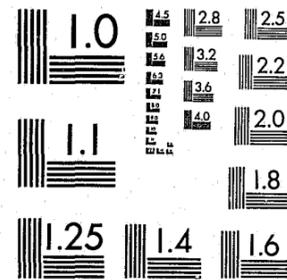


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VIOLENT CRIME IN ALBERTA

PAPER #4
Strategies for the Prevention of Violent Crime

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STRATEGIES FOR THE PREVENTION
OF VIOLENT CRIME

By
Jim Hackler
and
Laurel Gauld

June, 1980

Centre for Criminological Research
Population Research Laboratory
Department of Sociology
The University of Alberta

NCJRS

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ACQUISITIONS

This is Paper #4 from THE VIOLENT CRIME STUDY by the Office of Robert Clark, Leader of the Official Opposition, Legislative Assembly of Alberta under contract with the Centre for Criminological Research, Population Research Laboratory, The University of Alberta.

Additional papers are:

- #1 Violent Crime in Alberta: Some Background Statistics
- #2 Sentencing Strategies and Violent Crime
- #3 Parole and the Violent Offender

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ABOUT THE AUTHORS

Jim Hackler has taught criminology courses at the University of Alberta since 1965. He has served as president of the Canadian Association for Criminological Research and on the boards of the Canadian Association for the Prevention of Crime, the American Society of Criminology, and the Society for the Study of Social Problems. For several years he has been the Book Review Editor of the Canadian Journal of Criminology. His articles have appeared in various Canadian, American, and international journals; and his book, THE GREAT STUMBLE FORWARD: THE PREVENTION OF YOUTHFUL CRIME, was published by Methuen in 1978.

Laurel Gauld graduated from the University of Alberta in 1975 with a B.A. in Recreation Administration. For three years she worked as a Tenant Program Consultant for the Edmonton Housing Authority and was responsible for developing and implementing community improvement programs for children and adults living in public housing projects throughout Edmonton. She has also worked on several social research projects conducted through the Population Research Laboratory, The University of Alberta.

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ABSTRACT

In this concluding paper of the VIOLENT CRIME STUDY, existing strategies for coping with violent crime and the violent offender are discussed and an alternative strategy for developing policies to deal with societal violence is outlined. Using a chart developed by William Chambliss we show how the nature of and commitment to a deviant act varies and how only a marginal group might be deterred by the increased severity and certainty of punishment. For the most part it is the socialization process and internalized values that keep most people from committing crimes, not the police or fear of punishment.

Viewing violence in this perspective illustrates how present policies such as the Dangerous Sexual Offender act and Habitual Offender legislation may make politicians feel good by meeting the emotional needs of the public, but are ineffective in providing protection from violence.

Another reason for the ineffectiveness of the criminal justice system as a tool for dealing with violence involves the dynamics of the processing procedures. Certain stereotypes, such as the "normal primitives," are seen as the primary targets of harsh legislation. This distortion of reality again fills emotional needs but becomes a barrier to effective policy.

In suggesting a positive approach that would have a genuinely meaningful impact on violent crime, we emphasize that society must forego the simplistic notion that violent crime can be solved by dealing with a single element in the complex forces and situations surrounding violence. Using the example of domestic violence, we show that there is a large reservoir of potentially violent offenders, but it is difficult to identify those few who will commit serious crimes. Effective policies will be those that are geared towards

lowering the total amount of violence committed by everyone. Long range policies and programs that focus on the modest reduction of violence in many families would have a sizeable impact on reducing violent crime in the future.

Strategies for the Prevention of Violent Crime

"Only those who have made a serious study of the problem of crime acknowledge that they do not have sufficient information. Everybody else, and especially politicians, knows exactly what should be done. In criminal-justice matters, the degree of confidence with which views are expressed tends to be inversely proportional to the quality of knowledge."

...Leslie Wilkins, 1977, p. 542

Violence in Perspective

In this paper we will ask what sort of societal response will in fact deter others from committing crimes (general deterrence) or the same individual from committing an additional crime (specific deterrence). There seems to be general agreement that some crimes are more deterable than others. This is illustrated in a chart developed by William Chambliss (Figure 1). Chambliss divides the deviant act into instrumental and expressive behavior (1967). Instrumental behavior is directed toward the attainment of some other goal. For example, very few people park their cars illegally because it is pleasurable to do so. Likewise, income tax evasion is rarely engaged in just because it is fun. The deviant is behaving in such a way to instrumentally achieve something else. On the other hand the expressive offender may be committed to the act itself and not because it is the route to some other goal. It is not so much a rational decision as an emotional one. Drug addiction seems to fit in this category.

