National Court and to the judgement and orders of Mr. Justice Injia in Mt. Hagen. The Court heard the case brought by Miriam on 21 June 1996, and gave its written decision on 10 February 1997 (Re: Miriam Willingal, Unreported National Court Decision N1506). The main points emerging from the written decision are summarized below.

Miriam was a Grade 10 student and from the Kanem clan of the Tangilka tribe. When she was small, there was a tribal fight between her clan and a neighboring clan as a result of which Miriam's father left her and her mother and other children to live with Miriam's maternal uncle's tribe (the Konumbuka tribe). The tribal fight lasted for some fifteen years.[5]

The police shot dead Miriam's father while they were looking for another Tangilka tribesman on 26 April 1996. The Konumbuka tribesmen blamed the Tangilka tribe for indirectly causing his death, arguing that it was their wrongdoing that prompted the police to come to the village and shoot Miriam's father.[6] The

Konumbuka demanded compensation for the loss of the son of one of their daughters in the form of "head pay."

"Head pay" is a custom prevailing in the Minj area of the Western Highlands Province and is widely practiced in that area when someone dies. Compensation takes the form of payments in money, pigs, and other personal items of value. Evidence as to whether "head pay" includes young unmarried women was not given to the Court by local "experts" such as village elders, councilors, or magistrates,[7] but the Court did receive evidence in the form of an affidavit from Dr. John Muke, who is himself a member of the Kanem clan of the Tangilka tribe.

Dr. Muke deposed that "head" payments were usually made in the form of material items and that "when the occasion arises the mother's brothers request that a grand-daughter of their sister be returned to them. That request is described as 'a skull is returned in a netbag.'" Since "netbag" denotes woman,[8] this practice falls within the wider category of the marriage system. This marriage practice is called prescriptive cross-cousin marriage[9] and enables marriage partner clans to be "alternate wife-givers at three generational levels." Dr. Muke attested to the fact that this kind of marriage does not involve forcing women to marry against their wishes and that girls were and are allowed to choose their partners.

Dr. Muke told the Court that when the compensation demand was made, the Kanem clan pointed out an imbalance in the debit credit balance of obligations between the two clans and agreed that it would be right to restore the balance and create a new debt. Therefore, the Kanem clan agreed to give 24 pigs and a girl as part of the prescriptive cross-cousin marriage. The giving of the girl was agreed in principle only. He said it was up to the girl to decide and there was no actual agreement that Miriam would be given to the clan at that time, merely an agreement that Miriam would be "an ideal choice." Miriam should marry a Kanem clan member but if she decided to marry someone of her own choice, she would have to consult with her father's maternal uncles. The end result, Dr. Muke testified, was that if Miriam agreed to the exchange, this would complete the "returning of the skull" in the net bag. If she did not, the debt of the Kanem clan would remain open until such time as a Kanem girl married and satisfied the obligation. Evidence contrary to that of Dr. Muke was given by Miriam's guardian, Sam Imene, who testified that under the "head pay" custom the chosen woman has no choice in the matter once the decision that she should form part of the compensation payment has been made.

Miriam herself submitted an affidavit to the Court in which she explained that she was aware of other "head pay" payments but had not heard of any demand for women as part of "head pay" generally. She said that during the funeral of her father, the demand for women was made continuously but no particular woman was mentioned. Later, however, she was asked to go as part of the "head pay" because she was the only eligible girl. She agreed to go on condition that she would be

allowed to complete her education. She feared that if she did not go, harm would be caused to other girls in her tribe. Her education was important to her and she wanted to pursue technical training so that she could obtain employment. She did not want to be a "villager living on subsistence farming."[10] She concluded by saying that she "went public hoping that somebody might help me."

After discussing the conflicting evidence as to the custom of "head pay," Judge Injia found that there was no clear evidence of a custom that women could be part of a head pay against their will in the Minj area. However, there had always been a general custom involving a request or demand for a young unmarried woman as part of "head pay" where no specific names of any girls were mentioned and no time fixed for the exchange. In fact, what results is simply an understanding on both sides that the request will be honored. The Judge noted that it could even take "the lifespan of several generations" for the commitment to be completed. He found that the women are "passive" in the process but that "it is up to the young girl of the tribe to take up the challenge if they (sic) feel like it" (Re: Miriam Willingal 1996, Unreported National Court Decision N1506). The Judge found that Miriam had been approached as a candidate for the exchange, that pressure was brought to bear on her to effect the exchange, and that she did not consent to it. He also found that she was living in fear because she believed that she would be forced to honor the commitment to execute the "head pay."

When the Judge applied the Constitution, he made it clear that if the custom of the tribesmen conflicted with national laws, they "must give way to our national laws." He set out the relevant constitutional provisions and asked whether the custom of "head pay" which included women was inconsistent with Constitutional law, a statute, or repugnant to the general principles of humanity. He determined that the custom of "asking or obliging a woman to be part of 'head pay' was an infringement of a constitutional right to freedom, of her right to be treated equally and that the custom was contrary to the Customs Recognition Act as not being in the public interest or creating injustice."[11] In relation to the expression "repugnant to the general principles of humanity," the Judge noted that the Court had previously held the custom of cannibalism to be repugnant, as it had the custom of payback killing and that of mutilating adulterers (discussed below), and said that "the custom of requesting women as part of head pay and giving of women as part of head pay in the Minj area" was repugnant in that "living men or women should not be allowed to be dealt with as part of (sic) compensation payment under any circumstances."

The Judge went on to mention "special factors." These included: the fact that the majority of the people are uneducated and still live in villages with their lives governed by traditional lifestyles and customs; that the customs of the people of Minj serve "complex value systems"; that "outsiders," including the courts, should be wary of passing judgement on those customs; that the custom of "head pay,"

as including the exchange of women, may be offensive to some societies of Papua New Guinea but not to other societies; whilst a substantial number of the people are educated, they are still exposed to traditional customs and values and it would not be appropriate for any educated person to pass "quick judgement" on the soundness of a custom whether of his own or a different group; in particular, the courts which are "modern" institutions should be careful "not to pass quick judgements on the legality and soundness of traditional customs and customary practices and their underlying values;" even though the Constitution calls for certain values and goals and the Court is empowered to enforce them, it is "ironic" for the court to do so when those traditional values are themselves operating and valued in the various societies; nevertheless, the founders of the Constitution anticipated a modern state where good customs would be promoted and bad customs eliminated and whilst this may be painful to the society concerned, "bad custom must give way to the dictates of our modern national laws" (Re: Miriam Willingal 1996, Unreported National Court Decision N1506).

Judge Injia then made a declaration that the custom of including women in "head pay" agreements in the Minj area was unlawful and unconstitutional and that the members of the two tribes involved in Miriam's case "abandon and desist from such custom and customary practices forthwith" and that any person found to be in violation of the court orders was to be reported to the Court to be dealt with.

It is apparent that the special factors cited by the Judge essentially comprise his reasons for the decision to apply the Constitution and actually declare a custom unlawful and declare that it no longer be followed. This is the first case in Papua New Guinea in which a specific custom of a particular group has been declared unlawful, unconstitutional, and has been prohibited by the Court.

The news media reported the public response to this story in the form of a letter to the editor and a report of comments by a women's leader. The letter from a person described as "Hagener" was headed "Not Quite Our Tradition" and denied the existence of this custom saying that "objects have been used as compensation payment and no human lives have been used as objects for compensation payments" (Hagener 1997). The author said that:

> as a Western Highlander, I strongly believe and am opposed to claims in the newspapers that it's the tradition of the Western Highlands Province. (It's a new type of tradition which has been invented by that tribe.) It's certainly not our tradition (Hagener 1997).

The women's leader, Western Highlands Women's Council President, Paula Mek, "condemned the recent actions of a clan who offered two young girls as part of a compensation package" (The National 1997). She described this "as an outlawed form of human slavery." She reportedly said "that deal was the first of its kind in

the Western Highlands Province in any compensation payment." She said, "women should not be forced into marriage. Over the last three decades, women have been treated unfairly by their male counterparts but time (sic) is changing and men and women must work together even in decision-making."

Papua New Guinea and Canada are very different societies, one developing and one developed, but both share commonalties in terms of an indigenous population which is still wholly or partly guided as to its acts and interactions by custom. It is in the courts of both countries that a part of the struggle between positivist law, introduced into what were and are societies based on custom, and custom is being played out. In Canada, the struggle is not over repugnant custom, but over taking custom into account in sentencing and "cultural bias."

The Discourse of Culture in Sentencing: Cultural Relativism in Canada

According to Teresa Nahanee (1994:192) the custom, or alleged custom, of the Inuit of the Northwest Territories of Canada has had an adverse effect on the sentencing practices of the courts there. Nahanee argues that sentences imposed by non-Inuit male Judges under Canadian criminal law suggest that there exists a "cultural bias" which disadvantages Inuit women. She states that Judge Michael Bourassa, when sentencing an accused Inuit in a rape case, drew a distinction between the impact of rape involving Inuit women and non-Inuit Canadian women. She suggests that the Judge's comments contain a "reasonable apprehension of 'cultural bias'" in that he implies that "for Inuit females in the North, sexual assault is less physically and psychologically traumatic" (Nahanee 1994:194). The Judge, according to a report in the *Edmonton Journal* of December 1989, had remarked:

> The majority of rapes in the Northwest Territories occur when the woman is drunk and passed out. A man comes along and sees a pair of hips and helps himself. . . that contrasts sharply to the cases I dealt with before (in southern Canada) of the dainty co-ed who gets jumped from behind (Nahanee 1994:194).

Following the Judge's decision, Madame Justice Conrad was appointed to investigate the Judge on account of his remarks to the press. She found no evidence of "misbehavior" or of "inability to perform his judicial duties properly" and therefore no basis for his removal from the court. During the investigation, the Judge apparently did agree that his remarks referred to all northern women, but Madam Justice Conrad was satisfied that he had not referred to "Native" women in his remarks on assault. Nahanee complains that the Judge showed cultural bias in that his remarks could only have referred to Native women since they are the predominant female group in the Northwest Territories. She says that cultural bias is displaying an opinion of another culture that is stereotypical and "insensitive to the cultural attributes of the people involved" (Nahanee 1994:194).

Nahanee explains that Pauktuutit (the Inuit Women's Association of Canada) has also criticized northern Judges because of their acceptance of a so-called "cultural defense"[12] used in sexual cases by northern men which she says is permitted even though the judges are not provided with evidence of traditional or present Inuit sexual practices sufficient to justify it. Nahanee recounts that Pauktuutit has proclaimed there is no "foundation to judicial belief that according to Inuit culture girls are ready for sex at 13 years of age" (Nahanee 1994:196). After reviewing all the major sexual cases in the Northwest Territories, Nahanee concluded from her research that sentences are skewed in favor of defendants who raise the defense that the exploitation of young females is an Inuit cultural practice and therefore acceptable.

Nahanee points out that the benchmark for sentencing in sexual assault cases set by the Supreme Court of Alberta in the case of Sandercock is "a minimum of 3 years for a major sexual assault" (Nahanee 1994:196), but argues that the northern Judges have applied a quite different basis to sentencing Inuit defendants in sexual assault cases. She gives examples of sentences, such as a six month sentence to a father for indecent assault on his daughter accompanied by violence and taking place over a number of years; a suspended sentence of one year to an accused convicted of sexually "fondling" girls of 9 and 12; the staying of charges against a white male taxi driver who had intercourse with a 12 year old Inuit virgin; and a 90 day sentence for a major sexual assault by a 21 year old Inuit male upon his 14 year old cousin. In another sexual assault case the trial Judge is reported to have said:

> The morality or values of the people here are that when a girl begins to menstruate she is considered ready to engage in sexual relations. That is the way life was and continues in the small settlements... These men were living their lives in a normal acceptable fashion in the way life is lived in the High Arctic (in Nahanee 1994:196).

Generally, Nahanee believes that this judicial record has resulted in the further victimization of Inuit women who are both victims of sexual assault and of the administration of justice. She advocates stiffer jail sentences calling this "unfortunate because Aboriginal women will be criticized for adopting the 'foreign' justice system" (Nahanee 1994:201).

In "Looking White People in the Eye," Sherene Razack (1998:68) also discusses the use of culture as a defense by aboriginal offenders in Canada and points to Canada's history of colonization as being a predominant factor in the legal environment as well as historical and social attitudes to women. Razach (1998) finds it "impossible to untangle" the factor contributing most to what she terms the "lenient sentencing of aboriginal males accused of sexual assault" (p. 69). She refers to a case in which Judge Bourassa imposed a community based treatment

program (a healing circle) instead of incarceration in a sexual assault case, which she says the Judge accepted "on the basis that the community's unique cultural methods... had a significant role to play in healing the offender" (p. 70). She reports that on appeal the Court imposed a stiffer sentence in part because "the witnesses in this case do not describe a culture markedly different than that in the rest of Canada" (p. 71).

Pauktuutit intended to bring a constitutional challenge to the various sentencing decisions, arguing that the lenient sentencing of Inuit males in cases of sexual assault interfered with the right to security of the person, the right to equal protection, and denied benefit of the law to Inuit women (Nahanee 1994). Nahanee and Pauktuutit emphasize that the employment of the defense of culture has had the effect of minimizing the impact of sexual assault on Inuit girls and women while Razack argues that the cultural defense therefore relies on "the squaw stereotype" in that minimizing sexual assaults is made possible by the perception that Inuit women are sexually promiscuous (Razack 1998:71).

Razack notes that Nahanee focuses on cases in which the cultural sensitivity of the judges is grounded on a "highly gendered, unsophisticated view of culture" (Razack 1998:72).[13] However, Razack (1998) reports that recently the courts have noted "the seriousness of the offence does not vary in accordance with the color of the skin of the victim, her cultural background or the place of her residence" and that sexual assault "is not acceptable in society whether it be within the Indian society or the general society" (p. 72). In one case reported by Razack (1998), the use of culture was characterized as a form of injustice and the defendant was said not to be "a naïve young man who should only be pitied and not condemned. He is not a 'child of the forest'" (p. 72). Razack concludes: "the anthropologizing of sexual assault continues to have gendered overtones and to maintain white supremacy as securely as in days of more overt racism and sexism" (p. 72). In a comment on this cultural defense, the Final Report of the Canadian Panel on Violence Against Women (1993) concluded that:

> Many Aboriginal women do not perceive the Canadian justice system as a means of protecting themselves, their children or their rights; rather, they see the process as a revictimization. Aboriginal women report that the batterer is often better protected and defended in the courtroom than the victim.
>
> Cultural 'sensitivity' programs for judges and law enforcers that provide short and superficial training may do more harm than good by creating a false impression that violence is acceptable in Aboriginal culture. Aboriginal culture should not be considered in determining whether or not to lay criminal charges. Nor should it be used by law enforcers to decide whether or not to act on a complaint of spousal abuse. This is systemic racism because different standards of treatment are applied to Aboriginal people than to non-Aboriginal people.

In "Judicial Attitudes and Differential Treatment: Native Women in Sexual Assault Cases," a broad ranging article concerned generally with judicial bias by the Canadian Courts in cases involving Inuit women, Margo Nightingale (1991) examined 69 cases involving Natives as offenders and/or victims. Of these, 47 arose in the Northwest Territories and all but four involved sexual offenses. Nightingale (1991) identifies the defense of drunkenness as a factor that is often taken into account in sentencing in these cases, pointing out "where Native offenders are sentenced, the judge will often blame alcohol as the 'root cause' of the offence" (p. 83). Nightingale (1991) argues that the continued emphasis on alcohol use and abuse acts to reinforce stereotypes of the "drunken Indian" and that judges "often do not define drunkenness as a characteristic particular to an accused, but more generally and incorrectly, as constituting a cultural attribute of Native society" (p. 84). On the issue of drunkenness and sexual assault, Nightingale would therefore agree with Nahanee that the courts are displaying cultural bias and insensitivity in such cases.

Nightingale (1991) discusses the case of R. v. Naqitarvik, also referred to by Razack above, in which a 21-year-old man pleaded guilty to sexually assaulting his 14-year-old cousin. The Council of Elders, known as the Inumarit, offered traditional treatment and counseling to the community, which included the accused. Judge Bourassa was impressed by this organization and its program, saying, "for the person that responds, the Inumarit, the Social Services Committee and the whole community together can obviously heal; they can unite; they can reconcile; and they can reform" (Nightingale 1991:92). He imposed a 90-day intermittent sentence with two years probation and 100 hours of community service. However, on appeal, a sentence of 18 months was imposed. The court said it was unable to see any distinction between the counseling program the Inumarit provided and those provided by "the usual community counseling service" and one Appeal Court Judge said that he was "unable to see... that it is a remnant of ancient culture" (Nightingale 1991:93).

I have so far described the discourse of culture and sentencing in northern Canada and narrated features of the discourse of custom in Miriam's case. The notion of repugnancy, as an aspect of Miriam's case, has proved to be a central doctrine in the overall judicial discourse of custom and positivist law in Papua New Guinea. In terms of the criminal law, custom has figured largely in decisions on sentencing.

The Discourse of Repugnant Custom: Papua New Guinea

Under the Papua New Guinea Constitution of 1975, custom is constrained in that it must not be applied if inconsistent with a Constitutional Law or Statute or repugnant to the general principles of humanity (James 1995:47).[14] However,

the Constitution introduced a notion of the "underlying law," which is made up of custom and the common law. Jean Zorn (1992), a lawyer who has written extensively about Papua New Guinea, notes that "by basing the underlying law on these two sources and by giving custom the more significant role, the Constitution ensures that the underlying law will be authoritative" (p. 104). Zorn points out also that the courts inherited a tradition of legal positivism from the colonial powers and that this has been a factor inhibiting the development of custom by the courts since, to a positivist, custom cannot be a source of law. Nevertheless, Zorn (1992) argues that as a matter of law, the framers of the Constitution did intend that custom should "take precedence over the imported common law" (p. 105).

The repugnancy test was developed by the colonizing British as part of their "civilizing mission" and introduced first into Africa in the form of the Gold Coast Supreme Court Ordinance which gave the court power to enforce customs not "repugnant to natural justice, equity or good conscience, nor incompatible either directly or indirectly or by necessary implication with any enactment of the colonial legislature" (Ottley 1995:99). The notion of repugnancy first appeared in Papua New Guinea in the Native Customs (Recognition) Act 1963 (now the Customs Recognition Act, see above) and some commentators have observed that the test was used in African countries to deny practices such as polygamy and the payment of bridewealth (Jessop 1995:23), practices that are still prevalent in Papua New Guinea.

In terms of the competing discourses of custom and positivist law, the Papua New Guinea courts have denied the validity of the custom discourse in a number of cases by applying the repugnancy test. In a case in 1982, State v. Nerius (Unreported National Court Decision N397 of 1982), two men who were charged with rape argued as a defense that they were required to commit the rape in accordance with the custom of payback. The Chief Justice expressed the view that such a custom was repugnant:

> to the dictates of Papua New Guinea's Constitution. Women/girls... are not things or chattels to be dealt with by men as they wish. Any custom which says that if A rapes B's sister, B is entitled to rape A's sister cannot be condoned by the courts... women are equal to men in Papua New Guinea under our Constitution. They must be so treated by men (Unreported National Court Decision N397 of 1982).

A husband complained to the Village Court that his wife had committed adultery with his brother in the case of Re: Kaka Ruk 1991 [PNGLR] 105. She was ordered to pay compensation to him and when she failed to do so was jailed. The National Court found that the husband had neglected her when he had been away from home working on a plantation and this had prompted her association with his brother. After referring to provisions of the Constitution concerning the equality of the

rights of spouses and their duties in marriage and the repugnancy test, the Court said:

> This custom that the husband is seeking to apply which leads to her jailing when he is in the dominating position and where the situation has been partly caused by his behavior must be a custom that denigrates women and is thus repugnant to the general principles of humanity... people in Papua New Guinea must come to terms with the law that women are not chattels that can be bought and thus bonded forever. They are equal participants in the marriage and in society.

In a similar case (Re: Wagi Non 1991 [PNGLR] 84), the husband had again traveled away for employment and during his absence after a number of years his wife developed a relationship with another man. The husband's relatives complained to the Village Court that the wife had committed adultery and obtained an order for compensation against her. The Village Court imprisoned her when she failed to pay the amount required. Her release was ordered by the National Court on the basis that the custom relied on by the relatives infringed the Constitution, the Court noting that under the custom "this woman is bonded, almost in slavery, to the husband even when the husband neglects her" (Re: Wagi Non 1991 [PNGLR] 84).

In other cases, the exercise of customs, such as the mutilation of an adulterer, payback killing, and stoning a sorcerer to death have been rejected as defenses in criminal prosecutions (James 1995:47). In Public Prosecutor v. Kerua (1985 [PNGLR] 85) the issue was whether the custom of murdering or mutilating an adulterous woman was a mitigating factor in sentencing. Evidence was given establishing the custom of killing the adulterer or mutilating her and throwing her into the river. While the trial judge regarded that custom as a mitigating factor, the Supreme Court disagreed, holding that according to the Customs (Recognition) Act and the Constitution, custom could not be applied if it were not in the public interest or is repugnant to the general principles of humanity.

The Discourse of Custom in Guilt and Sentencing: Papua New Guinea

Custom is often taken into account in Papua New Guinea in determining punishment and sentence in criminal prosecutions. An example is the State v. Pokolou (Unreported National Court Decision N404 of 1983) where the defendant was charged with theft and raised the defense that he had been "pardoned" under custom since he had paid compensation. The Court considered the customary "pardon" relevant to sentencing and took into account the compensation paid by him by reducing the sentence it would otherwise have imposed. In other cases, the Court has integrated the custom of paying compensation for an injury into the sentencing process. For example, in State v. Lipirin (1983 [PNGLR] 283) a man

Nations 2000a:4). The rule of law protects the seven universal human freedoms — freedom from discrimination, from fear, of thought and speech, from want, to develop and realize one's human potential, from injustice, and for decent work — that are the prerequisites for human development. But if we cannot agree on a clear, universally accepted definition of the rule of law, how can we hope to achieve this end?

The drawbacks of a continued emphasis on the promotion of human rights as such are clear. Even as the Universal Declaration helped to unite nations behind the project of human rights promotion, the issue continues to highlight serious divisions within the international community. The concept of the rule of law, less divisive and threatening than human rights, already enjoys widespread support — it simply lacks the clarity of a universal definition. Promoting the rule of law internationally offers a tremendous opportunity to foster real economic and political change, but will first require that all members of the international community are clear about what the rule of law means. A Universal Declaration of the Rule of Law would provide nations with a common starting point from which to develop the rule of law, an effective tool for the kind of sustainable development that benefits all citizens.

NOTES

1 The following books and articles give a thorough review of the issues and have been used as the basis for this section: Eide et al. 1992; Wronka 1992; Buergenthal 1988; United Nations 1992.
2 Think of the Gulag in the Soviet Union as well as racial discrimination in the United States and the colonial empires of some European States.
3 Abstentions: Byelorussian SSR, Czechoslovakia, Poland, Saudi Arabia, Ukranian SSR, Union of South Africa, USSR, and Yugoslavia.
4 This phrase appears in Article 1, par. 3; 55 sub. c; 56; 62 par. 2; 68; and 76 sub. c.
5 Established in response to ECOSOC Res. 5 (I), 16 February 1946 (United Nations 1946); it became a full commission pursuant to ECOSOC Res. 9 (II), 21 June 1946.
6 "Equitable geographic distribution" is a notion that permeates nearly all activities of U.N.; the intent is to make every effort to include all major regions of the world in its activities.
7 The European Union, for example, has traditionally linked its foreign aid to perceived improvements in human rights, much to the frustration of leaders in many Asian countries.
8 See, for example, United Nations (1998).

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rights debate while accomplishing the same end: promoting economic and political development that can benefit the individual.

Conclusion

> No declaration of rights can ever be exhaustive and final [but is an] expression of the moral conscience of civilization at a given moment in history (Maritain 1947:673).

The authors acknowledge that human rights and the rule of law must be separated from any universal declarations on these topics. That is, the Universal Declaration of Human Rights and the proposed Universal Declaration of the Rule of Law do not equate human rights or the rule of law, *per se*. Declarations represent politically created documents that merely enunciate certain rights. However, the experience of the Universal Declaration of Human Rights demonstrates that the drafting and elaboration process can help to bring together nations and encourage positive change internationally. This process offers a clear model for the implementation of the proposed Universal Declaration of the Rule of Law.

In fact, a mechanism for the implementation of such a declaration already exists within the U.N. Just as the Universal Declaration of Human Rights was implemented by the Commission on Human Rights of the Economic and Social Council, the proposed Universal Declaration on the Rule of Law would best be implemented by ECOSOC's Commission on Crime Prevention and Criminal Justice, which has already completed extensive work on promoting the rule of law.[8] The Commission would undertake work on the Declaration with substantive input provided by the periodic Congresses on the Prevention of Crime and the Treatment of Offenders and in conjunction with national ministries of justice. The working definitions of the rule of law already set out by the Centre for International Crime Prevention as a result of the work of the Commission and the Congress would serve as a useful starting point for the drafting of a Universal Declaration.

The connection between human rights and the rule of law is profound: the rule of law is dependent on an appreciation for the inherent dignity of the populace. The Universal Declaration of Human Rights identifies the rule of law as an instrument for development. The Preamble reads, "Whereas it is essential if man is not to have recourse as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the Rule of Law" (United Nations 1948). In addition, it is widely acknowledged that the rule of law is necessary not only for human rights but also for sustainable economic development and a criminal justice system that works. The most recent Human Development Report, issued by the United Nations Development Programme, makes the connection between the rule of law and human development explicit: "Without the rule of law and fair administration of justice, human rights laws are no more than paper" (United

of the question" at this stage in their country's development. In fact, the rule of law not only guarantees individual civil liberties, it also encourages the sort of healthy economic growth that is so essential to addressing the "basic needs" of which the Chinese representative to the Vienna Conference spoke. Whether trying to combat corruption, control crime, or encourage foreign-direct investment, developing nations understand well the importance of encouraging the rule of law. While an international consensus on the specific requirements of the rule of law has yet to be forged, no great fissure between developed and developing countries regarding the rule of law is likely to emerge. As the human rights example has demonstrated, a universal declaration can never completely eliminate such differences, but it can afford just the sort of definitional clarity that is a requirement for the promotion of the rule of law internationally.

While the controversy over human rights continues to challenge relations between developed and developing nations, threatening the success of sustainable development programs, the global climate for the promotion of the rule of law has never been more favorable. Within China, for example, much has changed since Hayek's seminal formulation of the rule of law was first published. Under Mao, China was quick to ban Hayek's work; the introduction to the restricted, pirate edition of *The Road to Serfdom* for high-ranking cadres described it as "full of poison." But just last year a Chinese translation of another of Hayek's works in which he promotes the rule of law, *The Constitution of Liberty*, became a best seller. A private research institute even organized a conference about the book in which a number of dissidents participated, and the government did not object (Asian Wall Street Journal 1998:12). While openness and responsiveness are closely linked to the rule of law, democracy is not necessarily a prerequisite for developing the rule of law. The rule of law is far less emotionally charged and not nearly as threatening as "human rights," but as a guide down the path to democratic government it is no less powerful.

In fact, recent discussions of the rule of law in U.N. documentation have left open the possibility of developing the rule of law in non-democratic systems. The Tenth Crime Congress working paper, for example, argues that the legitimacy of the law often "takes the form of political accountability afforded by periodic elections, but there may be other legitimizing factors as well. Individuals may sometimes govern successfully because of their personal popularity or religious authority, for example" (United Nations 2000c:4). That such a broad conception can be offered today is the result of the expansion of the concept of the rule of law in the years since Hayek proposed his strict definition. Such U.N. pronouncements help to bring non-democratic countries into the community of nations ruled by the law, and mark the flexibility of the rule of law as a tool for sustainable development. Forging an international consensus on the rule of law through the drafting and elaboration of a Universal Declaration of the Rule of Law would avoid the pitfalls of the human

Declaration of the Rule of Law as well? While the drafting and elaboration process of the Universal Declaration has afforded a certain clarity and consensus regarding the promotion of human rights, it has also resulted in the opposite effect: the intensification of divisions within the international community. Despite more than fifty years of concerted effort by the U.N., the divisive debate over human rights remains an inhibition to international cooperation on the program of sustainable development. In fact, the ongoing controversy over human rights promotion has served to divide the international community not only between developed and developing states but also along cultural lines. The very term "human rights" has come to be equated by some in the developing world with the cultural bias and condescension of the West. Such perceptions have only been reinforced by the decision by some Western donors to tie development aid to improvements in human rights.[7] The Asian Values debate, which reached its height during Southeast Asia's unprecedented economic ascendance (and which has since only temporarily abated during its economic downturn), made it clear that the promotion of human rights internationally serves to accentuate intractable divisions among nations.

The drawbacks of strong human rights rhetoric were clearly articulated at the 1993 World Conference on Human Rights in Vienna. On the one hand, some observers were pleased with the official consensus that seemed to have resulted from the conference: the idea that human rights are neither culturally bound nor relative. As Donnelly (1994) has written:

> One of the more heartening results of the Vienna Conference was the repudiation of... the relativist position. Despite lingering Western neocolonialism, and a continuing preoccupation with the task of development in the former Soviet bloc and the Third World, the resolutions adopted at Vienna generally reflect a commitment to the true universality... of internationally recognized human rights (pp. 111-13).

However, at the same conference, some participants offered a very different perspective from the supposed official consensus. The delegate from the Chinese government argued forcefully, "when poverty and lack of adequate food and clothing are commonplace and people's basic needs are not guaranteed, priority should be given to economic development. Otherwise, human rights are completely out of the question" (Engle 2000:319). Despite the widely acknowledged universality principle and the existence of a Universal Declaration, human rights continue to be viewed with suspicion in the developing world. Regarded in the West as sacrosanct, human rights are often seen by developing nations as an afterthought, a luxury too precious to afford. On the other hand, no such divisive debate has emerged regarding the international promotion of the rule of law. While the term "human rights" frequently elicits a negative reaction from the Chinese government, it is quite unthinkable that the Chinese would be so quick to argue that the rule of law is "out

conventional system is the Optional Protocol to the International Covenant on Civil and Political Rights, which:

> recognizes the competence of the [Human Rights] Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant... and who have exhausted all available domestic remedies (Optional Protocol, Articles 1 and 2).

In addition, there are a number of other procedures for raising claims to human rights violations, including regional complaint systems like the European Convention on Human Rights and the participation of nongovernmental organizations such as Amnesty International and Human Rights Watch.

Along with the increase in the number of formal mechanisms for bringing human rights abuses to the attention of the U.N., recent changes in the global political climate have made implementation more likely. In the wake of the Cold War, for example, ECOSOC's former division between civil and political rights and economic, social, and cultural rights has all but disappeared:

> Moreover, the international law concept of domestic jurisdiction, which in the past shielded oppressive governments against international condemnation, has become an anachronism devoid of legal significance as far as the promotion of human rights is concerned (Buergenthal 1997:723).

The elaboration process has resulted in widespread acknowledgement of the transnational nature of human rights, which are tied to the individual and not to the State. Indeed:

> the entry into force of each new treaty in this field has further internationalized the subject of human rights as between the parties to them... Hence, a definition of international law that did not today recognize the individual as the direct beneficiary of international human rights law, and, to that extent, a subject of international law, would be blind to contemporary legal and political realities (Buergenthal 1997:708).

Finally, it has become apparent that democracy as a form of government is, in itself, an element of modern life to which the international community aspires (Buergenthal 1997:723). Such broad consensus on the importance and universality of human rights, at least generally, is a direct result of the process whereby the Universal Declaration of Human Rights was drafted and elaborated.

Wherefore an Universal Declaration of the Rule of Law?

The question thus presents itself: if the world already benefits from the existence of a Universal Declaration of Human Rights, why do we need a Universal

interpretative capacity of the Universal Declaration gives it a strong indirect legal effect (Brownlie 1971:250). The Universal Declaration has acquired binding character by becoming part of customary international law through the practice of states and the *opinio juris*. In addition, the Declaration has both been incorporated into a number of national constitutions and other international treaties, and has been used by the International Court of Justice on several occasions as a legal basis in its advisory opinions, evaluating them as general principles of law. Acceptance of the Universal Declaration as customary international law is important even to Member States that are not parties to relevant human rights conventions, for it provides a common standard for the protection of the rights of a national by a State.

Implementation of the Human Rights Instruments

Article 55 of the Declaration states that governments should "promote universal respect for, and observance of, human rights and fundamental freedoms" (Universal Declaration, Article 55). The vague wording contained in the Article led to difficulties in the implementation of the U.N. human rights program and required further clarification. Apartheid in South Africa and racial discrimination in Southern Rhodesia were among the primary catalysts that prompted the U.N. to clarify the Article (Buergenthal 1997). Indeed, "Apartheid came gradually to be recognized as a pervasive violation of all basic human rights, a governmental policy implemented on a massive scale against a large segment of the population" (Buergenthal 1997:709). As a result, ECOSOC Resolution 1235 (XLII) of 1967 authorized the Human Rights Commission to conduct a thorough analysis of those world situations that represented gross patterns of human rights violations. ECOSOC Resolution 1503 (XLVIII) of 1970 empowered the Sub-Committee on the Prevention of Discrimination and Protection of Minorities to develop a mechanism for dealing with communications from individuals and groups revealing such abuses (Buergenthal 1997:710).

At present, the implementation system of the U.N. in the field of human rights rests on two pillars. The first pillar is the *non-conventional* system, based on procedures established by the principal U.N. organs dealing with human rights issues through the use of relevant resolutions. The U.N. organ with primary responsibility in the field of human rights is the Commission on Human Rights, one of the nine functional commissions of ECOSOC, established under Article 68 of the Charter (United Nations 1945).[5] The second pillar is the *conventional* system, based on human rights treaties adopted by the U.N. and ratified by its Member States. The Covenants foresee the establishment of bodies composed of independent experts from signatory states, taking into account equitable geographic distribution.[6] The monitoring of these expert bodies is carried out through a reporting system and, in some cases, a complaint procedure. One human rights treaty that makes up the

should, at its first session, establish a commission for the promotion of human rights as envisaged in the Charter. The Charter states, "The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions" (United Nations 1945, Article 68). In keeping with this request, ECOSOC established the Commission on Human Rights in the beginning of 1946 (United Nations 1946). After some preparatory work had been done by the Commission, a formal Drafting Committee, with the assistance of the Secretariat, was set up to finalize the development of an International Bill of Rights (United Nations 1947). The drafting committee, which consisted of delegates from Australia, Chile, China, France, Lebanon, Soviet Union, England, and the United States, was given the following guidance by the Commission: the Bill was to be acceptable to all Member States, short, simple, easy to understand, and expressive. To assist the Drafting Committee, the Secretariat prepared an outline for the Bill, and ECOSOC provided draft human rights declarations and statements already submitted by interested governments, in addition to comments on the Secretariat outline provided by the United States.

Different views were expressed as to the form an International Bill of Human Rights should take. As the frosty political stalemate of the Cold War approached, some countries remained unconvinced as to the feasibility of a human rights convention. The Drafting Committee thus decided to prepare two documents: the first in the form of a declaration that would set forth general human rights standards, the second a convention that would define specific rights and their permissible limitations.

