

6

Curbing Crimes of Rage

Crimes of rage—assault, manslaughter, and murder committed in an intense emotional state—disturb the public more than any other types of offenses. We have a morbid fascination with news stories about the disgruntled employee who fatally attacks a manager, or neighbors or family members who commit violence. We are wary of those volatile persons who, out of drunkenness or a generalized resentment of society, react to provocations with disproportionate violence. Perhaps we worry that we could somehow lose control of our own normal emotions—anger and fear—and let them become the passions of rage and panic. These passions are mighty engines for violent crimes.

This chapter focuses on the lawbreakings that mainly express rage. Excluded from our concerns here are relatively dispassionate assaults or killings for money, such as those of professional robbers and hit men, which are discussed in Chapter 9. The anger that precedes rage has many causes, both biological and social. The key to controlling crimes of rage, therefore, is ameliorating the anger and reducing the means for implementing violent emotions. The chapter ends with a look at domestic violence, which creates special crime-control problems because of our society's ambivalence regarding the nature of family relationships.

Assault, Manslaughter, and Homicide

Assault is a violent attack on another person, whether or not it causes injury. A shot fired or an object thrown at someone may, largely by chance,

kill or injure the target, or it may miss its target altogether and hurt no one. Nevertheless, all are assaults.

The penalty, however, depends partly on the result, and especially on the motives ascribed to the attack. Assault is excused if committed in self-defense or to stop a serious crime. It is a criminal act if done with what the courts regard as excessive force, such as a killing to stop the theft of a candy bar. If no one is hit, a violent attack is usually not punishable, but it could be if it is inferred that blows, thrown objects, or bullets were intended to hurt, or even to kill.

Statistics on assault are unreliable. In the law, "simple" or "petty" assault can include even a slight shove, but it is imprecisely distinguished from the usually more brutal attacks called "aggravated" or "felonious" assault. These severe assaults are the ones that are most often referred to the police. Yet most assaults of both types are not reported to the police, especially if they take place within the family. They may also go unreported to interviewers for the National Crime Survey. After defining each common type of victimizing crime to samples of the population, the NCS interviewers ask if anyone in the home has suffered it in the past half year. Police also differ in how completely they record the assaults that are reported to them.

Our best data on violence rates are on killings, for they are almost always counted by the police. They also appear in public health statistics on the causes of death, compiled from physicians' and coroners' death certificates.

Murder committed with premeditation and malicious intent is called *homicide*, but many states differentiate between first and second degree murder by the extent of malice and premeditation. *Manslaughter* is unintentional killing. It is usually punished more severely if it results from an assault with intent to hurt, rather than from negligence (as in inattentive driving).

Although reported assault rates have risen over the past three decades, they are, as already mentioned, inexact measures. Assault rates are often only inferred from murder rates. Murder rates known to the police, and the much less complete data on assault, were once shown to be correlated almost identically with age, gender, race, and other variables (Pittman & Handy, 1964). Therefore, it has long been thought that one could extrapolate the correlates of assault from those of the more fully known variations in murder rates. This notion may now be changing, however, as Tonry (1995a) infers:

Given the greater availability of ever-more-lethal firearms, the proportion of assaults proving fatal (that is, the ratio of homicides to assaults) should be increasing. To the contrary, it has steadily fallen. This suggests that much of the apparent increase in assault rates reflects higher reporting and recording rather than a higher incidence of assault. (pp. 20-22)

The changes in assault reporting procedures may differ geographically.

The chances of someone in the United States being a murder victim are more accurately known. The annual rate of homicide doubled in three decades, from about 1 in 20,000 persons in 1960 to about 1 in 10,000 in 1990 (Holmes & Holmes, 1994, p. 6), although the odds have declined slightly since 1990. But most people are still very unlikely to be murdered. The United States has always had much higher homicide rates than other similarly developed nations, such as those of Western Europe, but much lower rates than some less developed ones, such as Mexico, Brazil, Colombia, the Philippines, Rwanda, and Sudan.

At least 40% of murders in the United States probably are victim-precipitated, in that the victim struck the first blow in the interaction that culminated in his or her death. Reported victim precipitation varied from 22% to 38% in different studies, but in 21% to 44% of the cases reported in those studies there was no indication of who struck the first blow. If we infer that victim precipitation occurred in about the same proportion of the lethal altercations in which the precipitator could not be determined as of the reported ones, then clearly more than 40% of the killings were begun by the person killed in the fight (Curtis, 1974; Wolfgang, 1958; Voss & Hepburn, 1968). Regardless of the precise percentage of victim-precipitated murders, in a substantial number of murders it is often only chance that determines who is the killer and who is killed.

Self-reported crime data from successive yearly interviews in the National Youth Survey's sample show that an early record of alcohol or marijuana use and of several serious offenses are the best predictors of involvement in violent crimes. They also show that each successive serious offense makes further violent crime more probable, but that nonspecialization persists. Therefore, the "probability of arrest for a non-serious offense is certainly as high as for a serious offense at any point in the [criminal] career" (Elliott, 1994, p. 18). In Denmark, also, the probability of arrest for a violent crime was found to increase with each arrest for any type of serious offense (Brennan, Mednick, & John, 1989).

Causes of Potentially Violent Passions

In all societies, violence is committed mostly by males. About seven times as many men as women are arrested for homicide in the United States, and the ratio is similar for assault. This difference is often explained biologically. In almost all mammals the males do most of the fighting, possibly because pregnancy and nursing handicap females in physical combat. Differences between the sexes in average upper-body strength and in hormones are also cited as explanations. Yet the fact that most cultures view violence as a virtue for males and as improper for females is probably more influential.

Biological Factors

Nevertheless, biological factors do play a role in creating the passions that lead to violent crime. Humans, male and female, share with other animals the types of physiological reactions that accompany intense emotions. This similarity across species is shown when a sudden noise occurs. All humans, dogs, cats, birds, and other beasts that hear, say, a big bang experience arousal of their *autonomic nervous systems*. Their muscles tense, senses sharpen, and hearts speed as their bodies automatically mobilize for fight or flight.

Some have claimed that all human emotions are reducible to four broad types—fear, anger, depression, and happiness—each linked to a distinct pattern of autonomic system reaction (Kemper, 1987). Goleman (1995, pp. 289-290) cites a longer list of types of feelings, drawn from many languages and from diverse cultures: anger, sadness, fear, enjoyment, love, surprise, disgust, and shame. One could add guilt, pride, hate, and ecstasy as other common designations of distinct feelings. It is because emotions mix; are culturally interpreted; and vary in intensity, setting, and associated conduct that they get such a variety of labels.

In addition to having an autonomic nervous system, humans and other animals have a *central nervous system*. However, this system is much more highly developed in humans than in other species. It gives us the ability to interpret our circumstances in words and to direct our conduct on the basis of these interpretations. The result is deliberate and ostensibly rational guidance of behavior. To an appreciable extent, then, the central nervous system can inhibit the expression of emotions in conduct. We learn from family, friends, schools, religious institutions, and other sources, and may also develop individually, ideas on when certain expres-

sions of emotion are improper, and when they are permissible or even desirable. But the proper functioning of the central nervous system is crucial to such inhibition.

Diverse brain abnormalities, endocrinal imbalances, and low levels of blood sugar or of the neurotransmitter serotonin, as well as other body conditions, affect ease of emotional arousal and ability to inhibit it. Persons who are persistently violent are the most likely to have hereditary central nervous system sluggishness or to have had perinatal complications (Kandel & Mednick, 1991; Moffitt, 1993). Artificially induced brain abnormalities also play a role. Stimulants, such as cocaine or amphetamines, make emotions more easily aroused. Alcohol, opiates, and other depressant drugs, as well as fatigue, reduce the central nervous system's ability to inhibit emotions.

Social Feedback and Audience Effects

A distinctive feature of emotions is that their expression by one person tends to arouse or intensify similar feelings in others. This process, which has been called "circular reaction" (Blumer, 1939) and "excitation transfer" (Zillman, 1979), is called *social feedback* here. Until this feedback process is interrupted by distracting new external or internal stimuli, passionate interaction tends to intensify the feelings of those participating, as well as the feelings of those observing or hearing it. The external stimuli that distract them can be any other sights or sounds that get their attention; internal stimuli include other thoughts (e.g., remembering an appointment) and other feelings (e.g., pain, fatigue, or nausea).