Figure 1:

Types of Deviance*

		<u>Instrumental</u>	<u>Expressive</u>
Degree of Commitment to Crime as a Way of Life	<u>High</u>	(1) Professional Thief Booster Some check forgers Some murderers	(2) Most drug addicts Some murderers Some sex offenders
	<u>Low</u>	(3) Snitch Parking law violator White-collar criminal Some murderers	(4) Most murderers Some drug addicts Most sex offenders

* Chambliss, "Types of deviance and the effectiveness of legal sanctions," 1967

The other dimension of the table divides offenders in terms of their degree of commitment to crime as a way of life. For example, the Booster is a professional thief whose principle form of theft is shoplifting (Cameron, 1964). The Snitch, in contrast, is generally a respectable citizen (usually a middle-class housewife) who shoplifts in order to obtain goods she could not otherwise afford. For offenders such as snitches, parking law violators, and white collar criminals, who have a low commitment to crime and whose behavior is instrumental, the fear of being arrested or fined can deter the deviant behavior. Threats to reputation or the size of the fine itself can have an impact.

Chambliss places those offenders who are acting expressively and with a high degree of commitment to the behavior in cell number 2 and argues that they are not likely to be deterred by punishment or the threat of it. Drug addicts are probably the most logical illustration of this category. Notice that Chambliss places most murderers and most sex offenders in cell number 4 and classifies them as somewhat more likely to be deterred than those in cell number 2. Note, however, that it is unwise to think of violent criminals as falling in only one cell. What seems to be obvious is that murderers could easily fall in any category. For example, the woman who has decided to murder her husband in order to collect insurance may not be very committed to crime as a way of life and may be thinking quite rationally (cell 3). Such a potential deviant is more likely to be deterred by the awareness of a prison sentence. In general, however, most violent crimes tend to be expressive and as a result tend not to be as easily deterred as instrumental crimes. If one hopes to reduce violence, it will probably be unprofitable to rely on a rational model of deterrence.

Although the evidence regarding deterrence is subject to much debate, there is some agreement that there are many people who will not commit most crimes regardless of how mild or uncertain the punishment may be. As Jackson Toby points out, it is the socialization process, the internalized values and expectations, not the police, that keep most people from committing crimes (1971). Others seem to commit crimes regardless of how severe and certain the punishment is. A marginal group might be deterred if severity and certainty were adjusted to an appropriate level (Hawkins, 1969).

Those who feel that deterrence can make some contributions to crime control tend to agree on three points: (1) The deterrent effect tends to increase with perceived certainty of punishment. (2) Estimates of crime reduction effects due to imprisonment suggest that large increases in the size of prison populations would be necessary to achieve modest reductions in crime through the incapacitation effect alone. (3) Although evidence is relatively rare, there is agreement that an increase in the likelihood of imprisonment has a greater deterrent effect than an increase of similar magnitude in the average length of a prison term (Cook, 1980). Philip Cook summarizes a number of studies where deterrents seem to work. For example, he argues that Prohibition is mistakenly described as a failure in the United States. In fact, social historians argue that the early phase of the prohibition experiment was a success. There were remarkable decreases from 1915 to 1920-22 in arrests for drunkenness, in hospitalization for alcoholism and cirrhosis of the liver (Ross, 1973: p. 60). The low point of these indices came in 1918-1921, and then they climbed again in the late 1920s.

Ezzat Fattah, of Simon Fraser University, is less sanguine than Cook about the utility of deterrence (1980). He argues that the state of knowledge at present does not warrant either categorical acceptance or rejection of the

deterrence doctrine, and that policy makers would be on shaky ground if they based their strategy for crime control on these unproven assumptions. Fattah notes that advocates of deterrence usually assume that criminals are rational decision makers and careful calculators of the cost and benefits of criminal activities, that crime is a freely chosen activity, and that it can be prevented if the expected net gain from criminal activities is reduced. One might argue that these assumptions might apply to instrumental acts of deviance committed by those with low commitment to crime as a way of life (Figure 1). Fattah agrees that legislators and policy makers are faced with a dilemma, but he feels that a policy of harsher penalties and lengthening prison sentences is less desirable than milder, less costly penalties even though there is some risk of failing to deter some individuals who otherwise would have been deterred.