By adopting the Universal Declaration of Human Rights on December 10, 1948, the community of states for the first time expressed their intention to make a commitment to human rights obligations (United Nations 1948). The clarity of the vote — forty-eight for, none against, and eight abstentions — was an indication for the general support given to the Declaration.[3] The Declaration was meant to define the meaning and the scope of the concept of "human rights and fundamental freedoms," as mentioned in the U.N. Charter (United Nations 1945).[4] According to the Preamble, the Declaration would serve:

> as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance (Universal Declaration, Preamble).

As a General Assembly resolution, the Universal Declaration is not binding, but rather it recommends certain behavior to the Member States. However, the

Human Rights and the Charter of the United Nations[1]

In the wake of the brutality of World War II, the time was ripe for an international effort to secure inalienable rights of birth. The newly created U.N. represented the perfect forum for the elaboration of a mechanism to protect human rights. The international community viewed human rights as higher-order values that could transcend national legal boundaries and offset the kind of worldwide disintegration that had led to wartime atrocities. Human rights standards could provide common expectations of how a State should interact with its populace:

> Human rights are a standard of political legitimacy; to the extent that governments protect human rights, they and their practices are legitimate... A government is legitimate only to the extent that it protects human rights through positive law and practice... human rights are minimal standards (Donnelly 1989:14-15).

In the West, of course, the idea that there are certain universal rights that transcend time and are above the common laws of man existed long before the end of World War II. In 1625, Hugo Grotius noted that it was lawful for "one or more states to stop the maltreatment by a state of its own nationals when that conduct was so brutal and large-scale as to shock the conscience of the community of Nations" (Buergenthal 1988:3). This notion of "universality" is present in contemporary human rights law, an area of law that penetrates sovereign walls.

Despite widespread acknowledgement of the universality of certain rights, the majority of the countries present when the U.N. was established were reluctant to include specific human rights guarantees in the U.N. Charter (United Nations 1945). Many, in fact, appeared eager to conceal their own long histories of human rights abuses.[2] However, a number of nongovernmental organizations attending the San Francisco Conference managed to lobby for the inclusion of human rights in the Charter. Together with the maintenance of peace and development, human rights form the core of the principles and purposes of the Charter. These principles and purposes are interrelated; respect for human rights is essential for attaining a fair distribution of power and a just social order. The elevation of human rights to the international level was a breakthrough that made the development of international human rights law and the global effort to protect human rights possible.

The Universal Declaration of Human Rights

The Charter of the United Nations (United Nations 1945) does not identify specific human rights that are guaranteed to the world's citizens. As a result, the Preparatory Commission of the United Nations, which met immediately after the closing session of the San Francisco Conference, recommended that ECOSOC

> There is no single established procedure for the preparation of international instruments [although] most of the bodies concerned have found it advantageous first to secure the comments of Governments and interested international organizations on the drafts submitted to them, and then to call upon the Secretariat to prepare a working paper presenting and analyzing the replies received. [In addition] many bodies have set up a working group or drafting committee to attempt to reconcile the various texts and proposals under consideration [and to] reach agreement on the title, general provisions and substantive articles [and to establish] a Style Committee to review from a linguistic point of view the versions of the draft instrument in the various languages before it is adopted, in order to ensure the concurrence of all the versions (United Nations 1988:310-11).

This rather loosely defined "process" can result in a range of official statements by the Organization, each affording a different level of authority. The least authoritative is a *recommendation*, the result of a *resolution* of one of the organs of the U.N., such as the General Assembly. A recommendation, which is not binding on Member States, may be of fairly minor significance: for example, a request for the Secretary-General, with the assistance of the Secretariat, to draft a report on a given subject, such as the development of a database on extradition treaties. A recommendation can, however, be semantically "elevated" to the level of *declaration*. According to the Economic and Social Council (hereafter, ECOSOC):

> [T]here is probably no difference between a "recommendation" and a "declaration" in U.N. practice as far as strict legal principle is concerned... [However] in view of the greater solemnity and significance of a "declaration," it may be considered to impart, on behalf of the organ adopting it, a strong expectation that members of the international community will abide by it... [A] "declaration" is a solemn instrument resorted to only in very rare cases relating to matters of major and lasting importance where the maximum compliance is expected (United Nations n.d.:para.105).

In order to give positive legal weight to a recommendation or a declaration, the U.N. will often prepare and open for signature, ratification, and accession multilateral *conventions*, or *covenants*, which are legally binding on signatory States. Affording greater authority is a *treaty*, which represents a formal agreement between two or more States. When a treaty is drafted within the U.N. structure or by a special conference, it is normally referred to as a convention; instruments that amend, revise, or expand a convention are known as *protocols*. A separate category of U.N. resolutions includes *standards*, *norms*, *rules*, and *guidelines*. None has legal authority, but each can develop a customary legal life beyond its official standing, as has occurred during the elaboration of the Universal Declaration of Human Rights.

the area of human rights through the drafting and elaboration of the Universal Declaration of Human Rights (United Nations 1948), which provides a model for an international declaration of the rule of law.

Developing and Promoting Human Rights in the United Nations

> The Universal Declaration of Human Rights and the forces of moderation, tolerance and understanding that the text represents will probably in future history-writing be seen as one of the greatest steps forward in the process of global civilization (Eide et al. 1992:5).

The creation of the Universal Declaration of Human rights, no matter how noble in intent or far-reaching in impact, was the result of a political process with input from numerous governmental and nongovernmental actors. This section of the paper outlines that process and the subsequent developments that have helped to elaborate and implement the Declaration, the Covenant on Civil and Political Rights, and the Covenant on Social and Economic Rights. It will be seen that this process of elaboration and implementation has helped to better define the concept of human rights and to bring the community of nations closer towards a consensus on international human rights promotion.

The founding of the U.N. itself grew out of concerns over human rights triggered by the horrors committed during World War II. On April 28, 1919, the Covenant of the League of Nations was adopted by the United States, France, Great Britain, and Italy in Versailles. The tumultuous period that followed included the invasion of Finland by the USSR, Ethiopia by Italy, and Manchuria by Japan, along with the rise of the Nazi regime. In the face of World War II, the League buckled and all but dissolved. In 1944, the likely victory of the Allied forces initiated a meeting of the United States, England, the USSR, and China in Dumbarton Oaks, Washington, D.C. to begin to plan the structure of an international organization. The ideas considered at that meeting were brought to the United Nations Conference on International Organization in San Francisco on April 25, 1945. By June 26 of that same year, a Charter for the world organization had been signed and by October 24 it had been ratified as the "constitutional scaffolding of the new organization" (Van den Haag and Conrad 1987:61).

Legal Nomenclature and Authority in the United Nations

If we are to look to the Universal Declaration of Human Rights as a model for promoting the rule of law, we must first examine the process by which such a proclamation is developed:

This mouthful of a definition has little of the grace of the earlier positivist notions, but it does afford far more clarity regarding what the rule of law should mean in practice. The ruling government in Suharto's Indonesia would have fulfilled very few of Brownlie's requirements indeed.

In an attempt to extrapolate a set of requirements for the rule of law, contemporary writers tend to draw up endless lists of what the rule of law means to them, each slightly different from the next. Thomas Carothers (1998) suggests the following:

> The rule of law can be defined as a system in which the laws are public knowledge, are clear in meaning, and apply equally to everyone... In particular, anyone accused of a crime has the right to a fair, prompt hearing and is presumed innocent until proved guilty... Perhaps most important, the government is embedded in a comprehensive legal framework, its officials accept that the law will be applied to their own conduct, and the government seeks to be law-abiding (p. 96).

Carothers mentions protections afforded to citizens accused of crimes, while Brownlie does not. Some definitions refer to independent judiciaries while others do not. Which definition is correct? And how do we choose? Clearly, despite widespread positive acknowledgement of the concept, an international consensus on the definition of the rule of law has yet to emerge.

Even within the U.N., there is no clear idea of what the rule of law should mean in practice. In the field of crime prevention, for example, in addressing a specific question, the UN will formulate a clear definition of the rule of law. In a recent study on the relationship between "lawfulness" and GDP growth, the Centre for International Crime Prevention employed a simple, three-part definition: for these purposes, the rule of law meant an independent judiciary, the integrity of politicians and public officials, and the efficacy of the police (United Nations 2000b:6-8). Such a clear definition of the rule of law afforded very clear results: the stronger the rule of law, the higher the GDP. In more general U.N. crime prevention documents, the definition of the rule of law has expanded. In a working paper for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, for example, seven "elements or requirements" of the rule of law were set out: the law must be comprehensive; the law must be clear, certain and accessible; the law must be legitimate; the law must balance stability and flexibility; everyone should be equal before the law; institutional independence and the separation of powers; and citizens must have legal rights (United Nations 2000b:3-6).

Which aspects of the rule of law are fundamental, and which are expendable? A comprehensive definition must be crafted and adopted by the community of nations before the U.N. can effectively promote the rule of law as a tool of development. The next section of the paper will describe how this task was accomplished in

elected legislature, a responsible bar, and the enforcement of international law by regional courts. Of these four, only the first was mentioned by Dicey. The leadership at the ICJ viewed the rule of law as a dynamic concept that could be shaped and used to foster human rights and democracy.

As the notion of the rule of law expanded to include built-in rights guarantees, the idea that the rule of law is a *sine qua non* of good governance won broad support, across the political spectrum. In other words, while the rule of law may not be sufficient for a good society, it is certainly necessary for one. One of the strongest post-war endorsements of the rule of law in the West was actually offered by a Marxist theorist, E.P. Thompson, who wrote in 1975, "the rule of law itself, the imposing of effective inhibitions upon power and the defense of the citizen from Power's all-intrusive claims, seems to me to be an unqualified human good" (Taiwo 1999:152). That a concept first promoted in the post-war period by a classical anti-interventionist would later be embraced by a Marxist is indicative of the widespread acceptance of the rule of law.

Despite the broad post-war consensus hailing the rule of law as an "unqualified good," governments have easily exploited the concept for purposes that run contrary to sustainable development and criminal justice. In Indonesia, for example, President Suharto's New Order government came to power in 1965 accompanied by a flourish of slogans emphasizing the rule of law, but the excessive use of state power that had characterized the previous regime continued unabated. What had appeared to the international community like a constitutional state firmly under the rule of law was really a state governed by the law of the rulers, subject to the wishes and interests of those in charge (Thoolen 1987). A recent study of police force in postcolonial Guyana has shown how the government used the English common law tradition to allow the unrestricted use of force by police — ignoring fundamental principles of proportionality and due process (Mars 1998). In these cases, the law ruled unequivocally, but also resulted in serious human rights abuses and the perversion of criminal justice systems.

In the face of such flagrant abuses of power in the name of the rule of law, today's conceptions tend to be more explicit and prescriptive than Hayek's or even those proposed by the ICJ. International law specialist Ian Brownlie (1998), for example, writes that the rule of law requires that:

> powers exercised by officials must be based upon authority conferred by law; the law itself must conform to certain standards of justice, both substantial and procedural; there must be a substantial separation of powers between the executive, the legislature and the judicial function; the judiciary should not be subject to the control of the executive; all legal persons are subject to rules of law which are applied on the basis of equality (p. 212).

Dicey's work. According to Hayek, of utmost importance to modern government is the defense of individual liberty. Thus, the rule of law "means that government in all its actions is bound by rules fixed and announced beforehand — rules which make it possible to foresee with fair certainty how the authority will use its coercive powers in given circumstances, and to plan one's individual affairs on the basis of this knowledge" (Hayek 1976:54). The needs and desires of the individual are primary, overriding questions of societal good; the rule of law enables the individual to pursue his own aims free from government intrusion.

Vehemently opposed to centralized state planning in any form, Hayek was more explicit than Dicey about the system of government under which rule of law could function. In short, he felt that the rule of law was not possible under socialism. So opposed to socialism was Hayek that he dedicated his seminal 1943 text, *The Road to Serfdom*, to proving that the natural outcome of socialist policies of any kind was in fact the Nazi experiment. For Hayek, the effectiveness of the rule of law stems from the fact that under the rule of law decisions are *not* planned; the reliability of the rule of law as a system derived from its very uncertainty. While state planning requires that decisions be left up to particular authorities, the rule of law guards against such arbitrary government based on the rule of status.

While Hayek was clear about the type of government that would support the rule of law, he was silent on precisely which rules should govern. He wrote, "often the content of the rule is indeed of minor importance, provided the same rule is universally enforced" (Hayek 1976:59). One of Hayek's central points in *The Road to Serfdom* is that the rule of law cannot help but produce results that some will consider unfair; certainly, not everyone can be a winner. The important point is that under the rule of law all citizens have an equal chance to win; the rule of law prevents the unequal treatment of a *certain* people in a *certain* way. A potential flaw of Hayek's broad conception of rules is that it leaves open the possibility of the rule of law being used as an instrument of terror. Is it enough simply for the law to rule, regardless of what it might say?

At the height of the Cold War, the International Commission of Jurists (ICJ) formulated a rather different concept of the rule of law in their crusade to promote democracy and free-market capitalism. As an antidote perhaps to the perceived shortcomings of Hayek's narrow definition, the ICJ offered a more expansive view of the rule of law. At its 1955 Congress, the ICJ proclaimed that the rule of law "springs from the rights of the individual... for freedom of speech, press, worship, assembly and association and the right to free elections to the end that laws are enacted by the duly elected representatives of the people and afford equal protection to all" (Tolley 1994:40). Such a broad conception extends far beyond the simple civil liberties approach of Dicey and Hayek, incorporating rights guaranteed to the individual under a system of representative government. The ICJ set out four specific requirements of the rule of law: an independent judiciary, a popularly

the rule of law as there are people defending it. The works of the Chinese legalist scholar Han Fei Tzu in the late third century BC reveal that the notion of good governance through strict adherence to the law has long been an ideal in the East. Han Fei Tzu praised the clarity and unyielding nature of the law: "The intelligent sovereign makes the law select men and makes no arbitrary promotion himself. He makes the law measure merits and makes no arbitrary regulation himself... To govern the state by law is to praise the right and blame the wrong" (Watson 1996).

In the West, it was Aristotle who first posed the "fundamental question — whether it is better to be ruled by the Best Man or by the Best Laws" (Taiwo 1999:157). John Locke incorporated the concept of individual liberty into the rule of law, arguing that liberty grew out of the law itself. Immanuel Kant later provided an uncharacteristically clear answer to Aristotle's query: "Man is free if he needs to obey no person but solely the laws" (Hayek 1976:61). In our time, approaches to the rule of law have only become more varied.

Need we even consider the conceptual development of the rule of law? Might we simply avoid the muddle of conflicting opinion at the start and focus on the strict legal definition? Black's Law Dictionary tells us that this "legal principle provides that decisions should be made by the application of known principles or laws without the intervention of discretion in their application" (Black's Law Dictionary 1983). Such a clear, concise definition would be satisfactory if only we could accept that the rule of law was merely a legal principle. But it is evident that the rule of law extends far beyond the legal world and into social, economic, and cultural spheres. Understanding the concept requires the work not only of lawyers, but of social scientists and policy-makers as well. Furthermore, out of the jumbled discussion of rule of law in the post-war period, we can identify a clear trend in the development of the concept. What began as a narrow, positivist conception has broadened into a more expansive view that incorporates notions of good governance, democracy, and even human rights into the rule of law.

The classical exposition of the rule of law underlying modern discussions of the concept was developed in late nineteenth century Britain by A.V. Dicey. For Dicey, the rule of law was at the core of a common law system in which individual civil rights were protected by an independent judiciary. According to his conception, the rule of law means "the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power, and excludes the existence of arbitrariness, or prerogative, or even of wide discretionary authority on the part of government" (Hayek 1976:54). The rule of law, then, is merely a mechanism to control the state in order to protect individual rights. Dicey offered few specifics about which form of government he recommended or even about what the ruling laws might say.

The economist F.E. Hayek's (1976) view of the rule of law, which has had a profound influence on legal thinking in the post-war period, stemmed directly from

economic growth and lead to genuine political reform. The authority of the people over a government stems from the individual rights guaranteed by the rule of law. And without the rule of law, the most basic elements of a modern market economy such as property rights and contracts simply cannot function. Indeed, as one recent observer put it, "hardly anyone these days will admit to being against the idea of law" (Carothers 1998:99).

As a result, the past decade has seen many international agencies, including the U.N. and the World Bank, pour vast resources into technical assistance for rule of law promotion in the developing world. Rewriting constitutions, developing comprehensive legal code, and training lawyers and judges, international consultants have descended upon developing countries in droves.

Yet there is a growing sense in the international community that these aid programs have not lived up to the high expectations that marked their initiation. Many have criticized rule of law assistance programs for their near exclusive attention to institution-building at the expense of contextual considerations. What good are well-written rules if no one follows them? What is the use of informed, reasoned judicial decisions if no one trusts the judges? To be sure, the failure to cultivate an environment surrounding these new institutions that would support the rule of law is a genuine concern. But it must be acknowledged that there is a more fundamental reason behind these disappointing results: no one in the international community is quite sure what the term "rule of law" actually means.

This paper suggests that before the concept can be effectively promoted in the developing world, the international community must first come together to establish a working definition of the rule of law. In the post-war period, the crafting and elaboration of a Universal Declaration has been instrumental in developing consensus and clarity surrounding the concept of human rights. Similarly, a UN-sponsored Universal Declaration of the Rule of Law would provide just the common ground necessary to unite the international community behind this fundamental tool of sustainable development. As criminal justice mechanisms are central to the successful functioning of the rule of law, the implementation of such a declaration would best be undertaken by the crime prevention organs of the U.N., namely the Economic and Social Council's Commission on Crime Prevention and Criminal Justice. The parliamentary servicing of the Commission is coordinated by the Centre for International Crime Prevention.

Defining and Promoting the Rule of Law

Since the concept was first raised as a fundamental aspect of good government, writers and thinkers of all stripes have attempted to define the rule of law. The result has been a wide array of approaches to the concept. While the rule of law tends to be acknowledged positively, it often seems as if there are as many formulations of

Toward a Universal Declaration of the Rule of Law: Implications for Criminal Justice and Sustainable Development*

ADAM C. BOULOUKOS and BRETT DAKIN

ABSTRACT

Since its inception, the U.N. has provided a forum for the elaboration and promotion of general principles of social, economic, and political life. In the context of crime prevention and criminal justice, several standards, norms, and guidelines have been created. Perhaps the most widely stated yet least understood general principle at the core of criminal justice has been the notion of the "rule of law." Persons, agencies, and governments from disparate regional, cultural, and legal backgrounds seem to acknowledge the concept positively. Indeed, it is often referred to as an essential foundational element of a just society and as a prerequisite for sustainable development. This paper first attempts to chart the history of the "rule of law" in terms of its definition and international promotion. Second, it outlines the development in the U.N. of the Universal Declaration of Human Rights. The link between the rule of law and human rights is then discussed with a view to determining the strengths and weaknesses of each as tools in assisting governments with sustainable development. The paper concludes by suggesting that the U.N. develop a Universal Declaration of the Rule of Law, potentially a more effective mechanism for development.

Introduction

IN RECENT YEARS, no discussion of international development or debate over foreign policy has been complete without some mention of the "rule of law." Speeches and articles by foreign ministers, academics, and international civil servants alike have emphasized the important role that the rule of law can play in sustainable development. While certainly no panacea for the intractable problems of developing countries, it is widely accepted that the rule of law can facilitate

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cannot, despite all rationalizations to the contrary, exist by forever consuming the natural world beyond its capability of regeneration without severe repercussions. Some of the repercussions are already underway with global warming, the most rapid rate of species extinction in 65 million years (French 2000a), and hosts of other problems ranging from declining fish populations to desertification, deforestation, bio-invasion, and hazardous wastes (French 2000a). The goals of global capitalism and a healthy environment are in total contradiction.

The impetus for most environmental legislation has been the assertion of rights to a healthy environment, basic human rights that are construed by citizens throughout the world to be more important than the rights of property and pursuit of profit. Resistance to economic globalization and its ecological destruction is being practiced by indigenous people, people in the developing world, and concerned citizens in core industrial nations. People around the world are coming to realize that global capitalism as practiced now is neither desirable nor ecologically possible.

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tunately, this type of social world has been rejected by citizens living in capitalist states around the world. Environmental, feminist, and civil rights movements have sparked in popular consciousness an awareness of personal rights that transcend neoliberal political philosophy. These social/political movements have introduced a whole new language of rights that include issues like the right to breath clean air, drink clean water, enjoy pristine wilderness, and secure equal access to employment, education, and public facilities. As Bowles and Gintis (1989) argue, it is "the full extension of personal rights [that] has been the fundamental threat facing the capitalist order in the liberal context" (p. 32).

Economic globalization is an attempt to reduce the role of democratic government to enforcing unequal property rights and contracts and to roll back over fifty years of democratic social movements aimed at advancing the system wide logic of personal rights. The WTO, IMF, and World Bank policies are threatening the systemwide logic of personal rights (Boggs 2000; Greider 1997; Korten 1995; Mander and Goldsmith 1996; Rich 1994). The struggles that took place in many democratic capitalist and socialist countries after World War II are now being re-enacted on a global order — witness the Seattle ruckus and, more recently, the IMF and World Bank demonstrations in Washington.

In reaction to the neoliberal tenet of restrictive government, people around the world are asserting a right to clean air, clean water, and the preservation of traditional agricultural and cultural practices. There is a backlash against economic globalization and its impact on ecological health, but the movement is weak when compared to the economic and political power wielded by transnational corporations. Nonetheless, resistance to global capitalism and its ecological destruction is being practiced by a growing number of people in developing countries throughout the world. If there is any hope for achieving ecological health, it lies in the struggle for human rights exercised through local democracy, economy, and community.

Conclusion

Most environmental problems and ineffective environmental policy can be linked directly to the inherent contradictions of attempting to reconcile the goal of unrestrained capital accumulation within finite ecosystems (Howard 1999). Political compromise favoring owners of capital, accounts for most ineffective environmental policy on the nation-state level. Economic globalization acts to strengthen further the hold over the political process that transnational corporations have on an international level. The WTO and most free trade agreements, as currently designed, are ensuring the political and economic interests of transnational corporations over the environment, safety, and health interests of citizens in nation-states.

Economic globalization, practiced now, is threatening the expanding logic of personal rights and the efforts to achieve ecological health. Global capitalism

(U.N. 1999:3). A cursory scan through the *Human Development Report* suggests that economic globalization is not beneficial to everyone.

Privatization

The belief that the free market is more efficient than democratic government neglects "the distinction between the rights of money and the rights of people" (Korten 1995:83). Theoretically, democratic governments represent the rights of people, which are different than the rights of money. When government assets (i.e., land or services) are made private, they are only assessable to those with money who intend on making more money. Doing away with the economic management function of government eliminates all those people in a country who have no rights of money, and therefore, no ability to determine allocations of national resources.

Colonizing nation-states have been forcing privatization of land and resources on indigenous peoples for 500 years and destroying ecologically sustainable communal existence in the process (Fixico 1998; Robbins 1999). Shiva (1989) has noted the effects of forced privatization on women in traditional cultures, which results in their displacement from the process of food production and ecologically sustainable communal relations with the land. Corporate colonizing and market ideology are now threatening public lands around the world.

The World Bank and International Monetary Fund (IMF) have used austerity programs or structural adjustment programs to force debtor nations to cut back on all government programs and subsidies ranging from education to health care, agriculture to funding for national parks and public land use (Greider 1997; Rich 1994). Rich (1994) has gleaned from several studies that reducing agricultural subsidies has pushed "small-scale farmers into unsustainable practices, such as depleting lands they owned or expanding into tropical forest and other marginal areas" (p. 187). He points out further that "[i]ncreased social disparities and poverty precipitated by adjustment were a major cause of environmental degradation in themselves" (p. 187).

In short, privatization turns nature into a commodity that must be extracted, produced, and consumed in order to fuel the machinery of global capital growth. When nature becomes privatized, it is only accessible to those with rights of money; privatization displaces ecologically sustainable cultural practices for market driven practices, and it destroys intricate human relationships, replacing them with market driven exploitation and alienation (Korten 1995; Mander and Goldsmith 1996; Robbins 1999; Shiva 1989).

Property Rights and Contracts

A social world run by free-market ideologues would be a world with no environmental law, no labor law, no public space, and no respect for personhood. For-

true that competition increases with open markets, creating a "race to the bottom" syndrome with respect to wages, health and safety standards, and environmental quality (Brecher and Costello 1994; Mander and Goldsmith 1996).

With respect to wages, companies move to those countries that have the cheapest labor force. Take, for example, the auto industry: "U.S. autoworkers at union plants average $16.75 per hour, Mexicans take home the equivalent of $4.50 per day" (Bowden 1998:61). Almost one million Mexicans work in Maquiladoras (Robbins 1999); they earn between $3 and $5 a day (Bowden 1998). Mexican prices along the border run 85 to 90 percent of U.S. prices, and most Maquiladoras are located on the border (Bowden 1998). The Maquiladoras create low paying jobs for young women and displaced small farmers who can no longer make money farming because government subsidies have been eliminated by free trade agreements, forcing small farmers to compete with U.S. agribusiness (Greider 1997). The horrendous working conditions and low wages that define the maquiladoras also define free trade assembly plants around the world, for instance, in Bangladesh, El Salvador, Guatemala, Malaysia, Haiti, and many others (Robbins 1999). Of course, low wages and poor working conditions lead to lower prices and increased consumer choice for the consumers in the core industrial nations.

Goldsmith (1996) notes that "a 1993 random examination of twelve U.S.-owned plants showed that not one was in compliance with Mexican environmental law" (p. 268). Another aspect of economic globalization which keeps the prices down and our consumer choices high is extracting resources from countries with little or no environmental restrictions. Industrial countries with depleted forests have been getting their timber abroad. In attempts to draw international markets, some countries have been more than willing to cut down their timber (French 2000a).

Most deforestation is taking place in a few countries that have incredible, biologically rich, tropical forests. Brazil, Indonesia, and Malaysia have paid a heavy toll for their forest loss. French (2000) states that "these three countries alone accounted for some 40 percent of global forest loss during the 1980s and 36 percent of the loss in the first half of the 1990s" (p. 21). In short, these countries are cutting down their forests to provide timber for the developed countries at extremely low prices, especially if we figure in the biological diversity that is being sacrificed because of unsustainable logging.

Does economic globalization benefit everyone? According to the U.N.'s 1999 *Human Development Report*, inequality between countries has increased. Specifically, the "income gap between the fifth of the world's people living in the richest countries and the fifth in the poorest was 74 to 1 in 1997, up from 60 to 1 in 1990 and 30 to 1 in 1960" (U.N. 1999:3). Economic globalization has brought 71 percent of global trade in goods and services to 19 percent of the world's population

species diversity but also a multitude of ecological functions that so many species serve to keep ecosystems healthy.

Sustained economic growth is simply a myth. The world's human population cannot all live like people in the top 20 percent without total devastation of the planet (Meadow, Meadows, and Randers 1992; Sachs 1996), and the people in the top 20 percent have to stop living in a fantasy. Korten (1995) argues that to "accept the reality of physical limits is to accept the need to limit greed and acquisition in favor of economic justice and sufficiency" (p. 81). He goes on to point out that "[g]rowth would have to give way to redistribution and reallocation of environmental resources as the focus of economic policy" (p. 81). The economy is no more independent from nature than we are.

Free Markets

Free markets have resulted in the most socially optimal allocation of resources for whom? Free markets unrestrained by government have created immense ecological destruction. Government intervention via the environmental movement was not born in a vacuum, but was a response to air pollution, flammable rivers, toxic landfills, human caused species extinction, clear cutting, oil spills, radioactive waste, cancer causing pesticides, toxic food, and contaminated drinking water.

Without government intervention, resources tend to move from poor to rich and the pollution generated from the production and use of these resources moves from rich to poor. The disproportionate distribution of income and capital in the United States for African Americans, Latino Americans, and Native Americans, and the fact that they all possess a disproportionate share of pollution, is a clear indicator that free markets optimize resource allocation for the elite while leaving their waste behind for others (Bullard 1993; Fixico 1998; Gedicks 1998).

Also receiving more than their fair share of pollution are lower economic classes and least developed countries. Lawrence Summers, chief economist of the World Bank in 1991, stated in a memorandum that dirty industries should be encouraged to move to less developed countries. He based his logic on the fact that poor people have shorter life spans and less earning potential already. Therefore, in his opinion, it makes sense for the rich countries to dispose of their toxic waste in poor countries (Bullard 1993). Obviously, this is optimal resource allocation for elite people and nations, but it certainly is not for the economically powerless.

Economic Globalization

The belief behind economic globalization is that removing national barriers will spur competition, create jobs, lower consumer prices, increase consumer choice, increase economic growth, and generally benefit almost everyone. It is

as 'sources' for the inputs and 'sinks' for the waste of economic growth" (p. 241). Another way to think about our lifestyle is to compare the four to six hectares of land required to sustain one average person in a "developed" country to the 1.7 hectares of ecologically productive land available for each person on the planet (Robins 1999). One U.S. child does twice the ecological damage "of a Swedish child, three times that of an Italian child, thirteen times that of a Brazilian child, thirty-five times that of an Indian child, and 280 times that of a Chadian or Haitian child" (Kennedy 1993:32). Over consumption for the developed world happens because the "developed" world simply expropriates the resources of "less developed" countries through trade. Simply put, the richest 20 percent of the world's population consumes 86 percent of all the goods and services and the poorest 20 percent consumes one percent (Human Development Report 1999:2).

Korten (1995) outlines several of the foundational ideological beliefs that are driving corporate capitalism and economic globalization:

- Sustained economic growth, as measured by gross national product, is the path to human progress.
- Free markets, unrestrained by government, generally result in the most efficient and socially optimal allocation of resources.
- Economic globalization, achieved by removing barriers to the free flow of goods and money anywhere is the world, spurs competition, increases economic efficiency, creates jobs, increases economic growth, and is generally beneficial to almost everyone.
- Privatization, which moves functions and assets from government to the private sector, improves efficiency.
- The primary responsibility of government is to provide the infrastructure necessary to advance commerce and enforce the rule of law with respect to property rights and contracts (p. 70).

We shall examine each of these ideological tenets separately in this section, pointing out how each of these beliefs contradicts basic ecological limitations and democratic decision-making values.

Economic Growth

A belief in sustained economic growth as a path to happiness contradicts the knowledge that nature's systems are finite systems. Sustained economic growth is simply not possible in a finite ecology. Food can only be grown as long as there are fertile lands and water. Carbon dioxide emissions must be held to the level of natural absorption, or they will increase and change the climate. Fish and forests must be harvested at sustainable levels, or they will be depleted. Water tables must be used in a sustainable fashion, or they will dry up. Maintaining species diversity requires maintaining large tracts of undeveloped land, or we risk losing not only

and burned in U.S. automobiles, else pay a fine $150 million annually (Solomon 1996). Granted the United States already contributes far too much to air pollution in general, but decisions like this discourage any efforts to make an impact on improving air quality.

Another recent ruling went against a U.S. environmental law that requires shrimpers to use turtle excluder devices (TEDs) to prevent turtles from becoming entangled in shrimp nets. U.S. law requires any country wishing to sell shrimp to the United States to utilize TEDs in the harvesting process. India, Malaysia, and Pakistan challenged the U.S. law before the WTO. The WTO dispute panel concluded in 1998 that the U.S. law was a barrier to free trade. The WTO panel argued that U.S law treated some countries in an arbitrary manner and that the law would have to be changed (French 2000a). While the United States did not change the statute, it did change how the law would be implemented. French (2000) explains that "new guidelines provide for the import of specific shipments of shrimp that have been approved as turtle-safe even if the country as a whole has not met the certification requirements" (p. 122). In other words, the United States is going to accept shrimp shipments on a case-by-case method, which is different than excluding entire countries. It is unclear at this time whether this new implementation strategy will be challenged.

The overall impact of economic globalization in the form of GATT, WTO, and NAFTA thus far in their early history is to lower the bar on environmental, health, and labor laws (Greider 1997). The effect as noted by Nader and Wallach (1996) is the:

> downward harmonization of wages, environmental, worker and health standards and the undermining of democracy's procedures and policies... Both NAFTA and GATT have actual provisions requiring harmonization of environmental, safety, food, and other standards... U.S. corporations long ago learned how to pit states against each other in 'a race to the bottom' to profit from whichever state would offer the most miserable wages, the most lax pollution standards, and the lowest taxes. Now via NAFTA and GATT, multinational corporations can play this game at the global level (pp. 105-6).

There is little doubt that this trend will hold steady if history is any indicator of the contradictory relationship between the underlying goals of capitalist production and maintaining ecological integrity.

Deconstructing Corporate Capitalism

Economic globalization is about spreading corporate capitalism around the world. If all the nations of the world were to live like people in the "developed" world, Sachs (1996) estimates that "five or six planets would be needed to serve

we are left with people living within nation-states to make such decisions. As most cancer research suggests, the process of causality can take decades.

Another issue brewing on the forefront is genetically modified organisms. U.S. agribusiness is a staunch supporter of genetically altering organisms causing many countries, including the EU, Australia, Brazil, Japan, and South Korea, to promulgate laws requiring genetically modified foods to be labeled as such (French 2000b). Both the United States and Canada are complaining that this type of labeling amounts to trade barriers.

Under the U.S.-Canada "free trade" agreement, the United States is requiring "Canada to abandon measures to protect the Pacific salmon, to bring pesticide and emission regulations in line with laxer U.S. standards, to end subsidies for replanting after logging, and to bar a single-payer auto insurance plan in Ontario. . ." (Chomsky 1998:19). Another U.S. corporate challenge under NAFTA is the suit filed by the Ethyl Corporation against the Canadian government for banning MMT, a gas additive. The Canadian legislature deemed this additive a dangerous toxin and health risk to the people of Canada. The Ethyl Corporation, under the rules of NAFTA, is suing the Canadian government for $250 million, alleging losses from expropriation and damage to its good reputation (Chomsky 1998). Ironically, MMT is now turning up in water wells all over the United States.

There have also been many challenges against U.S. laws. One particular example is Mexico's tuna-dolphin challenge in which a 1991 GATT ruling (the predecessor to the WTO) decreed that a U.S. law requiring the embargo of tuna caught by a method referred to as "setting nets on dolphins" was illegal. For unknown reasons, dolphins and tuna swim together. Under the U.S. Marine Mammal Protection Act (MMPA) it is illegal to harvest or buy tuna caught by setting nets on dolphins (French 2000a). GATT panelists, however, ruled that the "setting nets on dolphins" clause was illegal because "the United States was rejecting the process by which the tuna were harvested rather than the tuna itself" (French 2000a:117).

Under current GATT and WTO provisions countries can pursue environmental policies that contradict trade rules only within their own borders. As the EU's effort to block U.S. hormone treated beef suggests, countries can legislate within their own borders as the EU did, but upon an international challenge the EU legislation was perceived as a barrier to trade. International trade decisions of this nature undermine a country's ability to protect its citizens and discourages efforts to improve or enhance the global environment.