Social feedback typically begins when anger makes a person's voice rise. This tone evokes anger in anyone yelled at, and soon both are shouting at each other, unless the anger of one has aroused fear in the other. Supreme Court Justice Oliver Wendell Holmes referred to social feedback of fear when he said that free speech does not include the right to cry "Fire!" in a crowded theater. Such shouts of fear, by arousing similar emotions in the audience, can elevate fear to panic and start such rushing to the exits that people are trampled or trample others to death.

Some popular singers—for example, the Beatles, Elvis Presley, or Frank Sinatra in their primes—can also precipitate social feedback, moving adoring audiences to screaming and sighing and intensifying ecstasy until some swoon from it. A more common form of social feedback occurs among mourners at a funeral. The crying of one or two heightens the sadness of others, who soon are also weeping.

Individuals may even experience social feedback in communicating to themselves, when in private contemplations they “work themselves up into a stew” of rage, love, anxiety, or gloom. This process can be interrupted or even reversed by new stimuli from external events, or by the usually unvoiced communication to ourselves that we call “thinking” or “reflection.” Our thinking can be a shared process in “discussion” or “talking it out,” if it is done more in collaboration than in conflict with others.

An analysis of 159 verbal interaction sequences that ended in assault or homicide noted another cause of potentially violent passions: *audience effects*. “Violence is evoked most readily if one or more others are present when unfavorable remarks are exchanged” (Felson & Steadman, 1983). Someone who is humiliated in public, thereby losing face in front of others, is especially likely to reach a state of uncontrollable rage, because of the audience’s perceived or anticipated social feedback of negative emotional reactions. Probably none of the murders these researchers studied would have occurred if habits of cooler response had prevailed in at least one disputant, or if either participants or audiences had departed at the first sign of anger. Instead, social feedback intensified anger to rage and a deadly weapon was used or a fatal blow struck. Nonlethal assaults develop similarly, but end when someone is hurt, flees, or the quarrel is otherwise interrupted.

Inequality

Sophisticated statistical analyses of data from different countries show that homicide rates and indices of economic inequality are correlated in all nations, but are most correlated in democracies (Avison & Loring, 1986; Krahn, Hartnagel, & Gartrell, 1986; Messner, 1989). Perhaps democracy promotes more outrage at inequalities because it also promotes norms of equality.

The fact that inequality in income and wealth increased in the United States from 1970 to 1990 may largely account for the growth in violent crime rates during that period. But as Chapter 1 indicated, the slight decline of these rates in the 1990s may also reflect a drop in the percentage of teenagers in the total U.S. population, because teenagers have the highest crime rates.

National homicide rates also generally rise with diversity in ethnic and language groups within a country, which may promote bias and misunderstandings, as well as inequality.

Within our largest cities, rates of violent crimes reported to the police (homicides, rapes, robberies, and assaults) are correlated with area rates of poverty and economic inequality (Blau & Blau, 1982; Messner, 1982; Williams, 1984). Data on 26 neighborhoods within Manhattan showed that their homicide rates were closely associated with their proportions of people in extreme poverty, and their percentages of the divorced or separated (Messner & Tardiff, 1986).

Homicide today is the leading cause of death of African American males aged 15 to 24; their rates are at least seven times those of white males in this age group. This discrepancy may partly result from white flight to suburbs between 1970 and 1990, which was closely correlated with increases in robbery rates in the cities they left (Liska & Bellair, 1995). Yet for both races, urban homicide rates are so closely linked with rates of female-headed households, male unemployment, and residence in the slums, that the differences between these two racial groups on such variables suffice to explain fully their contrast in homicide rates (Sampson, 1987).

Subcultural Violence

A Southern subculture of violence is frequently alleged in the United States, because police-reported homicide and assault rates have long been highest in the former Confederate states. Compared with other regions, Southern property crime rates are not so exceptional. One explanation for the high rates of violence is that these states have the highest rates of extreme poverty; for all 50 states, homicide rates are closely related to the percentage of the population that is very poor. This correlation applies especially to *primary homicides*, the murders between friends or relatives that are more likely to express rage, rather than to the less passionate killings of strangers, as occur in the course of robbery (Dawson & Langan, 1994; Loftin & Hill, 1974; Parker & Smith, 1979).

There are also indicators of higher tolerance for deadly violence between intimates in the South than prevails elsewhere. Anthropologist Henry Lundsgaarde's (1977) *Murder in Space City* showed that when Houston police ascribed a killing to a spouse's provocation, such as adultery, or simply to an argument in which both parties were drunk, they were unlikely to charge the accused with murder and often did not prosecute for any crime. Until 1974, the Texas Penal Code excused killing one's spouse or the spouse's lover if they were caught in the act of adultery.

Southern states also have the nation's highest rates of gun ownership and hunting, which puts the means for killing more readily at hand. Surveys have found that both Southern-reared persons and gun owners everywhere are more approving than others of violence in defense of abused women or children or of burglary victims. They are not much different in reacting to verbal affronts (Dixon & Lizotte, 1987).

The South imposes the death penalty on convicted murderers much more than other regions do but still executes less than 1% of them. Its killers sentenced to prison get shorter terms than are given for murder in states that rarely or never use capital punishment (Glaser, 1979).

One can infer that in the South especially, and in the rest of the nation to a lesser extent, an angry assault in response to physical abuse of one's person or family is a "folk crime." It is forgiven even if it has deadly results, because most people can see themselves reacting in a similar rage to such provocations. But if a killing seems unprovoked, the South is more willing to execute.

Differences in violence rates between the South and other regions have declined in recent decades, mostly because these rates rose in the rest of the country (Kowalski & Petee, 1991). Increases in violence in the North and West followed large migrations there from areas of higher violence, such as the South and Latin America.

Mass Media

One controversial issue is whether spectators become aggressive from seeing violence in films, television, newspaper accounts, and sports (especially boxing, wrestling, hockey, and football). Many psychologists once held that watching violence has a "cathartic effect," helping spectators get rid of violent impulses vicariously instead of by aggressive acts. More rigorous research, however, shows that watching violence prompts similar conduct by persons already so inclined if they see people like themselves reacting violently in circumstances familiar to them. Although the most violent films are animated cartoons and fairy tales, they evoke little audience violence because they are unrealistic. On the other hand, theater owners have learned at great cost that realistic films about teenage gang fights prompt conflict and "tearing up the place" by the already-delinquent audiences that such films attract.

In August 1996, newspapers reported a study by the Markle Foundation in New York that found a potential link between mass media and

nonviolence. High school students who as preschoolers had watched educational television most, such as *Sesame Street* and *Mr. Rogers' Neighborhood*, had the highest grade-point averages in high school English, science, and mathematics courses. Because high academic grades are correlated with nondelinquency, perhaps delinquency results from the type of TV show watched rather than from the total amount of watching.

Home Experiences

A study of more than 400 children that investigated their propensity for violence when they were about 8 years old and then reexamined them a decade later found that the most violent children not only spent more time watching TV but also had weaker identifications with their mothers. Teenage boys' violence was especially related to violence in the home. Experiencing parental warmth and enthusiasm, which the researchers called "nurturance," as well as being in middle-class homes and doing well in school, were closely associated with nonviolence at 8 and at 18, for both sexes (Lefkowitz, Eron, Welder, & Huesemann, 1977).

A 30-year follow-up of boys classified as aggressive when they were 5 to 9 years old found that those least supervised as young children were the most aggressive as adolescents and as adults. They also came from homes with the most conflict between parents, the most corporal punishment from fathers, and the least affection and family leadership from mothers (McCord, 1983). Indeed, family counseling research has repeatedly shown that conflict in families tends to be predicted by conflicts in the homes where the family members were reared.

"Saving Face"

Anger escalates to rage most readily among intimates, because their lives are much involved; they are more indifferent to the conduct of strangers, because their lives are less likely to be affected by these persons. Primary homicides have thus long been the most common type of murder and the most passionate. Although killings by strangers, such as the professional murders discussed in Chapter 9, seem to be growing in frequency, only in mystery stories do most murders result from careful planning.