Strategies to Avoid or to Revise

Since 1949 Canada has had an act which deals specifically with the Dangerous Sexual Offender. The act was modelled on Massachusetts legislation which was described by Tappan as a classic example of all that has been found objectionable in such laws (1955). When the Law Reform Commission began looking into the DSO legislation, Cyril Greenland of McMaster University was commissioned to study those 100 persons classified as DSOs in Canada. Approximately one-third of them had committed offences that seriously threatened the health or lives of the victims. Another third were moderately assaultive. The remainder, usually homosexual pedophiles, behaved offensively, but were not dangerous men -- at least in terms of physical violence. Here are some illustrations of the latter category:

Mr. A took a group of boys aged 14, 15 and 16, swimming and was observed in fellatio with them. Since these youths were willingly involved he was

amazed to be charged with an offence.

Mr. B invited a 15 year old boy to masturbate him for a small reward. A similar invitation was extended to two 12-year-old girls but they refused (Greenland, 1977).

Who decides on the classification of DSOs? In British Columbia only six psychiatrists were appointed in these cases, one testified in 30 of 34 cases and another in 22 of 34 cases.

In the 34 cases in British Columbia there were no formal psychiatric interviews in 13 cases; however psychiatrists based their diagnosis and prognosis of dangerousness on the evidence presented in court. It seems that the psychiatrists were sometimes responding on the basis of their personal values rather than professional judgement, as illustrated by some examples of their responses to homosexual acts:

Psychiatrist A, "...evil is an emotional trait that is likely to be with these juveniles for the rest of their lives."

Psychiatrist B, "...boys who participate in this will become sex deviants themselves."

Psychiatrist C and D, "...homosexual encounters could cause the boys to become homosexual prostitutes (Greenland, 1977: p. 157)."

Other psychiatrists such as George Scott and Rhodes Chalke have concluded that many DSOs have been wrongly classified (1973). The present law severely punishes individuals whose behavior is distasteful rather than violent. We share the opinion of the Law Reform Commission of Canada that the existing law relating to DSOs should be abolished (1975).

The logic behind the dangerous sexual offender legislation has persisted in Canadian thinking through the habitual offender legislation in 1970 and then the broader concerns about dangerous offenders which culminated in Bill

C-5 in 1977.

John Klein, now at Simon Fraser University, has argued that the habitual offender legislation is generally ineffective in terms of its intent and that it may be used to further the end of bureaucratic efficiency (1973). Problems with the dangerous offender legislation were laid out in some detail by Ronald Price, of Queen's University, when the topic was being discussed after the appearance of the Ouimet report in 1969 (Price, 1970).

One should emphasize that the trend of this legislation has been politically acceptable. Legislators and policy makers have correctly assessed the public mood when they supported legislation of this nature. Various public opinion polls suggests that the hard line is popular in terms of severe sentencing and on issues such as capital punishment (Singh, 1979). However, policy makers should not confuse political expediency with truly effective legislation. In our opinion these two pieces of legislation do more damage than good. If one acknowledges that deterrence may be possible in some circumstances, it is unlikely that the cases covered by this legislation would in fact be deterred. These laws make us feel good and politicians can claim a victory, be we should not confuse the meeting of the public's emotional needs with protecting them from violence.

Although many legislatures have drifted with this tide for the past decade, it has been heartening to see that some political leaders have paid more attention to scientific evidence. When Warren Allmand was Solicitor General of Canada his stand against capital punishment was particularly courageous since it clearly cost him political support. Similarly, Joe Clark's views against capital punishment were held in the face of public sentiment to the contrary.

In general, the majority of Canadians tend to have an emotional attachment

for those policies that seem to be ineffective in terms of the empirical evidence that is available. The problem for the conscientious legislator in a democratic society is to develop a strategy which will weigh the balance of evidence on the one hand and public sentiment on the other. As social scientists, we cannot expect political leaders to take extremely unpopular stands; however, we feel the conscientious policy maker should avoid adding to the current unproductive activities which favor more severe sentencing.