In a 1996 WTO decision the United States was forced to permit higher amounts of air pollution or pay annual fines of up to $150 million (Solomon 1996). The Clinton administration agreed on June 19, 1996, to the WTO's decision, meaning the United States had to change its regulatory policies toward imported gas. This WTO ruling requires that imported gasoline from inferior refining facilities be sold

cally meaningless because there are over 100 countries represented in the WTO, including the country that won a favorable decision by the review panel.

The main purpose of GATT and the WTO is to restrict regulation of trade and investment among transnational corporations by nation-state governments. If democratically made laws designed to protect consumers, workers, and the environment become impediments to trade, then GATT allows the WTO to fine and sanction governments. Nader and Wallach (1996) note:

> In other words, GATT placed controls over national democracies. In the United States, congressional and presidential approval of GATT and NAFTA gave the agreements the status of U.S. federal law. Thus, GATT and NAFTA rules trump U.S. state and local laws as a matter of U.S. constitutional jurisprudence (p. 96).

Economic globalization in this fashion undermines the most fundamental principles of democracy, the right of citizens to determine their own laws.

GATT, WTO, and NAFTA Decisions

Trade ministers gathered in Seattle in late November 1999, to enter into a new round of trade talks when, to their surprise, they were greeted by tens of thousands of demonstrators from around the world. The demonstrators expressed frustration with economic globalization and its impact on a variety of quality of life factors among which the environment ranked very high. One such case given actual media attention in the United States was the European Union's (EU) refusal to except U.S. meat treated with growth hormones.

Since the late 1980s, the EU has had a law banning hormone treated beef. The EU has argued the law is not a barrier to trade at all, but a precaution based on public concern that eating hormone treated beef might cause reproductive problems and even cancer (French 2000b). Denied access to the European markets, the U.S. beef industry is losing hundreds of millions of dollars. Consequently, the United States decided to take their case to the WTO which upheld a prior GATT ruling that the European law violated WTO rules. The U.S. imposed trade sanctions on the EU in July 1999, by slapping 100-percent tariffs on over a hundred million dollars worth of European imports. Tariffs were placed on fruit juices, mustard, pork, truffles, and Roquefort cheese (French 2000b). Small European business owners affected by the tariffs sought out McDonald's restaurants throughout Europe as targets of protest, committing various types of property damage.

The WTO panelists argued that the European law lacked adequate risk assessment. One of the requirements of the WTO laws is "that health and safety laws be based on scientific principles and not be maintained with insufficient evidence" (French 2000b:192). Because science does not tell us what sufficient evidence is,

> are ratified by the world's largest legislative bodies, any member country can challenge, through the WTO, any law of another member country that it believes deprives it of benefits it expected to receive from the new trade rules (p. 174).

Therefore, any law that requires a particular good or service to meet certain local, state, or federal environmental or health standards could be challenged. According to Goldsmith (1996), 80 percent of U.S. "environmental legislation could be challenged in this way, and most of it could be declared illegal before WTO panels" (p. 89). Some of these laws include state environmental regulations like "California's Safe Drinking Water Act and Toxic Enforcement Act (Proposition 65), which requires warning labels on products containing known carcinogenic substances" (Goldsmith 1996:89).

The WTO decides whether a country's democratically elected laws interfere with the rights of transnational corporations to move capital and goods around the globe. According to Korten (1995), even though "GATT-WTO is an agreement among countries and challenges are brought by one country against another, the impetus for a challenge normally comes from a transnational corporation that believes itself to be disadvantaged by a particular law" (p. 175). Korten (1995) goes on to suggest that a corporation can look for a government willing to challenge another country, maybe even the country of incorporation. Such a process leads to what Goldsmith (1996) has referred to as cross deregulation. "More effective than deregulation carried out by national governments within their own country is a process that we can call cross deregulation — deregulation that is conveniently imposed on countries by their own trading partners under the GATT Uruguay Round Agreement" (p. 89).

When a national or local law is challenged before the WTO, the case is heard in secret by a panel of three trade experts. Each side presents its case to the panel with no other parties involved unless a given panel chooses to elicit an amicus curiae brief. The expert panel is usually comprised of trade lawyers who have made their careers dealing with corporate trade issues (Korten 1995). All documents presented in the case are kept secret unless one of the governmental parties chooses to make them public. Panelists are forbidden to make their position in the case known and the burden of proof in these cases falls on the defendant; that is, the defendant must prove they are not restricting trade (Korten 1995).

When a decision is rendered against the defendant, the panel recommends that the country change the law. If a country refuses to change a democratically promulgated law within a certain period, then it faces financial penalties, possible trade sanctions, or both (Korten 1995). The panels' recommendations "are automatically adopted by the WTO sixty days after presentation unless there is a unanimous vote of WTO members to reject them" (Korten 1995:176). The appeal process is basi-

Citizens and interest groups lobby lawmakers for legislation that would curtail industry's exploitation of various ecosystems, which is countered by the largest industrial firms lobbying for legislation that is not overly effective with respect to circumventing the primary objective of exploiting the natural environment to accumulate capital.

While we have asserted all along that democratic industrial nation-states have not been particularly successful at mitigating damage to ecosystems, they do at least slow the process of environmental degradation and provide a platform for some public input. There is on the democratic industrial nation-state level, however, no popular democratic control over the process of capital accumulation. Nor does economic globalization (the effort to remove all barriers to the free flow of capital and goods to and from any country in the world) provide much hope that such democratic control is forthcoming. Consequently, serious concerns have arisen that one sure promise of the WTO and economic globalization is "a race to the bottom" with respect to environmental protection legislation.

The Ecological Threat of Economic Globalization

In this section we will examine the creation of the WTO and how it aids economic globalization and threatens ecological health. Next, we will examine some international trade decisions that are the product of GATT, WTO, and NAFTA.

GATT and the WTO

The WTO was born during the 1994 Uruguay Round of the General Agreement on Tariffs and Trade (GATT). Effective January 1, 1995, the WTO became the world's most powerful, non-elected legislative and judicial body. Under GATT, the WTO can change existing trade rules with a two-thirds vote by WTO representatives. New rules are binding on all members of the WTO. The representatives of each nation are not elected, but are specialized in trade and have the responsibility of representing their country's economic interests with respect to trade only (Korten 1995; Nader and Wallach 1996). In essence, the WTO is "a global parliament composed of unelected bureaucrats with the power to amend its own charter without referral to national legislative bodies" (Korten 1995:177).

The main provision creating the WTO states that "[e]ach member shall ensure the conformity of its laws, regulations and administrative procedures with its obligations as provided in the annexed Agreements" (cited in Korten 1995:174). Korten (1995) explains:

> The 'annexed Agreements' include all the substantive multilateral agreements relating to trade in goods and services and intellectual property rights. Once these agreements

1977; Chambliss and Seidman 1982; Kauzlarich and Kramer 1993; Michalowski 1985).

Eco-critical Criminology

Another perspective expanding on the theme of capital accumulation with an additional type of analysis is eco-critical criminology (Wilson 1999). Wilson writes:

> Eco-critical criminology contains a political analysis and an ecological analysis. As does the critical criminology approach, it asks which humans benefit from particular environmental policies and which lose. But unlike the solely critical perspective, eco-critical criminology includes the non-human world on its own terms, understanding that world from the perspective of key ecological concepts (p. 156).

Several studies on environmental policies and cultural practices examining their inadequacy with respect to ecological concepts have been reported (Barnett 1999; Halsey 1997a, 1997b, 1999; Howard 1999; Gottschalk 1999; Seis 1993, 1996, 1999; Wilson 1993, 1996, 1998, 1999).

Unsuccessful environmental policy can be explained by reference to the ideologies of key individuals and goals of organizational cultures. The opportunities, however, for circumventing environmental policy by key individuals and organizational cultures are often protected by the structure of environmental policy as promulgated within the socioeconomic order of capitalism. Likewise, implementation often fails because environmental policy is designed to perpetuate through regulation destructive environmental behaviors (Halsey 1997a).

As the research in this section indicates, most environmental law is compromised so as not to endanger the structural imperative of capital accumulation. The fact that capitalism requires a plethora of environmental law to regulate its destructive tendencies suggests that the system's structural imperatives are counter-ecological. Chambliss (1993) writes:

> The contradiction between exploiting the physical environment for maximum profit and destroying that environment to the eventual demise of the system (not to mention the people) creates conflicts between interest groups demanding change and owners attempting to maintain maximum profits and control. Ideology enters into justifying and protecting interests by arguing for the inherent morality of private ownership and private control of the profits derived therefrom. A resolution to the conflict emerges in the form of legislation that is in fact in the interests of the profit structure of the largest industrial firms and simultaneously placates the demands of those minority groups seeking state intervention in the industrial process (p. 20).

Asserting a human right to healthy ecosystems, citizens and interest groups bring the potential collapse of ecosystems to the attention of the legislative body as well.

1993; Kramer 1982; Vaughn 1982). In short, private organizations designed to make profits simply resist through litigation or noncompliance those aspects of the law that are detrimental to their profit goals (Braithwaite 1989; Coleman 1987; Halsey 1997a, 1997b; Hessing 1993).

Ironically, the ability to circumvent environmental regulation by private organizations is usually an option built into particular environmental policy implementation strategies (Barnett 1981; Chambliss 1993; Halsey 1997a; Hessing 1993; Lipsett 1998; Michalowski 1985; Seis 1998). Private organizations can, through appeal options, litigate those regulations deemed too demanding. Where litigation is not an option, private organizations can simply ignore environmental regulations because of lenient or insignificant sanctions. Also, another strategy often employed by industry is "job blackmail." Hessing describes this strategy by explaining that "the threat of large-scale industrial unemployment from plant closures, is invoked to counter or postpone efforts at more stringent regulatory practices" (1993:40).

Another organizational cultural factor that is examined with respect to environmental policy implementation process is the concept of "agency capture" (Barnett 1994; Bernstein 1955; Frank and Lombness 1988; Frank and Lynch 1992). Agency captures occur when regulatory agencies are forced to pursue policies "that generally coincide with preferences previously expressed by those being regulated" (Anderson 1982:484). Captured agencies appear in three guises:

> First, a captured agency is one in which the goals the agency chooses result in little economic disruption of the regulated industry, and regulatory policies are designed so that they do not hurt the industry's profitability. Second, a captured agency operates with minimal regulations that are lenient and acceptable to the regulated industry. Third, enforcement is lenient (Frank and Lombness 1988:102).

All the issues surrounding agency capture point back to the actual construction of environmental policy.

The economic and political factors that influence the promulgation of regulations and shape their enforcement have been well documented (Barnett 1981, 1988, 1994; Bernstein 1955; Block 1993; Calavita 1983; Cass 1996; Chambliss and Zatz 1993; Franklin 1990; Halsey 1997a, 1997b; Hessing 1993; Kauzlarich and Kramer 1993; Michalowski 1985; Shover 1980; Szasz 1984). The concept of agency capture is grounded in conflict and radical theories of law construction which argue that corporate elites use their power to influence and shape law to ensure that the pursuit of profit is not curtailed by regulatory structures (Chambliss and Seidman 1982; Chambliss 1993; Groves and Sampson 1986; Mills 1956; Quinney 1980; Reiman 1998). Conflict and radical theorists go on to suggest implicit political and socioeconomic biases in what are generally considered to be neutral regulatory agencies; they argue that biases are manifested in the natural relationship that occurs between capitalist economics and the promulgation of law by the state (Balbus

Australia, and Hessing (1993) has noted the same problem regarding the pulp industry in Canada. Despite stringent regulatory structures throughout many western European nations, water and air pollution problems prevail (Switzer 1994). In rare cases where elimination of sources occurs in implementation, there is a net reduction in environmental pollution like when lead was eliminated from gasoline in the U.S. Clean Air Act (Portney 1990).

Key Actors

Another type of policy analysis involves examining key individuals entrusted with the execution and enforcement of environmental policy. This mode of environmental policy analysis asks: are individual actors somehow undermining the legislative intent? One well-documented problem with environmental policy in the United States and other industrial democratic nation-states has been diversionary politics (Kauzlarich and Kramer 1993; Halsey 1997a, 1997b; Landey et al. 1994; Marcus 1980; Switzer 1994; Yeager 1987). For example, in the Unites States the president's appointments to executive agencies often reflect variations in political perspectives, which in turn influence the priority and rigor given to implementation and enforcement of environmental policy (Harris and Milkis 1996; Landy et al. 1994; Switzer 1994).

The significance of key individuals in manipulating the legislative intent of environmental policy is important. Key individuals might choose to mitigate stringent environmental regulation by influencing the process of environmental policy creation, implementation, and enforcement. For example, in the United States the Reagan and Bush administrations' attitudes toward environmental policy reflected "a commitment to direct confrontation with the environmental movement and wholesale rollback of existing environmental laws and regulations considered to be detrimental to business" (Faber 1998:33-34). On the other hand, "the Clinton and Gore administration is characterized much more by attempts at co-optation of the mainstream environmental movement and preemptive 'containment' of costly environmental laws" (Faber 1998:34).

Organizational Culture

Another form of social science analysis has been the examination of organizational cultures. A clean environment is simply an antithetical goal to many corporate organizations that need to pollute the air, water, and land in order to produce their product. Corporate organizations are, "by their very nature, strongly goal oriented and concerned with performance" (Kauzlarich and Kramer 1993:6). Organizational theorists contend that there is an implicit tendency in the very structure of organizations to pursue illegitimate means when their goals are being blocked (Albanese 1982; Clinard and Yeager 1980; Gross 1978, 1980; Kauzlarich and Kramer

The purpose of this paper is to examine the contradiction between economic globalization and ecological health. This paper begins with a review of research done on environmental regulatory policy and law and its failure to adequately deal with pollution and human safety on the democratic industrial nation-state level. If democratic nation-states fail to control pollution, what are we to expect from a global economy primarily managed by the WTO? In the second section of this paper we examine the WTO and some of it decisions, which threaten both the ability of citizens to regulate capital accumulation and exercise democracy through the assertion of personal rights to a healthy environment and work place. In the last section of this paper, we examine the contradiction of global capitalism and environmental health.

Why We Know Environmental Policy Is Ineffective

In this section we review four major reasons for inadequate or failing environmental regulatory policy in democratic industrial nation-states. This review is by no means exhaustive but is meant to highlight some familiar themes. The United States is a good example of an industrial democratic nation-state strongly committed to the so-called free market system, yet ostensibly concerned with environmental regulation prompted by an electorate asserting rights to a healthy environment. Perhaps as a result of the combination of these factors, research on U.S. regulatory policy is widespread and serves as the bulk of examples in this section.

Policy Implementation

Many social scientific analyses of environmental policy have noted inadequate implementation as a reason for failure (Portney 1990; Probst et al. 1995; Switzer 1994; Yeager 1987, 1991). Approaches studying implementation do not often question the premises upon which environmental policy is built; they simply treat the structure of the policy as one that can be implemented. If properly implemented, the policy should produce some outcome. If the policy does not produce the desired outcome, then the problem must lie somewhere in the process of implementation.

The question of whether an environmental policy is ecologically sound is often times not asked. There is an assumption that just because environmental legislation is promulgated it will be ecologically effective. Successful environmental implementation strategies do not guarantee pollution reduction. It is not uncommon in environmental legislation to have an implementation strategy successfully executed with no real net reduction in pollution or environmental damage because legislation attempts to control rather than eliminate source pollution (Dower 1990; Faber 1998; Freeman III 1990; Howard 1999; Hynes 1989; Seis 1993; Shapiro 1990). Halsey (1997a) has made the same argument about environmental legislation in

Berry 1990; Commoner 1990; Faber 1998; Shiva 1989, 2000). Since the 1960s, the environmental movement has produced significant environmental legislation and policy by challenging two fundamental tenets of neoliberalism. First, the environmental movement on the nation-state level has challenged the unimpeded exploitation of environmental resources in the process of capital accumulation by requiring corporations to spend billions of dollars cleaning up the air, water, and land (Chambliss 1993). Second, the environmental movement on the nation-state level has provoked a clash between the expansionary logic of property rights and personal rights by promulgating legislation that has required the protection of public air, water and land, and non-human life (Bowles and Gintis 1987).

While the environmental movement has produced major pieces of legislation in democratic industrial nation-states, the environmental health of most remains poor (Bell 1998; Brown et al. 2000; Clifford 1998; Faber 1998; Halsey 1997a; Switzer 1994). In the United States, for example, 60,000 people die each year from air pollution and another 164 million are facing respiratory and related health problems due to unhealthy amounts of air pollution (Faber 1998). Water quality in the United States, despite over a 100 billion dollars spent on meeting clean water legislation, is poor (Faber 1998). Despite ample environmental legislation in Australia, Halsey (1997a) notes serious ecological problems with deforestation, pesticides and herbicides, water problems, and extinction of flora and fauna. Canada recently had a major outbreak of E. coli bacteria in the water supply, and Hessing (1993) has noted pulp pollution problems throughout northwest Canada despite protective environmental legislation. Switzer (1994) has noted serious acid rain problems in parts of western Europe along with water and air pollution despite stringent regulatory standards. Most environmental legislation is simply inadequate largely because it attempts to regulate rather than eliminate deleterious behaviors.

The environmental movement worldwide finds itself in what is becoming a losing battle for a healthy planet. With projections of a world population growing to 8.9 billion by 2050, already warming temperatures, falling water tables, uncertainties in food security, declining oceanic fish catches, shrinking forests and accelerating flora and fauna species extinction (Brown 2000; French 2000a), our future prospects, if we continue doing business as usual, are bleak. Exacerbating the challenge to abating ecological degradation is the integration of a world-wide economy around the interests of Transnational Corporations (TNCs); a process typically referred to as economic globalization.

With the emergence of the World Trade Organization (WTO) in the 1994 "Uruguay Round" of the General Agreement on Tariffs and Trade (GATT), a whole new era in corporate power began to emerge, affecting the legal structures of both developed and developing nations. This new era of corporate power is an effort to restructure the legal environments of nation-states through international trade agreements signed by nation-states but heavily influenced by TNCs.

Confronting the Contradiction: Global Capitalism and Environmental Health*

MARK SEIS

ABSTRACT

This paper examines the contradiction of economic globalization and environmental health. Despite the emergence of a significant environmental movement, the ecological health of many democratic industrial nation-states remains poor and the overall environmental health of the planet is declining rapidly (Brown 2000). The first section of this paper reviews literature that suggests that the inability of democratic industrial nation-states to reduce environmental degradation results from compromising environmental health in the interests of capital accumulation by regulating rather than eliminating environmentally destructive behaviors. The failure of democratic industrial nation-states to achieve environmental health is being exacerbated further by the creation of a globalized capitalist system managed by a variety of international free-trade agreements and the World Trade Organization. In the second section, we examine decisions made by these new managers of capital over the interests of environmental health. In the last section of this paper, we deconstruct the ideological tenets of global capitalism as they pertain to achieving environmental health and social justice.

Introduction

> Globalization is a powerful driving force behind today's unprecedented biological implosion... Yet the new rules of the global economy pay little heed to the importance of reversing the biological impoverishment of the planet. This mismatch between ecological imperatives and prevailing economic practice will need to be bridged if the world is to avoid an unraveling of critical environmental services in the early part of this new century (French 2000a:15).

Environmentalism properly understood is political; much of the movement has focused on asserting particular rights to meaningful work, clean air and water, healthy land and food, and a right to enjoy pristine areas of wilderness (Berry 1986;

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obligations such as the payment of bridewealth, mortuary payments and as part of compensation for wrongs (Banks 1993).

16 The general custom throughout most of Papua New Guinea is that a couple should not engage in sexual relations for up to two years after the birth of a child. To do so, brings great shame to the couple and their families.

17 The irony of a custom being privileged over positivist law is illustrated by the U.S. Supreme Court decision in the case of *Church of the Lukumi v. City of Hialeah, South Florida*, and is discussed more fully in Palmie (1996). Briefly, in June 1993, the Supreme Court ruled unconstitutional a series of local laws made by the Florida city of Hialeah, a Cuban dominated area within the City of Miami, finding that the laws suppressed practices protected by the First Amendment to the Constitution (freedom of religion). The practices sought to be suppressed were those of the Santeria religion, an Afro Cuban faith, which called for animal sacrifice as part of its religious worship. Here, custom and customary practices, in the form of a religious practice, are enforced against the dominant culture through the medium of the U.S. Constitution. The irony of the judicial discourse in this case is that the positivist Constitution is found to be protecting marginal practices, which the dominant culture would generally consider abhorrent. As Palmie (1996) puts it: "the logic of its own forensic discourse compelled the secular state to safeguard the dietary habits of the divine" (p. 185).

18 Section 25 of the Charter provides that its rights and freedoms "shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada" (Canadian Charter of Rights and Freedoms).

19 Sally Engel Merry (1998) oints out that "as a strategy for social change, criminalization is fragile and uncertain. It is often subverted by practices of resistance, secrecy, and evasion, by resistance at the local level by court officials, police, and litigants, by the difficulty of reaching and supervising remote districts. But, discursively, criminalization is powerful in reconstituting racial and gender identities" (p. 36). It is uncertain whether, following Miriam's case, the clans have abandoned "headpay" as a traditional practice or whether its operation has simply been suspended for a while.

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CONSTITUTION OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA

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3 The Inuit are the largest group of Aboriginal peoples and the majority of the population in the former political jurisdiction of the Northwest Territories (Nahanee 1994:192). They now occupy a separate political territory called Nunavut.

4 The Constitution of Papua New Guinea of 1975 guarantees certain human rights and includes machinery for their enforcement.

5 It is difficult to trace tribal fights to a single event. Typically, the clans involved in a tribal fight have a long history of warfare and one precipitating event will feed into a series of events and contribute to the perception of injury, thereby sustaining the war. The fights can often be tracked as far back as 50 years.

6 The police had been looking for another Tangilka tribesman but in the course of their search killed Miriam's father. The Konumbuka tribesmen thus argued that if the other Tangilka man had not committed an offence Miriam's father would not have been killed.

7 It is common for evidence of custom to be given in this manner. The Customs Recognition Act provides that for the purpose of determining custom, the Court may refer to statements by Local Government Councils and "call such evidence or require the opinions of such persons as it thinks fit" (Section 2, Customs Recognition Act).

8 Like Dr. Muke, Strathern (1981) asserts, "In Hagen, netbags certainly stand for womanness. . . women's netbags carry associations with sexuality, reproduction and nurture" (p. 674). Villagers from Vanimo West Coast, Saundaun Province, on the north-west coast of Papua New Guinea, told me in the course of my research with them, that items of material culture, such as a netbag or in the case of Vanimo, a *limbum,* symbolise what it means to be a woman (Banks 1997). *Limbum* is a traditional basket made of pandanus leaves and bark. The baskets, like netbags, are carried by a handle placed over the woman's forehead. As one older man from the Vanimo West Coast group stated, the *limbum* symbolised what it was to be a woman: "*taim yu wokabout sapos yu no karim limbum, you no meri, yu meri nating*" (if a woman did not carry a *limbum* as she walked about, she was acting as an irresponsible woman). A man, too, was regarded as a *rubbish man* if he did not carry spears. This assessment was said to continue to apply to women today although it is no longer relevant for men.

9 This involves the practice of marrying a woman from the same clan as one's father.

10 Formal employment constitutes only 9.2 percent of all economic activity (UNICEF 1996:48-49). Most of the population is engaged in subsistence gardening or in growing coffee, copra, or other cash crops.

11 The Customs Recognition Act requires that custom be pleaded and proved as a fact and allows the court to resolve disputes as to custom by applying one or the other custom that the justice of the case requires and to reject custom on the grounds stated by Judge Injia (Chapter 19, Revised Laws of Papua New Guinea).

12 Robin West (1997:78), speaking of cultural defences in the context of violence against women, asserts that such defences are an example of "judicial care untempered by the constraints of justice" and says the judicial response can be explained in part because the defendant "was raised in a culture of permissive misogynist violence" and that "the result is manifestly unjust."

13 For a fuller treatment of the gender issues in these cases see Razack (1998:68-80).

14 Custom is defined as "the customs and usages of indigenous inhabitants of the country existing in relation to the matter in question at the time when and the place and relation to which the matter arises, regardless of whether or not the custom or usage has existed from time immemorial" (Schedule 1.2 (1) Constitution).

15 *Tambu* is traditional shell money ("tambu" or "diwara") measured by fathoms of length, used by the Tolai in the East New Britain Province. It is now exchanged primarily to settle traditional

> legal requirements it can adopt any policies or reflect any values without disturbing the basis of its legitimacy (p. 71).

In Papua New Guinea and Canada, cultural values intersect with the law in special ways through the discourses of custom and positivist law and the tensions that arise between them. In Papua New Guinea, this cannot be avoided because of the status of custom in the legal system. In Canada, the presence of an indigenous population whose customs find some protection under the Canadian Charter of Rights and Freedoms[18] operates to allow the introduction of custom into the process of criminal adjudication. In both countries, therefore, struggles over rights and freedoms, over the place and value of custom, and over "whose custom" will propel cultural values into the courtroom and test the notions of justice, fairness, and the legitimacy of legal domination.[19]

In *Local Knowledge*, anthropologist Clifford Geertz (1983) notes that, "In every Third World country... the tension between established notions of what justice... is and how it gets done and imported ones more reflective of the forms and pressures of modern life animates whatever there is of judicial process" (p. 220). In his view, "this confusion of legal tongues" is not "mere transition, a passing derangement soon to yield to historical correction. It is a hardening condition of things" (p. 220). He emphasizes, "legal pluralism is not a passing aberration but a central feature of the modern scene" (p. 232). Certainly, the judicial discourse in both Papua New Guinea and Canada has been enriched by the discourse of women, justice, and custom. Geertz seems correct in suggesting that legal systems in countries with an indigenous population will continue to deploy a discourse of custom as part of legal pluralism as has proved to be the case, for example, in Africa (Rwezaura 1995). The question arises whether Papua New Guinea and Canada, in engaging with cultural specificity, will continue in one case to erode customs and values to meet the requirements of modern law, and in the other, to employ a discourse of cultural relativism which might have the effect of displacing human rights.

NOTES

1 Papua New Guinea is a Melanesian nation composed of many different and fragmented societies. Some 800 language groups have been documented, encompassing a quarter of the world's languages. There are distinct cultural differences throughout the country, which are most likely the result of the relative isolation of the various societies. The country is still largely underdeveloped and the capital, Port Moresby, is not linked by road to the rest of the country. The author spent 13 years in Papua New Guinea working in the justice system and later as a Research Fellow at the National Research Institute.

2 Approximately USD $16,000 in 1996.

received from any elders of the clans involved or other sources usually considered in such cases. This is surprising in view of the Judge's comments that the relevant customs serve "complex value systems" and that outsiders should be wary of passing judgment on those customs. In the northern Canadian cases, evidence of what constituted the relevant custom was received only from the accused males, the Judge's "own experience of the eastern Arctic," and difference on the basis of gender was not considered. Through the juridical discourse, one discourse of custom was enriched and the other diminished as women's voices were denied meaningful expression. As a result of these deficiencies, the judicial discourse of repugnant custom in Papua New Guinea, which had previously coped with customs such as cannibalism and payback killing, practices that offered little controversy because they were so inimical of human rights, has not fully engaged with the complexities of cross-cousin marriages, reciprocal obligations extending over generations, questions of consent to marriage, and the values and systems of belief of the various clans involved in Miriam's case.

Unstable Custom and Questions of Legitimacy

The privileging of the male discourse concerning custom in northern Canada, as well as continuing changes in society, renders custom unstable since knowledge of what constitutes custom there is blurred by issues of social change and gender. As well, in its discourse on sentencing and custom, the Courts declare the legitimacy of some custom for their purposes, setting the boundaries of a field of vision and fixing perspectives and norms. Similarly, in Papua New Guinea, the Courts have determined what is considered non-normative in terms of certain conduct, which now includes the custom of "head pay," by rendering ad hoc judgements which serve to disturb the equilibrium of some peoples' lives whilst enforcing the rights of others. In this process, custom is scrutinized through the lens of positivist law in the form of the State Constitution, which, according to Judge Injia and others, is there to promote modernity.

Questions as to the legitimacy of custom as a source of law and as a structure of everyday life will continue to arise and be mediated through the National and Supreme Courts in Papua New Guinea. They are inevitably linked to the issue of the legitimacy of law generally in the form that "the law" takes in Papua New Guinea, being composed of both positivist law and custom, the latter being reflective of values embedded in traditional societies in the country. Roger Cotterell (1983) has pointed out that Weber's view of law, legitimacy, and domination is that:

> the action of the state, in accordance with law, derives legitimacy from law. Legal domination does not, therefore, depend on the law's reflection of values to which those who accept its legitimacy are committed. As long as state action conforms to

to have idealized custom, focusing only on what men say is custom, and on operationalizing custom to demonstrate compassion and cultural sensitivity, as they perceive it. In Canada, therefore, "male" custom is privileged over the rights of the women victims and custom is reified and sanctified as a discourse available for Native men in trouble with the law.

In both countries, traditional peoples are caught within the constraints of the various discourses comprising custom and positivist law. In Papua New Guinea, women can benefit from the positivist discourse of human rights against custom in the courts, although on a day-to-day basis custom is privileged in discourse in the villages and towns and in women's everyday lives. In Canada, some Native women argue that, as victims, they are unable to gain the benefit of the positivist criminal law that punishes sexual assaults. The judicial discourse imagines there to be only a dominant male discourse as to custom and excludes all other discourses and voices which are repressed and rendered as absent. In both countries, women have to negotiate the discourses of custom and positivist law if they wish to continue their education (as in Miriam's case) or secure justice for criminal conduct as in the Native women's cases in northern Canada.

In Papua New Guinea, Judge Injia warns against judging custom but is prepared, nevertheless, to say that "good custom" should be promoted and "bad custom" eliminated and to actually declare custom unlawful. However, in Canada, Native women say that "cultural bias" in the northern courts fails to differentiate the "good custom" from the "bad," the authentic from the illegitimate, and in this sense the Canadian courts are promoting cultural relativism by refusing to engage in this discourse at all. The irony is that Judge Injia, a Judge in a developing country who himself speaks of the irony of declaring unlawful "traditional values that are themselves operating and valued" is nevertheless prepared to privilege women's rights over custom, whereas some Judges in Canada, a developed country, are ready to do the opposite.[17]

I have argued elsewhere (Banks 2000) that the cultural context should be a fundamental component of any criminological enterprise and that cultural specificity should implicate all relevant cultural experiences. In his discussion of the value of comparative criminology, Nelken (1994) has also observed "there are few topics in comparative criminology on which progress can be made without the possibility of being able to interpret the significance of crime and control in relation to other social and cultural phenomena" (p. 227). The courts in both Papua New Guinea and northern Canada have followed this injunction, yet I would suggest that in Miriam's case and in the northern cases, they have failed to sufficiently determine the nature and content of custom in arriving at their decisions. In the Papua New Guinea case, Judge Injia did receive some (conflicting) evidence as to the custom of "head pay," but all evidence was given in affidavit form, only one party (Miriam) was represented before the court, and no evidence of custom was

> gained the general impression that in New Ireland village communities such offences are not regarded as seriously as they are in other parts of Papua New Guinea. . . such matters are often dealt with at village level and settled there, rather than by reporting the matter to police. . .. In New Ireland. . . the customary approach to these matters is such that I believe severe punishment is not called for, particularly with the traditional compensation system which exists either to the exclusion of the law or side by side with it. In other words the modern custom of New Ireland is a blending of traditional compensation and the use of the law to impose punishment by imprisonment which of course traditionally could not occur.

Whilst remarking that he personally did not regard the offence of rape lightly, he nevertheless acknowledged that his sentence of two years imprisonment reflected local attitudes to rape. The Supreme Court said that while the "attitude" of the local inhabitants "is a factor to be taken into consideration in formulating sentencing policy, the trial judge would appear to have given it undue importance" (Unreported National Court Decision SCA 12 of 1977). Rape was a crime of violence and called for a deterrent sentence, especially given "the prevalence of this type of offence in New Ireland" (Unreported National Court Decision SCA 12 of 1977). The sentence was increased to four years imprisonment.

The discourses of culture in sentencing in Canada, repugnant custom, and custom in sentencing and the determination of guilt in Papua New Guinea show the Courts in those two countries delimiting the space within which custom is licensed to be a relevant and material practice in the lives of the people. These discourses offer a view of culture and custom shaped by issues of modernity, sophistication, and "ancient culture." Custom is marginalized and perceived as frozen in time and its ordering within the logic and rationality of the discursive formation of positivist criminal law and constitutional law produces a discourse of custom as always interstitial, as sometimes offensive and repulsive, and as justification for "ignorance" of positivist law.

Comparing Discourses

What insights can be gained from the way the discourse of women, justice, and custom is mediated through the courts in Canada and Papua New Guinea as exemplified in these cases? In both countries, custom is under attack by women as being "bad" or illegitimate custom. In the Canadian cases, the custom, if accepted by the court, has the potential to benefit the men and for them is constructed as "good custom." In Papua New Guinea, the court frames custom as either "good" or "bad" according to whether it meets the demands of the modern state and, where a group shows a lack of sophistication judged by the degree of contact with the modern world, acts performed by that group in accordance with custom which are otherwise illegal may be excused. In Canada, the northern courts appear

is believed by the Courts to have continued in the postcolonial period, as the indigenous people, now the agents of the State, perpetuate these imported values.

The relationship between the defense of provocation and breaches of custom is discussed in the State v. Waime (Unreported National Court Decision N305 of 1981) where the accused woman was charged with the willful murder of her husband after she had hit him four times in the neck with an axe. Prior to her attack, her husband had been drinking for eight hours and had assaulted her and threatened to kill her and forced her to have sex with him when she had given birth only three months earlier, a practice contrary to the custom of both the accused and the deceased.[16] The accused raised a defense of provocation and the Court was prepared to look not just at the husband's action on the night of the murder, but also at anterior acts that had violated her custom. The Court noted that forcing sex so soon after birth was a breach of custom, that her bride price had not been paid as required by custom, and that the deceased had not paid her family for the "head" of their three children, a matter also required by custom. The Court acquitted her of willful murder because of provocation by the deceased, convicted her of manslaughter, and sentenced her to two years and seven months imprisonment. Here, the Court affirms the validity of certain customs and permits disregard of custom by the man to excuse conduct otherwise judged criminal by the woman.

In a case somewhat similar to the one that introduces this paper, the accused pleaded guilty to unlawfully killing his cousin-sister (State v. Kule 1991 [PNGLR] 404). In mitigation he argued that he had paid some customary compensation; however, against this, it was submitted that he had failed to comply with an obligation by custom to give one of his daughters to the uncle, father, or other relatives of the deceased. The Court refused to recognize this custom of delivering a murderer's daughter to the relatives of the deceased as a mitigating factor, saying that it was contrary to the welfare of a child and amounted to an institutional practice similar to slavery, a practice prohibited by the Constitution.

Like the northern Canadian judges, Papua New Guinea judges sometimes have adopted the values or "attitude" of the local inhabitants in determining sentence and presumably could be accused of "cultural bias" in so doing. In the 1977 case of State v. Petrus Mombi (Unreported National Court Decision SCA 12 of 1977), the Supreme Court reversed a National Court decision where the trial judge had adopted the view of a community, as he perceived it, that the offense of rape was not regarded as seriously in that community as in other parts of the country, being capable of resolution within the community. The 50-year-old offender had raped an 18-year-old woman at night in the village. The offender was related to the victim's father, referring to him as "brother." The trial Judge tried to implicate custom in sentencing, noting that he had:

was convicted of unlawful carnal knowledge of a girl under the age of twelve. Having received evidence of the custom of paying compensation in such cases, the Court sentenced the accused to three and a half years imprisonment, reduced to three years and two months if traditional compensation of 100 fathoms of tambu[15] was paid to the child's mother's clan.