Primary violence tends to evolve from an escalation of emotions in what Erving Goffman (1967) called "character contests"—people trying

to impress each other with their personal qualities. Such contests prevail in the teasing and “kidding” conversations of everyday life. Participants in them strive to show superiority and to avoid the embarrassment of displaying inferiority. As Peter Blau (1964, pp. 43-47) pointed out, we keep trying to impress others but not to be impressed by them. Thus many character contests are “zero-sum” games, as one person’s “loss of face” is the other’s gain.

Such contests are common in social gatherings as diverse as a street-corner group of delinquents, where each tries to appear tougher or cooler than the others, and a cocktail party of intellectuals who compete in display of erudition, artistic taste, or wit. Violence may result from such character contests as a last resort for people who have run out of ways to display their self-importance by verbal or other nonviolent responses. As Braithwaite (1992) notes, “Much crime, particularly violent crime, is motivated by the humiliation of the offender and the offender’s perceived right to humiliate the victim” (p. 81). Also relevant in about half the apparently rage-driven felonies is inebriation. If the perpetrator—and often the victim—has been drinking, social feedback more readily escalates the emotions of all participants (Roth, 1994b).

David Luckenbill (1977), in analyzing exchanges that culminated in murder, always found that “opponents sought to establish or maintain ‘face’ at the other’s expense” (p. 176). Pride came before their falls. All the fatal contests he studied evolved after one person did what another viewed as a threat to face, and neither of them backed down before violence became deadly. The initial perceived threat could be a disrespectful remark, a refusal to obey an order, or an alleged false statement. When both are drinking, the precipitating event can be a very trivial annoyance that would ordinarily be ignored.

Profitable Policies for Violence Prevention

The social costs of passionate crimes are immense. When such crimes occur among intimates, a family may lose a member to either imprisonment or fatality. The lives of all survivors of violent crime may be radically altered by the physical and psychological distress; they may feel obligated to move from the neighborhood or come to distrust their friends or become unable to perform their jobs. People who lose control of their emotions and are convicted of crimes of passion face the stigma of criminalization.

The economic costs are substantial as well. The expense of caring for severely wounded victims of passionate crime affects society as a whole, as does the expense of arresting, sentencing, and incarcerating perpetrators. Of course, none of this expense erases the social costs of such crime.

Thus the most profitable approach for controlling crimes of rage is to prevent them in the first place. Among the efforts to prevent violence are training in other ways of resolving differences, gun control, and severe penalties for murder.

Education

People need training at home and school to know ways of calmly negotiating disagreements, or they will run out of alternatives too readily. Violence is avoided by peaceful discussions without nasty remarks.

A major provocation to fighting among males is a challenge to manliness. This sort of fighting is often not so much from anger as from fear of being humiliated by backing away from a fight. This is the sexist "face" that males too often literally die to save. Toys and games, sports, and mass media have long promoted the image of the hero who has the ability and desire to fight physically or to use guns. Such an image is intended primarily for males (although the gender difference is diminishing). Less violence in boys' and men's play; less favorable attention to macho demeanor; and fewer stereotyped, separate roles for each gender in employment, housework, and recreation would probably reduce the need to prove manliness.

High violence rates and low educational level are closely correlated. It follows that violence is diminished by all the methods of reducing childhood-transition criminality that were urged in Chapter 4, such as parenting classes, Head Start, "lighted schoolhouses," welfare reform, and help in the transition from school to work. School classrooms themselves play a major role in training students to discuss their differences and control their anger. Also, democratically run clubs and democratic meetings for children, beginning at the earliest age, provide some of the best training in nonviolent resolution of differences.

New York City elementary schools have developed what they call "The Resolving Conflict Creatively Program" (RCCP). It includes elementary and secondary school curricula, teacher training, a student mediator program, and parent training. The elementary schools have 51 "work-

shops" for students covering 16 topical units, such as "communication," "acknowledging feelings," "resolving conflict creatively," "appreciating diversity," and "bias awareness." The secondary school curriculum reviews the elementary school's topics, then emphasizes concepts and skills of conflict resolution and intergroup relationships.

RCCP training for teachers encompasses 20 hours of after-school sessions with much role playing, plus 6 to 10 subsequent classroom visits by instructors.

An RCCP mediator program is begun in schools that have had an RCCP program for a year or more, with teachers who have used the program regularly. Students apply to become mediators and are selected by teachers, sometimes after secret ballots on student preferences. Student mediators are supervised by one teacher who gives them 2 days of initial training, holds bi-weekly sessions to review their experiences, and is available as a consultant. RCCP mediators work in pairs, wearing a "Mediator" T-shirt. They patrol the lunchrooms in elementary schools, and if they see a fight, instead of intervening physically they ask the students if they wish to mediate, which most do. In secondary schools they mainly mediate quarrels referred to them. In any case, the mediation is done in the privacy of a separate room, usually during the lunch hour, and the mediators are given much autonomy but are to seek consensus on what the disputants agree on and what remains to be settled.

The RCCP Parent Involvement Program provides 60 hours of training for two or three parents per school, to lead workshops for other parents on intergroup relations, family communication, and conflict resolution.

Evaluations of RCCP thus far stress student tests, which show that most master the curricula topics. Teacher and student testimonials also attest to changed attitudes and behavior. Possibly RCCP, and "Beacon" after-school programs (discussed in Chapter 4) account for much of the recent decline in New York City violence rates. More rigorous assessments of its impact are under way (DeJong, 1995).

Less extensive programs analogous to RCCP are now widespread. In some Los Angeles public schools, for example, classes in temper control, for sixth to ninth graders who have had problems from flying into a rage, are reported to be effective in reducing their school and home difficulties. In many cities, police officers are involved in the student violence reduction programs as part of the growing emphasis on community policing, which is discussed in Chapter 10.

Gun Control

Although gun ownership in Europe was historically a monopoly of the military and the aristocracy, Europeans who settled North America during the 1600s and 1700s made sure that almost all their adult males, and many boys, had at least one gun. These were used mostly for hunting, because wild game was the principal source of meat, with the hides and furs used for clothing or export. Guns were also used to control Indians, slaves, and outlaws. In addition, the European custom of dueling spread to the upper classes of the South and evolved into gun fights in the West.

Because guns are now used in the United States for 70% of murders, and in many robberies and rapes, some people infer that these crimes could be drastically reduced by allowing almost no one except the police and the armed forces to have guns. An opposite belief is that many more citizens should have guns for self-protection. These are the two extreme views in the debate on gun control. The reality is that weak controls prevail, which vary among the states.

Arguments for Gun Control

Those who want more gun control point out that in no other large, technologically developed nation is there as much handgun and assault gun ownership per capita as in the United States, and in no other developed country are murder and robbery rates as high. Also, because assaults and robberies in other nations less often employ guns, a smaller percentage are fatal. Guns have finally surpassed motor vehicles as the leading cause of traumatic deaths in the United States, according to a February 3, 1995, newspaper report from a violence research center at the University of California at Davis.

Canada has little regulation of rifles and shotguns, used for hunting in its vast terrain, but it rigidly controls handguns, which are more often used for crime; it has less than half the U.S. murder rate. Western European nations greatly restrict ownership of any type of gun; the per capita murder rate in England is about one-seventh and in France one-fifth that of the United States'. Rates of killings by means other than guns are also lower in these countries than in the United States (Chappell & Strang, 1992).

All kinds of lethal shooting increase with the prevalence of firearms. Of the more than 30,000 deaths from guns annually in the United States, about

half are suicides, 40% homicides, and 10% accidents (Wright & Rossi, 1986). Rates of suicide by gun are correlated with rates of homicide and of accident by gun, but all diminish with stricter gun control laws (Lester, 1987). A loaded handgun is acutely dangerous to children who may find it and play with it; to adults who handle it carelessly; and to angry or despondent persons, especially when drunk. Too often they impulsively kill others or themselves because the weapon is readily available.