Papua New Guinea Courts have applied a notion of sophistication in assessing whether or not custom should be allowed to operate as a defense in criminal proceedings, but this linkage of custom with sophistication has been eroded in recent years. Bruce Ottley, writing of custom and introduced criminal justice, says that during colonial times the level of sophistication was determined by factors such as "whether or not he went to school, whether he had left his village to take outside employment, the economic development of the area, and the distance from a 'civilizing' influence such as a mission or town. The more primitive a person was the less punishment he received" (Ottley 1992:138). Ottley explains that this was for two reasons: a man classed as primitive was considered to have less self control over his emotions and to have a reduced sense of morality and a person in this condition was not aware of the existence of a government to whom he could turn for redress of grievance.

In the pre-Independence case of R. v. Novoi Bosai (1971-1972 [PNGLR] 271), the several accused had cooked and eaten part of the body of a dead man and were charged with indecently interfering with the corpse. They were acquitted, the Court observing that their conduct:

> was neither improper nor indecent behavior on their part, being normal and reasonable behavior for them as most primitive villagers living in the Gabusi area of the Nomad Sub District in early 1971, in the limited condition of pacification and administration to which that area had then been reduced.

The Court determined in a 1985 case, (Public Prosecutor v. Apava Keru and Aia Moroi 1985 [PNGLR] 78), that an offender's lack of sophistication was not a mitigating factor in sentencing unless the offender came from an area so remote as not to know there existed a Government with courts and police available to redress wrongs rather than rely on self help remedies. The Court considered there would be very few people left in the country that could be so classified. In that case, there was a payback killing and the Court held that the custom of payback, being contrary to the general principles of humanity, could permit no reduction in sentence to a person committing such a murder unless there was provocation. The "sophistication" argument proposes, then, that as agents of the colonial powers entered Papua New Guinea and made contact with the indigenous people, the values and customs of the various societies were reshaped by the process of modernization to resemble values normative in the West. This process of change

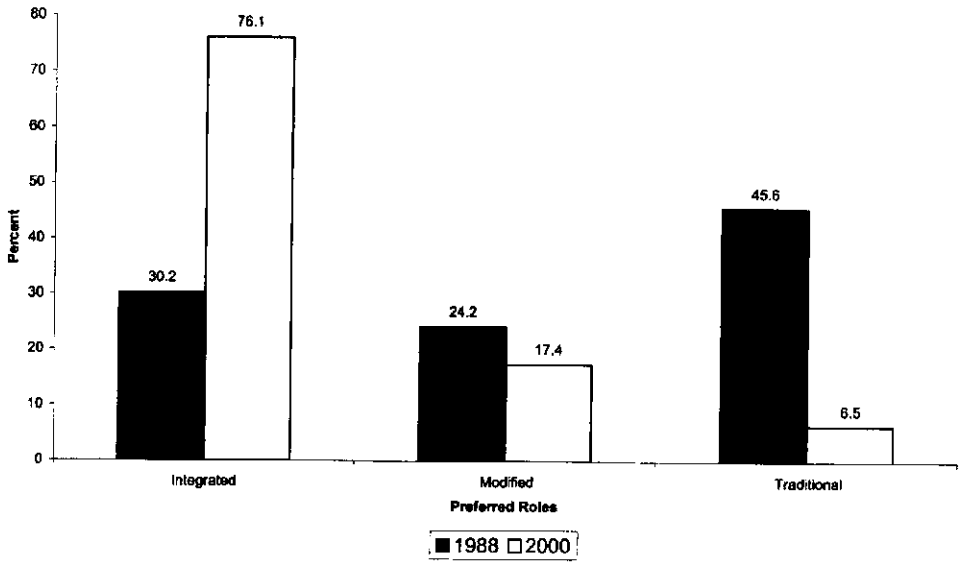

Figure 5. Preferred Policing Role: Indian Women Police Officers and New Recruits in 2000.

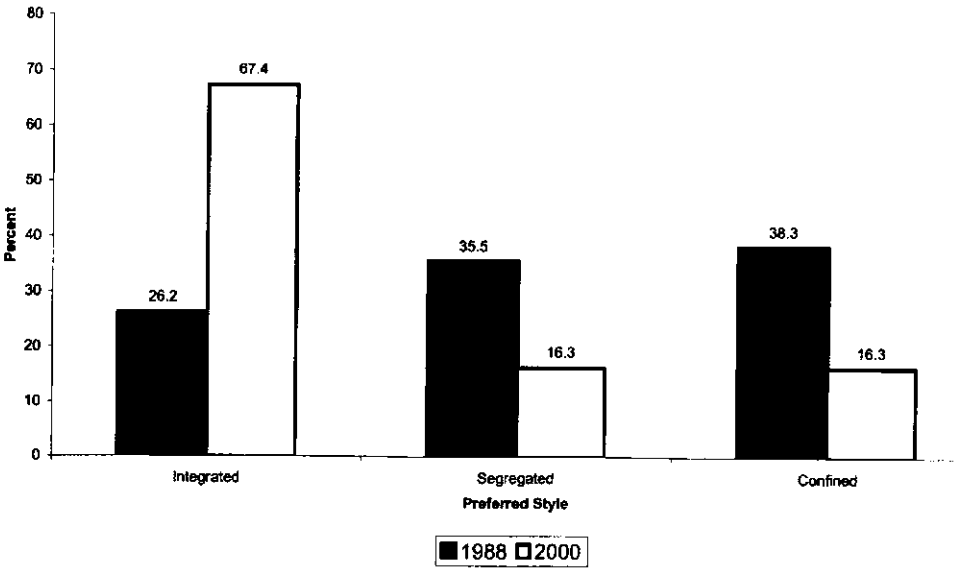

Figure 6. Preferred Style of Department: Indian Women Police Officers in 1988 and New Recruits in 2000.

reserve, ready to be dispatched at moment's notice to some remote area to maintain law and order. They disliked the inadequate arrangements for women during these postings. And they particularly disliked being dropped off to find their own way home, often late at night, at the conclusion of their duties.

In addition, some of the new recruits were finding the physical demands of a quasi-military regime, with regular parades and forced marches, difficult to meet. Quite a number of the married women reported that they had experienced miscarriages as result of these exertions. Finally, some of the new recruits were concerned about their future ability to meet the demands of work and family. These concerns were expressed not merely by those already married, but also by some of the single women who were hoping to be married (and most of them were). Those who were unmarried were worried that they would have difficulty finding a marriage partner given the demands of their work.

Differences in Attitudes and Expectations between New Recruits and Women Police Studied in the 1980s

Figure 5 shows that a far greater proportion of new recruits (76.1 percent) than the women police questioned in 1988 (30.2 percent) preferred an integrated role for women officers (Chi square value 25.5, d.f. = 2, $p = .001$), and Figure 6 demonstrates that many more (67.4 percent compared with 26.2 percent) opted for an integrated organizational style of the police department (Chi square value 57, d.f. = 2, $p = .001$).

Discussion

Again, demographic differences between the two groups may help to explain the differences between them in their preferred role and style of department. In particular, the new recruits were younger, and fewer were married than the sample questioned in 1988 (see Table 1). But the differences of 5.5 years in age and 17.4 percent in the proportion married were both much smaller than the differences (14 years and 50.5 percent) between the new recruits and the women currently in the all-women units. Interviews suggest, in fact, that these differences in preferred role and style reflect the considerable changes that have occurred in the duties currently being entrusted to women and the expectations being made of them. In the 1980s, women recruits had not undergone the sometime harsh training regimes experienced by the men. Women officers were principally assisting men in station duties and other work. They rarely had independent job assignments. They were reluctant to talk in front of their male superiors and they accepted criticism without protest.

The situation was quite different when interviews were conducted with the new recruits. Reflecting the progressive modernization of the Indian police, these

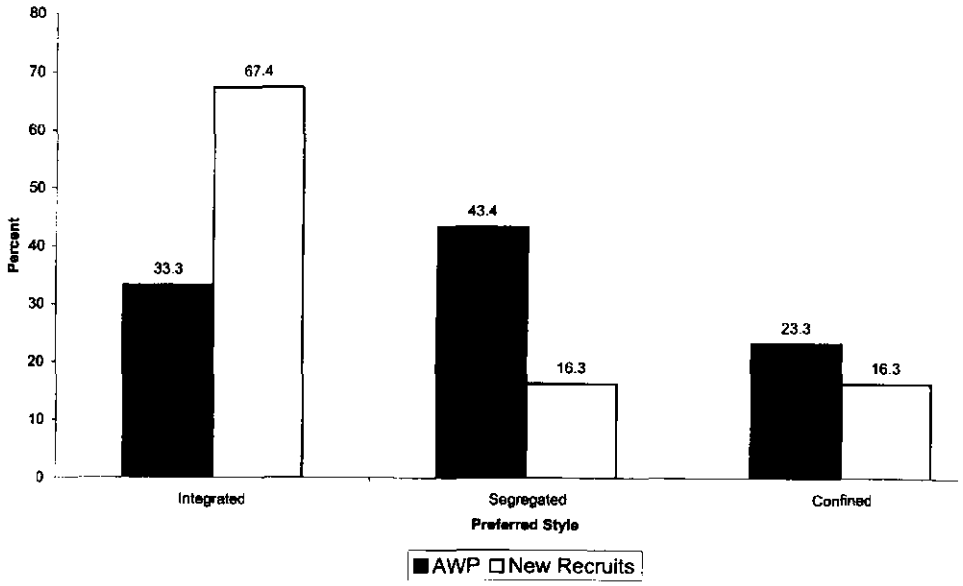

Figure 4. Preferred Style of Department: All-Women Police Unit Officers and New Recruits in 2000.

Discussion

The results show that the new recruits are more in favor of integration than the veteran officers in all-women police units, but a preference for integrated roles and styles is significantly correlated with age and length of service (the correlation coefficients range between .142 and .25). Therefore, this difference in preferred roles and styles could be due partly to the fact that the new recruits are so much younger (Table 1). In interviews, many of the new recruits expressed a belief that men and women officers should be doing the same duties, for the same pay and conditions of service. Their notably more "feminist" attitudes could be the result of not yet having had to confront the realities of combining work and family responsibilities (58 percent of the new recruits were still single). In addition, they only had experience working alongside men (presumably without too many problems), and there is a natural tendency to prefer what you know. However, the more assertive feminism of the new recruits could also be the product of the considerable social changes that have taken place in India in recent years.

Even so, it is important to note that nearly a third of new recruits preferred either a segregated or confined style of department. Interviews suggested that, in fact, many of the new recruits disliked the "dormitory style" living arrangement in the battalions to which they were posted. They disliked being treated as an armed

In sum, the all-women police units have assisted women police in raising their self-confidence, and many now believe that there is no reason why women could not function well in fully integrated roles. This could mean that all-women police units might provide an interim solution in traditional societies to the problems of integrating women into the police force. Having gained confidence, however, these women are likely to develop the same career aspirations as their counterparts in Western societies.

Differences in Attitudes and Expectations between New Recruits and Officers Currently in the All-Women Police Units

Significant differences existed between the new recruits and women officers currently in the all-women police units with respect to preferred policing roles for women (Chi square value 20.8, d.f. = 2, $p = .0001$) and preferred organizational style of the police department (Chi square value, 25.7, d.f. = 2, $p = .0001$). Just over three-fourths of the new recruits (76.1 percent) preferred an integrated role, and just over two-thirds (67.4 percent) preferred an integrated style of department. The corresponding percentages for the all-women police units were 53.8 percent and 33.3 percent, respectively (see Figures 3 and 4).

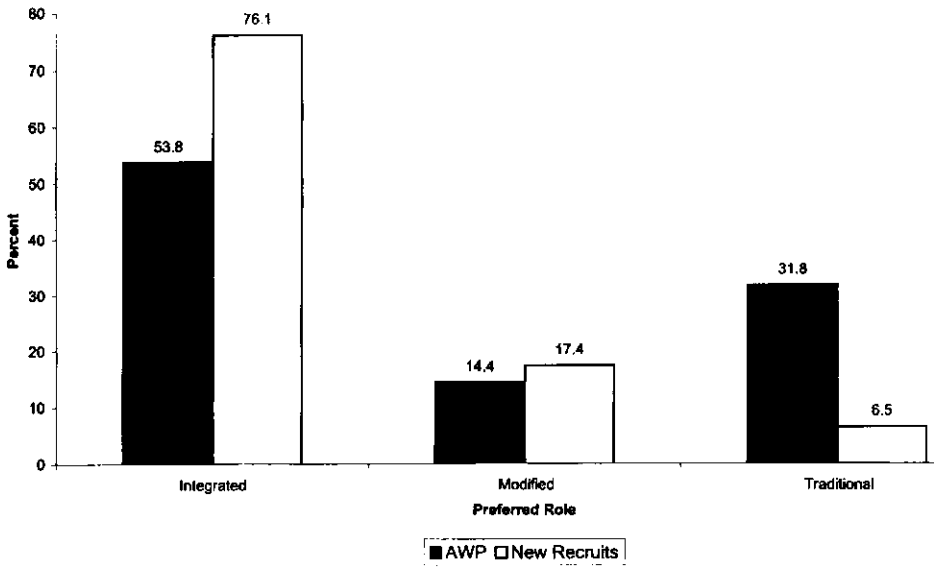

Figure 3. Preferred Policing Role: All-Women Police Unit Officers and New Recruits in 2000.

to work under women who were once their equals. These kinds of complaints are universal, but they assume greater importance when there appear to be so few other rewards for working.

Finally, the public status of the units has declined because of corruption accusations. As a result, many women are no longer proud of working in the units. Newspapers have run many stories claiming that the women in these units are as corrupt as their male colleagues.[4]

These reasons could help explain why women presently in the all-women units are less satisfied than previously, and it might be tempting to argue that the experiment has been a failure. An alternative interpretation can be made of these facts, however, and it is more consistent with the author's observations. This interpretation maintains that the units have performed a valuable role in enabling women to develop confidence in their professional abilities. Having gained this confidence, many of the women are now ready to move on to a more integrated departmental style.

The units enabled the women to grow professionally for a number of reasons. First, women in these units do not face sexual harassment from male supervisors. Harassment is an impediment to professional growth and a harassment-free environment is conducive to learning what a police job entails. Second, the women in the units perform a full range of policing duties concerned with processing women as victims and offenders, including investigation, evidence collection, and case management throughout the courts. In addition, they are expected to undertake regular law and order duties outside the units, sometimes alongside male colleagues. In fact, these latter duties have come to dominate their work and many of the women have had the opportunity to evaluate their performance in comparison to that of male officers. Many now believe that they are capable of filling a more general law enforcement function and are fully confident in their abilities as police officers. This confidence in their abilities was reflected in considerable job satisfaction among many of the women interviewed. Finally, in an atmosphere of mutual trust and support, which generally characterized the units, a sense of responsibility has developed. Some women reported working hard to make their units look good to the outside world, and some were proud of the public service they performed.

The growing confidence and professionalism of the women officers also helped them to admit some deficiencies. In interviews, some women said they needed more training in handling legal matters or procedural issues in investigating cases. They also felt a need for more training in psychological or psychiatric matters. Women interviewed in the earlier study (Natarajan 1996a) had generally not evaluated their own capabilities and did not express these deficiencies. This represents a real change in awareness that can be attributed to the wider experience in police duties.

This pressure is exacerbated by the lack of transport and other resources to help them perform their role. Women in the lowest ranks sometimes felt exploited, overworked, and burned out. They also reported that superiors favored some officers, and observation did indeed reveal some variations in workload.

Second, some of the women constables, who were married late, have health problems, often related to repeated childbirth involving cesarean sections. Many felt they are physically unfit, and they also complained about lack of sleep.

Third, some of the women complained that their families were beginning to suffer because of the demands at work. The household duties of many women in traditional societies have not changed, and they lack access to the day care centers and labor saving equipment available to their counterparts in the Western world. Some officers complained that they did not have enough time to spend with their children,[2] and some felt that they have become incompetent mothers due to their work. Some were also under constant criticism because they did not participate fully in family gatherings and ceremonies, for example, those related to prospective marriages.[3]

Fourth, the women interviewed complained about their lack of promotion, and many felt that there was unequal treatment in regard to this issue. In particular, they complained that women who obtained high scores on entry tests tended to get promoted whatever their performance on the job. They complained further that they received no help in preparing for promotion exams. Finally, they resented having

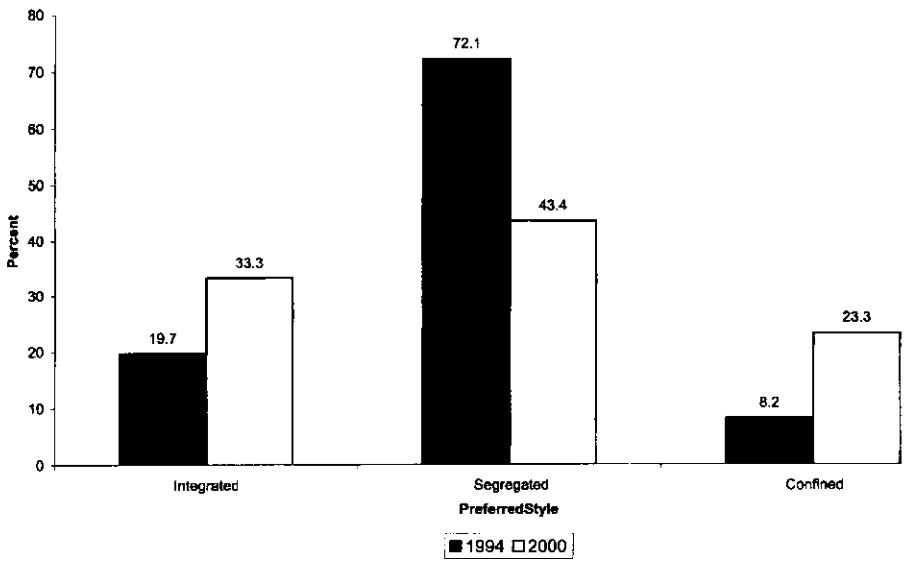

Figure 2. Preferred Style of Department: All-Women Police Unit Officers, 1994 and 2000.

Changes in the Attitudes and Expectations of Officers in All-Women Police Units

To see whether changes have occurred in the preferences of officers in the all-women police units, comparisons were made between their responses to the questionnaire in 1994 and 2000. Concerning preferred role, Figure 1 shows that 53.8 percent of the sample of officers currently in the all-women police units prefer an integrated role, 14.4 percent a modified role, and 31.8 percent a traditional role. This was not significantly different from the preferences expressed by the women in the units studied in 1994.

As far as preferred organizational style of the police department is concerned, 33.3 percent of the current sample preferred an integrated style of department, 43.4 percent a segregated style, and 23.3 percent a traditional style (see Figure 2). These preferences were significantly different from those expressed by the sample interviewed in 1994 (Chi square value 14.2, d.f. = 2, p = .001). Many more women preferred a segregated style of the police department in 1994.

Discussion

On the face of it, the responses indicate that officers in the all-women units have become increasingly disenchanted with the units, and there are several reasons why this could be so. First, some officers said in interviews that the sheer amount of work they were expected to do was physically draining. The case flow in the stations and their law and order duties put them under a great deal of pressure.

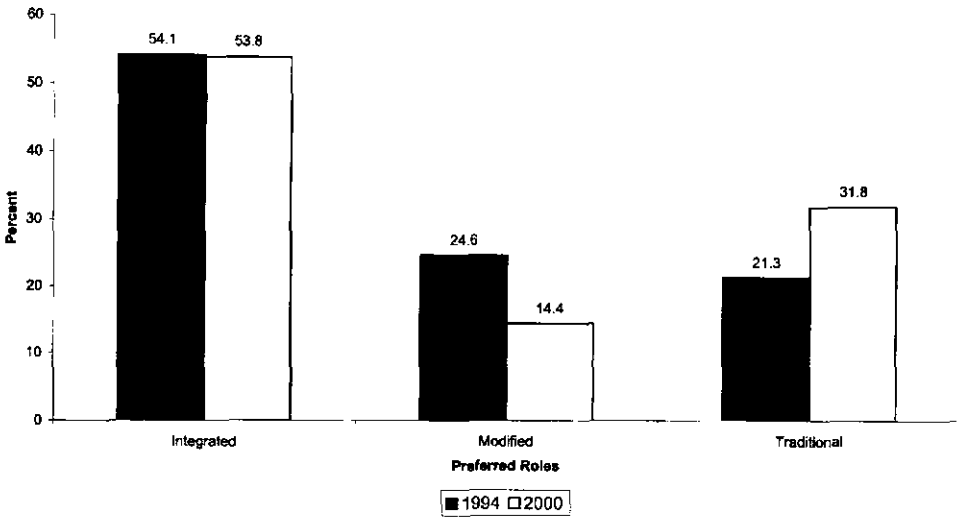

Figure 1. Preferred Policing Role: All-Women Police Unit Officers, 1994 and 2000.

- **Preferred style of police department** is also divided into three categories:
  1. ***segregated*** — separate departments for policewomen, with a career structure for women officers who specialize in female offenders and victims, juveniles, and missing children;
  2. ***confined*** — departments staffed by both male and female police officers in which women specialize in female offenders and victims, juveniles, and missing children;
  3. ***integrated*** — fully integrated departments for all police officers such that men and women perform the same duties.

Responses to these items are generally correlated such that women expressing a preference for a more integrated role for women also prefer a more integrated organizational style. For the 244 women completing the questionnaire in 2000, the correlation was .45 ($p = .0001$).

Data Collection

Data for this study were collected in August 2000. Participation by the women officers was voluntary. To ensure cooperation, the names of those interviewed were not recorded, nor were the units to which they belonged. Questionnaires were completed anonymously while on duty, in the author's presence. Informal discussions with the officers provided the author with insights into their lives and additional context for interpreting the results of interview and questionnaire responses.

A Comment on the Methodology

Mawby (1999) has noted that comparative research can often be criticized on methodological grounds. Despite the use of a standardized questionnaire (rare in comparative studies), the present study is not immune from such criticism. In particular, the samples were not large, nor were they randomly selected. The subjects also differed in age, educational background, and deployment experience (see Table 1). It is therefore difficult to make precise comparisons among them on the basis of the quantitative data yielded by the questionnaire. In interpreting the results, the author has therefore relied extensively on qualitative data from interviews and more informal sources, including casual conversations with policewomen encountered in the course of data collection. In addition, the author's familiarity with the language and customs of Tamil Nadu should have served to protect the research from serious misinterpretations of the data.

Table 1

Demographic Characteristics of the Samples of Women Police Officers

	1988 India (N=183) %	1995 AWP* (N=61) %	2000 AWP* (N=140) %	2000 New Recruits (N=104) %	1988 U.S.A. (N=196) %
Educational status					
High school	68.3	57.0	64.9	51.6	63.8
Bachelor's degree	29.5	30.0	22.6	38.4	30.1
Masters degree	2.2	13.0	12.4	10.1	6.1
Marital status					
Married	59.6	75.4	92.7	42.2	36.9
Single	38.8	23.0	5.1	57.8	42.6
Divorced	.5	1.6	0.0	0.0	17.9
Separated	1.1	0.0	0.0	0.0	0.0
Widowed	0.0	0.0	2.2	0.0	0.0
Rank					
Inspectors/Subinspectors	25.0	24.0	19.3	–	15.0
Constables/Headconstables	75.0	76.0	80.7	100	85.0
Age (Years)					
Mean age	30.2	32.2	38.7	24.7	34.8
Length of service (Years)					
Mean length of service	8.8	11.1	17.6	3.1	6.6

*All-Women Police Units.

The Questionnaire

The questionnaire used in this study was originally developed by Sandra Jones (1986) for her research in England. It was translated into the local language, Tamil, for the authors' earlier study in 1988 (Natarajan 1991, 1994, 1996b).

The questionnaire covers a wide range of information, but for this paper data are analyzed only for: (1) background characteristics such as age, marital status, education, and length of service, (2) perceived role preferences for women police officers, and (3) preferred organizational style of the police department. The definitions used in the questionnaire concerning roles and styles are as follows:

- **Preferred roles for women officers** are divided into three categories:
  1. ***traditional*** — in which women do not do the same work as men, but specialize in duties such as those involving female offenders and victims, juveniles, and missing persons;
  2. ***modified*** — in which women may take on similar duties, except those where violence is anticipated;
  3. ***integrated*** — in which women take on the same duties as men.

Because these changes would inevitably affect the attitudes and expectations of women officers in the all-women police units, a follow-up study was undertaken to see whether Natarajan's thesis about the different roles of women police in traditional societies was still valid. This article (1) briefly describes the study undertaken, (2) compares its findings with those of previous studies, (3) discusses the implications for Brown's general model of integration, and (4) makes suggestions for the future of all-women police units in Tamil Nadu. It investigates a number of specific questions about the preferred *role* of women in police departments and the preferred organizational *style* of police departments that have arisen from the recent changes in women policing in Tamil Nadu. These questions are as follows:

- Have changes occurred in the preferences of officers in the all-women police units?
- Do differences exist in preferences between new recruits and officers currently in the all-women police units?
- Do differences exist in preferences between new recruits and the women police studied in 1988?
- Do differences exist in preferences between the new recruits and women studied in Western countries during the 1980s?

Methodology

Before answering these questions it is necessary to describe the design of the present study, which involved two stages. First, new data was collected on the attitudes, experiences, and career aspirations of two groups of women officers in Tamil Nadu: (1) those currently working in all-women police units and (2) those recruited since 1997 who were not assigned to all-women police units. The author visited 19 of the existing 58 all-women police units. She conducted 75 interviews and administered a questionnaire to 140 officers (including the 75 she had interviewed). In addition, she visited six battalions of officers where the new recruits were assigned. There she interviewed 55 officers and administered the questionnaire to 104 individuals.

In the second stage, comparisons were made, first, between these two groups and, second, between these groups and other groups of women officers studied using the same questionnaire. These groups consisted of: (1) 61 officers in all-women police units in Tamil Nadu in 1994, (2) 183 officers in Tamil Nadu in 1988 (before all-women police units were established), and (3) 196 officers in the state of New Jersey in the United States in 1988. Basic demographic data for the groups of officers compared in this paper are presented in Table 1.

escorted to and from court proceedings by a woman constable and in some cases will be given more extensive protection.

The all-women units also deal with premarital problems such as false promises in marriage. For example, a teenage girl promised in marriage to a teenage boy may be made pregnant by him and left. The girl can report this to the police, who will discuss the matter with both sets of parents to make arrangements for the marriage or to make monetary settlements to help the girl with raising the child. Many teenage girls and their families seek police help in this regard.

Apart from handling such cases, officers[1] in these units are assigned to deal with law and order functions such as escorting ministers and other politicians, controlling crowds at demonstrations and processions, escorting prisoners, providing court security, and so forth.

In August 1994, Natarajan (1996a) interviewed 61 women in five of the all-women police units. She found that the officers in the units were largely satisfied with their roles. They enjoyed working directly with so many other women and having a woman as their chief officer. Their needs to combine work and family duties were understood by their superiors, and they were free of sexual harassment from male colleagues.

These expressions of general satisfaction with their role and professional aspirations led Natarajan to conclude that the all-women police units might afford a satisfactory solution to the difficulties of integrating women into police forces in traditional and developing societies. For these societies, the Western ideal of full integration might not necessarily be appropriate (Natarajan 1996a). Her conclusions are echoed by a recent study of women's police stations in Brazil, the only other country to have adopted a similar approach to women policing (Nelson 1996).

Since the publication of Natarajan's study, the number of all-women police units in Tamil Nadu has grown from 29 to 58, presumably reflecting their success (as well as the validity of Natarajan's arguments). At the same time, however, other changes with important consequences for the all-women police units have occurred. First, the public standing of these units has recently declined as a result of media stories about corrupt women officers and their supposed failure to deal adequately with violent incidents. Second, male officers have threatened action if women are to be given preference in recruitment (recent legislation requires at least 33 percent of new recruits to be women), while at the same time not being required to perform the full range of police duties. Third, in response to pressure from male officers, recent recruits have not been assigned to the all-women police units and, instead, have been required to perform general policing duties. Finally, the 1990s were a period of extremely rapid social change, which has resulted in Indian women making unprecedented demands for equal status with men and, in particular, for equal access to rewarding work and careers.

may begin to come up against a "glass ceiling" blocking their upward progress through the ranks. This stage requires the appointment of an external watchdog to monitor the treatment of women officers by the force.

Brown argues that observed differences in integration between countries are the result of different rates of progress through these various stages, and that these differences will eventually disappear once the proportion of women officers in each country (about 25 percent of total enrollment) results in "tip-over."

Women Police in Tamil Nadu, India

While Brown's model appears to hold for Western societies, all sharing a common cultural heritage, it may not hold for traditional societies with very different expectations about the roles and duties of women. Indeed, Natarajan (1996a) has recently argued that full integration of women in policing may not be the ideal for such societies. She based her argument on a study of all-women police units that were established in Tamil Nadu, a state in India, in the early 1990s. It was thought that these units would provide a solution to the difficulties of finding a satisfactory (and satisfying) role for women officers in the male-dominated environment of the police force.

Staffed exclusively by women, these units mainly deal with crimes against women — particularly violence related to problems over dowries. Such problems arise when promises made by the wife's family are not kept, or when the husband and his family try to extort additional payments or goods. Dowry-related disputes sometimes lead to the wife's murder or to her suicide. Despite action taken by the Indian government to outlaw the giving or demanding of dowries, the practice persists and dowry-related disputes still constitute a significant social problem (Natarajan 1995). Women experiencing these problems have traditionally been reluctant to seek help from the police because they find it very difficult to discuss personal matters with a man outside their family. This holds not merely for dowry matters but also for sexual assaults and any other gender-related crimes. The all-women units provide a solution to these difficulties because a woman making a complaint at one of these units would be sure of encountering an officer who could be expected to understand her situation.

Once the complaint has been filed (which may take a full day of discussion with the complainant), the first objective of the investigation is usually to achieve reconciliation between the husband and the wife without going to court. The accused party will be summoned to the station and inquiries will be conducted. Several counseling sessions may take place before agreement is reached. (Many stations have trained social workers and psychologists at the premises.) When the chances of reconciliation are bleak, the Inspector in charge will take action in the court against the offending party. Where a threat exists to a victim, she may be

1998; National Center for Women and Policing 1998; Prenzler 1998; Harris 1999; Horne 1999). Moreover, studies in many countries show that they have not been fully integrated into policing, as judged by the roles they perform and their career expectations and opportunities. These are all considerably more limited than for men (Martin 1990, 1991; Schulz 1995, 1998).

This lack of integration might be a temporary state of affairs, due simply to the fact that women are relatively recent arrivals in a male-dominated profession. If so, full integration can be expected to occur in time. On the other hand, there might be permanent barriers to full integration, which women are already encountering (Heidensohn 1992). These barriers might derive from several sources. They might be due to the prejudice of male officers who refuse to believe that women can undertake the full complement of police duties. They might be due to wider societal attitudes and beliefs about appropriate roles for women. They might also result from inherent differences between men and women in physical capabilities. Finally, they might be due to the preferences of women officers themselves and their need to find a satisfying police role that is compatible with personal goals and family responsibilities.

Brown's Model of Integration

Whether full integration of women in policing is simply a matter of time or whether it is unachievable is, therefore, still an open question. A recent comparison of women police in European countries by Brown (1997) suggests that women officers gradually become more integrated into the police force, passing through six distinct stages, which she characterizes as "entry," "separated restricted development," "integration," "take-off," "reform," and "tip-over."

"Entry" of women into policing is often precipitated by some crisis, such as the wholesale conscription of men in Britain during the First World War and the consequent shortage of police recruits. Once admitted to the police, women are "restricted" to dealing with women and children. They then often become enmeshed in a separate career and status structure and get caught in a "crab-basket" (krabbenmand) so that they drag each other back to a restricted role. Paradoxically, this can lead to heightened awareness to equal-opportunities legislation mandating "integration," which in turn can resurrect policemen's resistance to women officers. Women may respond through litigation, with the result that the number of women recruits "takes off." A consequent deterioration of the relationship between men and women officers results in increased problems such as sexual harassment. Research sheds light on these problems and leads to the stage of "reform." This includes inspections by outsiders, improved training, and the development of procedures for handling grievances. When the numbers of women "tip-over" from being a small minority of officers to a more equal representation, women officers

Women Police in a Traditional Society: Test of a Western Model of Integration*

MANGAI NATARAJAN

ABSTRACT

It has been argued that policewomen in traditional societies do not aspire to being fully integrated into mainstream policing, but may prefer a more restricted and segregated role. This thesis is examined in the context of policing in Tamil Nadu, a state of India. The present study uses data gathered through interviews and a standardized questionnaire, and focuses on the preferences expressed by women officers about roles and styles of policing. These preferences are compared with those of women interviewed in earlier research in India and other countries. It is concluded that, while progress to full integration in traditional societies may be slower, it seems to follow the same sequence of stages found in Western societies.

Introduction

WOMEN POLICE are now to be found in many countries and regions of the world, but they still comprise only a small minority of serving officers (Heidensohn

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specifically, research should begin by investigating the following questions: Why have some individuals joined militia organizations while other individuals have not? Why have some regions spawned active militia organizations while other regions have not?[3] Do the factors that influence the formation and perpetuation of movements remain constant over time? Perhaps the variables that fueled the rise of the militia movement are different from the ones that will ensure its growth. Finally, we should reiterate that the foregoing discussion has only been a primitive sketch; we hope that rather than passing as the final word, it stimulates discussion and further research.

NOTES

1 This effort to define militias is a restatement and extension of the discussion presented by Freilich, Pichardo Almanzar, and Rivera (1999).

2 A number of other extreme anti-Communist groups, such as the California Rangers, also emerged during this time period.

3 Even here distinctions need to be made between the state level and smaller levels. As Freilich (2001) noted, a finding of no relationship between economic dislocation and levels of militia activity on the state level need not be viewed as definitively undermining the economic dislocation thesis. After all, a state like California possesses both a land area and a population which are larger then many nations. It is conceivable that a smaller unit of study, like the county level, may have obtained different findings.

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between female and male earning power found in those states with especially pronounced militia activity. This appears to indicate that patriarchal states (where the feminist movement has penetrated the least) are most likely to witness militia activity. Accordingly, one could argue, in congruence with Gibson's cultural model, that in patriarchal states militias are relied upon to maintain traditional gender relations.

Freilich's (2001) finding of no relationship between adverse economic conditions and the militia movement illustrates the importance of conducting empirical work in this area. As we discussed above, in the last few years a number of books and articles have appeared which have all made assertions regarding the rise of the militia movement. Most of these works just put forth arguments without referring to systematic analyses that might back up their claims. Making use of state level data, Freilich's study provides evidence that, as applied to the militia movement, economic, cultural, and technological explanations for the emergence of U.S. militias may not be equally valid.