The rise in juvenile use of firearms is also cause for concern. Murders committed with guns by juveniles increased by 79% during the 1980s, robberies by juveniles with guns also rose, and those aged 15 to 19 had the highest rates of death by bullet. Surveys of students of inner-city neighborhoods found that 45% had been threatened or shot at with guns while going to and from school (Blumstein, 1995; Mock, 1994; Zawitz, 1995). Higher figures are often reported in newspapers for schools in high-crime neighborhoods. Gun prevalence probably explains why 82% of U.S. murder victims aged 15 to 19 were killed by firearms, compared to 70% of all murder victims (Roth, 1994a).

Arguments Against Gun Control

The Second Amendment to our Constitution reads: "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed." Although gun advocates usually quote only the words after the last comma, federal courts focus on the words about a militia. The judges declare that this 1787 Amendment was motivated mainly by fear that the federal government would interfere, as the British had, with the separate militias formed from self-armed citizens in each of the 13 colonies (Newton & Zimring, 1969, appendix J). Today, the role of the colonial militias is filled by the National Guard units of each state. In addition, in many states voluntary groups unofficially call themselves "militias." They engage in military training and war games with guns.

Gun advocates marshal historical evidence to oppose the federal court interpretation of the Second Amendment (Halbrook, 1984). They insist that the right to bear arms is essential to our liberties. But they ignore liberty's survival in Canada, Australia, and Western Europe without widespread distribution of handguns.

Gun advocates also argue that residents or employees can be present in homes and stores more continuously than police, and arming citizens

therefore prevents crimes at these places. Kleck and Gertz (1995) estimate that close to 2.5 million defensive uses of guns occur annually in the United States, perhaps preventing millions of crimes.

Traditionally, state laws have provided that persons who meet specified criteria, such as age and lack of a criminal record or mental ailment, may be licensed to carry a concealed handgun—if they convince officials that they need it. In 1985 the National Rifle Association, the principal organization of private gun owners, began to lobby for laws allowing anyone who meets the criteria to be issued such a license on request, without showing any need for it. These are often called “shall” laws because they change the crucial wording from “may be licensed” to “shall be licensed.” Since 1985, at least 15 states have changed their laws to the “shall” form.

The effects of these changes have been assessed for Miami, Jacksonville, and Tampa in Florida; the Portland area in Oregon; and Jackson, Mississippi. In the four areas other than Portland, the monthly rate of homicide by gun rose after “shall” laws increased the availability of handguns. Rates of non-gun homicide did not rise. Portland had much lower rates of homicide than the Southern areas both before and after this change, but taking the five areas together, homicide rates increased 26% with the “shall” legislation (McDowall, Loftin, & Wiersema, 1995).

Polls show that, of all respondents, gun owners fear crime least. Therefore, fear reduction might be a strong argument for opposing gun controls. Fear is stressful and prompts much spending for security devices like locks and bars. It also makes people stay home at night when they could enjoy going out. However, polls also show that most people who fear crime do not want guns (Hemenway, Solnick, & Azrael, 1995).

Most attempts to disarm cities by buying handguns for \$50 or some other flat sum each, or by providing free tickets to popular events in exchange for guns, yield few weapons, the bulk of them inferior. Buying back the estimated 225 million privately owned firearms in the United States at \$50 would cost well over a billion dollars, but most devotees would not sell their last guns for anything but an enormous sum. Handguns are also durable and easily hidden.

Incidentally, more than half the handguns that police identify as involved in crimes were stolen. They are usually taken in home burglaries, mostly by teenagers who carry out all portable valuables that they find.

The stringent controls long established in Western Europe and Japan authorize civilian ownership of few handguns and hardly any assault rifles, require prior approval for their sale or transfer, and confiscate those

unauthorized. Three conditions make such controls unlikely in the United States in the near future and of limited crime-control value even if attempted.

First, the strength of opposition to gun control is enormous. The National Rifle Association mobilizes millions of letter writers and thousands of demonstrators on short notice to harass legislators considering gun control laws. It is funded not only by its avid members, but by manufacturers, importers, and dealers in guns, who also have their own lobbyists, and by state organizations.

Some extreme right-wing groups—called “survivalists” and linked to militia groups—are wary of dictatorships developing in the United States or of the United Nations taking control of this country. They propagate a fear that authorities will use gun registration records to seize all private weapons, then suppress liberties. This fear was especially intense when Communists controlled the Soviet Union. These extremists viewed as Communist conspirators almost anyone with more liberal political views than theirs. Some of their members were charged with terrorism and other crimes, notably the 1995 Oklahoma City federal courthouse bombing.

Legislators, responding to polls and to their own beliefs, enacted new gun control measures in the 1990s. Because state laws are diverse both in wording and in enforcement, John Hinckley on one afternoon could buy in Louisville, Kentucky, the two handguns with which he tried to assassinate President Reagan. Most handguns seized by the police in New York City were traced to dealers in states with weaker controls, such as South Carolina. Some federal laws for more uniform controls have been enacted, notably against sale of assault guns, but lobbyists’ efforts have left serious loopholes in them.

Second, to control the sheer volume and dispersion of private guns in the United States is a formidable problem. Half of our 260 million people are in homes with guns. It has been estimated that households with firearms average three guns each, and that half have handguns. Because most gun owners oppose controls, it would be impossible to register all legally acquired handguns and to confiscate those deemed illegal. Attempts to do so would create much resistance, sometimes lethal.

Surveys of male high school students find that nearly a third have owned a gun and more than a fifth still do, most often a handgun. About an eighth report always carrying their gun, and most say that they do so for protection (Sheley, McGee, & Wright, 1992; Wright, Sheley, & Smith, 1992). Increasingly, however, parents are held criminally responsible for

their juvenile offspring's illegal gun possession or gun crime, and any student bringing a gun to school is expelled.

Third, it is unlikely that gun controls would promptly disarm criminals. Surveys of prison inmates who used guns find that most did not buy them from legitimate dealers; the bulk were either stolen or acquired by purchase or trade from others operating outside the law. It is estimated that half of all gun transactions involve used guns (Cook, 1991, p. 39). They are often traded openly at swap meets and garage sales, even in states with relatively strict controls, such as California. When handguns are scarce, and at other times, criminals saw off the barrels of rifles or shotguns to make them more concealable. They can then be used at short range with deadlier effects than most handguns.

Many states have laws requiring prison terms for using a gun in a crime. Their impact is less than was expected, however, for defense lawyers readily get prosecutors to drop the gun charge in exchange for guilty pleas on other charges (Loftin, Heumann, & McDowall, 1983).

Some Feasible U.S. Gun Controls

About two thirds of our adult population support gun control (Kleck, 1991, pp. 379-380), and half the gun owners and most nonowners agree that certain people should not be allowed to acquire firearms (Hemenway et al., 1995). However, less than a third endorse banning all ownership of guns by private citizens (Kleck, 1991, pp. 379-380). Thus there are realistic prospects that limited gun controls can be established in the United States. They would gradually reduce criminals' ready access to handguns, as well as diminish accidental shootings and suicides. Such changes can come from achieving as many as possible of the following nine goals:

- *Nationally uniform licensing and monitoring of gun sales, to ban sales to ex-felons, mentally disturbed persons, and juveniles:* The U.S. Treasury Department's Bureau of Alcohol, Tobacco and Firearms already enforces such rules for what the National Firearms Control Act imperfectly defines as "assault weapons," but the ban could gradually be extended to all handguns. Eventually, registration could be required for all transfers of guns by gift or sale. Licensed dealers, for a fee yielding a reasonable profit, would check the would-be recipient's record. All guns now must have serial numbers, and the serial numbers of new guns are usually recorded by manufacturers and most dealers in conjunction with registering prod-

uct warranties. If a serial number were recorded for every gun transfer, and any gun with its serial number removed or altered were subject to confiscation and destruction, the distribution of guns could gradually be controlled more thoroughly. Profitable penalties for violators of such laws would be a large fine for a single weapon (preferably a day fine, so the amount would be dependent on income), plus jail or prison terms for large-scale or repeated sales.