Second, comparative studies of the U.S. militias would benefit from more refined historical analyses like the one reported in this article. Issues that such studies could address are manifold. For instance, building upon Diamond's (1995) work, one could categorize and make more refined distinctions among the right-wing forerunners we studied in order to come up with a typology of the far right. This would enable one to make a more detailed comparison between the militias and the earlier groups. It is possible that the militias share more similarities with some segments of the far right as opposed to other segments.

Third, comparative studies of the U.S. militias would also yield insights if examinations were made across time and space. For instance, we have already hinted at the similarities between Hobsbawm's (1959) primitive rebels and the U.S. militia groups. A more detailed and systematic study of the similarities and differences between these two forms of resistance and agitation is sure to shed light on the peculiar social and historical conditions that promote the rise of such movements. Given the reactionary tendencies of the U.S. militias, interesting theoretical and empirical comparisons might also be made between these groups and right-wing movements in, say, contemporary Austria, France, Germany, Italy, India, and Russia.

Finally, a number of more general concerns about research addressing right-wing movements remain. For example, as we discussed above, those concerned with right-wing social movements need not only to offer hypotheses about the rise of these movements, but also to pursue more focused empirical research that seeks to test these hypotheses in a rigorous manner. Second, studies need to begin developing more complex models that can accommodate a variety of causal influences. Third, distinctions need to be made between individual level and aggregate level causes, with studies needed to explore both levels. More

used this definition of the U.S. militias to compare this movement to certain right-wing forerunners.

This study began with a question — is the U.S. militia movement a unique social phenomenon? — and employed a comparative method to conclude that the U.S. militias are actually beneficiaries of a rather long historical tradition. Defining militias along five dimensions, perhaps the most interesting discovery of this study is that although militias have sometimes been viewed as a novel movement, few of their characteristics have proven to be unique. Whether we look at their ideology, motivation, mobilization, organization, or ritual, numerous parallels to earlier movements such as the Ku Klux Klan, Silver Shirts, and the Posse Comitatus are evident. One point of this study has been to demonstrate the utility of comparative methods for investigations concerned with questions about social movements. We have also sought to show that comparative studies of the militia movement can be advanced most fruitfully once a full working definition of the subject is articulated.

We believe that the comparative study of U.S. militias can be advanced in three concrete ways. First, studies might be made across space in order to answer questions about, say, the forces motivating various manifestations of the militias. Our review of the literature has revealed that there is a small, but growing, body of research concerning the etiology of militias. While Dyer (1997), Gibson (1994), and Castells (1997) have all uncovered important insights regarding the rise of militias, each has tended to focus attention on a single factor, be it economic, cultural, or technological. We believe that each of these approaches has something to offer; however, future research should begin to explore the interrelationship among these causal factors by starting to conduct real world empirical research. For instance, O'Brien and Haider-Markel (1998) began filling this void in the empirical literature by examining, on the state level, variation in the distribution of militias and in the level of militia groups' activities. The authors concluded that "the most significant 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" (p. 462).

In a more detailed study, Freilich (2001) simultaneously tested aspects of the economic dislocation/social disorganization thesis as well as the cultural hypothesis on the state level. The results of this study revealed tentative support for some aspects of the cultural argument, while no support was found for any of the economic dislocation/social disorganization views. In particular, Freilich found militias to be strongest in states that, on average, had higher levels of paramilitary culture (i.e., higher levels of ardent gun owners, current military personnel, military veterans, and law enforcement personnel). Similarly, female earning power was significantly associated with the level of militia-related activity, with large gaps

> heart, blue corduroy knickers and long socks; for women, a red-and-blue skirt worn with the same silver-gray shirt. All meetings opened with a rendition of the Legion's anthem, 'The Battle Hymn of the Republic.' Monthly local meetings were only slightly more relaxed, being smaller versions of the Cavalcades (p. 47).

As these observations suggest, garb and process are important to movement meetings as they promote a sense of cohesion and unity among members.

Another form of ritual that has a long history with the forerunners of the U.S. militias is initiation. Given the deviant nature of these movements, secrecy and loyalty are crucial to sustaining the integrity of the group so clear markers of "comrades" and "outsiders" are necessary. As the history of the Ku Klux Klan demonstrates, initiation has served in exactly this capacity. Bennett (1995) describes a Klan initiation in this way:

> Initiates took the oath of obedience, secrecy, fidelity and klannishness before a blazing cross, circled by the white robed, hooded membership in the 'klavern' or meeting place.... They promised to defend the Constitution, the American flag, free public schools, Protestantism, free speech and press, liberty, and separation of church and state. These newcomers learned an elaborate ritual, were given the codes to a convoluted ceremonial language, and were placed in a bizarre hierarchy in which exalted cyclops ruled over Klansmen, subservient in turn to grand titans [in provinces], grand dragons (realms), and finally the imperial wizard (and his staff) of the Invisible Empire (p. 211).

Wade (1987) also confirms the rich initiation ceremonies associated with both the early and later Klan. Noting that these ceremonies might vary considerably by den, especially with the later Klan, Wade (1987:60-1) reports that oaths of secrecy and loyalty, along with passwords and secret handshakes, were used to distinguish movement members. While full accounts of ritual in the U.S. militia movement must await more careful field studies, the history of the militia's forerunners promises that studies of militia ritual will be generously rewarded.

Conclusion

The purpose of this article has been to substantiate the claim that the U.S. militia movement in the United States, far from being an unprecedented phenomenon, carries on a rich tradition of ideologically leveraged resistance and agitation. We have argued that the historical roots of U.S. militias have been largely ignored in popular accounts and that this lack of context has contributed to somewhat simplistic understandings of the movement. We further maintained that these historically shallow representations have been aided by relatively imprecise definitions of this movement. We offered one definition of U.S. militias that draws on five dimensions — ideology, motivation, mobilization, organization, and ritual — and then

Organizing in the same manner as the Internet, underground movements aimed to establish like-minded nodes of resistance that were functionally disconnected from one another in such a manner that attacks on one node would have no systematic effect on the movement as a whole. George and Wilcox (1996) elaborate the Minutemen underground organization with these words:

> According to Minutemen lore, the basic unit of organization is the squad. The individual squads, composed of between five and twenty-five members, were to have no knowledge of each other. Only state commanders knew who the squad leaders were and no records were to be kept of the individual members. The national organization had no control over the squads, each one of which was to operate as a little army. The only real function of the national organization was to recruit members through the distribution of literature to generate publicity for the organization. The rationale behind all this decentralization and secrecy was to preclude 'neutralization' in the event of a communist takeover (p. 223).

As we have sought to demonstrate in this brief section, the organizational schemes employed by contemporary U.S. militias are derived from a long history of right-wing social agitation. Not surprisingly, the tendency of the militia movement and its forerunners to adopt paramilitary organizational forms has also informed the variety of rituals that these movements have practiced.

Ritual

Because the ideology of U.S. militias as well as their paramilitary organization are deemed threatening by state police and many citizen watchdog groups, this movement has had special need for ritual to develop a pleasing self-image and to promote the secrecy needed to foil infiltration from outsiders. What we can say about ritual in the U.S. militias is still quite limited owing to sparse field work with this movement; however, we have preliminary evidence, which we discussed at some length earlier, that suggests ritual is really quite important to these agitators. Of course, the importance of ritual to the U.S. militias could be anticipated on the basis of Hobsbawm's (1959) fine investigation into the so-called "primitive rebels" of southern Italy and Spain as well as a consideration of the forerunners of the militias discussed in this section of the article. For instance, Neiwert's (1999) study of the Silver Shirts confirms the importance of ritual to that forerunner of the militias:

> Orville Roundtree [the Silver Shirt leader in Washington State]... secured a lodge near Richmond... as the permanent location statewide for Legion meetings, called Silver Shirt Cavalcades. These gatherings were highly ritualistic and usually adorned with Nazi flags. Everyone was required to wear a uniform: for the men, silver-gray shirts with a scarlet silk 'L' — for 'Love, Loyalty, and Liberation' — emblazoned over the

1970s and 1980s. In fact, the sole exception in the groups we have reviewed was the John Birch Society, which did not publicly call for military organization or training. This tendency toward paramilitary organization becomes more comprehensible when one considers that some of these groups formed explicitly to emphasize the importance of gun rights. Moreover, this organizational technique is also consistent with a major part of forerunner ideology, which is the belief that we need to protect and defend American soil from treacherous insurgents and/or well-armed invaders.

Recall from our earlier discussion of the U.S. militias that we were able to distinguish between two types of paramilitary organization. The type favored by the Michigan Militia, which we referred to as above-ground, and the type preferred by the Montana Militia, which we termed below-ground, both have historical antecedents in the forerunners that we have considered in this article. Ribuffo (1983), for instance, describes the above-ground paramilitary organization of the Silver Shirts in this fashion:

> [Silver Shirt members] wore distinctive paramilitary attire. . . . An impressive-sounding officer corps commanded the rank and file: the Chief, Chamberlain, Quartermaster, Sheriff, and Censor at national headquarters; a Commander, Adjutant, Purser, Bailiff, and Solicitor at state level; and a Chaplain, Scribe, Almoner, Marshall, and Advocate at each local post. [All this] elaborate regalia and hierarchy gave the Chief a great thrill while also serving an organizational purpose. . . . Pelley [the leader of the Silver Shirts], a veteran promoter, understood that ideas hit home only when accompanied by anthems, colors and gadgets (pp. 63-4).

Like Norman Olson of the Michigan Militia, Pelley and the Silver Shirts recognized that the effectiveness of the movement's message rested on the legitimacy of the movement with the public, and military bearing was viewed as a central means for obtaining the consent and loyalties of the people. In addition, the use of uniforms by both organizations was seen, by some, as a relatively simple way to provide the thrill and excitement sought by many of their members.

While the above-ground organizational form has the promise of legitimacy in the eyes of the public, it also has the distinctive disadvantage of exposing the movement to infiltration by agents of social control and other saboteurs. Some militia movements in the United States have followed the lead of the Montana Militia and pursued a below-ground variation on paramilitary structure in order to assure proper and unfettered resistance. Stern (1996), for example, describes the decentralized and underground organization of the Minutemen in this way:

> The Minutemen were a 1960s private army. . . . They fought communism through guerrilla warfare. . . . The Minutemen first set up 'guerrilla units' with ten to twenty-five members, then advocated smaller, underground 'resistance networks. . . between five and fifteen [strong,]' so that the discovery of one 'unit' would not compromise the whole (pp. 47-8).

> McCarthy's domination of the wire reports meant domination of the national news output.... McCarthy was always a step ahead with another allegation, another 'objective' report, another headline.... Joe McCarthy had become a celebrity, in demand by candidates in many areas, and he spoke for GOP hopefuls in several states. He virtually took over the campaign of John Marshall Butler.... The impression spread that he was now a man of charismatic authority — to cross him was to risk defeat.... Joe McCarthy now seemed bigger than life, more than just a Senator. His picture would soon be on the covers of *Time* and *Newsweek*. He had become the embodiment of what many were calling a movement (pp. 299-300).

And Corcoran (1990) says of the Posse Comitatus and their efforts to disseminate their ideological message to receptive ears: "They delivered it on cassette tapes played in farmhouse kitchens, pickup trucks, and the cabs of combines... and on radio stations like WSM Clear Channel in Nashville, Tennessee, and KTTL-FM, a country music station in Dodge City, Kansas" (p. 30). In the case of both the forerunners and the U.S. militias, mobilization efforts are centered around charismatic leadership and informal word of mouth, but these efforts have historically employed the latest communication technologies, such as print, telegraph, radio, video, and internet (see Hobsbawm 1959). One consequence of these communication technologies, and often an ideological goal in itself, has been the relatively decentralized organization of the U.S. militias and their forerunners.

Organization

When looking at how social movements have organized throughout U.S. history, one thing that becomes apparent is the rarity of paramilitary structures. If we consider some of the major contemporary movements that have attracted recent scholarly attention, such as civil rights, gay rights, environmental, pro-life, pro-choice, and the Christian Right, we find that none of these collectives have organized in a paramilitary fashion. This is not to say that there have not been isolated examples of social movements that have embraced paramilitary structures for organizational purposes. Members of the extreme left Black Panther party of the 1960s, for instance, were known to wear military fatigues, to carry firearms, and were even involved in a number of highly publicized shoot-outs with law enforcement agencies. But this is a deviation that simply proves the rule. Paramilitary organization is rarely used in social movements.

In contrast, our review of the precursors to militias has shown that the paramilitary motif has not been fleeting among the radical right; rather, this organizational structure has been put to use by right-wing social movements for some time (see Barkun 1997). For instance, not only did the early Klan of the 1860s and 1870s, like today's militias, utilize a paramilitary structure, but so did the Silver Shirts of the 1930s, the Minutemen of the 1960s, and the Posse Comitatus of the

Mobilization

Turning to mobilization, we should note straightaway that data regarding mobilization techniques are limited. This lack of good empirical evidence signals a need for research on the history of recruitment and mobilization strategies, topics which many scholars have unfortunately too often ignored. Still, on the basis of the available evidence, we can tentatively claim that many, if not most, of the forerunners actively propagandized and sought new recruits much like today's militia movement. For example, Father Coughlin of the Christian Front in the 1930s, Joe McCarthy in the 1950s, and Robert Welch of the John Birch Society in the 1960s, similar to the militia leaders of today, all toured the country seeking to spread their message and to recruit new members to their cause. Stock (1996), for example, notes that recruiters for Posse Comitatus traveled around farm country throughout the farm crisis speaking to angry farmers and disseminating literature at farm auctions. Corcoran (1990) reports:

> [Posse leaders] Kahl, Wickstrom, and others delivered their message wherever farmers gathered: grain elevators, feedlots, hardware stores, fields, implement dealers, churches, foreclosure sales and auctions (p. 30).

"Other Posse members, like former dairy farmer Roderick 'Rick' Elliot of Brighton, Colorado," continues Corcoran (1990:32), "crisscrossed the Midwest and conducted 'Constitutional Law Seminars'" (p. 32). Sometimes these seminars would attract as many as 250 disgruntled rural Americans. Traveling charismatic speakers were often useful in priming informal mobilization efforts at the local level as word spread by mouth from one interested citizen to another. "Grand Wizard Forrest had taken an active step in propagating the Invisible Empire in 1868," recounts Wade (1987:57) in a provocative history of the Ku Klux Klan, "but thereafter it seemed to spread on its own accord, stimulated by newspapers flattering to the Klan and feeding on Southern white fears of the new 'radical' state governments" (p. 57).

Many of these forerunners to the militias also utilized the latest advances in mass media technology in order to advance mobilization efforts. For example, throughout the 1930s Father Coughlin could regularly be heard broadcasting his rhetoric on radio shows (Brinkley 1983). Bennett (1995) notes that Coughlin's radio presentation: "With a mesmerizing speaking style tailored perfectly to the new medium, this bland looking bespectacled prelate became the radio star of his age" (p. 254). "Father Coughlin's crusade not only offered community," Bennett (1995:260; see also Freud 1961) avers, "but it provided... charismatic authority. The 'Father' could answer all questions; he could give structure and direction to the lives of his followers" (p. 260). This mixture of charisma with the powers of radio, print, and telegraph was also well executed by the red-baiter Joseph McCarthy. Bennett (1995) has this to say about McCarthy's considerable media savvy:

Stock (1996), on the other hand, describes the growth of the Ku Klux Klan in the 1920s in terms similar to some of the cultural and technological explanations set forth to account for the rise of the U.S. militia movement: "More than a movement or a fraternal organization, the second Klan came to resemble a religious revival, a crusade to reclaim Americans and to restore traditional values that had been eclipsed by urbanization [and] modernization..." (p. 131). (See also Stern 1996:44.) Likewise, Bennett (1995) ascribes the upsurge of extreme right wing groups, like the Know Nothing Party of the 1850s and the John Birch Society of the 1960s, to cultural factors similar to those noted by Gibson:

> [Supporters of the John Birch Society] wondered how America could have won the world war but lost the peace, how spokesmen for 'foreign' ideas and proponents of social disorder could have gained so much authority in government, the media, and academia (p. 323).

Speaking of Father Coughlin and the movement that he championed, Brinkley (1983) propounds another variation of cultural explanation: "To... [his] supporters... Coughlin offered a message of real meaning.... [He] provided an affirmation of threatened values and institutions, and a vision of a properly structured society in which those values and institutions could thrive..." (p. 142).

Of course, there has been no shortage of technological explanations for the emergence of these forerunners. Lipset and Raab (1970), for example, explain the rise of certain nativistic groups:

> More important perhaps than the direct effects of ongoing immigration, per se, in creating working-class support for nativism [and nativistic groups like the Know Nothings] was the way in which the combination of technological innovation and mass immigration was undermining the status of the skilled workers. It was not poverty, nor even direct economic deprivation, that was disturbing these workingmen as much as a sense of status deprivation (pp. 51-2).

Adopting a technological account for the activities of Father Coughlin, Bennett (1995) writes: "Coughlin, for example, spoke frequently in the early years of his public career about the price of technological progress: the displacement of workers, the encouragement of large-scale enterprise at the expense of smaller establishments, the dehumanization of work" (p. 158). "The machine is becoming the laborer," Bennett (1995:158) quotes Coughlin, "and the laborer is becoming the wet nurse of the machine with the duty to turn a switch there, to release a lever here" (p. 158). Faced with threats of dehumanization and unemployment from advancing technology, concerned with attacks on traditional values by trends toward cultural heterogeneity, and angered by the sense of vulnerability enforced by economic dislocation, the motivations that account for the emergence of forerunner movements are remarkably similar to those associated with the rise of U.S. militias.

Communists, is bent on usurping their rights to firearm ownership. To counteract this threat, Posse leaders have encouraged their supporters to prepare resistance to the government by placing great emphasis on a paramilitary structure. Considering the deep antipathy that the Posse engendered in its members, it is not surprising that a few Posse adherents were involved in deadly shoot-outs with federal agents during the 1980s (Corcoran 1990; Stern 1996; Stock 1996).

Although this historical review has been neither extensive nor definitive, it has clearly demonstrated that many similarities exist between the ideologies of the militia movement and their forerunners. Broadly speaking, we find it remarkable that in a country that has been known for constant change and for eschewing tradition, the themes of gun ownership, anti-federalism, anti-Communism and fears of foreign invasion have remained so durable. Whether it be the fixation on gun rights by the Minutemen and Posse Comitatus, the suspicion of federal authority articulated by Jefferson and the Ku Klux Klan, the obsession with the Communist threat honed by the Birchers, or the ubiquitous fear of foreign invasion, it is obvious that the roots of militia ideology are deeply entrenched in American history. Moreover, we find the belief that America's sovereignty is at risk due to collusion between an external enemy (e.g., the Vatican, the Free Masons, the Soviet Union, or the U.N.) and internal traitors located in the highest levels of our government has been a continuous motif. In fact, the belief that America's government is riddled with traitors has led numerous ultra right-wing groups and individuals to embrace extreme anti-federal government sentiments. Taken together, the historical evidence is clear that the ideological stances adopted by U.S. militias have quite significant historical antecedents.

Motivation

Turning our attention to the forces in American history that motivated these forerunners of the U.S. militias to form, we once again find scholars offering a number of explanations, each of which point to the uncertainty, flux, and emotional turmoil that are concomitant with rapid economic, cultural, and technological changes. For his part, Neiwert (1999) believes that economic dislocation in the Pacific Northwest could account for the rise of both the Ku Klux Klan in the 1920s, as well the emergence in the 1930s of the Silver Shirts:

> The Silver Shirts... following in the footsteps of the Klan in the 1930s,... attracted the same kind of Northwest followers to its ideology, drawing particularly on the economically displaced blue-collar workers of the depression era (p. 45).

This accounting obviously parallels that offered by Dyer (1997) and Davidson (1996) who argue that economic dislocation in rural areas and farm depression are fueling the rise of the contemporary U.S. militia movement.

munists had taken over the State Department... seeking to establish a one world government.... The conspiracy included... the internationalist United Nations" (Hamilton 1996:11; see also Anderson 1996; Bennett 1995; George and Wilcox 1996; Hofstadter 1963; Lipset and Raab 1970; Sargent 1995; Stock 1996). While the Birchers did, at times, discuss the external threat posed by the communist Soviet Union, their primary focus was the internal threat posed by communist traitors. Next, the early 1960s witnessed the founding of the Minutemen,[2] an extreme anti-Communist and anti-federal government group, which emerged as an outgrowth of the John Birch Society (Jones 1968; Norden 1969). Similar to the Birchers, this group believed that a Communist invasion of America was imminent. Yet, unlike the Birchers, the Minutemen organized paramilitary training and maneuvers in order to prepare a proper resistance to the expected invasion (Bennett 1995; Jones 1968; Hamilton 1996; Marks 1996; Neiwert 1999; Norden 1969; Stern 1996; Stock 1996; see also Sargent 1995). Additionally, the Minutemen insisted that guerrilla warfare would be necessary to defeat the coming invasion and they "termed gun control legislation a Communist plot; [since] when the Communists took over America, gun registration would tell them whom to disarm" (Stern 1996:49; see also Hamilton 1996; Jones 1968; Norden 1969; Sargent 1995; Stock 1996). The extent of the Minutemen's belief in the necessity of military activity is exemplified in their numerous political crimes and terrorist acts (see Jones 1968; Norden 1969; Stern 1996).

Judging by the pattern we have witnessed so far, it should not come as a surprise that the 1970s also gave birth to a number of groups that share certain ideological beliefs with militias. Interestingly, by this time in American history, some of these groups had not only explicitly referred to themselves as "militias," but had also voiced beliefs quite similar to current militias. For example, in a 1976 pamphlet entitled "If This Be Rebellion," the leader of a group called the American Militia Organization outlined a plan for taking over the United States through the use of electoral politics and brute force. Predictably, this group also voiced strident opposition to gun control laws, touted a belief in conspiracy theories, and promised to resist government tyranny (Sargent 1995).

By the early 1980s the group Posse Comitatus, which emerged in 1969, enjoyed an increase in membership in the Midwest during the farm depression. Posse Comitatus, which means "power of the county," views all government organization above the county level with suspicion. In fact, this movement believes that the county Sheriff is the highest level of legitimate government authority (Coates 1987; Davidson 1996; Neiwert 1999; Sargent 1995; Stern 1996; Stock 1996). Consequently, it is vehemently against the payment of federal taxes, which its members claim is unconstitutional (Stern 1996; Coates 1987; Davidson 1996; Sargent 1995; Stock 1996). Posse members are also against gun control (Stern 1996) and believe that the federal government, in conjunction with Jews and

today, the appeal of the Klan has declined greatly. After being officially abolished in 1875, the Klan resurfaced with a vengeance in the post-World War I period by both adding Jews to their list of enemies and calling for stricter enforcement of prohibition laws (Bennett 1995; George and Wilcox 1996; Lipset and Raab 1970; Stern 1996; see also Coates 1987; Stock 1996).

The Ku Klux Klan was far from the only alienated, hate-filled collective that arose from, or that was revitalized by, the volatile period surrounding the First World War. For example, in the 1920s, Henry Ford popularized claims of a Jewish conspiracy to take over the world in his Dearborn newspaper (Stern 1996; see also Hamilton 1996). Father Coughlin, leader of the Christian Front, voiced similar views during the 1930s and 1940s on his national radio show and urged his listeners to begin arming and training in order to resist the Jewish/Communist threat (Abanes 1996; Stern 1996; see also Bennett 1995; George and Wilcox 1996; Lipset and Raab 1970; Sargent 1995). Additionally, Stock (1996) points out:

> In the 1930s,... some rural Americans began to wonder whether the government itself had not become an enemy, an un-American agent in their midst.... In fact, some Americans believed that the New Deal was part of an international conspiracy to take over the United States, a conspiracy that only a paramilitary offensive could deflect.... [For instance, the pro-Nazi group the] Silver Shirts dressed in military attire... followed elaborate rituals and command hierarchies, and marched in military-style musters. (Pp. 134-41; see also Abanes 1996; Bennett 1995, George and Wilcox 1996; Lipset and Raab 1970).

Importantly, the forerunners we have discussed so far, like the present-day militias, have all stressed the need for military training in order to resist imminent threats to American sovereignty. Although many of these early movements shared the militias' concern with the threat of foreign domination, this was not always the case as we have seen that the Ku Klux Klan, for example, fixated on Blacks and Jews who were proud citizens of the United States. Evidencing an admixture of these tendencies, with both a fear of foreign invasion and a distaste for certain immoral and inferior fellow citizens, the post-World War II anti-Communist groups appear to be especially similar to the contemporary militia movement (Barkun 1997; Bennett 1995; Stock 1996). Even though many groups in American history were hostile to Communists, it was not until the middle of this century, with Senator Joseph McCarthy's infamous allegations of Communist penetration into the highest levels of American government, that these sentiments came to a climax (Stock 1996:165; see also Bennett 1995; George and Wilcox 1996; Lipset and Raab 1970; Zinn 1973).

Anti-Communist sentiments were so strongly felt in America that, following the demise of McCarthyism, Robert Welch founded the John Birch Society in 1958, claiming that "... a Communist conspiracy had gripped America, Com-

of the criteria with which we defined U.S. militias and under each we will describe concrete forerunners of the contemporary movement.

Ideology

To begin with the most obvious example, interest in natural rights and fear of an overly powerful central government can be traced to the framers of the Constitution. In fact, both leaders of the militia movement, such as former Michigan Militia leader Norm Olson, and its observers have linked the origin of modern day militias to the ideas and writings of Thomas Jefferson (Durham 1996). Connor Cruise O'Brien (1996) reminds that Jefferson voiced beliefs similar to the extreme anti-federal government views of the militias: "Jefferson was not an American nationalist, politically speaking... he was a Virginia firster" (p. 55). Similarly, Jefferson's belief that the Declaration of Independence contained "inherent truths" makes a claim not unlike one made by militias when they contend that some rights (i.e., the right to keep and bear arms) are "natural rights" that can never be taken away (O'Brien 1996; see also Castells, Yazawa, and Kiselyova 1995:36).

While it may be true that there have been loyal proponents of natural rights philosophy throughout American history, we observe that it was not long into U.S. history that organized groups sharing the militia movement's fear of foreign invasion began to have a major impact. Coates (1987) notes that the early- to mid-1800s was characterized by intense feelings of nativism that were combined with significant antipathy toward Catholic immigrants. Anti-Catholic propaganda led to a good deal of public concern over the "Papist threat" and the alleged Papist plot to take over the United States in the hopes of placing it under Vatican rule (Coates 1987:22; see also Bennett 1995; Hofstadter 1963; Lipset and Raab 1970). Capitalizing on this paranoia, the American Party, popularly known as the "Know Nothing Party," became a political force to be reckoned with in the mid-1800s by adding concerns with the "Catholic threat" to their nativist party platform (Bennett 1995; Coates 1987; for a discussion of similar allegations made against the Freemasons during the 1820s see Bennett 1995; George and Wilcox 1996; Hofstadter 1963; Lipset and Raab 1970).

Catholics were not alone in being targeted by these nineteenth century forerunners of the U.S. militias. In 1867, former Confederate General Forrest joined the Ku Klux Klan and helped transform it from a recreational club to a paramilitary organization "dedicated to opposing Northern [and federal government] oppression" (Coates 1987:29). Not surprisingly to those who are familiar with present day manifestations of the Klan, Blacks, and Catholics soon became additional targets of the Ku Klux Klan's wrath (Bennett 1995; Coates 1987; George and Wilcox 1996; Lipset and Raab 1970; Stern 1996; Stock 1996). Although still in existence

training.... To the contrary, much of the training militias receive turns out to be just a group of men drinking beer and running around in the woods" (p. 77).

In this section of the paper, we have tried to construct a working definition of the U.S. militia movement. We have contended that a useful definition of militias can be achieved by considering five related dimensions that we refer to as ideology, motivation, mobilization, organization, and ritual. Drawing on these five dimensions, we have defined U.S. militias as relatively decentralized organizations that employ or call for paramilitary rituals and use informal social networks, charismatic leaders, and various forms of "consciousness raising" to mobilize individuals who are motivated by economic, cultural, and technological factors to propagate and act upon an ideological message of intense hostility toward centralized government and multi-national corporations. Having excavated a detailed definition of the U.S. militias, we are now prepared to address directly the common misperception that contemporary militias are a unique and unprecedented phenomenon. In an effort to dispatch with this historical inaccuracy, we presently examine some forerunners of the U.S. militia movement.

Forerunners of the U.S. Militia Movement

Our efforts to define the U.S. militia movement by focusing on ideology, motivation, mobilization, organization, and ritual have identified a number of important themes. In particular, we have seen that U.S. militias tend to espouse the necessity of paramilitary maneuvers to resist an impending foreign invasion, a hatred of the federal government (which is believed to have "sold out" America to the "one-world" agenda of the U.N. and transnational corporations), a belief in conspiracy theories, and the glorification of certain "natural rights" (Abanes 1996; Kelly 1995; see also Aho 1990; Hofstadter 1963). Although a good deal of media coverage leaves one with the impression that militias arose as a unique development of angst and frustration in the 1990s, those with a firmer grasp of American history will no doubt recognize that many of the militias' major concerns have been articulated by earlier organizations and individuals. As Lipset and Raab (1970) remind us: "[While] there had not been organizational continuity on the far right, the evidence suggested that the various movements which arose over time were aware of their predecessors, drew on their theories, and often used and distributed the same books" (p. xix). (See also Aho 1990; Anderson 1996; Barkun 1997; Bennett 1995; Durham 1996; George and Wilcox 1996; Hamilton 1996; Hofstadter 1963; Karl 1995; Neiwert 1999.) The goal of this section is to contextualize modern day militias and militiamen by briefly sketching a historical review of individuals and organizations in the United States that have advocated beliefs and arguments similar to those stated by the militia movement and have also engaged in similar tactics. Accordingly, our discussion proceeds through each

> heirs to the legacy of Paul Revere and Patrick Henry. About fifty men and women and a dozen children milled around, showing off their firearms and talking about government corruption.... They carried an impressive array of firearms, ranging from pistols to assault rifles. One guy showed up in a replica of the Minuteman uniform worn exactly 219 years earlier.... The rest wore either military camouflage fatigues or everyday civilian clothes (pp. 41-2).

Paramilitary maneuvers. A related manifestation of ritual in the U.S. militia movement is paramilitary exercise. Reporting on the Missouri 51*st* Militia, Shelton (1995) writes:

> As for training, members learn about basic first aid and the importance of gas masks at meetings. This Spring the 51*st* will conduct a weekend "boot camp" to teach members day and nighttime road crossings, how to secure an area, and practice firing AK- 47s, M-16s, and AR-15s on a shooting range (pp. 21-2).

These paramilitary maneuvers not only promise effective resistance to assaults on the American way of life from the new world order, but they also serve to enforce movement unity and morale. Thus, Karl (1995) recounts how the First Brigade of the Northern Regional Militia in Michigan gathered some two weeks after its founding for its first public meeting:

> In full battle regalia, their faces smeared with black and green pain, they inaugurated the First Brigade of the Northern Regional Militia.... They also performed a few paramilitary exercises, practicing maneuvers that would be used if they were forced to defend themselves in battle (pp. 44-5).

While this local branch of the Michigan militia conducted its paramilitary maneuvers in full view of the public, other militias opting for the below-ground approach prefer to keep their military preparations under closer raps. Snow (1999) describes the following encounter:

> In November 1995, a man deer hunting in the Tonto National Forest, about 100 miles north of Phoenix, Arizona, stumbled onto a band of heavily armed men dressed in camouflage. The hunter later complained to the authorities that the group, who hinted they were park security, would not allow him to use a road in the national forest [and] threatened him.... This group of armed men, however, the authorities quickly discovered, were not park security. They were a civilian militia group, and they were holding a training session.... Acting on the... complaints, the federal agent went to the location where the confrontations... occurred and found evidence of assault rifle practice. At the site, the agent also discovered a crater six feet wide and three feet deep, apparently made with a bomb (pp. 71).

While the scene in Snow's (1999) report sounds dire, he cautions readers not to panic: "Fortunately, only a few militias in America actually engage in [such]

we should say a few words about the forms of ritual practiced by U.S. militias. As below-ground militias make every effort to conceal their activities from public scrutiny, we must concede that the following discussion of ritual is tipped toward above-ground militias. Nevertheless, since the U.S. militias more than satisfy the conditions that Hobsbawm associated with the practice of ritual, future studies of these movements would do well to pay attention to these important practices.

Ritual activities

In the discussion that follows, we confine our comments to only two forms of ritual practice: (1) public displays of military bearing and (2) paramilitary maneuvers. As we have already indicated, this consideration of militia ritual leaves to the side the practices of those militias that we have termed below-ground. No doubt militias that approximate the Montana model have quite elaborate initiation rituals as well as complex symbolism, but their intended secrecy and the paucity of first-hand accounts makes comment on these ceremonial activities hazardous at best.

Public displays of military bearing. One manifestation of ritual in the U.S. militia movement is a symbolic display of militarism. Dispatched to a *Super 8 Motel* in order to conduct the first interview ever granted by the Missouri 51st Militia, Rebecca Shelton (1995) wondered as she entered the motel lobby how she would recognize her sources: "Inside are four men wearing green military fatigues. On their collars are patches depicting a Minuteman holding a rifle" (p. 19). Shelton's problem was immediately resolved. As mentioned in the section on organization, members of above-ground militias contend that they are public servants, guardians of freedom and liberty like our Minutemen forbears, so they make a practice of public displays of military bearing in order to guarantee their legitimacy in the eyes of the public. "The purpose of wearing uniforms is for the public to easily identify militia members," one militia member reported to Shelton (1995:21), although he also admitted that the uniform was also worn "just for the thrill" (see Katz 1988). According to another of Shelton's (1995) militia sources: "The manual also reads that militia members shall be required... to have a knapsack, rifle, and 200 rounds of ammunition available at all times. Members are 'expected to carry military-style firearms when attending to militia duties' " (p. 21-2). Besides ensuring that militia members are prepared for action, stores of combat gear and the public brandishing of weapons peddle the image of freedom fighter and noble defender that militia members like to cultivate. Karl (1995) describes the symbolic elements of militia activity this way:

> McDonald's and Sea World stand sentry over an unfinished stretch of Highway 151 in northern San Antonio. It's an unlikely place to start a second American Revolution. And the crowd that gathered on that dusty roadway on April 19, 1994, seemed unlikely

> But the Militia of Montana didn't have uniforms and didn't call for any public training exercises.... The Militia of Montana suggested a more secretive approach. Militias, the group's manual instructed, should be formed in a seven-man 'cell structure.' Unlike the public brigades of the Michigan Militia, these cells would be secretive underground operations. This approach, according to the manual, 'will allow security from infiltration and subterfuge.' The manual explained, 'When one of the members of your cell recruits a new member, bringing your number to eight, three of your eight will break off to form a new cell. The other four, which includes the leader, will stay behind in the old cell.... If one cell messes up,' the manual says, 'the network as a whole will not fail' (pp. 51-2).

Supporters of Michigan's above-ground model have criticized advocates of the M.O.M.'s organizational strategy for its obvious similarities to "terrorist" cell structures. More to the point, these critics have claimed that going underground robs the militia movement of legitimacy in the eyes of the American public and increases the public's perception of militias as dangerous and deviant (Karl 1995).