- *Nationally available instant check on the criminal records and mental health history of anyone wishing to buy a gun:* Virginia already has such a program, it works well, and it is expected that the rest of the country will follow. A prospective gun purchaser shows the licensed dealer two types of personal identification, one with a current photograph, and fills out a form; the dealer then makes a toll-free call to a state computer center that checks the person's record. The dealer sends the form in with a report on the gun purchase. Only about half those who challenge their nonqualification for buying a gun are eventually allowed to purchase one.
- *Government payments for voluntary registration of all guns now owned, with owners' criminal and mental health records then checked; confiscation of guns from those whose criminal or mental health histories prevent their qualification for ownership; and confiscation of unregistered guns after some future date:* Registration of newly purchased guns can be mandated and be financed by license fees, but incentives such as government payments would be needed to motivate much registration of previously owned guns. All these proposals would be resisted by many or evaded if enacted, but they would gradually diminish ready access to guns by emotionally upset or criminal persons.
- *Limits on the types of guns offered for sale:* To further disarm U.S. civilians who are not clearly law-abiding, mature, and mentally stable, limitations should be enacted on the manufacture and import of handguns; on the calibre, ammunition storage capacity, and automatic firing potential of all guns sold to the civilian population; and on ammunition sale and distribution.
- *Training, testing, and licensing for the handling and secure storage of registered guns and ammunition:* Such procedures are currently followed by the armed forces. Extending them to the civilian population would reduce accidental shootings and weapons theft.

- *Bans against possession of many usable guns by one owner:* Owners now usually have several guns, and some collect dozens, scores, or hundreds. Often the guns are antiques, but as long as they can be fired, they are dangerous. Even if the owner would do no wrong, the guns may be stolen for use in crime.
- *Government purchasing offices in high-violence areas to buy guns for a reasonable price with no questions asked:* These guns would be destroyed except for some that might be useful to the police or the armed forces. Records would be kept on guns bought, and researchers would assess the impact of the program.
- *Bans against public sale of armor-piercing handgun bullets, and of guns made so predominantly of plastic as to be passable through metal detectors at airports and elsewhere:* Handgun bullets usually have soft metal heads that will not penetrate body armor well. Police are especially anxious to have a ban on more penetrating bullets, as many at times wear body armor. Although plastic guns of the type described are not yet known to be available, they can conceivably be made. An effort should be made to prevent their manufacture or import.
- *Special training and deployment of police patrols to identify and seize illegally carried guns:* For 29 weeks in 1992-1993, a federally funded, controlled experiment in Kansas City, Missouri, in an 80- by 10-block area with high crime rates, added two patrol cars from 7 p.m. to 1 a.m. Each car had two officers specially trained to spot guns in cars or under clothing of suspects when stopping vehicles to check any type of law violation. They averaged one car check every 40 minutes, many more in some periods than in others, and appreciably increased seizures of illegal gun. Gun crimes in this area decreased significantly during this period, although they did not in adjacent areas and in a control area (Sherman, Shaw, & Rogan, 1995). Similar programs have begun in other cities.

All these proposed restrictions would be resisted by advocates of gun ownership and their organizations. Realistically, therefore, these proposals can be enacted only piecemeal. And even if they were all enacted right away, bombing and other types of killing are still likely to be committed by the most avid, most violence-prone individuals. Thus none of the proposals would have an immediate, great impact on crime rates.

It should also be noted that gun violence rates are determined not so much by the number and distribution of guns or by laws restricting gun ownership as by cultural values, customs, and confidence in police and other government agencies that affect gun use. Survey data indicate that gun ownership for household protection varies inversely with confidence in the police and the courts (Young, McDowall, & Loftin, 1987). If community policing, discussed in Chapter 9, brings more youths and adults into collaboration with law enforcers, a major fringe benefit is likely to be less public fear of crime and less desire for gun ownership.

Switzerland provides an interesting model. It is among the most technologically advanced, affluent, and democratic countries. Its universal military service for males places guns in most households for defense against invasion, yet it has relatively low crime rates. Its government is very decentralized, with numerous local decisions made at town meetings (Clinard, 1978). Switzerland's record supports this book's repeated contention, also made by Cullen (1994) and others, that the most effective crime preventives are informal social controls through community interaction across age, gender, and other social barriers.

Enacting the preceding gun control policies in this country would help to instill informal social controls like Switzerland's. Gradually, only ownership of registered guns would be respectable, as in Western Europe. If these proposals could slowly change our culture's attitude toward lethal violence, we might finally achieve lower killing rates.

Capital Punishment

The death penalty has long been abolished in most technologically advanced nations; in the remainder, including the United States, its use is limited, as Exhibit 6.1 shows. For more than 20 years in the United States, executions have been authorized only for murder and treason.

About 40 states currently mandate capital punishment for certain crimes, but few actually impose it. Until 1995, 14 states and the District of Columbia banned the death penalty, but in that year it was restored in New York, missed restoration by only a few legislator votes in Massachusetts, and was reconsidered in several other states. Because of court challenges, the status of the death penalty remains uncertain even where voters favor it. Executions are unlikely to occur for at least 10 years in states like New York that have restored the death penalty. Yet national polls show that a majority favor it in our country, and they demand it as the punishment for the most heinous crimes.

Exhibit 6.1. Executions in the United States, 1930-1994

SOURCE: Stephan and Snell (1996, p. 2).

The strongest moral argument for the death penalty is that it is the only punishment that fully avenges a murder. It is also assumed to be a deterrent to others. Walter Berns's (1979) book *For Capital Punishment* asserts:

The criminal law must be made awful, by which I mean awe-inspiring, or commanding "profound respect or reverential fear" . . . and in our day the only punishment that can do this is capital punishment. (p. 173)

Berns also focuses on the need for retribution by death for killers of revered figures, such as John F. Kennedy and Martin Luther King, Jr.

Moral arguments against the death penalty stress that because life is sacred, the government should never be a cold-blooded executioner. But when a heinous murder arouses public anger, demands for revenge have more appeal than remarks on the sanctity of the killer's life. Some opponents of the death penalty also contend that the publicity and drama of executions by the government promote rather than deter potential murderers. In 1990, for example, Oklahoma carried out the death penalty for the first time in 25 years, and in the following year its rates of argument-

related killings of strangers (murders not associated with robberies, rapes, or other felonies, or between intimates) rose significantly (Cochran, Chamlin, & Seth, 1994).

Capital punishment also has an incapacitation function, commonly asserted as "Only a killer who is dead will not kill again." One should note, however, that in 80% of solved murders, the killing is done by a family member or associate, rather than by a stranger (Dawson & Langan, 1994). Relatively few of these "primary" murderers are convicted of new felonies after release from prison; the best predictor of postrelease recidivism is the releasee's total prior felony record. Released convicts who have been lifelong, versatile predators are far more likely to commit a new murder. The "career criminals," discussed in Chapter 9, begin persistent lawbreaking before their teen years, are unspecialized in their crimes, are frequently assaultive, drink heavily, and use drugs. They are highly recidivistic. The probability that their next crime will be a killing is greater than the probability that the typical primary murderer will commit a second killing. Primary murderers are usually older when first confined, are much older at release, and have demonstrated little prior criminality.

Many sophisticated statistical analyses refute the few claiming that capital punishment deters the public from committing murder (Klein, Forst, & Filator, 1978). In the states and countries that have adopted, abolished, or restored the death penalty, there has been no pattern of increase or decrease in murders following these changes; the only pattern is lower murder rates where murderers get long prison terms rather than the death penalty (Archer, Gartner, & Beittel, 1983; Forst, 1977; Glaser, 1979). It has been shown that homicide is reduced as much by certainty of any kind of severe penalty as by the prospect of capital punishment (Kleck, 1979).

Capital punishment advocates contend that if it were used more, its deterrent effect would become evident. But when it had greater use it did not reduce murder rates, and its use is unlikely to be much higher, for many factors inhibit officials from making the irreversible decision to impose death. Four Southern states—Florida, Georgia, Louisiana, and Texas—have conducted most of the executions in the United States since 1977. Yet less than 1% of killers are executed even in these states. In 1994 there were only 31 executions in the United States, even though at the end of that year 2,890 persons were imprisoned under sentence of death, including more than 300 each in Texas, California, and Florida (Stephan & Snell, 1996). The number of executions (see Exhibit 6.2) has always been far less than the number of death sentences imposed.

Exhibit 6.2. Persons Under Sentence of Death in the United States, 1954-1994

SOURCE: Stephan and Snell (1996, p. 11).

The ability even to arrest and prosecute murderers is spotty. Most primary murders are solved by the police. Often the murderer turns himself or herself in, and frequently witnesses saw the crime or heard the quarrel that preceded it. But the police solve only a minority of killings committed in robberies with victims who are strangers to the offender. And less than 1% of assassinations of organized crime figures result in successful prosecution. These killings are done by professional "hit men" who murder for pay (discussed in Chapter 9). They kill in states with or without the death penalty, confident of not being caught.

Many claim that the death penalty has never been applied fairly. Wherever it is used, the differences between the murderers executed and those spared are so inconsistent that its use seems haphazard (Zimring & Hawkins, 1986, p. 89). In South Carolina's 16 judicial districts, the percentage of murders legally eligible for capital punishment in which the prosecutor requested the death penalty ranged from 17 to 87 (Paternoster, 1991, p. 181). It has been shown in several states that those executed are not the

most heinous killers, but are disproportionately African Americans who killed whites; they are practically never whites who killed blacks (Gross & Mauro, 1989; Tonry, 1995a, pp. 42-43). In 1977, the Supreme Court ruled that capital punishment for rape is illegal because in the South, the only area where it was then much used, it was applied almost exclusively against blacks convicted for rape of whites, and not against whites who raped blacks (*Coker v. Georgia*, 431 U.S. 992; see also Bedau, 1982, pp. 58-61). Statutes authorizing capital punishment, Gross and Mauro (1989) point out, give courts

the power to threaten to kill thousands, but to do it only to dozens. . . . One lesson is clear from experience: this is a power that we cannot exercise fairly and without discrimination. (p. 224)

Yale's Law Professor Charles L. Black, Jr., used the phrase "The Inevitability of Caprice and Mistake" as the subtitle for the first (1974) and the second (1981) editions of his book *Capital Punishment*. He contended that no statute has reliably distinguished, or can, the types of homicide for which it requires the death penalty from those that it exempts.

A further argument is that there are always questions about the basic causes of a murder. Was it the killer's heredity, or the way he or she was reared in childhood? Because no killers can choose either of these, are they fully responsible for their deadly acts? We excuse a murder if we ascribe it to mental illness or idiocy, but we often cannot identify these conditions with certainty. In Britain and in New York State, sharp declines in acquittals on grounds of insanity occurred when the death penalty ceased to be mandatory for first degree murder. (The defense of insanity is discussed in Chapter 7.) In a classic experiment, people were given descriptions of murder trials and asked to decide if the accused was guilty in each. A randomly selected half, who were told that death was the mandatory penalty for murder, acquitted the accused significantly more often than did those told that the penalty was life in prison (Hester & Smith, 1973). These findings imply that punishment is more certain, hence may have more deterrent value, if death is not a possible penalty.

Those who support capital punishment point out the presumed economy of killing a convicted murderer rather than paying for room, board, and guarding in prison until natural death. However, our efforts to avoid unwarranted executions result in so much extra time of trial and appellate courts in these cases, and of defense and prosecution lawyers, that the cost

of a capital punishment case is several times the cost of a life term in prison. A New York study showed that it costs \$660,000 to imprison a man for 40 years, but \$1.8 million to execute him (Uelman, 1983). California's estimated capital case costs are \$6,500 a day to operate a court room, including salaries of all personnel, for an average of 50 days, or \$325,000; prosecution, including attorneys, investigators, and other staff and consultants, \$400,000 to \$500,000; defense, paid by the government unless the defendant is very affluent, \$300,000 to \$500,000, including investigators and advisers; 5 to 10 or more years are spent appealing death penalties to higher courts, at what can be an additional million or more in costs (\$3 or \$4 million if it goes to the U.S. Supreme Court), plus well over \$20,000 per year for secure presentence confinement (Lindner, 1993).

Finally, one irrefutable argument against capital punishment is that when courts are mistaken about someone's guilt, the error cannot be corrected. Hundreds have been proved innocent after courts convicted them of crimes, including some sentenced to death or even executed (Huff, Rattner, & Sagarin, 1986; Prejean, 1994, pp. 218-221). No one knows what percentage of those convicted are completely innocent, but many claim it is at least several percent. Erroneous convictions are spurred by political pressure on police and prosecutors to solve notorious offenses and by their reliance on criminal informers, from whom they seek incriminating testimony in exchange for a reduction in charges or sentence or other inducements. Thomas Jefferson is quoted on the masthead of the *Quaker Service Bulletin* as having asserted: "I shall ask for the abolition of the punishment of death until I have the infallibility of human judgment demonstrated to me."

The possibility that the public may change its views on the death penalty was suggested by the inconsistent responses in a Field poll in California, published March 1, 1990. Although 80% of its telephoned sample favored the death penalty for murderers, 67% then said that rather than a sentence of death they would endorse a sentence of "life in prison without parole, with the requirement that convicts work in prison and give their pay to the victim's survivors."

However, polls that do not suggest alternative penalties find that most Americans would support the death penalty even if it proved no more deterrent than life imprisonment (Zimring & Hawkins, 1986, p. 16). Many people are comforted by a capital punishment law, even if not protected by it. "A life for a life" seems just. Faith that the death penalty reduces crime was compared in a 1989 cartoon by Marlette with ancient beliefs

that a human sacrifice appeases the gods. Politicians regularly exploit such popular delusions, and pretend to be tougher on crime than their opponents because they were earlier or more vehemently for the death penalty. Feelings are often more influential than facts.

Domestic Violence

One of the most perplexing crimes of rage is *domestic violence*, assaults and even killings that take place between family members. A home should be a haven from the stresses and threats of the outside world; one's family should be a source of support and nurturance. Yet 40% of the violence suffered by adults at home comes from spouses, and another 19% from ex-spouses (Langan & Innes, 1986). As for the children, a quarter of a Kaiser Foundation national sample of 1,000 15- to 17-year-olds said that they had been beaten at home severely enough to have skin scarred or bruised, noses bloodied, or bones broken (*Los Angeles Times*, Dec. 7, 1995, pp. E1, E7).

Domestic violence is said to be the leading cause of injury to women. The April 20, 1993 *Los Angeles Times*, reporting on a national poll, asserted that, "More than 1 of 3 Americans say they have witnessed a man beating his wife or girl friend" (1 in 3 polled say they've seen women being beaten, *Los Angeles Times*, April 30, 1993, Part A).¹ Of course, some women do batter their husbands or boyfriends, and the rate may be rising. In Los Angeles, between 1987 and 1995, women rose from 7% to 14% of arrestees for domestic violence (J. Johnson, 1996). But American women rarely kill. When they do, their victim is most often a spouse or other male intimate. However, only an eighth of murdered men are killed by their female partners, whereas more than half of murdered women are killed by their male partners (Frieze & Browne, 1989, p. 204).

Wife beating was legal in most of the world until recently, because a wife was considered her husband's property, as though she were his slave. A batterer typically claims a right to control his wife; his violence is part of a pattern of verbal insults, nagging, other nonviolent efforts to maintain dominance, and a sometimes successful effort to convince her of his right to authority (Barnett & LaViolette, 1993; Tifft, 1993). Because wife beating reflects the tradition of male dominance in our society, it has long been widely accepted by both the criminal justice system and the public at large. Police, neighbors, and social scientists viewed it as noncriminal unless life-endangering and were mostly unaware of its prevalence in American

society. Only recently has wife beating been exposed to the kind of debate and policy making that may substantially reduce its occurrence.

Deterrence Versus Therapy for Spouse Batterers

A landmark national study of intact families in the United States estimated that annually in 2 out of 3 families, one spouse threw something at the other; in 1 of 6, a spouse struck the other; in 3 of 200, one "beat up" the other; in 1 of 200, one of them used a knife or a gun (Strauss, Gelles, & Steinmetz, 1980).