Ritual

Social movements sometimes use various ritualized practices and forms of dress in order to instill coherence and discipline in the group and to convey a sense of belonging to a noble and just cause. As Eric Hobsbawm (1959) observes:

> All human organizations have their ceremonial or ritual sides, but modern social movements are surprisingly lacking in deliberately contrived ritual. Officially, what binds their members together is content and not form.... What holds Communists together is the content of the party they join; what holds American Democrats together is not the antics at their quadrennial Conventions (p. 150).

While modern social movements are less concerned with ritual and form, the "primitive rebels" that Hobsbawm (1959) studied in southern Italy and Spain were far more dependent upon formal elements such as initiation, ceremonials of public meeting, and symbolism to bind members closely to the group and to reaffirm unity. As Hobsbawm (1959) argues, primitive rebels were most likely to turn to ritual and ceremony when, first, "they were or had to be secret" and "their revolutionary aims were extremely ambitious" or, second, they "derived from older bodies" or "retained exceptionally lively links with the primitive past" (p. 153). As it happens, the U.S. militia movement satisfies both of Hobsbawm's conditions for the presence of ritual and ceremony. As we have already made plain, militias typically adopt a hostile stance toward government and centralized authority and their stated aims to protect citizens from the "New World Order" are quite ambitious indeed. Further, as we will show momentarily, the U.S. militias also stake claims to a rich and noble past. Before we turn to these forerunners, however,

Varieties of organization

Above-ground. Those groups considered "above-ground" usually display a centralized command that follows a paramilitary structure and employs military style ranks (Mariani 1998; SPLC 1997; see also Barkun 1997; Michigan Militia 1996a; 1996c; Missouri 51st Militia 1995; Tanner 1995). Unlike the United States military, however, members of militias are free to join or leave the organization as they wish. In fact, withdrawing from the group is often as simple as ceasing to attend meetings and ending participation in other militia activities (Downes and Foster 1994; Missouri 51st Militia 1995). Another way that above-ground militias differ from most military organizations is that, despite their hierarchical structure at the local level, one is unlikely to find signs of an autocratic organization (Karl 1995). Actually, militias have prided themselves on the fact that their leadership is democratically elected and therefore beholden to its membership (ADL 1995; Bennett 1995; Marks 1996; Michigan Militia 1996b; Shelton 1995; Snow 1999; SPLC 1997). Moreover, above-ground militias conceive of themselves as public servants and argue that their legitimacy rests on their openness. Jonathan Karl (1995) reports:

> But to Olson [the leader of the Michigan Militia], the public display of uniforms and guns was central to the militia's mission. Olson recalls what he told the troops assembled at the Pellston Village Park: 'I said, if we are going to do this right, we are going to have to be proud Americans. Proud enough to wear our uniforms and carry our guns wherever we go, to practice in public and to let the public see who we are.' Others had argued that the militia should be a secret underground organization. To go public, they feared, would be to invite government infiltration. But Olson was firm. 'We dare not go underground, because then of course we lose our legitimacy. People become suspicious of that which they cannot see' (p. 44).

Staying aboveboard with public ceremonies and uniform dress, Olson and the Michigan Militia seek their power in public legitimacy. For those partial to the "below-ground" organizational scheme, the costs of going public are simply too high in that militia strategy becomes vulnerable to government infiltration and public distaste for violent defensive action.

Below-ground. In contrast to those militias that base their organization on the above-ground style of the Michigan Militia, there are also those that operate below-ground by following the advice disseminated by the M.O.M. The M.O.M. departs radically from the Michigan approach in asserting that, rather than making themselves highly visible, militias should strive to be secretive underground cells. The M.O.M. believes that by limiting their cells to no more than seven to fourteen people, they can avoid infiltration by the government (Barkun 1997; Karl 1995; Stern 1996). Jonathan Karl (1995) explains the logic of the below-ground approach:

As we have observed earlier, the growing use of the Internet and other communication technologies by militia members has necessitated the development of a distinction between the fair and noble use of technology, such as that undertaken by the militias themselves, and the evil abuses for which the government and other centralized authorities use it. As these technological advances have provided militia organizers with enormous tactical advantages, they have been cautious not "to throw out the baby with the bath water."

Organization

Whenever large numbers of people are to be mobilized for collective action on behalf of a cause, some system of organization must be in place in order to ensure coordinated and effective action. In fact, the organization of the militias is especially interesting due to the incredible variation it demonstrates. As stated earlier, no single, overarching national militia exists. Rather, the movement consists of many local militias that arise where there is a combination of a motivated leadership and a population receptive to militia ideology (Marks 1996). This does not, however, imply that militia groups throughout the country do not interact. On the national level, militias communicate with the aid of the technologies discussed in the previous section. Such communication leads to a decentralized but loosely affiliated movement of like-minded groups that boasts a few figures of national reputation and lacks a formal and centralized command (SPLC 1997). Those people who have developed a national following generally refrain from giving "official" orders to local groups (Karl 1995). Instead, these national figures mainly provide inspiration and general direction to groups who look to them for assistance. For instance, Bo Gritz, Linda Thompson, Larry Pratt, and Mark Koerneke have all traveled around the country giving lectures to local militias on organizational strategies and proper paramilitary training (ADL 1995; Hamilton 1996). Infused with these general principles and a robust call to arms, local militia groups then independently attempt to implement those ideas that they find appealing and practical (ADL 1995; AJC 1995; Schneider 1994).

Investigating the organization of militias on the local level, we find that two ideal types of militias have emerged (Barkun 1997). First, there are those that follow the route advocated by the Michigan Militia. These groups may be termed "above-ground" for they are proponents of "public" militias organized in a hierarchical fashion. Second, there are those that follow the advice of the Montana Militia. These groups may be called "below-ground" since they stump for secret militias organized in a cell structure. Both varieties of militia organization, which are taken as ideal types, will now be detailed.

> In late summer of 1994, the airwaves in Colorado Springs crackled with rage and chilling sounds. Chuck Backer was hosting his talk show on radio KVOR, and callers were condemning the recent government actions in Ruby Ridge and Waco. Baker discussed with listeners forming small militia cells.... Other towns in other states entered the roster — anxious people, scared people, angry people — listening to talk radio and extremist politicians, watching government ineptitude and the passage of gun control laws... and hunkering down, gathering arms, forming militias (pp. 28-9).

Mail-order catalog. The militias' employment of technology is not, however, limited to shortwave radios. In fact, some militias have gone so far as to distribute videotapes, audiotapes, and books that outline their ideology and teach techniques of sabotage and resistance (Bennett 1995; Hamm 1997; Marks 1996). "Although MOM [i.e., the Militia of Montana] likely has no more than 250 members," Hamilton (1996) writes:

> John Trochman has led it to a high profile position, providing guidance to other militias and distributing a mail order catalog packed with videotapes and books about government conspiracies. He issues, too, his *Blue Book*, a loose-leaf binder filled with material to prove the conspiracy underway against liberty.... MOM has distributed other training manuals that clarify the meaning of militias.... And it publishes "Taking Aim," a leading militia newsletter that presents the group's ideas, including the necessity of militias to prepare for war against federal forces in the near future (pp. 31-2).

While talk radio programs and mail order catalogs have provided militias with quite useful mechanisms for recruiting and mobilizing their membership, perhaps no tool has been of greater value than the Internet.

Internet. The chief advantage of the Internet is that it efficiently exposes the militia message to a much broader audience, reaching people that militias were formerly unable to contact (Bennett 1995; Castells 1997). Thus, the growth of communications technology and the willingness of militias to employ it ensures that ideas that otherwise would not have been widely known are now reaching much larger audiences (Castells 1997). As Snow (1999) writes:

> Militia membership... has increased partly because of... the success of heavy recruiting. Some militias recruit by word of mouth, others through advertisements in gun, survivalist, and outdoor magazines; and still others through militia expos held around the country.... But as successful a recruiting forum as these expos are, an increasing amount of militia recruiting is done over the Internet.... While doing research for this book, I found that practically every militia of any size in America has an Internet website. There are literally dozens and dozens of them. Militias use the Internet because advertising and recruiting this way has two distinct advantages. First, Internet websites can reach many people quickly and cheaply, and second, the information provided does not have to be edited or approved by anyone or any organization (p. 68).

Generating initial interest among potential recruits at gun-related functions, militia organizers then entice these individuals to militia meetings in order to drive home the ideological message. Neiwert (1999) describes one such meeting:

> The Mount Vernon meeting is like hundreds of others held across the Northwest since 1994.... The meetings are always a town hall style forum. They usually attract about a hundred participants.... Trochman [founder of the Militia of Montana] is the most visible speakers at these events, but the 1990s have produced a whole array of Patriot leaders who travel through the region, leading these meetings, and rallying believers and recruiting new ones. Their backgrounds vary, but all of them are colorful.... [For example,] Richard Mack [is] an Arizona sheriff who gained notoriety for refusing to enforce the Brady gun-control law in his county.... Mack travels the nation giving seminars on how to resist the new world order and its gun-control measures, and he recommends militias as an effective step (pp. 29-30).

As formal gatherings, the aim of these meetings is to foment popular resistance and to encourage citizen involvement in various strategies for containing the manifold threats to liberty. Because these strategies sometimes fall on the dark side of the law, informal mobilization techniques are often more effective in recruiting reluctant citizens.

Informal word-of-mouth. Notwithstanding occasional attempts at self-promotion at gun shows and formal meetings, militia organizers generally find that most new members are recruited through informal social networks. Thus, a significant amount of militia mobilization comes simply from "friends telling friends." Neiwert (1999) observes:

> Most of the Patriots' real recruiting, however, takes place before the meetings, by word of mouth. It usually works like this: John, a Patriot, tells Joe, a co-worker at his plant who's going through a divorce, that he can find out 'what's really going on' by attending a militia meeting.... Joe attends. He thinks the New World Order theories might be possible. He buys a videotape, maybe a book. It starts to fit together. 'So this is why he hasn't been able to get ahead in the world financially,' he tells himself. He attends another meeting. Pretty soon he's getting *Taking Aim* [a militia newsletter] in the mail.... One by one it builds. Any number of issues... can serve as a drawing card.... Once recruits pass through any of these gateways into the Patriot universe, they are inexorably drawn further along (pp. 33-4).

Talk Radio. Of course, once a militia is established, it must not only continue to seek new members through the methods discussed above and by networking with other militias throughout the country, but it must also maintain the enthusiastic involvement of its avowed membership. One way that militias pursue these ends is by hosting talk programs on shortwave radio (Karl 1995; Marks 1996; Stern 1996). Hamilton (1996), for instance, writes:

has placed mobilization as the central focus of its inquiry (see McAdam 1982; McCarthy and Zald 1987). Scholars of this stripe are interested in the ways that motivated individuals are brought into contact with the ideas of a social movement and then persuaded to expend personal energies and perhaps finances in furtherance of its cause. Some social movements, like the Sierra Club, the Nature Conservancy, and others committed to environmental causes, can engage large public relations campaigns replete with a mass mailing of organizational literature, elaborate telephone and door-to-door canvassing, and perhaps even a slick advertisement for a spot on national television. Other social movements, unblessed by overflowing coffers and sometimes tagged as deviant or even "terrorist" outfits, can only pursue less intensive and often more informal mobilization strategies. As the U.S. militia movement has been the subject of significant law enforcement attention owing to its anti-government ideology and its alleged association with violent undertakings, it seems particularly appropriate to examine how it has attempted to recruit and mobilize its members and supporters.

Techniques of mobilization

Fliers and consciousness raising at gun shows and meetings. The initial step in forming a militia is generally taken by an individual, or group of individuals, who are seeking to give voice to their ideology and secure adherents to its cause. Consequently, the major task facing would-be militia organizers has been to raise public consciousness about the abuses of the federal government and the threats to freedom posed by the U.N. and transnational corporations, and to convince the public of the need for militias to defend against such abuses and threats. Although not as sophisticated in their mobilization methods as the more established social movements (e.g., civil rights and environmental protection), militia members eagerly disseminate information about their cause, preferring especially to distribute fliers (Marks 1996) and pamphlets (Bennett 1995) at gun shows (Dees and Corcoran 1996), gun clubs (Hawkins 1994), and survivalist workshops (ADL 1997). Often operating with meager financial resources and seeking to maintain a low profile so as to avoid rigorous police inspection, militia organizers gravitate to these venues since they are thought to attract people who are likely to be receptive to militia ideology (ADL 1994, 1995; AJC 1994; Hawkins 1994). Rebecca Shelton (1995), a journalist with the *Kansas City Times*, describes mobilization at gun shows in this way:

> Last year [Missouri's] 51st [Militia] began setting up booths at the gun shows, passing out sometimes 1,400 brochures in five hours. Word got around, and by December, they decided to go public. Their first official meeting was at a public library with seating for 180, but that afternoon it was standing room only for the more 220 people who showed up (p. 19).

consequences of this technology rather than the existence of the technology itself (Castells 1997). In other words, militia members assent to the moral neutrality of technological gizmos, but they are deeply suspicious of the motives of those who deploy these new technologies. While the federal government or transnational corporations place new technologies in the service of their evil designs, militia members affirm that they can use this same technology in order to pursue a morally redemptive course. Aho (1997: 68-9), for example, has suggested that:

> Fundamentalist cadres [such as militias] are not just passive victims of modernization, but are beginning to enjoy the benefits of... technology.... Thus while each fundamentalism condemns the relativism and demythologizing of modernity,... each also appropriates the latest communication and other tools to disseminate messages and to neutralize opponents (pp. 68-9).

As we describe more fully in the mobilization section below, militias make widespread use of modern technology, such as the Internet, shortwave radios, videotape recorders, and fax machines, in order to relay their message to their membership and to the larger public.

In this section we have used the term "technology" in a rather inclusive sense. While Castells is mostly concerned with the impact that advances in information and communication technologies have had on social movements, we contend that other forms of technological advancement also warrant consideration. In other words, we should be open to the possibility that the emergence of militias is related to advances in farming equipment and the effect of these new technologies on the economic viability of family farms. We might also ask whether the ability to open factories thousands of miles from a company's point-of-sales, due to advances in transportation technology, has contributed to the economic discontent and malaise that has fueled the rise of the militia movement. Finally, we might also consider the impact of additional technological changes, such as automation in factory production and corporate downsizing through computerization, on the quality and quantity of American jobs in order to understand the discontent that seems to breed deviant social movements. Hopefully, future research will tell us more about the independent effects of economic, cultural, and technological changes on the formation of social movements or whether "economic, cultural, and technological" are simply different labels for the same process.

Mobilization

The manner in which resources, including members, are mobilized by social movements has been an ongoing focus in the social movement literature. In fact, it would be hard to overemphasize the importance of this thread since resource mobilization theory, the reigning approach in the social movement literature,

section that extricating the effects of technology from the other two proves to be even more troublesome.

For instance, although there has been a tremendous amount of technological advancement throughout the twentieth century, the last decade has proven to many militia members that modern life has finally spun completely out of control. According to Castells and his colleagues, new information technologies such as the Internet, cable and satellite television, fax machines, and e-mail have led to a breakdown of borders around the world and have decreased the significance of distances, both geographical and cultural (Castells 1997; Castells, Yazawa, and Kiselyova 1996; Lamy 1996). Militia members find these developments disturbing for a number of reasons, but they are especially alert to the potential threat they pose to American culture and heritage. Bennett (1995), speaking of the militias' response to social upheavals prompted in part by technological changes in American society, avers: "In the nineties, there appeared even more reason for those fearful of the forces of modernity to try to stem the tide of change. They had to protect and preserve their America, which seemed very much at risk" (p. 470). (See also Abanes 1996; Castells 1997; Durbin 1995; Gusfield 1963; Lamy 1996; Stern 1996.)

Although Castells never explicitly refers to himself as a "technology" theorist, we have categorized him as such due to the fact that his writings suggest that technological innovations, which have led to the "information age," are the primary catalyst behind many contemporary social movements. Even when Castells chooses to address economic and cultural factors, they appear to serve primarily as intervening variables, mediating the effects that the information age has had on the rise of social movements. According to Castells (1997):

> Globalization, informationalization, enacted by networks of wealth, technology, and power, are transforming our world. . . . People all over the world resent loss of control over their lives, over their environment, over their jobs, over their economies, over their governments, over their countries, and, ultimately, over the fate of the earth (pp. 68-9).

These developments have encroached upon, and threatened, many peoples' constructed identities and thereby have compelled many of these people to turn to various social movements in an attempt to reassert their threatened identities and fight against their common enemy — the new, alienating, dehumanizing, information-based global order. Interestingly, Castells has not limited himself to theorizing solely about militia groups. In fact, he posits that similar dynamics are at play in the formation of a diverse collection of dissident movements across the globe, as evidenced in his examination of the rise of the Zapatistas in Mexico and the Aum Shinrikyo in Japan.

When discussing militia members' fear of rapid changes in technology, it is important to note that they are primarily concerned with the potential abuses and ill

While these myths, according to Gibson, were primarily a response to cultural changes, he does not completely neglect the changing nature of the American economy during this same period. For example, he notes that while the civil rights and feminist movements had a largely positive impact on the economic situation of African- Americans and women, such movements had a negative impact on many white males. Since the paramilitary movement directly addresses cultural and symbolic rather than economic issues, Gibson maintains that it is more likely that cultural changes account for the inception of the U.S. militia movement.

Technological motivations. As the following observations by Rudi Volti (1998) make clear, technological changes often bring good fortune to a society, but they may be viewed just as well as a bane upon the community:

> Technological change is often a subversive process that results in the modification or destruction of established roles, relationships, and values. Even a technology that is used exclusively for benign purposes will cause disruptions by altering existing social structures and relationships. There are many technological changes that are small in scope, the effects of which are felt by only a few. A few technological changes are massive; they lead to vast social restructuring. In either case, technology does not yield its benefits without extracting a cost (p. 17).

Although scholars have not stressed the role of technological change in militia formation as much as they have focused on economic and cultural changes, Volti's observations tell of the profound impact that technological transformations can have on all aspects of life. Just as Dyer (1997) is recognized as the primary advocate of economic explanations for the rise of militias and Gibson (1994) is best known for his emphasis on cultural accounts, Castells (1997) is the most widely recognized champion of technological factors as the primary impetus behind the rise of militias and other movements. It should be noted, however, that while each theorist focuses their argument on one or the other of these types of change, all three recognize the interrelatedness of these concepts. Castells, Yazawa, and Kiselyova (1996), for instance, write:

> There is, indeed, a loose connection between the crisis of the American welfare state, the erosion of traditional party politics, the rise of libertarianism and populism within mainstream politics, the backlash of traditional values against processes of social change and social disintegration, and the emergence of what has been labeled the patriot movement [of which militias are an important part]. Regardless of the complexity of linkages between these different elements, we contend that an understanding of such linkages is essential to identify the new historical relationship between American society and its political system (p. 53).

While our discussion of the economic and cultural factors illustrated how difficult it is to partition one type of change from the other, it will become evident in this

who have become militia members have been affected by the green movement both financially, due to loss of jobs in ranching and logging, and culturally, due to a loss of a "way of life."

In his highly acclaimed book titled *Warrior Dreams* (1994), James Gibson examines the cultural changes brought on by defeat in Vietnam, the civil rights crusade, and the feminist movement. In his careful presentation he shows the effect of these cultural changes on the development and growth of U.S. militias, noting particularly the affinity between the emergence of such groups and the rise of paramilitary culture. According to Gibson, paramilitary culture is evidenced by movies (e.g., *Rambo*), novels (e.g., Tom Clancy), comic books (numerous series focus on heroes fighting in Vietnam), periodicals (e.g., *Soldier of Fortune*), the sale and purchase of military weapons, the emergence of elite combat shooting schools, and the popularity of the game known as "paint-ball." Since the militia movement has developed as an important, albeit radical, fringe of this paramilitary culture, Gibson's explanation for the rise of paramilitary culture also yields clues to the etiology of the militia movement.

Gibson asserts that this culture arose due to a number of important changes that occurred in American society since the 1960s. More specifically, he emphasizes the tendency among American males to believe in both the glory of war and the moral righteousness of the United States. Together, these beliefs have led many American males to conclude that it has been the moral supremacy of the United States that has ensured success in its various military endeavors. According to Gibson's view, the perceived U.S. defeat in Vietnam came as a terrible blow that shocked, puzzled, and unsettled large numbers of American males. Many were forced to grapple with a question formerly unfamiliar to men in the United States: "If Americans were no longer winners, then who were they?" (Gibson 1994:10).

In addition to the military defeat in Vietnam, the rise of the civil rights movement prompted some white males to conclude that they were losing a good portion of the control that they had formerly exercised in American public life. Meanwhile, the rise of the feminist movement resulted in significant transformations in the private sphere of the family. Gibson postulates that many American males, reeling from these cultural changes, sought refuge in an emerging paramilitary culture. Thus, these estranged men reconstructed a world where America remained triumphant and traditional gender and status roles endured. Gibson (1994) insists:

> These [warrior] dreams represented a flight from the present and a rejection and denial of the preceding twenty years. But they also indicated a more profound and severe distress. The whole modern world was damned as unacceptable. Unable to find a rational way to face the tasks of rebuilding society and reinventing themselves, men instead sought refuge in myths (p. 12).

also have a cultural component. For example, while the GATT and NAFTA treaties have had significant economic effects on many American communities, it would be shortsighted to claim that the impact of these agreements has been limited strictly to economic consequences. It would be more accurate to recognize that the globalization of commerce has led not only to the exchange of goods but also to the exchange of cultural models, religions, values, and institutions. Such interchanges may contribute to cultural heterogeneity, but for some members of U.S. militias they also lead inevitably to the loss of what they perceive to be a distinctly American culture. On this view, militias appear extremely attractive to individuals who have a strong sense of national pride, a tendency to sanctify rural American values and traditions, a heightened fear of cultural pluralism, and an overwhelming desire to forestall increased diversity in the community (Castells 1997; see also Bruce 1988; Gusfield 1963).

While we have already suggested that economic dislocation in rural America made many farmers, loggers, and ranchers susceptible to the lures of the militia movement, a closer look reveals that it was not simply negative economic conditions that motivated individuals to join, but also the loss of cultural traditions and ways of life. When farmers, ranchers, and others who work closely with the land lose work, more than just a job is lost. These occupations, perhaps more so than many others, shape the core of these individuals' identity and self-image. Thus, in order to restore their former identity, these workers are likely to turn to groups that promise to do just that.

So far in this section we have focused primarily on how economic changes tend to precipitate cultural changes and how groups, such as militias, form in response to these changes. However, there are other instances that we can identify in which cultural changes in American society (oftentimes precipitated by social movements) have led to economic changes and to the formation of countermovements that feel threatened by both the fiscal and cultural transformations. The green movement is perhaps the most prominent example of a movement forged primarily out of cultural and moral concerns, but which had significant economic effects on some segments of American society. Most of those involved in the promotion of green initiatives do not plan on benefiting from them financially since, aside from the small number of elites in the largest and most prestigious of the environmental organizations, few profit from such movements (see McCarthy and Zald 1973, 1987). Rather, most who join environmental movements are motivated by quality of life issues and moral concerns. However, while their stated objectives may not be explicitly economic in nature, the actions taken by green movements to accomplish their objectives often have major impacts on the culture and the economic position of others. Indeed, as Dave Foreman and others in the Earth First! movement attest, the point of "monkeywrenching" is to raise the economic costs associated with exploitation of wild earth (Foreman 1991). In fact, many of those

Dyer's farmers are not the only Americans who have proven receptive to extreme right-wing groups as a result of adverse changes in local economies. As mentioned in the ideology section above, loggers, ranchers, and others in the Pacific Northwest began feeling increasingly vulnerable in the 1980s and 1990s due to the expanding environmental movement. Many of these individuals, who rely on the extraction and refinement of natural resources for their livelihood, believe that the goals of Greenpeace, Sierra Club, Earth First! and other "green" activists jeopardize their economic security (Carroll 1995; Neiwert 1999). For these disgruntled workers, land conservation and environmental regulations translate not only into more stringent control over public land and an increase in the spotted owl population, but also into major cuts in salary and the potential loss of their jobs.

Others in American society have become wary of recent trends towards globalization in the economy and have turned to anti-government groups for comfort and support. Fearing the destruction of national borders, as the GATT and NAFTA treaties seem to promise, they worry not only about the possible loss of American sovereignty but also about the loss of American jobs as many companies relocate overseas to exploit low wages (Castells 1997; Davidson 1996; Dyer 1997; Dees and Corcoran 1996; Lamy 1996; SPLC 1997). In the words of journalist David Neiwert (1999):

> Globalization has meant a spurt of high-technology employment for urban dwellers, but it has brought little but misery to people who make their living from the land. It has hit them hard on two fronts: by enhancing the growth of massive corporate operations at the expense of small family farms; and secondly, by expanding the scope of their market.... The process of globalization, by reducing local economies to rubble, has transformed thousands of rural communities from the golden-hued repository of upstanding American values they once were into hard-scrabble, increasingly mean-spirited and hollowed out shells.... Urbanites inclined to dismiss such radical shifts in the social landscape as the inevitable product of merciless economics should stop to consider the high social cost that comes with such offhandedness. A keen observer need look no farther than Oklahoma City to know what the price is. Indeed, until rural society is healed... the toll will continue to rise (pp. 325-6).

Cultural motivations. Although they may not be as well established as economic theories of social movements, cultural theories have nonetheless attracted a substantial following among social scientists interested in understanding the dynamics of social movements (e.g., Lo 1982; Bruce 1988). Most theorists agree that cultural factors have important, independent effects on social movements, but they also concede that it is difficult to disentangle the impact of culture from other forces.

Returning to some examples from the prior section, we see that many of the structural changes that, upon first examination, appeared to be economic in nature

the importance of material factors in generating class-based social movements cannot be overemphasized. Following in this general tradition, a number of contemporary studies have pointed to economic dislocations as the major force fueling the rise of the U.S. militia movement.

Economic explanations for the emergence of U.S. militias typically start with rural America. For example, in his recent book titled *Harvest of Rage*, Dyer (1997) emphasizes the impact that worsening economic conditions in America's farmlands have had on the rise of today's extreme anti-government movements like the militias. Dyer suggests that these groups arose in response to the severe farm recession that hit rural areas in the 1980s. This recession affected the livelihood of many residents in America's heartland and resulted in a dramatic increase in farm foreclosures. Importantly, this economic downturn could not have come at a worse time, as many farmers had greatly overextended themselves financially in the late 1970s due to the encouragement of the federal government (see Barlett 1993; Coates 1987; Corcoran 1990; Davidson 1996). As those who are familiar with the independent nature of farmers would likely predict, these developments, which set many farmers up for personal ruin, also did much to strip them of personal honor (see also Hatch 1992). Interpreting their inability to stave off foreclosure as a sign of personal failure, Dyer posits that farmers were plagued by unprecedented levels of stress and anxiety. Some turned these feelings of anxiety and anger inward, driving up suicide rates, while others directed these feelings outward, blaming the government for their misfortune. Those who adopted the latter strategy gravitated to the extreme anti-government groups that proliferated in the 1990s. "In a twisted sort of way, the message of the anti-government movement is a message of hope," writes Dyer (1997:71), "it offers those who feel they've been stripped of their way of life the perception that it's possible to fight back. It allows millions of depressed rural residents to shift the blame for their difficult circumstances from themselves to the government freeing them from their self-destructive guilt and shame" (p. 71).

Interestingly, in the time he spent among rural Americans, Dyer found that the effects of the farm crisis and rural recession were not restricted to those who were active farmers. In fact, he discovered that the decline of farms devastated whole rural communities, making all those residing in these rural communities, farmers and non-farmers alike, especially susceptible to the appeals made by anti-government extremist groups (Dyer 1997:62-71; see also Barlett 1993; Davidson 1996; Neiwert 1999). This argument is similar to the one made by social disorganization theorists in sociology and criminology, who claim that community characteristics influence individual behavior independently of individual-level characteristics such as age, race, gender, and socioeconomic status. The effects of disorganization, which impact everyone residing in an area, therefore account for the higher levels of deviant behavior found in areas confronted with economic dislocation (Sampson and Groves 1989).

to arise due to the political restructuring of a society, which makes the prevailing system vulnerable to challenges by groups formerly excluded from political life. Such restructuring oftentimes affords marginalized groups greater opportunities and resources to further their interests by providing them with increased access to the political establishment. Thus, far from sheepish individuals blindly responding to structural changes such as war, industrialization, and political realignments, these resource mobilization theorists cast movement members as astute individuals who are fully aware of the political and structural realities and are prepared to respond to them in a rational fashion.

Despite their differences with respect to the recognition of consciousness and rationality on the part of movement members, most mainstream social movement theorists agree that the primary impetus for social movements is one or another type of structural change. Quite apart from considering the beliefs and ideas espoused by a particular group, they agree that a full accounting of the production and maintenance of social movements must also make sense of these structural changes. In the coming pages, we discuss the various economic, cultural, and technological changes that are sometimes asserted as explanations for the emergence of the U.S. militia movement.

Forms of structural change

Before speaking of the structural changes directly, we hasten to acknowledge that these different types of change do not act independently of one another, but rather are interrelated in complex ways. For example, economic transformations often lead to cultural changes that then produce technological advancements. It is, however, also conceivable that the pattern is reversed, or even reciprocal, as advances in information technology have certainly played a causal role in recent economic and cultural changes. Few, outside of the most hard-core materialists or idealists, would deny that all three types of change have an impact on the others and that none appears to have ultimate supremacy in the causal chain. While we recognize the difficulties in separating out the effects of one type of change from the others, we also believe that establishing these analytical distinctions, and discussing them in Weberian ideal-type sense, is essential to achieving a richer, more nuanced understanding of social movements like the U.S. militias. With this caveat in mind, we now turn our analysis to the economic, cultural, and technological changes that have been advanced as playing a part in the rise of the U.S. militia movement.

Economic motivations. Due to the strong influence that Marx has had on the development of the social sciences, it should not come as a shock that one of the most frequently advanced explanations for the etiology of social movements focuses on economic inequality and economic disruptions. According to Marxists,

explain the flare-up of aggrieved and agitated groups, has been called the collective behavior school.

Writing in the tradition of the collective behavior school, Daniel Bell (1962), Joseph Gusfield (1963), Richard Hofstadter (1963), as well as Seymour Lipset and Earl Raab (1970) have all asserted that right-wing groups emerge due to strains in social structure that leave significant portions of the populous susceptible to anxiety, confusion, and anomie. They maintain that these unsettled people latch onto extreme right-wing groups in order to lash back unconsciously at society and reassert some control over their lives. On this view, the stated goals of right-wing movements are taken as little more than the "rantings" of displaced people, and certainly not as adequate explanations for the rise of these groups. As McAdam (1982; see also Hoffer 1951) puts it:

> The motivation for movement participation is held to be not so much the desire to attain political goals as the need to manage the psychological tensions of a stressful social situation... the social movement is effective not as political action but as therapy (pp. 9-10).

As mentioned above, classical school theorists contend that social movements arise as a reaction to broad social and structural changes. They argue that events such as war, rapid industrialization, and urbanization radically transform societies and generate feelings of anomie, angst, and confusion amongst its members. Social movements that arise in response to these changes are, therefore, considered "therapy" because they assuage anomic feelings by providing outlets to manage stress and other psychological tensions.

While the collective behavior school is still advocated by some scholars, this once dominant stance has been severely criticized by resource mobilization theorists and others (e.g., Marx and Woods 1975; McAdam 1982; McCarthy and Zald 1987). One major critic of the collective behavior school complains: "The main flaw with early social movements research was precisely that, instead of trying to understand the [stated] grievances of movement participants, researchers blithely assumed that activists 'responded' to structural stimuli" (Bruce 1988:21).

For some students of social movements, the classical school seemed too dismissive of movement members and their agency, oftentimes depicting these individuals as blindly responding to unrecognized structural forces and occasionally portraying them as psychologically unwell. While members of the resource mobilization school typically agree with the classical school's assertion that structural change is central to the genesis of social movements, they are not so quick to dismiss the possibility that movement members are alerted to these structural changes and are undertaking rational responses to them. For example, McAdam (1982), in his macro-level "political process" model, claims that social movements are likely

(see Berlet and Lyons 1995). For example, some militias have focused on abortion (Anderson 1996; Hawkins 1994; Swomley 1995) and homosexuality (Swomley 1995), while still others have seized upon jury nullification (Bennett 1995; Lambert 1995). Wade Lambert (1995), journalist with the *Wall Street Journal*, has filed this story:

> When 11 Branch Davidians went on trial for murder last year, the jurors were mailed pamphlets telling them they needn't convict if they didn't want to — regardless of the law.... The Fully Informed Jury Association [FIJA]... mailed the pamphlets.... They say the so-called jury nullification reflects the citizen's right to check occasional abuses by the government.... But the FIJA's attempt to influence the Branch Davidian case reveals the group's other, more unsettling side: Many of its officials and followers are active in the militia movement, which consider jury nullification a key part of its anti-government arsenal.... M.J. Red Beckman a leading FIJA theorist and militia activist from Billings, Mont., says he now hopes to see FIJA's principles put to work in the [Oklahoma City] bombing case. 'Wouldn't it be interesting,' he asks, 'if, when they impanel a grand jury to investigate this terrible thing in Oklahoma City, the grand jury came out and said we will not investigate things in Oklahoma City without also having an investigation of Waco?' (p. A7).

Based on his investigation of the militia movement, former captain of detectives in the Indianapolis Police Department, Robert Snow (1999), reports that "some militia members believe that jurors do not have to listen to a judge's instructions about the law when deciding a case, but can decide for themselves whether a law is just or constitutional, and, in doing so, can find a defendant innocent regardless of the evidence" (p. 115-6). To return once again to the main ideological theme of the U.S. militias, jury nullification stands as an important tool for keeping an unwieldy and dangerous centralized government from abusing the rights of freedom loving individuals.

Motivation

Before proceeding with our discussion of the motivating forces behind the U.S. militia movement, we should pause to explain why a section on the factors motivating militias to form, develop, and proliferate stands apart from our previous discussion about ideology. From the outset of social movement theorizing, scholars have rarely taken seriously the self-proclaimed goals of specific movements or been willing to accept the explanation given by some movements for their own emergence, especially when the subject of study has been extreme right-wing groups. Instead, theorists have often sought to uncover deeper causes that are perhaps unbeknownst to the movement members themselves (see George and Wilcox 1996). In the literature concerned with social movements, this approach, which looks to changes in social and economic structure rather than ideology to

together... in reaffirmation of traditional values and privileges" (p. 94). If the foundation of American culture is uprooted, militia members fear, it will not only weaken our nation spiritually, but it will also ensure the success of the coming U.N. invasion (Castells 1997; Gibson 1994; Neiwert 1999; Kimmel and Ferber forthcoming).