Battering is correlated with poverty. In recent National Crime Surveys, women with family incomes under \$10,000 reported 11 incidents of violence per 1,000 persons, as contrasted with a rate of only 2 per 1,000 for those with family incomes over \$30,000. Within each income group, about the same average rates were reported by black, white, and Hispanic women, and by those in central cities, suburbs, and rural areas (Bureau of Justice Statistics, 1994). However, more blacks and Hispanics were poor.

The higher rates of reported violence in poor families seem to be partly due to more honesty about it there than in the middle class. If parents and children are questioned separately about spousal violence, they more often disagree in middle-class families than in lower-class families (Okun, 1986).

Frustration seems to be a common cause of spousal battery. Unemployed men have been shown to be twice as likely as full-time employed men to use severe violence on their wives. Unemployed men were also three times as likely to be beaten by their wives (Strauss et al., 1980). Similarly, battering is more likely to be used by high school or college dropouts than by graduates. One study found that men who are under-achievers in relation to their level of education are more likely than others to use violence against their mates (Frieze & Browne, 1989). Battering is also reported to become more frequent when the wife is pregnant (*Los Angeles Times*, Dec. 3, 1995).

Like most interpersonal violence in our society, that between spouses is especially associated with drunkenness. Frieze and Browne (1989) summarize:

Abusive men with severe alcohol or drug problems are apt to abuse their partners both when drunk and when sober, are violent more frequently, and inflict more serious injuries on their partners than do abusive men

who do not have a history of alcohol or drug problems. They are also more apt to attack their partners sexually and are more likely to be violent outside the home. (p. 192)

Although spouses of both genders are violent with each other, especially when both are drunk, the male is most often the initiator and is much more likely to inflict serious injury. The subculture of violence held up as a model to certain groups of American males may be a main source of this battering. Some evidence for the influence of early socialization comes from findings that domestic assaults typically occur more often in the family from which the batterers come than in the homes of their abused spouses (Pagelow, 1981, pp. 168-171).

The Battered Wife Syndrome

Wives do not usually call police when their husbands beat them, or if they call, they soon decline to press charges. So prevalent is this pattern that it has been dubbed the battered wife syndrome. The battered woman's ineffectiveness in demanding better treatment seems to be due to her fear of retaliation, her economic dependence on her husband (especially when there are small children), her prior love for him, and, usually, his later show of contrition. Economic dependence is apparently a major factor. One of the best predictors that a battered wife will leave her spouse is her own ample earnings.

Most marital quarrels are followed by forgiveness. Typically after violence that occurs when both spouses have been drinking, guilt and remorse come with sobriety, often to both. Lenore Walker (1984) noted a three-phase cycle in spousal violence: (a) tension building; (b) the acute battering incident; (c) loving contrition. Such cycles keep recurring, Jean Giles-Sims (1983) pointed out, because contrition after a battering gratifies both parties and reinforces the assailant's prior behavior. But repeated contrition induces in the victim what Walker calls "learned helplessness," which is pleasing to the assailant but is destructive of the victim's ability to seek, or even see, feasible alternatives to the abusive situation.

Many claim that if such cycles are not interrupted by drastic changes in the relationship, the violence increases in frequency and severity. The "last straw" that precipitates a prompt departure by the battered spouse is usually an increased severity in beating, especially use of a weapon (Okun, 1986).

Penalties and Remedies for Spouse Battery

In the past few decades, the women's movement has brought more attention to wife battering, which has led to research on the prevalence, distribution, and causes of this problem. Women's groups have also demanded enforcement of assault laws against batterers. But enforcement was at first quite lax. Extensive observation of police-citizen encounters by ride-along social scientists in 1977 in three metropolitan areas found that police chose not to arrest despite grounds to do so in 83% of marital violence cases (Sherman, 1992a). Male officers denied that their leniency came from sympathy with the batterers, pointing out that prosecutors are reluctant to file charges because the victims soon become unwilling to testify against their spouses.

Meanwhile, efforts by the women's movement resulted in a growing number of shelters for battered women in metropolitan areas, plus crisis hot lines to call for help, counseling, legal aid, and other assistance. One review observes:

Shelters have received very high ratings for general helpfulness and for . . . decreasing violence. These ratings are based on "consumer survey" studies rather than on measurements of violence before and after shelter residency. (Saunders & Azar, 1992, p. 204)

Interestingly, the rates of women killing men have dropped most in the states that have increased help for battered women (Browne & Williams, 1989).

Courts often mandate that the assailant in a wife-battering case get counseling (sometimes with his wife), post a money bond to be forfeited if battering recurs, and live away from home temporarily. This sort of penalty is especially difficult to enforce on poor spouses. Also, rigorous evaluations fail to confirm the effectiveness of court-mandated treatments (Hamberger & Hastings, 1993).

The Domestic Abuse Intervention Program (DAIP) of Duluth, Minnesota, has been an influential effort to implement court-mandated treatment. It requires that police bring in spouse batterers, by arrest if necessary, and protect the victim by enforcing any court sanctions. It also provides safe housing, if needed. In addition, it imposes on one or both spouses a court-mandated 12-week group counseling program in anger management and related cognitive themes, plus a 12-week program of education on abusive behavior and thought. DAIP collects information from all

agencies involved in order to monitor these programs. An evaluation indicates considerable dropout, however, much of it occurring when one or both spouses leave the area, and finds no clear evidence of predominant reform of the remaining couples. Yet this Duluth effort is reported to have been copied in at least 20 cities, including Milwaukee and Baltimore (Hamberger & Hastings, 1993, p. 215; Tift, 1993, pp. 126-130, 184-185).

Another program that was once much copied was one in New York City. It trained police to counsel people in family quarrels instead of arresting them. The main claim for the program's success was that counseled victims called police about further assaults more often than did uncounseled victims, which was viewed as evidence that victims were satisfied with their counseling (Bard, 1970).

This policy was dramatically reversed after 1985, however, when a controlled experiment in Minneapolis was much publicized. In this research, police responding to calls about home quarrels were directed, in a random sequence, to use only one of three approaches: advise and mediate; order the alleged aggressor to leave the home for 8 hours; arrest. The lowest rate of renewed violence in the next 6 months followed arrest, although almost half the arrestees were released the same day and only 14% were held for more than a week. The experiment was done in very poor neighborhoods, and more of the couples were unmarried than current or ex-spouses (Sherman, 1992a; Sherman & Berk, 1984).

In the National Crime Survey, the women who reported domestic battering and who called the police had less repetition of violence than those who did not call the police (Langan & Innes, 1986). Women injured in subsequent attacks cited the Minneapolis experiment in suing police for prior failure to arrest the men who battered them (Sherman & Cohn, 1989; Steinman, 1988).

The National Institute of Justice funded five replications of the Minneapolis experiment, in different cities, and usually in better neighborhoods with fewer unmarried couples. But the results challenged the prior study's conclusions: No matter what the police did in Omaha, Milwaukee, Indianapolis, Miami, or Charlotte, North Carolina, the researchers found no significant differences in battering recurrence rates (Buzawa & Buzawa, 1996, pp. 112-120). In fact, some cities reported more recurrence of battering by arrestees than by nonarrestees.

These are the conclusions supported by research findings thus far in all cities:

- ◆ Arrest consistently reduces spousal beatings by employed suspects more than it does beatings by unemployed suspects (Berk, Cambell, Klap, & Western, 1992; Sherman, 1992a, p. 32, 1992b, chap. 1). Those who work have a stake in their jobs that makes arrest a deterrent for them.
- ◆ The weaker a suspect's social bonds, the more likely it is that arrest will increase subsequent violence (Sherman, 1992a, 1992b).
- ◆ "Sanctions are likelier to deter wife beaters with less severe histories than those with more severe histories" for this offense (Fagan, 1993).
- ◆ In about half of domestic violence calls to the police, the accused is gone by the time the police arrive. In these cases, notifying the household that the local prosecutor will issue a warrant for the arrest of the accused apparently reduces further beatings even more than arresting the accused when present. This was a surprising finding of the Omaha replication (Sherman, 1992b, p. 16).