Anti-environmentalism. While concern with gun rights, federal taxation, and the decline in traditional values stand at the top of most militias' agendas throughout the country, the ideology of militias is also framed, at times, by regional concerns. For instance, a number of militias in the west focus on land use issues and vehemently oppose federal environmental regulations. Some deeply resent the federal government and environmental activists for intruding on the autonomy of ranchers, loggers, and miners, and they claim that the U.S. government is depriving property owners of their constitutional rights under the "takings clause" of the Fifth Amendment. Consider the views of this militia member:

> Dean Compton, co-founder the National Alliance Christian Militia in North Carolina, complains that in his local area three lumber mills were closed within one year thanks to the spotted owl. He additionally notes that because of environmental statutes he cannot even dig up the manzanita bushes on his own property. 'But,' he adds cynically, 'you sure better pay taxes on it, or they'll take it all away from you' (quoted in Abanes 1996:14-15).

Elinor Burkett (1998), journalist and historian, recounts how important the anti-environmentalism ideological theme was to the founding of the M.O.M.:

> Carolyn is the mom of MOM, the Militia of Montana, a family run operation which is the nerve center of the militia movement in the United States. Her husband John does the speaking and organizing... During their first months in existence, MOM's founders toured Montana and neighboring Idaho preaching the evil of the federal government. They struck a chord with their neighbors... They tapped into fears that federal environmental regulations would ruin the logging industry.... Carolyn doesn't spend a lot of energy on theory. She's the practical member of the family. She wants to talk about action. 'We're asking people to get educated, to question authority,' she says. 'Become an investigator in your own town.... Look at whose land is being taken for taxes, and then look at which lawyers and bankers are buying it for pennies' (pp. 100-11).

Militia members also harbor particular disdain for environmentalists. "For example, at a public hearing in the state of Washington, militia members threatened an Audubon Society activist, Ellen Gray, by placing a hangman's noose on a nearby chair and saying, 'This is a message for you.' She was also told, 'If we can't get you at the ballot box, we'll get you with a bullet'" (Hilliard and Keith 1999:190).

Jury nullification. While the land issues of environmentalism are heavily tied to local economics, other issues raised by U.S. militias concern the quality of life

based upon the fact that they share a number of common elements. These common elements include allegations (by the government) of illegal gun possession by citizens, along with allegations (by citizens) of excessive force by the government. Likewise, in both cases innocent — at least in the minds of militia members — civilians were killed. It is important to note that militias point to these incidents in almost all their official literature as examples of just how heavy-handed the federal government has become in attempting to crush opponents of gun control (ADL 1995; AJC 1995; Dyer 1997; Karl 1995; SPLC 1997).

Taxation. Although militias have focused a good deal of their attention on the issue of gun rights, it would be a mistake to conclude that militia ideology is confined to questions concerning the second amendment. The issue of taxation, for instance, also holds an important place in the array of ideological themes presented by the U.S. militias. Specifically, some militia leaders have claimed that the federal government instituted the federal income tax in order to abscond with average citizens' hard earned money in order to implement a liberal agenda (Durham 1996). Others, like John Trochman (United States Senate 1995), believe that tax dollars are being squandered on the rich: "When the average citizen must work for half of each year just to pay their taxes while billions of our tax dollars are forcibly sent to bail out the banking elite.... Congress wonders why the constituents get upset" (p. 84). For Wendy Dalton, a member of the United States Militia Association in Blackfoot, Idaho, taxes and their bite into family finances present a threat to the future of her family. "The government has grown too large... it does not realize that it is a servant and not a master" (quoted in Burkett 1998:87).

The Liberal Left's Threat to the American Way of Life. Elaborating on a concern about the fate of the American family, many militia leaders assert that the federal government adheres too closely to the agenda of the liberal left (which is relayed obsequiously by the various media) and consequently threatens the traditional American way of life. In his testimony before the Senate, John Trochman (United States Senate 1995), founder and leader of the Militia of Montana (M.O.M.), said that:

> We, the people have about all we can stand of the twisted, slanted, biased media of America who take their signals from a few private interest groups bent on destroying what is left of the American way. We respectfully request that you rely upon your own investigations, steering clear of the media and their rumor-gossip mills of misinformation (p. 84).

The American way of life, according to Clara Pilchak of Michigan, is also menaced by sex education in the public schools and "social workers who think they know better than parents" (quoted in Burkett 1998:87). According to Manuel Castells (1997), a Berkeley sociologist, "a major theme runs through the movement: a backlash against feminists [with which the movement] seems to have come

Gun rights and confiscation. While U.S. militias fear centralized authority and the possibility of a New World Order, they also express overwhelming anxiety about the possibility of losing their highly cherished right to bear arms. One reason gun rights are so important to militia members is the belief that by disarming its populace, the U.S. government is ensuring that American citizens will be deprived of the means to combat the foreign onslaught which will be masterminded by the U.N. (Hawkins 1994; Stern 1996). As African-American militia leader James Johnson (United States Senate 1995) told Senate investigators: "For those who think that this is just primarily an angry white male movement, if our ancestors would have been armed they would not have been slaves. That is why people are getting armed" (p. 93). Robert Snow (1999), in his book titled *The Militia Threat*, confirms that militia members see private ownership of high-powered firearms as a bulwark against totalitarianism. For other militia members, like Norman Olson (United States Senate 1995) of Michigan, the threat to the second amendment is not only a threat to freedom but also an assault on natural law:

> While the second amendment to the United States Constitution recognizes the... right of the people to keep and bear arms shall not be infringed, the second amendment is not the source of the right... to keep and bear arms. These rights existed in the States prior to the formation of the Federal Union. In fact, the right to... keep and bear arms exists from antiquities. The enumeration of those rights only underscores their natural occurrence and importance.... This point must be emphasized. Neither the citizen's militia nor the citizen's private arsenal can be an appropriate subject of federal regulation.... While some may say that the right to keep and bear arms is granted to Americans by the Constitution, just the opposite is true. The Federal Government is itself the child of the armed citizen (p. 94).

In fact, a number of militias, reacting to the passage of federal legislation, have asserted that a gun confiscation process has already begun. They point specifically to the controversial 1993 Brady Bill, which mandates a waiting period for the purchase of a firearm, and the equally contentious 1994 Crime Bill, which banned certain types of assault weapons. According to militia propaganda, these recent moves represent the beginning of the end of the right to own and possess firearms and perhaps the beginning of the end to American independence (Karl 1995).

Further evidence that the federal government is bent on gun confiscation, no matter the cost, famously includes U.S. government actions at Ruby Ridge in 1992 and Waco in 1993 (Abanes 1996; George and Wilcox 1996; Hamm 1997; Karl 1995; Tanner 1995; Wills 1995). It would be difficult to overestimate the symbolic importance of Waco and Ruby Ridge for militia members. Together, these events have taken on a seemingly mythological significance within the militia movement and have served as a rallying cry, which militia leaders continue to rely upon. Waco and Ruby Ridge have become lumped together in the minds of militia members

government has taken an instrumental role in the process of instituting a New World Order that will eventually replace American sovereignty with a one-world government (Anderson 1996; Barkun 1997; SPLC 1997). Groups like the Michigan Militia contend that this highly centralized governing body will be headed by the U.N. and will be achieved through the concerted efforts of various international organizations and agreements such as the World Health Organization, the World Trade Organization, the General Agreement on Trade and Tariffs, and the North American Free Trade Agreement (Michigan Militia 1996a). "Indiana militia leader Linda Thompson," writes Jonathan Karl (1995:75), "predicts a United Nations invasion of the United States. She adds that the troops will be guided by secret symbols that have been placed on the back of highway signs throughout the country" (p. 75). Indeed, journalist David Neiwert (1999) describes a "border skirmish" that occurred in the Pacific Northwest during the summer of 1994:

> The paranoia reached its apex on Labor Day 1994, when some local Patriots in Northern Okanagon County [in Washington State] observed some suspicious behavior — a large encampment of people near the Canadian border, all of them wearing new clothes, with all new equipment and out of state plates, all of them males with clean shaves. Could it be a United Nations strike force? Actually it was a Border Patrol exercise.... Someone driving along the Similkameen River spotted the encampment and rushed into town to tell friends about the activity. Soon, phone calls began flooding into Sheriff Jim Weed's office, claiming that U.N. troops had landed at the border and were sweeping southward, confiscating people's guns wherever they went. And, the callers said, the locals were planning to mount an armed resistance. In fact, a force of men was ready right then to drive northward to meet the invaders. The Sheriff urged the callers to sit tight, then quickly got on the phone with the regional Border Patrol director and warned him that violence was imminent.... The Border Patrol promptly broke up the encampment.... The leader of the new Lake Chelan Citizen's Militia, however, was not exactly convinced that it was not an invasion. 'We have photographs,' said Bill Shoemaker, a Chelan area resident. Fortunately, the threat of militia action worked, in Shoemaker's view: 'They were getting ready to run a house to house search up there, which apparently they gave up because it was exposed before it happened' (p. 267).

Although some variation exists within the militia movement as to how this usurpation of U.S. sovereignty will be accomplished, almost all militias believe that it will entail the deployment of foreign troops to American soil. These troops, which will undoubtedly be deployed in swarms of black helicopters (Barkun 1997; Keith 1994, 1997), are presumed by militia members to be a key component, both in establishing the New World Order and in abrogating citizens' rights (ADL 1994; AJC 1995; Anderson 1996; Bennett 1995; Bock 1995; Junas 1995; Karl 1995; Kelly 1995; Marks 1996; Tanner 1995).

"fundamental" rights consist primarily, but not exclusively, of the ability to keep and bear arms. Other ideological themes fan out from this main concern with centralized authority and the threat it represents to individual rights; accordingly, we will discuss in turn militia views on centralized authority, gun rights, taxation, the liberal left's threat to the American way of life, anti-environmentalism, and jury nullification.

Mistrust of Centralized Authority and "The Establishment." Militias, proudly perpetuating the anti-federalist tradition in American politics, insist that the federal government is out to strip citizens of their most fundamental rights and to put an end to true democracy in America (SPLC 1997). "We must look at... the overriding important point," testified militia leader Robert Fletcher (United States Senate 1995:90) before a Senate subcommittee, "what is the concern of the actually several million American citizens that are involved with patriot groups, and whose concerns basically are an out-of-control government, an overly oppressive government, a government that utilizes a secret, shadow means" (p. 90). Norman Olson (United States Senate 1995) testified before the same Senate subcommittee: "The increasing amount of federal encroachment into our lives indicates the need for parental corrective action. In short, the federal government needs a good spanking to make it behave" (p. 95). Perhaps the Michigan Militia (1999) makes most explicit the threat to freedom posed by a strong federal government:

> Today freedom in these United States is more or less a relative thing. Today's freedoms include only those actions Congress and the regulatory bureaucracies wish to allow the people.... Contrary to popular belief by many in Washington, the term "Federalism" does not mean that the federal government is to control everything. The states were intended to have most policing powers, the central government very few. Were the Ninth and Tenth Amendments to the Constitution enforced with the vigor of the First, this situation would be rectified immediately. Instead, our country is infected by a quagmire of many thousands of often conflicting rules and regulations.... Today's federal government is quite obviously not the government intended by our founding fathers (pp. 4-6).

In the main, militia members tend to espouse a belief that the U.S. government has turned against the people, as evidenced by John Trochman's (United States Senate 1995) statement before Congress that "the high office of the Presidency has been turned into a position of dictatorial oppression" (p. 84) and Norman Olson's (United States Senate 1995) grim claim "that the Central Intelligence Agency has been in the business of killing people in the United States and around the world since 1946" (p. 100).

In addition to the anti-federalist plank, the militia movement's distrust of centralized authority is oftentimes expressed through various refrains on the threat posed by a developing New World Order. According to militia ideology, the U.S.

Ideology

"Nobody has yet come up with a single adequate definition of ideology," writes Terry Eagleton (1991:1), and "[t]his is not because workers in the field are remarkable for their low intelligence, but because the term 'ideology' has a whole range of useful meanings, not all of which are compatible with each other" (p. 1). This is certainly not the place to dispatch with the many controversies that surround this most complex concept, but we do need to explain how we are using the term ideology in relation to the U.S. militias. For purposes of the present paper, we agree that "[i]t is possible, then, to think of ideological discourse as a complex network of empirical and normative elements, within which the nature and organization of the former is ultimately determined by the requirements of the latter" (Eagleton 1991:23). Gusfield (1981) recognizes a similar approach to ideology in his theory of public problems. In his book titled *The Culture of Public Problems*, Gusfield distinguishes between causal responsibility, which focuses on the questions "what is?" and "what ought to be?" and political responsibility, with its focus on questions like "what is to be done?" and "by whom?" In other words, we use ideology to mean ideas and beliefs that convey a grievance about the state of society. We will discuss a variety of ideological themes that are common to the U.S. militia movement. These themes, which are comprised of attributions of causal and political responsibility, outline the main problems and grievances articulated by militia members.

Ideological Themes

The ideology of the U.S. militia movement is centered on a number of rather unconventional beliefs concerning the interconnections among governmental authority, technology, modernity, and the media. These beliefs are closely related to a sense of alienation from contemporary American society and to a basic antipathy towards the modern world in general. Claimed by many to be most popular in communities wracked by economic dislocation, instability, and discontent, the militia movement is openly suspicious and quite contemptuous of the federal government, popular culture, corporate elites, the global economy, and technological advances (Abanes 1996; Doskoch 1995; Durbin 1995; Mariani 1998; Olson 1995).

If there is a main ideological message conveyed by the U.S. militias, it is one of pervasive mistrust, fear, and hatred of "the establishment" — usually defined as the U.S. federal government, the United Nations (U.N.), multi-national corporations, and the media. These sentiments of mistrust and fear often culminate in conspiracy theories, such as the infamous contention that the U.S. government, in concert with the U.N., is seeking to deprive citizens of their fundamental rights in an attempt to institute a one-world government (Bock 1995; Hawkins 1994). Such

sociologists and other students of society. This neglect is unfortunate, but it should not come as a surprise considering that the social movement literature has tended to ignore right-wing social movements in general (McCarthy and Zald 1987; Pichardo 1997). However, if subjected to the systematic analysis that sociology affords, the U.S. militias promise to inform us about resistance movements as well as the production and maintenance of social order. Not charged by dictums like "if it bleeds it leads" and not entirely committed to activism in the here-and-now, but specially equipped with the tools of comparative analysis, sociologists can contribute to an informed appreciation of U.S. militias. At a minimum, sociological research can dispatch with gross misunderstandings. This paper aims to do just that.

We contend that the U.S. militia movement, far from being an unprecedented phenomenon, carries on a rich tradition established by a host of forerunners. We maintain that this observation has perhaps been neglected due to a failure to systematically define the U.S. militia movement. We move toward such a definition by employing five analytic categories — ideology, motivation, mobilization, organization, and ritual — in an effort to describe U.S. militias. Having outlined these categories and applied them to U.S. militias, we then compare and contrast the militias with right-wing forerunners such as the Silver Shirts, Ku Klux Klan, and Know Nothing Party along these same dimensions. This analysis allows us to demonstrate the inaccuracy of depictions that portray the contemporary militia movement as a unique phenomenon; we thus show how comparative studies of social movements can be of use in providing a more complex understanding of contemporary social problems. In order to advance comparative studies of social movements, we conclude with several suggestions for further comparative investigations into the U.S. militia movement.

Defining the U.S. Militia Movement

In this section of the paper, we would like to construct a working definition of the U.S. militia movement.[1] We think that a useful definition of militias can be achieved by considering five related dimensions that we refer to as ideology, motivation, mobilization, organization, and ritual. Drawing on these five dimensions, we define U.S. militias as relatively decentralized organizations that employ or call for paramilitary rituals and use informal social networks, charismatic leaders, and various forms of "consciousness raising" to mobilize individuals who are motivated by economic, cultural, and technological factors to propagate an ideological message of intense hostility toward centralized government and multi-national corporations (see also Barkun 1997; Freilich, Pichardo Almanzar, and Rivera 1999; Hamilton 1996; O'Brien and Haider-Markel 1998; Snow 1999). This is a thick definition, and we aim to unpack it in the coming pages.

1996a, 1996b; Coalition for Human Dignity [CHD] 1995; Southern Poverty Law Center [SPLC] 1997). Evidence that such representations of militias have been absorbed by the public is provided by one Yankelovich poll, administered in the wake of the Oklahoma City bombing, which found that 80 percent of Americans thought militias were dangerous, 63 percent thought they were a threat to our way of life, and 55 percent thought militiamen were "crazy" (Anderson 1996; see also Kelly 1995; Mariani 1998; Snow 1999).

The sense of fear and alarm that the public seems to feel for the U.S. militia movement has likely been exacerbated by the tendency to conceive of this movement as something of an unprecedented phenomenon. When newspapers in the United States began to report on the militia movement sweeping the nation, the stories typically presented the militias as a unique development. For instance, in the headline to a story in the *Detroit News*, Dammann (1994) depicted militias as "marching to their own beat" (p. 1A). This newspaper article and others like it did not explicitly discuss the similarities between U.S. militias and earlier groups (Downes and Foster 1994; Hawkins 1994; Schneider 1994). This failure to make historical connections has promoted misconceptions about U.S. militias and has no doubt contributed to the angst that many feel about this movement.

Although early news reports tended to stoke this misconception that militias were without precedent, some observers have fortunately published antidotes to this gloss. Durham (1996), for instance, has observed:

> The militias are a new part of the American right, and the conspiratorial thinking they espouse has some new elements. But neither opposition to the New World Order nor the belief in hidden troops and concentration camps nor even the organization of militias is a recent innovation (p. 70).

In other words, those aspects of the militias that are most often thought to be unique are not so new after all. "In 1962," Durham (1996) writes, "California members of a much publicized paramilitary organization of the time, the Minutemen, were reported to have claimed that large numbers of Chinese troops were gathered on the Mexican border ready to invade" (p. 71). And more recently, in 1982, "Patriot activists in Idaho signed a charter for the creation of an Aryan community which would have its own militia" (Durham 1996:72). We agree with Durham that militias have a significant history behind them and seek to deepen this observation by exploring systematically the forerunner of today's U.S. militias.

While the militia movement has received a good deal of attention from news media and watchdog groups, aside from some notable exceptions (e.g., Barkun 1996, 1997; Bennett 1995; Castells 1997; Durham 1996; Freilich, Pichardo Almanzar, and Rivera 1999; Gallagher 1997; Haider-Markel and O'Brien 1997; Hamm 1997; Kaplan 1996; Kimmel and Ferber forthcoming; Mariani 1998; O'Brien and Haider-Markel 1998), it has not garnished that much attention from

Reminding readers that the U.S. militia movement has been linked to the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, which Dees and Corcoran (1996) declare as "the most destructive act of domestic terrorism... in our nation's history," they caution that if the movement is not contained, "it could lead to widespread destruction or ruin" (p. 2). For his part, Mark Pitcavage (1998), founder of the group called the Militia Watchdog, informs readers that militia members commonly collect illegal weapons and explosives, adding that "some members go further than collecting weapons and actually plan to use them.... As a result... [the militia movement] includes many people willing to commit criminal acts" (pp. 15-16). Hilliard and Keith (1999) concur, explaining that "since the 1995 Oklahoma City terror, bombings have increased throughout the United States, many of them attributed to right-wing militia organizations" (p. 5). Indeed, Robert Snow (1999), a former detective in the Indianapolis Police Department, claims that:

> only skillful, painstaking work by law enforcement agents has prevented other radical militia members from committing other devastating tragedies such as we saw in Oklahoma City.... The militia movement presents a very real and imminent threat to everyone (pp. ix-x).

Egan (1995) reports that a militia leader in Montana has directed threats at several public officials, observing that "there cannot be a cleansing without the shedding of blood," and that some federal agencies in Idaho "have virtually stopped performing some of their duties fearing violence" (p. A1). "The militia people," writes investigative reporter Jack Anderson (1996), "are simply out of touch with reality, which unfortunately does not discourage some of them from plotting maniacal assaults on law and order" (p. 76). While Schneider (1994) notes simply that "concern about the militias is growing nationwide" (p. A14), Snow (1999), in rather direct language, concludes that it is "unquestionable" that a militia leader "could exhort his followers into committing violence under the cloak of patriotism" (p. 231). Therefore, he recommends that authorities should "move in, enforce the law, and put the militias out of business" (Snow 1999:232).

When the public is asked about its view of U.S. militias, they are often envisioned as a "clear and present danger to every American citizen" (Snow 1999:ix). That this perception should be so popular is not surprising when one considers that the news media (i.e., television, print, and Internet), which are largely responsible for creating the public's perception of militias, have consistently linked the movement to a number of high profile crimes (e.g., the 1995 bombing in Oklahoma City and the 1996 bombing at the Olympic Games in Atlanta). Similarly, as we have noted above, many watchdog groups portray militias in a manner designed to incite fear and alarm (e.g., Anti-Defamation League [ADL] 1994, 1995, 1997; American Jewish Committee [AJC] 1995; Center for Democratic Renewal [CDR]

Toward Comparative Studies of the U.S. Militia Movement*

JOSHUA D. FREILICH, JEREMY A. PIENIK and GREGORY J. HOWARD

ABSTRACT

The purpose of this paper is to place the U.S. militia movement into proper historical context through the use of a comparative method. Militias in the United States are often depicted as dangerous and extreme right-wing groups that warrant significant monitoring and control. The sense of danger associated with the militias is perhaps exacerbated by the tendency to think of these groups as an unprecedented social phenomenon. Early reports of U.S. militias in news reports tended to neglect the historical forerunners of this movement, and this omission promoted the view that militias are unique developments. Expanding upon work by Durham (1996), this article seeks to deepen our historical appreciation of U.S. militias. Beginning with the observation that comparative studies of the militia movement have been hampered by a failure to systematically define the subject of study, we employ five analytic categories — ideology, motivation, mobilization, organization, and ritual — in an effort to describe U.S. militias. Having outlined these categories and applied them to U.S. militias, we then compare and contrast the militias with right-wing forerunners in the United States such as the Silver Shirts, KKK, and Know Nothing Party. We conclude with several suggestions for advancing comparative investigations into the U.S. militia movement.

Introduction

OVER THE PAST few years, the militia movement has been associated with a number of nefarious events and has been depicted by some observers as a dangerous, right-wing, extremist movement in need of close monitoring. Morris Dees, founder of the watchdog group known as the Southern Poverty Law Center, and co-author with James Corcoran of the book titled *Gathering Storm*, had this to say about U.S. militias in the book's preface:

> This is the story of a very dangerous movement, one the public knows almost nothing about.... Much of what I write about, I learned from close contact with many of the far right extremists who are behind the militia movement (Dees and Corcoran 1996, Preface).

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recruits had undergone largely the same training regime as men, with few concessions to their gender. They were being expected to perform largely the same duties as men. They were also exposed to many more examples of women in supervisory positions. It is little surprise that many more of them would feel that women could be fully integrated into policing and need not be segregated in special units. In any case, as mentioned above, the new recruits are of a different generation. Because of the sweeping social changes occurring in India, they have been brought up with quite different expectations from those raised in the 1960s and 1970s. In particular, they expect to have many of the same opportunities formerly open only to men. It is only to be expected that the different social climate and the changes in the role of women will color their attitudes to their jobs and their future work prospects.

Differences between the New Recruits and Women Police Studied in New Jersey

Figures 7 and 8 compare the preferences of the new recruits in India with New Jersey police officers studied in 1988 (Natarajan 1991). Of the New Jersey sample, 93 percent preferred an integrated role, 3 percent preferred a modified role, and 4 percent a traditional role. The proportion preferring an integrated role for women police is considerably higher than for the new recruits in India

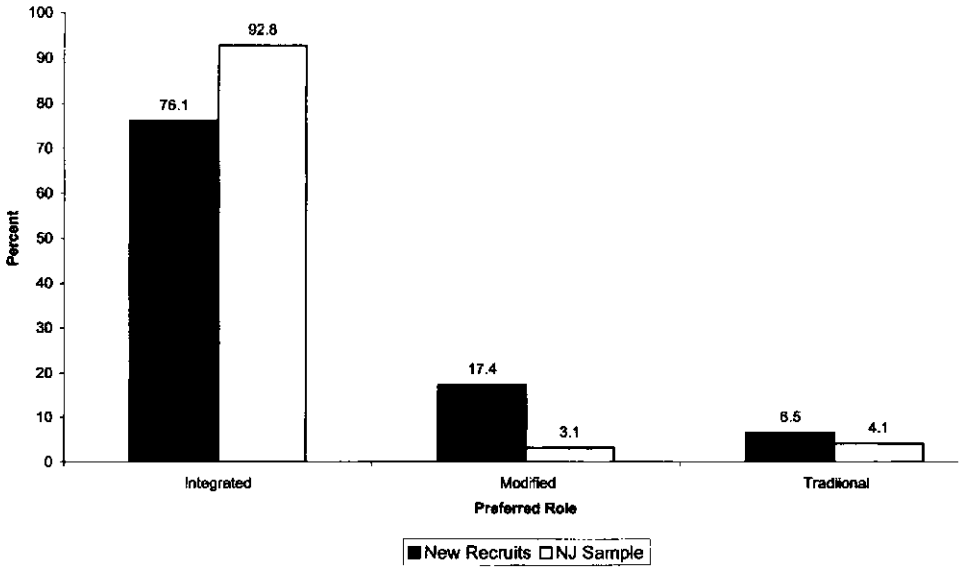

Figure 7. Preferred Policing Role: Women Police in New Jersey in 1988 and New Recruits in 2000.

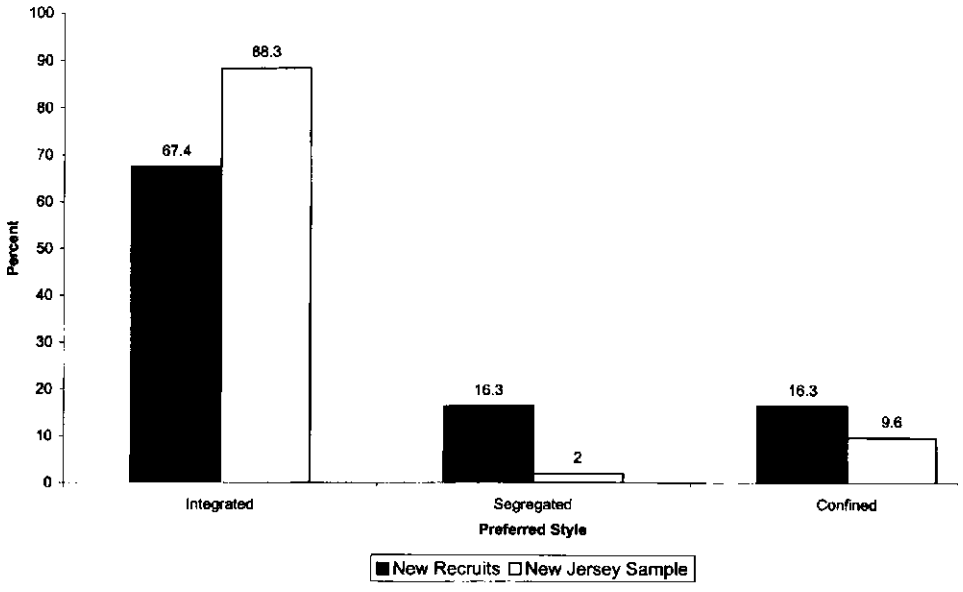

Figure 8. Preferred Style of Department: Women Police in New Jersey in 1988 and New Recruits in 2000.

(Figure 7), and a similar pattern of differences exists for preferred organizational style of the police department (Figure 8). These differences (which are highly significant at the $p = .001$ level or less) are clearly not due to age; though the New Jersey sample is considerably older than the new recruits, many more of the sample still prefer an integrated role for women officers and an integrated style of department.

Discussion

While it is apparent that more women now being recruited to the police in India favor full integration, they are still some way behind their counterparts in the United States. This may not be surprising given that U.S. policewomen are more likely to express a preference for full integration than those in any other Western nation (Heidensohn 1992). In fact, the new recruits in India are closer in their role preferences to women officers in Europe. According to Brown (2000), 58 percebt of Welsh women officers, 77 percent of Scottish women officers, and 62 percent of English women officers preferred an integrated role. Direct comparisons with the new recruits are difficult because of differences in age and year of interview as well as possible variations in the wording of questions. Nevertheless, it appears that new recruits in India do not differ much from women officers in Europe in

their role preferences — even if they still lag behind American women officers in their desire to be fully integrated into the police force.

Summary and Conclusions

Based on her earlier study of all-women police units, Natarajan (1996a) concluded that women in traditional societies have the same aspirations for meaningful and rewarding careers, but they may not wish to integrate fully into the man's working world. They may prefer to structure the work environment according to their own concerns and priorities. Rather than trying to get men to change, they might prefer to develop their own parallel working arrangements free of the influence of men. Hence, the all-women police units might fulfill an important need in such traditional cultures.

The majority of women police recruited to the Tamil Nadu police force before 1992 are now placed in such units, which have increased in number from 29 to 58 since Natarajan undertook her initial study. Two other changes have also had a major impact on women policing in Tamil Nadu: (1) far more women are now being recruited to the force and (2) these new recruits are not being placed in the all-women units. The first of the changes is due to new labor laws mandating that 33 percent of the labor force should be women. The second change has resulted from the dramatic increase in the recruitment of women. Male officers have begun to argue that if women are to form such a large proportion of the police force and are to be given equal pay and equal status, they should be required to perform the same duties, under the same conditions, as male officers. These complaints have resulted in a court order mandating that new women recruits go through the same training program as male recruits and are given the same duties on the completion of training.[5]

Women now being recruited may also be somewhat different from those recruited in the past. Societal changes have improved the position of women. Many women are employed and are becoming independent in making decisions about marriage, family, and career. Attitudes about the role of women have changed both within and outside the family. It is now more widely accepted that women can work, and their income is often needed to support a family.

The present study set out to examine the impact of these changes on women officers' preferences regarding policing roles for women and organizational style of the police department. Questionnaire answers were compared among four groups of Indian policewomen: (1) those currently in all-women units in Tamil Nadu, (2) those in all-women units in 1994, (3) new recruits, and (4) officers interviewed in 1988. Their answers were interpreted in the light of information obtained in formal and informal interviews with the new recruits and women presently in the all-women units. Finally, the questionnaire responses of the new recruits were

compared with those of a sample of women officers interviewed in New Jersey in 1988.

The principal findings of this study were:

- More women presently in the all-women units prefer an integrated role and style of department than in 1994. This may reflect some disenchantment with the units, but it may also be a result of improved confidence gained as a result of working successfully in the units.
- Many more new recruits than officers in the all-women units want to be fully integrated. This may partly be due to their youth, but their experience to date has given many of them the confidence to perform a full range of duties. They also come from a generation of Indian women who expect equal treatment with men. Even so, a significant minority of the new recruits perceived distinct disadvantages to a fully integrated role for women officers.
- More of the new recruits want to be fully integrated than women interviewed in 1988. Again, this is due to a mix of factors: their younger age on interview, their experiences of policing to date, and the fact that they come from a new generation of women.
- Despite the trend towards fuller integration, the aspirations of the new recruits lag far behind those of their counterparts in the United States who were interviewed in 1988. On the other hand, they do not seem very different from the preferences of policewomen in Europe.

Implication's for Brown's Integration Model

Brown's model posits that policewomen everywhere will gradually become more integrated into the policing of their countries and that in doing so they pass through a number of stages of increasing integration. Brown's model seems to fit the experience in Europe, but does not fit Natarajan's (1996a) view of policing in India. On the basis of her study of all-women units in Tamil Nadu, Natarajan argued that the complete integration of women in the police force might not occur in traditional societies because of the advantages of a degree of segregation for the police force and the policewomen.

This argument needs revision in the light of the findings of the present study. Many more officers in the all-women units in Tamil Nadu would now prefer to be more integrated into the mainstream of policing. This is also the position of most new recruits to the force, whose preferences regarding integration differ little from those of policewomen in Europe. This change in attitudes is the result of a complex set of circumstances, which include:

- Indian women in general have become much more forceful in recent years in their demands for equality.

- Many more women are now being recruited to the police force as a result of new labor laws.
- Male officers have become resentful about the apparently favored status of women officers and have demanded that they undertake the full range of policing duties. The courts have upheld these demands.
- As a result of these changes and with increasing experience, policewomen have become more confident in their own abilities.

Given these legal and social changes, it seems unlikely that all-women units will be a permanent feature of policing in Tamil Nadu. Rather, it seems that policewomen will become more integrated into general policing. They seem to have escaped the "krabbenmand" stage (in which they engage in their own valued activities) partly as the result of equal opportunities legislation and the consequent reaction of male officers (precisely as predicted by Brown's model). Policewomen in Tamil Nadu now appear to be at the "integration" stage, which according to Brown's model is likely to be accompanied by increased harassment leading to litigation. How this scenario will be played out in what is still a largely traditional society will be fascinating to watch. How quickly policewomen progress through this stage and reach the next one of "take-off" is impossible to predict. However, it seems safe to assume that "traditional" values will not forever trap women at a particular stage of integration. These values seem capable of quite rapid change and they must compete with women's own developing needs and aspirations — which may be expected to prevail.

In conclusion, it appears that Brown's model of integration is generally applicable and is not limited to Western democracies. In the context of the present study, the model suggests that progress to full integration in traditional cultures might be slower and subject to more reversals than in Western countries (Brown, Hazenberg, and Ormiston 1999). But in the long run, full integration may be just as inevitable.

Policy Implications

Policewomen in Tamil Nadu currently fall into two distinct groups. One group is young and has entered the police at the "integration" stage of Brown's model. Many are relatively satisfied with their jobs and their prospects. They tend to favor a more integrated role for women officers and an integrated style of department. However, many of these young women have not yet had to reconcile work and family responsibilities. This may be difficult for those with traditional views about marriage and family life, especially those from poor, rural backgrounds. In addition, there is already considerable dissatisfaction with the dormitory, communal living-style in the battalions. Police administrators must therefore make strenuous efforts to deal with these current problems and anticipate

future ones. Otherwise, morale could seriously decline among women who until now have coped well with the inevitable difficulties of entering this man's world. Reduced morale might result in the resignation of many officers who, with some care and nurturing, could have long and successful policing careers. In any case, the particular difficulties faced by women officers in the Tamil Nadu police cannot be ignored if the police force is to meet its mandated requirement of a third of its officers being women.

The second group of policewomen are presently deployed in the all-women units. These women are older, though few of them are near the age of retirement. Many are burned out and need financial inducements to retire early. Others are performing a valuable role in the units and merely need some encouragement through promotions, counseling sessions, or even through more attention from the police hierarchy (Pagon and Lobnikar 1999). Finally, some of those who express a desire for more integration need to be moved out of the units into mainstream policing.

Some unanswered questions remain about the future of the all-women units. It is unclear how much longer these units can survive without an infusion of new recruits. But this seems unlikely to occur because of the court-mandated requirement that new recruits should undertake the same duties as male officers. If an infusion of new recruits does not happen, major problems will arise in maintaining the morale of the policewomen left in these units. Already they have experienced a reduction in status because of the many accusations of corrupt practices in the units. Under the circumstances, there would seem to be little alternative to closing the units down sooner rather than later and reassigning the staff to regular duties alongside men. The alternative of letting the units wither and die carries too many costs in terms of an alienated cadre of women officers.