In short, formal penalties, such as arrest, work only for those with a stake in conformity to the law, which may be derived from being employed, never before being arrested, or being formally married (rather than informally cohabiting) (Sherman, Smith, Schmidt, & Rogan, 1992).

Policies for responding to wife beating remain diverse, confusing, and contradictory. Despite "the debate regarding research findings . . . 40 states have mandatory arrest statutes of some kind which are not likely to be overturned anytime soon" (Mignon & Holmes, 1995, p. 440); yet in about two thirds of the conflicts between intimates for which police are called, arrests are not made (p. 433). Counties vary in their willingness to allow a battered wife to drop charges after prosecution begins, but an Indianapolis experiment suggests that the probability of renewed battering following a warrant arrest declines where the wife is permitted to drop charges (Ford & Regoli, 1993).

In the long run, the optimum policies to reduce spouse-battering rates include more and better education and counseling for marriage. The major factors in this crime's eventual decline are likely to be women's progress in achieving the same occupational statuses and compensation levels as men, plus a more equitable division of child care and housekeeping tasks, so that spouses have more equal and collaborative roles.

Remedies for Child Battering and Neglect

Even more than wife beating, violence of parents or guardians against children has long been viewed as outside the law's domain. Children are regarded as possessions of their real or surrogate parents. Indeed, the killing of children, especially in infancy, was until recently accepted in many countries as a parent's prerogative. Of course, children are usually the members of a household least able to resist assault, and they are most often aggravating in their conduct. About 90% of American parents sometimes spank their children. But the violence that concerns us here is too severe for justification as discipline.

Interest in child battering surged after much publicity was given a 1962 article in the *Journal of the American Medical Association* titled "The Battered Child Syndrome," by physician Harry Kempe and associates (Kempe, Silverman, Steele, Droegemueller, & Silver, 1962). The syndrome includes broken bones imperfectly healed because the children were not taken to physicians, black-and-blue areas, and bruises. Many nurses, teachers, and physicians reported that they frequently saw these symptoms in children but that the parents ascribed them to accidents. If the child disagreed, the parent's word was accepted by other adults.

Child battering is a crime with far-reaching consequences. Children, in dealing with younger siblings and later with their own children and spouses, copy parental patterns of habitual threats or acts of violence (Strauss & Gelles, 1990). Unless they learn other patterns elsewhere, this is the only type of reaction they regard as proper.

As with wife beating, researchers find child battering most often in the poorest and least educated families, but it is far from absent in the middle and upper classes. Many adults have unrealistic expectations of small children and can readily be roused to a fury by normal childishness. Adult anger at a child's sloppy eating, breaking of things, lack of toilet training, or crying often gets out of control. Many adults slap and shake infants and toddlers to make them stop crying, but usually such young children respond only by crying harder; if violence then becomes more vigorous, serious injuries or death may result. Most homicide of children under age 4 is by family members. Extreme reactions are most common in young and inexperienced parents or stepparents, especially under stress, and in baby-sitters who have not been parents.

Often linked with child battering is the crime of child neglect, which includes any inexcusable failure to give a child food, shelter, or care. Neglect may express either indifference or anger at being a parent. Con-

tributing to the delinquency of a minor by engaging in crime with a child, encouraging absence from school, or abandoning a child are other legally punished parenting offenses. They have higher rates with stepparents than with biological parents but occur with both, and only a small fraction are prosecuted.

Violence toward or neglect of children used to be prevented mostly by having enough relatives and neighbors around to share in child care. Grandparents, aunts, uncles, older siblings, and others all helped parents when needed. This sharing persists where traditions support it, as in most Asian and Latin American countries where extended families are close, but it has diminished in the United States as families have scattered and broken up. A more feasible optimum alternative to care by the extended family is for several families to cooperate in caring for each other's children. However, commercial child care is the usual alternative, with quite variable cost and quality.

Instruction on child care for actual and prospective parents is a preventive for child battery and neglect that seems to be growing in popularity. Missouri in 1984 was the first state to mandate such instruction in all its school districts. By 1990, 53,000 prospective parents had been taught in its Parents as Teachers (PAT) program, for which enrollment could begin as early as the third trimester of pregnancy and continue for 3 years after birth. The PAT program includes both classroom instruction and individual home visits. The volunteer instructors were 1,400 selected parents who had completed a 34-hour training course (Walters, 1990). Many states, notably Hawaii, have federally assisted "Healthy Start" programs that send trained visitors to stressed mothers to improve family functioning, enhance child health, and prevent abuse (Earle, 1995).

After the Kempe group's 1962 article on the battered child syndrome, state and local governments increasingly required that teachers, nurses, and physicians report symptoms of child battering to the police. To reform child batterers, courts frequently had parents attend presumably therapeutic sessions with similar parents, often in organizations such as Parents United or Parents Anonymous. The latter group, founded in 1970, now has over 1,200 local branches. Most participants are mothers, but the severest battering is ascribed to fathers and stepfathers, who rarely attend. Mothers usually attend Parents Anonymous under court orders mandating attendance if they are to gain or retain custody of their children. Graduate students who attended Parents Anonymous as researchers have described the participants as lonely women, self-righteously denying that

they mistreated their children, and blaming the judge for requiring their attendance at these meetings. While there, they were more preoccupied with gossip and small talk about their social lives than with parenting problems. Competent instruction and testing on effective parenting seems preferable to such nondirective group therapy for incompetent parents.

Another possible treatment is behavior modification. Psychologists have developed programmed texts and classes to instruct parents on how to make rewards and penalties contingent on their children's behavior. They ask parents to keep records on their children's pleasing and displeasing conduct, their reactions to it, and the sequence of verbal and gestural exchanges between them and the children that culminate in violence. Discussion of these records with psychologists, or simply recording these details, increases parents' insight into their child care problems and thus helps defuse the escalation of anger that may create a crisis.

Conclusion

Social feedback frequently escalates the anger of persons who are engaged in "character contests," especially in the presence of an audience. Violence is a last resort of those unable "to save face" by words in such contests, especially when drunk. Anger then expressed in lethal acts is therefore often over trivial issues.

Rates of homicide in an area increase with indices of economic inequality, ethnic diversity, and percentage of teenagers. Although depictions of violence in the mass media are often blamed for high violence rates in our society, research indicates that the media prompt violence only in those already inclined to it. The most influential models of violence for young people are assaultive parents.

Some feel that more stringent gun control would greatly reduce homicides. But eliminating or greatly limiting private ownership of guns in the United States would be difficult and is likely to remove more guns from the hands of law-abiding citizens than of criminals. Yet the number of guns can slowly be reduced, which probably would cut homicide, suicide, and robbery rates, as well as fatal accidents.

Capital punishment, another alleged remedy for violence, is geographically associated with higher rather than lower homicide rates, and its abolition or restoration has not generally altered these rates. Those who are sentenced to death constitute a haphazardly selected, very small (less than 1%) subgroup of convicted murderers. When the penalty for homi-

cide is so indefinite, it has little deterrent value. The years of waiting for final decisions in capital cases further reduces their possible deterrent effect. Furthermore, court proceedings in these cases create legal costs for the government several times the cost of life imprisonment. Death is clearly an unprofitable penalty.

Domestic violence is a crime of rage that has been difficult to control. Police traditionally avoided intervening if called for wife beating. When they experimented with arresting the assailants, the results were contradictory. The need remains for more adequate research on which interventions work best for what types of spouse beaters. But the best bet for reducing this crime seems to be changes in our culture that produce more equality for men and women.

Children are the most battered persons in our society. Police intervention in child beating has surged since medical revelation in the 1960s of how frequently it causes serious injuries. Education in parenting may be the best preventive. It can be provided routinely in schools for everyone and as a condition of probation for offenders.

In fact, the best preventive for all crimes of rage is more training and modeling of ways to handle one's anger. Many persons, at all ages, can improve their ability to settle differences amicably, especially by participating in organizations with democratic rather than authoritative decision making. Penalties that provide such training and experience in orderly interaction before release from confinement or discharge from probation, are likely to be more profitable than those striving to maintain dictatorial control on all details of an offender's conduct at all times.

Note

1. *L. A. Times*, Apr. 20, 1993. Reprinted by permission.