Postscript

Policing in Tamil Nadu is organized predominantly according to a military model that suits the attributes of men better than of women. However, policing throughout the world is moving gradually towards a community-service model. Though these changes have largely bypassed mainstream policing in Tamil Nadu, they are reflected in the service role of the all-women units. The increasing number of women officers in Tamil Nadu is likely to mean that a service orientation will begin to characterize a much wider range of police work. Women generally value communication and negotiation skills more than men do, and they will seek opportunities to exercise these skills in their work. If policing changes in this direction, male officers may begin to experience the same difficulties of adjustment to their roles as experienced by policewomen during the past decades.

NOTES

1 The term "officers" is used generically throughout the paper; it does not denote rank.

2 For example, one of the new recruits interviewed, a young woman of 22 years in age, said she had a 10-month old baby who is under the care of her husband living some hundreds of miles from where she is posted. His business prevents his moving and he can only visit her with the baby once in six months. It is not surprising the woman appeared depressed and anxious at the interview.

3 One of the officers had arranged a gathering of her relatives, the prospective bridegroom, and his family members for her daughter's marriage proposal. Due to an emergency at work, she could not attend and asked her husband to go ahead with the gathering. The boy's family rejected the proposal because they thought the girl was not traditional enough (she was not wearing proper traditional attire) and did not know how to behave in front of elders. The woman officer now worries that her daughter may never get married. She blames herself for not preparing her daughter properly for her future. She feels that if she had been present at the gathering, she would have ensured that her daughter was properly dressed and behaved respectfully to the elders present. Stories such as these are common among the women officers.

4 The women believe male officers are behind some of these rumors, but not all of them are baseless. Some officers (including Inspector and sub-Inspector ranks) have been suspended for accepting bribes. Some accept money from both the complainant and the accused in order to solve problems without going to the court. Some accept presents given by complainants in appreciation of services rendered beyond the call of duty. For instance, there is much that an officer can do to speed up a case, such as personally delivering a summons to the accused even when she has no transport. She may feel justified in accepting a gift under these circumstances. In other cases, the accusations of corruption seemed to be unjustified, resulting from little more than the intense activity surrounding the units. Observing this activity, people (especially male officers) tend to think that providing service to so many people must result in many gifts being offered and accepted. Another source of unjustified accusations is that womens' complainants often bring with them potential witnesses, who may have to be transported, fed, and even provided with hotel accommodation. She may complain about the expense, and these complaints are sometimes interpreted as money paid to the police. Finally, witnesses whose help she has enlisted may defraud her. These witnesses, who may be important men in the complainant's village, may offer to deal with the police on her behalf. They take money from her saying it is needed to bribe the police, but in fact they never hand any money over.

5 The senior women officers specially recruited to head the all-women units reinforced the arguments for equal treatment; as a result many of the officers heading these units have now been returned to general police duties.

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Crime Prevention Policy and Government Research: A Comparison of the United States and United Kingdom*

GLORIA LAYCOCK and RONALD V. CLARKE

ABSTRACT

This paper examines Garland's (2000) view that both the United States and United Kingdom have fundamentally similar approaches to the prevention of crime. Whilst conceding their superficial similarity, we argue that the U.K. policy was driven by research on situational crime prevention, whilst the U.S. federal research agenda has been more supportive of policy than formative, and has invested relatively little in situational studies. We describe the ways in which U.K. research influenced policy, and consider the structural and philosophical reasons why a similar approach would be more difficult in the United States. We note, however, that the pressure on both policy makers and practitioners to deliver outcomes may lead to increasing interest in bringing the U.S. federal research agenda closer to policy development. If this happens then the U.K. experience may become more relevant in the United States.

Introduction

IN TWO IMPORTANT ARTICLES, Garland (1996, 2000) has described the recent emergence of new strategies of crime control in both the United Kingdom and the United States. His second paper is concerned with shifts in social structure and cultural sensitivities that helped bring about the policy changes. Garland (2000) argues persuasively that in both countries crime control now "exhibits two new and distinct lines of government action: an adaptive strategy stressing prevention and partnership and a sovereign state strategy stressing enhanced control and expressive

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punishment" (p. 348). According to his view, these strategies were formulated because high crime rates led to the "penal-welfare" policies of both societies falling into disrepute; they had failed to deliver adequate levels of security.

Garland's (1996) first paper is focused on the role of governmental agencies and political actors in the policy shifts, but it does not analyze the role played by government-funded research. This is the subject of the present paper, written by two authors who were employed within the Home Office (the U.K. government department responsible for crime policy) for much of the period covered by Garland's analysis. One of us (R.V.C.) left the Home Office more than 15 years ago and the other (G.L.) is presently on an extended leave of absence, based at the U.S. National Institute of Justice. We hope that our current situations, somewhat distant from the Home Office, allow us to be more objective than we might otherwise be.

We focus specifically on the first of the new policy directions, which Garland calls the "adaptive strategy," but which we will characterize as "crime prevention." We will argue that government research in the U.K. made a material contribution to the formulation and delivery of crime prevention policy, whereas in the U.S. its contribution was both more modest and supportive rather than formative. This has resulted in quite important differences of emphasis in crime prevention policy. In the U.K., this policy is conceived of being delivered through "multi-agency partnerships" and the technology of situational crime prevention, whereas in the U.S. it is conceived of being delivered by "community policing."

We begin by describing the development of crime prevention policy in the U.K., focusing on the role of government research and the reasons for its success in influencing policy. We then discuss the role of government research in the U.S. from this comparative perspective and try to explain why it has had less policy impact than in the U.K. We conclude with some general observations, resulting from this comparison, about the relationship between research and policy.

Crime Prevention Policy in the United Kingdom

Crime prevention has been a defined function of the U.K. police service since its inception, but it was never seen as real policing. Although its profile was raised in the 1960s, with the creation of crime prevention officers (CPOs), it remained an unattractive option for the ambitious young officer. The posts tended to be filled by older officers when the contacts they could make were helpful in finding post-retirement work in the private security industry. The service offered was reactive — security surveys were carried out at the request of small businesses and the general public — and much of the training, which was carried out at the Home Office Crime Prevention Centre in Stafford, concentrated on target hardening. One or two (of the 43) police forces took what was for them a radical approach and operated

summer holiday play-schemes for at-risk children, but the crime prevention task was still seen as secondary to the real work of policing.

The conception of crime prevention began to change in the mid-1970s, when the Home Office's research department (the Research and Planning Unit) undertook a program of work showing that crime could be reduced through systematic changes in environmental design or management (Mayhew et al. 1976; Clarke and Mayhew 1980). This situational approach, intended to reduce opportunities for crime, stood in marked contrast to the government policy of the day. This was premised on the notion that crime could best be controlled by concentrating on the characteristics of individuals, either before they became involved in crime, or later through the effective use of the criminal justice system (Clarke 1983). The situational work was timely, coming after a series of depressing "nothing works" messages from criminological researchers, with rising crime rates and something of a policy vacuum. It materially contributed to a number of policy initiatives from central government and to further investment in the research process. Three significant legacies were carried over from this early research to permeate subsequent policy and practice:

- The concept of situational crime prevention, and its significance as a means of controlling crime;
- The notion that "crime prevention" was a responsibility beyond the police;
- A "methodology" for crime prevention — a data-driven assessment of the problem, a rational determination of the possible solutions and, following implementation, an assessment of effect.

The work of the CPU and PRG

In response to the situational research, the Home Office established the Crime Prevention Unit (CPU) in 1983 within its Police Department. The CPU was a novel combination of Home Office researchers, policy makers, and seconded police officers. Its location within Police Department was deliberate, reflecting the view that situational prevention ideas needed to influence policing and that, in turn, the police were better placed than other criminal justice agencies to advance situational crime prevention. They are "natural" leaders at the local level because they are seen by local agencies, and by the general public, as centrally involved in crime control.

One of the CPU's first acts (in consultation with eight other government departments, including those responsible for policies on health, education, and the environment) was to issue a Home Office "circular" to a wide range of statutory bodies, including the police, encouraging them to take a "partnership approach" to crime prevention (Home Office 1984). The importance of addressing the situations within which crime occurs, rather than concentrating on the potential or actual

perpetrator, was implicit in this guidance, emphasizing as it did the need for crime analysis as a precursor to the planned development of preventive measures. This message, that the police alone (and by implication the criminal justice system) could not reduce crime, has been a feature of Home Office policy statements for almost two decades.

The CPU also embarked immediately on a program of research, both in-house and extramural, focused on improving crime prevention policy and practice. In 1992, the Home Office withdrew the researchers from the CPU and established the larger and more generously funded Police Research Group (PRG) with a remit to increase the influence of research on police policy and practice. The PRG was able to take a more comprehensive view of the role of the police in relation to crime management, including crime prevention, and to introduce a number of innovations in the way that research was carried out and "marketed" to those with an interest in its results. (The remainder of the CPU was later re-launched, without a research function, as the Crime Prevention Agency.)

Many of the studies undertaken by the CPU and PRG served the goal of advancing crime prevention policy and practice. They fell into several distinct groups as follows:

- Reports concerned with redefining and strengthening the roles of police CPOs;
- Evaluations (mostly with negative results) of some preventive programs promoted by the police such as security surveys, property marking, neighborhood watch, and a force-wide summer holiday play-scheme;
- Studies intended to improve crime analysis, to define the crime prevention process, and to understand barriers to effective implementation of crime prevention action;
- Work on developing crime prevention performance indicators;
- Sustained programs of research on vehicle theft and residential burglary intended to assist situational interventions and police strategic planning;
- Analyses intended to assist the effectiveness of multi-agency partnerships and to promote the involvement of business and a wider range of statutory bodies in crime prevention;
- Evaluations of major government preventive initiatives such as "Safer Cities" and CCTV in city centers;
- A major program of work, extending over a 15-year period, flowing from pioneering research by Ken Pease and his colleagues (Forrester et al. 1988, 1990), designed to encourage police to focus preventive effort on repeat victims of crime (Laycock forthcominga, forthcomingb).

The results of these various programs of research were published in more than 120 reports issued by the CPU and PRG between 1985 and 2000. These were written in a style that was accessible to practitioners and policy makers and

they were deliberately "marketed" in a way comparable to the marketing of goods or services in the private sector. This is not to say that the researchers acted as "advocates" for particular projects or programs (Stake 1997). Rather, the products of research and development exercises were disseminated in a planned and systematic way. Where appropriate, these were linked to police performance measures (Farrell et al. 2000), and they were disseminated through carefully-selected "champions" in each force who were well-informed on emerging issues and who were expected to direct research publications to the appropriate department (Laycock forthcominga).

Crime Prevention under the Conservative Government

Crime prevention enjoys bipartisan support in the U.K. and throughout this period the Government continued to support crime prevention both directly and indirectly. Some of the more significant initiatives of the Conservative Government are listed below:

- The profile of situational prevention was significantly raised in 1985 when then Prime Minister, Margaret Thatcher, chaired the first crime prevention seminar at 10 Downing Street. One of the issues on the agenda, for example, was the design of prepayment coin meters for gas and electricity, which were the targets of burglary on high crime housing estates (Laycock and Tilley 1995). She made it clear to the fuel companies that the design of these meters was criminogenic and that the redesign, which the companies had begun but with limited energy, had to be speeded up;
- Direct financial support for crime prevention was provided in 1988 with the launch of the Safer Cities Program. This initially covered 20 cities throughout England and Wales, where local partnerships, with the help of a centrally funded coordinator and some core project funding, were expected to develop initiatives aimed at preventing crimes of local concern or significance. The background and results of this program are described fully by Tilley (1993a) and Ekblom et al. (1996);
- Also in 1988, central government funding was provided for a new voluntary agency, "Crime Concern," which was to support crime prevention at the local level, working primarily in high crime areas, and assisting in the development of training and other support structures. Since its creation "Crime Concern" has raised the profile of crime prevention at the local level and has made effective use of various Home Office research in its own training and publications;
- Another Home Office Circular on crime prevention was issued in 1990, which further encouraged a partnership approach and provided, in an

accompanying booklet, a number of examples of what was considered to be good practice;

- A challenge fund for closed circuit television (CCTV) was established in 1995, which encouraged its introduction in town centers. This was accompanied by a research-based publication, which emphasized the importance of ensuring proper implementation of the system, and care over its location, if it was to have any effect in reducing crime. These CCTV schemes proved popular with the local government agencies, which needed to support them not only in principle but also with matched funding. Further CCTV schemes were supported by central government in 1999 and 2000.

Crime Prevention under New Labor

Despite these achievements, it would be fair to say that crime prevention policy has really taken-off following the election of the New Labor government in 1996, especially with the passing of the Crime and Disorder Act (1998). The Act requires local police, working in partnership with the local government agency, to produce a strategic plan for the reduction of crime and disorder in their neighborhood. The plans are to be based on a local crime audit and on consultations with the community. This is a bold move on the part of central government. It involves agencies beyond the police in planning and supporting crime prevention and with the publication of their proposals, and it does so in a particularly visible manner. Over 400 local areas covering the whole of England and Wales have produced plans and, in accordance with the requirements of the Act, have published them.

It is important to appreciate that the statutory partnerships are between the police and local government, not "the community" in the broad sense. Although many police/local government partnerships have included other statutory or voluntary agencies within their partnership groups, it would be unusual to include "the community" in the general public sense. The Act does, however, require that partnerships consult the community about their perceived problems and that the strategy tackle those problems (Elliot and Nicholls 1996). The strategies are of variable quality, reflecting the range of expertise and experience available across the country (see Bridgeman 1996 for a good example). In many places agencies are only just beginning the process of working together. There is still a major shortage of skills at the local level in gathering and analyzing data and in producing plausible suggestions as to how crime and disorder might be dealt with (Hough and Tilley 1998; Read and Tilley 2000).

The announcement in 1998 of a substantial investment in crime reduction will help to remedy the situation. A total of 250 million pounds was set aside over three years to support a crime reduction program which is intended to reduce crime, to demonstrate how it was done, and to detail at what cost (Home Office

1999). The program was based upon a review of the "what works" research literature in the U.K. (Goldblatt and Lewis 1998). Crime Reduction Program funding is intended to support a wide range of activities. A significant investment is being made in addressing domestic burglary, for example, and in developing the infrastructure and skills at the local level to support the crime audit process. Particular attention is being paid to the translation of data on crime and disorder into practical activity with some a priori plausibility of being likely to reduce its incidence (Tilley et al. 1999).

The Crime Reduction funding will also support a program of work intended to ensure that new goods and services coming onto the market are designed with crime prevention in mind. This is perhaps the most direct acknowledgement of the view that "situations," in the broadest sense, cause crime. The "Foresight" program, as this work is known (Davis and Pease 2000), includes a range of initiatives intended to raise the profile of "designing out crime," particularly using new technologies.

The Crime Reduction Program and the Crime and Disorder Act constitute the most ambitious program of central support for crime prevention there has ever been in the U.K. The research contribution to these programs can be identified in the rhetoric associated with their announcements and in the reality of their implementation. It includes:

- The direct linking of the Crime Reduction budget to the publication of the review of "what works" in crime reduction;
- A requirement for an evidence base to policy and practice;
- The evaluation of the whole program and its constituent parts (and the funds to do so);
- The use of data-driven strategic planning at the local level between the police and local government;
- The acknowledgement that the police alone cannot prevent crime but do take some responsibility for its control;
- Specific support for problem solving and tackling repeat victimization;
- A program of skills development at the regional level to support local strategic planning, based on evaluated evidence;
- The establishment of the "Foresight" program with the explicit acknowledgment of the role of design in causing crime;
- The use of language and concepts that have been generated through the research process and are, therefore, internally consistent and logically related.

The milestones, which have been discussed in this section, are listed in Table 1. It is possible to discern two threads, those linked to research and those to central government initiatives, but they were in practice symbiotic. In some cases the research led the policy, the best examples being the creation of the CPU, the

Table 1

Milestones in the Development of U.K. Crime Prevention Policy, 1975-2000

1975-1983	Home Office (H.O.) Research on Situational Crime Prevention
1983	Establishment of H.O. Crime Prevention Unit
1983-2000	Program on Reducing Repeat Victimization
1984	H.O. Circular on Crime Prevention
1985	PM Thatcher's Crime Prevention Seminar
1988	Safer Cities Program
1988	Establishment of "Crime Concern"
1990	H.O. Circular on Partnerships
1992	Establishment of Police Research Group
1995	First CCTV Challenge Fund
1998	Crime and Disorder Act
1998	Crime Reduction Program
2000	"Foresight" Crime Prevention and Technology Initiative

"methodology" of crime prevention, and the repeat victimization program of research. But in other cases initiatives were developed and launched because of a belief on the part of the public and the politicians that they were effective in reducing crime. The CCTV program is a good example, which was supported by both the conservative and labor governments. This program did, however, prompt a series of research initiatives intended to test out the effect (if any) on crime, and to explore implementation difficulties, which needed to be solved if crime were to be reduced through a CCTV scheme (Tilley 1993b).

Crime Prevention Policy in the United States

It is more difficult to discuss crime prevention policy in the United States because of the considerable autonomy at the state and local levels. Generalization is hazardous — for every example at one extreme an example can probably be found at the other. In discussing U.S. crime prevention policy, we will be concentrating on the federal level, which is clearly having an influence at state and local levels, for reasons that we articulate.

A significant change in the U.S. approach to crime reduction arose from a push given by the Federal Government in 1994 through the Violent Crime Control and Law Enforcement Act (Crime Bill 1994). The Crime Bill (1994) had a number of provisions, but those that most concern us here are related to policing and crime prevention. The Crime Bill (1994) signaled a major shift in emphasis on the part of the Federal Government toward both crime prevention and the need

for improvements in police/community relations. Funds were made available by Congress to hire 100,000 police officers over the life of the Crime Bill, and support was provided to accelerate the adoption of community policing throughout the country (National Institute of Justice 1997).

This was a political initiative of the new Democratic administration, with four main and largely unrelated drivers:

- The need to respond to the fear of violent crime in the American public;
- Increasing awareness of the cost of the criminal justice response to crime and the need to develop an alternative to it;
- A wish to see a closer link between public expenditure, generally, and agreed outcomes (in this case expenditure on policing and crime reduction). This concern is most clearly expressed through the Government Performance and Results Act (1993). This legislation was based upon the view of Congress that "waste and inefficiency in Federal programs undermine(s) the confidence of the American people in the Government" and that "congressional policy making, spending decisions and program oversight are seriously handicapped by insufficient attention to program performance and results";
- Some high profile incidents of police brutality, highlighting the distance that had developed in the U.S. between police agencies and the public they policed. This latter point served to support the rhetoric of "community policing."

There is little evidence that this federal initiative was research-based (see Gaffigan et al. 2000, for a full account of the background). With the possible exception of problem solving in Newport News (Eck and Spelman 1987), most police research funded through the National Institute of Justice (NIJ) was showing evidence of what did not work in reducing crime rather than what did. Foot patrol, storefront mini-stations, newsletters, and door-to-door contacts are all cited by Rosenbaum (1998) as initiatives ready to be marketed from the NIJ program, and plausibly supporting community policing, but there is no evidence to support their effectiveness or efficiency in reducing crime, no clear view on the underlying mechanism through which they might be expected to deliver a reduction in crime or disorder, and, most importantly, no articulation of a new policy direction of which these activities might form a part. In addition, Congress commissioned a review of the "what works" in crime prevention literature after the Crime Bill rather than before it (Sherman et al. 1997).

One consequence of the lack of a research contribution to this policy agenda is the use of poorly articulated concepts. "Community policing," which plays such a central role in the new U.S. approach, has no agreed definition. There has been a tendency, as Rosenbaum (1998), Bayley (1988), and Goldstein (1993) have all argued, for police chiefs to attach the label "community policing" to whatever

they happened to want to do, and to hope that the positive connotations of the label would somehow increase the acceptability of their latest strategy, no matter how implausible the link may have been. Community policing has been variously characterized as:

- Improved community relations (pejoratively characterized as "grin and wave" policing);
- Community crime prevention, including block watch and property marking;
- Dealing with low level disorder (an acknowledged concern of communities) by addressing "broken windows" through what has been called order maintenance (Kelling and Bratton 1998) or, sometimes, "zero tolerance" policing;
- Problem-oriented policing (Goldstein 1990), which attempts to shift the emphasis of policing from a reactive to a proactive style.

These approaches are fundamentally different from each other but are all subsumed under a "community policing" banner by various commentators.

It has to be asked why the Home Office research, which had so much impact on U.K. crime prevention policy, had no discernible effect in the U.S. One reason is that, being such a large and dominant force in world affairs, the U.S. has difficulty in paying attention to new ideas from other countries. U.S. academics, particularly in the social sciences, seem unreceptive to ideas from abroad. Furthermore, academics are conditioned to take seriously only material published in peer-reviewed journals and they regard government research in particular with suspicion. Although some homegrown situational prevention research is published in the U.S. (see, for example, papers in *Crime Prevention Studies*), this has failed to make much impact on criminology (and, through it, U.S. policy), partly because situational prevention does not sit well with the sociological traditions of the American discipline.

The review of "what works" in crime prevention undertaken for the U.S. Congress (Sherman et al. 1997) missed the opportunity to rectify the situation as a result of the restrictive criteria it employed. Because randomized control designs are almost never used in evaluations of situational crime prevention projects (and, indeed, can only very rarely be used), the positive results of dozens of situational projects were discounted by the review (Laycock 2000).

None of this might have mattered if the NIJ had been able to take a role with regard to policing similar to that of the CPU/PRG in the U.K. But it could not and in the next section we attempt to explain the reasons. In doing so, we look more closely at the organization and function of CPU/PRG and compare this with the position of the NIJ.

Comparison of Government Research in the U.K. and U.S.

The CPU and PRG in the U.K. were both highly sensitive to the "nothing works" research message of the 1970s and keen to demonstrate that research and its products could contribute constructively to policy and practice. Being embedded in the Police Department (later called the Police Policy Directorate) of the Home Office meant they were under constant pressure to demonstrate that their research was worth continued funding and that the products of research had some policy consequence.

Being part of the policy department also meant, however, that the research staff worked closely with policy colleagues and that senior researchers were able to influence the trajectory of policy development at an early stage. Junior members of PRG's staff were posted to work in a policy unit for about 10 percent of their time during the first few years of their careers. In these posts they wrote or contributed to speeches, provided briefing for parliamentary debates, answered parliamentary questions or Ministers' cases, and generally absorbed the work of a typical Home Office policy unit. In some cases, they were attached to Ministerial private offices, including that of the Home Secretary. These high level attachments were particularly useful in the context of the British Civil Service in exposing young research staff to the pressures of policy making at the highest levels of Government. They also had the incidental advantage of demonstrating the high intellectual quality of many of the specialist research staff and offering the opportunity for the researchers to explain how existing research might be relevant to ongoing policy concerns.

Through these experiences the researchers were able to appreciate the pressures under which policy makers work and what they expected from research, which can be summarized as:

- Good news;
- Confidence in the results;
- Cost included in evaluations;
- A feeling of involvement in the agenda setting process;
- Timely production of results;
- The identification of "what works;"
- Good communication skills;
- Willingness to take risks in making inferences from their data.

Some of these "needs" cannot always be met. For example, "good news" is helpful but "bad news" may better reflect the research results. It is then a matter of managing the expectations of the policy maker and at least ensuring that they are forewarned of the results rather than reading about them in the national newspaper. Table 2 shows what was done to meet the needs of policy makers.

Table 2

Meeting the Needs of Policy Advisers

Needs	How were the needs met?
Good news	Sensitive drafting, and early warning of potential bad news. Essentially managing the expectations of the recipients of research results.
Confidence in the results	External scrutiny of research reports; publication of results; transparency; high standards in training and support for researchers.
Cost included in evaluations	Inclusion of at least basic cost measures in new projects.
Involvement in setting the agenda	Mechanisms in place to ensure that policy advisers are involved in the research agenda setting process.
Timely research	Funding arrangements, which do not lead to excessive delays in commissioning "hot topics." Tight management of research contracts to minimize delay in completing work and a clear publication or dissemination strategy aimed at getting results out quickly.
Knowledge of current good practice	Regular reviews of "what works." Attention to the means through which good practice is developed and disseminated.
Good communication	Advice to report writers on "house style" and training in report writing where appropriate.
Risk taking in making inferences from data	Encouragement for researchers to explain the implications of their work for policy. This may require them better to understand the constraints under which policy advisers operate. A clear statement of the extent to which any advice is speculative rather than deriving directly from the research data.

The CPU and PRG were therefore characterized by:

- Proximity to the policy making agenda;
- An appreciation of the needs of policy makers and politicians;
- A research-based policy product — situational crime prevention – which senior researchers wished to see integrated into policy;
- An agenda of linked research programs directly related to policy;
- Senior staff in post for prolonged periods able to push ideas consistently despite changes in administrators.

The staff was also operating in a heavily centralized system with a range of central government levers over the police and local government agencies with which to ensure the implementation of the new approach. The Home Office provides 51 percent of the operating budget of the country's police forces and contributes to

the work of Her Majesty's Inspectors of Constabulary who conduct inspections of each force according to a regular schedule.

To what extent were these attributes present in the NIJ? In our view many of the necessary attributes were missing because of the significant differences in the role and function of the NIJ. The reasons are listed below (and are summarized in Table 3):

- The NIJ's director is a Presidential appointee, which should be an advantage in ensuring that research influences policy, but there are two disadvantages to this arrangement. First, it means that the NIJ does not have to be so responsive to criticism from other parts of the executive — for example, if the COPS Office criticizes the research products as too academic or irrelevant to their needs. Second, by the very nature of the arrangement, the Director of the NIJ changes with the President. Thus, Jeremy Travis was appointed in 1994, two years after the Democratic President took office. Delays of this kind can cause a planning problem, further exacerbated as the Presidential election draws near and Presidential appointees leave for new posts. Jeremy Travis was somewhat exceptional in being in post for six years. The system itself leads to a measure of uncertainty and militates against long term strategic planning;
- The NIJ is located in a different building from the main Justice Department so there is little informal contact between research and policy staff. This arrangement can be seen as an advantage — for example, it means that the research is arguably more independent from policy interference. However, it also means that policy advisers have fewer opportunities to ask researchers "What did you do for me today?"
- One part of the NIJ's role is to support the research capacity of the universities — to provide funds for "investigator initiated" projects. In the U.K. this function is carried out by another government body, which frees the Home Office research resources to concentrate upon centrally driven and policy relevant concerns;
- The relationship with the academic community is different between the two agencies. The CPU/PRG, with fewer resources at its disposal, was far more directive in specifying what was required. Research was generally commissioned through a procurement process rather than a less tightly managed grant giving procedure. Peer review was not used in awarding grants. The NIJ on the other hand requests proposals for research projects on specific themes and chooses among these for funding partly on the basis of extensive peer review.
- The NIJ sees its internal staff as grant or project monitors rather than researchers in their own right. Staff members sometimes carry out their own research, but it is not integrated into the organization's research

agenda and there is, in practice, very little time or support available for in-house research. Indeed, since the Crime Bill (1994), with an influx of research funds, there has been even less time available. For example, research funding from the COPS Office to support community policing has totaled $44 million since 1994. Eleven staff were provided to the NIJ to manage that expenditure. In contrast, the budget of the Home Office Police Research Group was 1 million pounds annually, but there were approximately 25 internal research staff available to manage and contribute to the research program;

- The mission statement of the CPU/PRG staff was deliberately aggressive in its wording — they were expected to increase the influence of research on police policy and practice — and the performance regime under which they worked reflected this statement. Clearly, the extent to which mission statements actually affect the behavior of staff is a moot point, but insofar as they have an effect, this was clear in its intention. The NIJ's mission statement leans toward providing information, and contributing to knowledge in a more passive mode;
- The product of the research exercise was handled differently. Whilst both the U.K. and the U.S. publish research reports and short briefing notes, there was an assumption in the U.K. that all centrally funded research would be published in the main research series of the organization. This did not preclude further publication in academic journals. In the U.S. it is not assumed that the Government will publish all research. Whether or not research is published by the NIJ depends upon the availability of funds and the views of the Director whose decision is based upon arguments put to him from the grant monitor through a publication committee;
- The relationship of each research agency to their respective police communities is different. In the U.K. there was a direct relationship, which was not mediated through any other agency and was facilitated by the relatively small number of police forces. In the U.S. it is almost impossible to maintain a working relationship with more than a few of the 19,000 police agencies. Furthermore, the COPS Office has provided a far more "visible" presence in the U.S. because of the massive funds available and the larger number of staff involved. Although individual members of the NIJ's staff maintain good relations with the police, it is on a much smaller scale.

If we had to choose one word to summarize the difference of approach between the two agencies, it would be "control." In the U.K. the approach was far more directive, almost single-minded, in pressing an agenda. In the U.S. there was far more flexibility. The choice of words, for example, "community policing" and "the community," allow a whole range of different interpretations. The approach could be characterized as "let a thousand flowers bloom." One possible reason for

Table 3

Crime Prevention Policy and Role of Government Research: A Summary of Differences between the U.K. and the U.S.

	UNITED KINGDOM	UNITED STATES
Policy		
Theory	Situational crime prevention	Community policing
Source of legitimacy	Research	Politics
Empirical base	Strong	Weak
Relationship of policy department to police service	1. Provision of 51% of police operating budgets 2. Statutory inspection	Disbursement of block grants and discretionary funds constituting only a small proportion of police operating costs
Police partners	Local government	Local communities
Government Research		
Relevant organization	CPU/PRG	NIJ
Mission	Increase the influence of research on policy and practice	Inform policy and practice through research and development
Relationship to policy department	Close and direct	Quasi-independent
Research program	Narrow, focused	Broad, thematic
Budget	Limited	Large
In-house staff	1. Relatively many 2. Subject matter specialists	1. Relatively few 2. Subject matter generalists
Ratio of internal to external research	Approximately 50/50	Most external
Principal role of in-house research staff	Undertaking research and managing contracts	Monitoring grants
Relationship to academic researchers	1. Proactive 2. Research commissioned 3. Weak peer review	1. Responsive 2. Research grants awarded 3. Strong peer review
Links with police service	Direct	Primarily through COPS
Research reports	Aggressively marketed to police	Made available to police

this difference in approach lies in the different levels of funding available to each agency. "Letting a thousand flowers bloom" is an expensive policy option.

This is not to say that the NIJ was inattentive to the reduction of crime and disorder, or to "community safety," but the Institute's activities in this area were structurally separate from research and evaluation. In 1998, for example, the NIJ launched the Strategic Approaches to Community Safety Initiative (SACSI). This was first established in five sites on an experimental basis and is being centrally evaluated. The federal U.S. Attorney in each locale takes the lead in establishing an inter-agency working group, gathering information about local crime problems, designing a strategy and interventions to tackle the crime problem, implementing the interventions and evaluating and modifying the strategy as necessary. The local researcher acts as a full partner in the group and assists in the analysis of data and development of the initiative. But the local researchers are what might be called "generalists." With a few exceptions they do not have the specialist crime prevention knowledge to advise on the development of the initiatives. The police are included in the partnerships but are not in the lead, and there is no sense that these initiatives are attempting to change the way in which the police agencies approach their work. The SACSI program (and other similar U.S. initiatives) is essentially about promulgating a methodology (crime analysis leading to problem solving and community safety activities) rather than specifically encouraging crime prevention as an alternative to the enforcement model.

Conclusions

Garland (1996) has characterized the new "adaptive" crime policies in the U.K. and the U.S. as essentially similar. They are both calling for "crime prevention" and looking to the police, with other partners, to provide it. But our argument has been that these similarities are only superficial. Some important differences exist between the two countries in their understanding of the term "crime prevention," in the research base available to the policy makers and practitioners, and in the legislative and structural support for change. Specifically, we have argued that research in the U.K. has been the driver for policy change whereas in the U.S. it has taken on a more supportive role.

Accepting the argument that the two approaches are different begs two questions: Which approach is most effective? And is it appropriate that research should drive rather than serve policy?

The question as to which approach is correct, if either is, will not be answered for some time. Crime has been falling in both countries for about a decade and there is no consensus as to why, nor is this the place to address the issue. Demography, the economy, drug consumption, gun use, and police practice have all been implicated at various times in New York City alone (see for example the

special issue of the *Journal of Criminal Law and Criminology*, Volume 88, No. 4), never mind the rest of the United States.

The issue this paper seeks to explore is the nature of the relationship between research and policy. Particularly in modern democracies, the question of what drives policy is an important one. In addition to research, there are a number of influences, including public opinion, available budgets, precedent, the media, politics, pressure groups, and existing legislation. Indeed, as Garland (2000) points out, it is not uncommon in some states for direct referenda to be held on legislative proposals. But in the new world order there is also increasing pressure for the delivery of outcomes and proper accountability for the expenditure of public money. This latter should lead to a greater demand for outcome-based research and information on "what works" in crime prevention. This can be seen as the impetus for the Sherman (1997) report for Congress on "what works" and the research review in the U.K. on which the crime reduction program was based. A consequence of the pressure for the delivery of outcomes should be an increased tendency for research to influence policy more directly. There is little public debate on this issue, but if research were to take a more influential role in policy, how can this best be achieved?

Osmosis is an inefficient mechanism for getting research results into policy or practice. To be done efficiently the process requires managing. In the U.K. much of this management function was taken by the central government research organization, which was aggressively proactive in pushing the results of strategic programs of work. There is no direct U.S. equivalent. This is not to criticize the NIJ, which has significantly strengthened the academic underpinning of criminal justice policy in the U.S. But the NIJ's priority has not been to develop or directly invest in the research-based prevention of crime.

If the agenda changes significantly along the lines we have discussed above, and demands for evidence-based policy continue to be made, then research managers in government departments will want to ensure that their organizations are well placed to respond. In preparing to meet the demands for evidence-based policy, they may wish to consider their response to some of the questions listed below which, perhaps with the benefit of hindsight, reflect the modus operandi of the CPU/PRG:

- Is at least some part of your budget set aside for strategic research programs?
- What proportion of your budget addresses "what works, where and why" questions?
- Are some measures of cost included in evaluations?
- Could you make the whole research process more efficient, and thus deliver results faster?
- Does your agency actively encourage "action research"? If so, how?
- Do you have a systematic way of identifying good practice?

- Do you train your staff to write in plain English?
- Do you provide advice on report writing to your contractors?
- Do your staff members have formal training on the way in which policy is made?
- Do you prepare policy partners for good/bad news?
- Do you have training programs for working with the media?
- Do you have a written publication policy?
- Do you have a marketing strategy for each project/program?
- Do you know the key people who should receive your research summaries?
- How do you ensure the quality of the work you commission?
- Does your organization have its own subject matter experts? How do you retain them?
- Do you formally encourage feedback from policy advisers and practitioners with whom you have worked? Do you act on any criticism?

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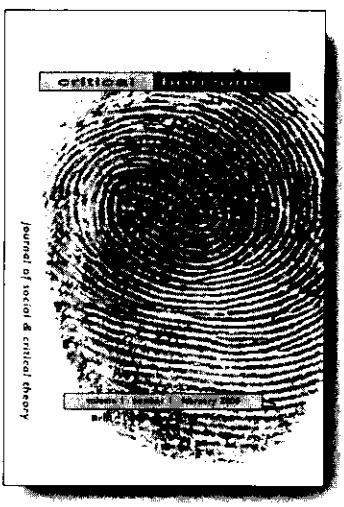

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