Stereotypes of Offenders and Resulting Misplaced Strategies

Another problem with present strategies is that they are based on certain stereotypes. One stereotype of the "normal primitive" murderer raises questions about the justice of the system in dealing with dangerous offenders such as murderers. Another stereotype is the juvenile monster and it assumes that there is a special population of violent offenders who could profitably be identified as juveniles and dealt with in a severe manner.

Justice and the "normal primitive" murderer. Swigert and Farrell (1977), in a particularly perceptive article, noted that certain stereotypes played an important role in influencing the outcome of persons arrested for murder. Once identified as "normal primitives" a fixed progression through the criminal justice system was difficult to avoid. This process should not be thought of as overt discrimination on the part of the system. In fact, a number of steps have been introduced to attain a better balance of justice. The public defender for example, came into being to provide legal help for those who could not afford it. While one cannot deny that progress has been made, the Swigert and Farrell study suggests that the achievement of true justice is largely illusory. Being stereotyped as a "normal primitive" seemed to overwhelm other protections.

The "normal primitive" comes largely from the foreign-born and black

populations in the United States. Their lives are characterized by poverty and their behavior as "primitive". They are somewhat childlike and immature, and yet they place great stress on masculinity. To protect that masculine image they are more inclined to carry lethal weapons. A clinical description suggests that the primitive man is of dull intelligence. His goals are sensual and immediate, there is little regard for the future. His loyalties are with a group that has little purpose in life, except for surviving with a minimum of sweat and a maximum of pleasure.

This imagery suggests a group of people whose style of life and innate attributes predispose them to violence. Once this label has been applied, there is a presumption of guilt and agents of the criminal justice system may think to themselves that an extensive use of legal resources would be superfluous. They go through the motions, of course, but down deep they know it is a waste of the taxpayers' money. Such a stereotype probably develops for certain minority groups in Canada as well with similar consequences.

Those who do not come under the "normal primitive" stereotype are seen differently. While there is no overt attempt to reward the wealthy and penalize the poor, there is a cautious assessment about the appropriateness of certain types of punishment. Simply as a result of arrest, the higher status person is said to have suffered greatly. The loss of status, personal and family trauma are seen as being sufficiently punitive. Imprisonment, especially for a long time, is unnecessary when so much has already been lost. The "normal primitive" comes to court with little to lose except freedom from incarceration.

This process is not just operating at the time of sentencing. It begins at an early stage. When the stereotype is applied such individuals are denied the presumption of innocence constitutionally guaranteed to all. The processing takes on a routine nature. Denial of bail reinforces the definition of

dangerousness and guilt and usually results in the loss of a job. This becomes meaningful later if the court feels that probation is a sentencing alternative. The "normal primitive" does not have a job while the higher status person, who has been on bail, is seen as having a continuing constructive role which will further keep him out of mischief. When guilt is presumed, there is little justification for providing the normal legal tools essential for a vigorous defence. The public defender sees his client as similar to the previous "normal primitive" murderer. There is no need to go through the expense of a jury trial, so that is waived. The presumption of guilt is amplified, and usually a plea of guilty is encouraged.

To summarize, the dynamics of the system interact in such a way as to produce a ritualistic use of the legal resources that might be applied with greater vigor on behalf of those not viewed as "normal primitives." The result is more severe convictions for those with public defenders, no access to bail, and a non-jury trial format. No one has been deliberately unjust. It is just that we have a "normal homicide."

Canadian legislation regarding dangerous offenders assumes justice. Progress is being made, but studies such as that by Swigert and Farrell suggest that injustice persists. Given the evidence on the ineffectiveness of longer sentences, the lack of justice makes the morality, as well as the practicality, of this legislation open to question.

The juvenile monster stereotype. There is little doubt that chronic juvenile offenders can be identified in most areas and they will probably contribute heavily to the burden in the correctional system at a later time. But how many of those chronic offenders can be seen as "monsters" who repeatedly engage in violent crime? As part of their study of Dangerous Offenders in Columbus, Ohio, Dinitz and Conrad also studied 811 youths who had been arrested

for at least one violent crime while they were under 18 years of age (1980). Of the 811, only 22 had been apprehended for two or more aggravated crimes of violence. These 22 monsters, 2.7% of the violent cohort, rarely resembled the uncontrollable and psychopathic juveniles who make the headlines. They tended to be chronic offenders, but their ultimate violence of murder, rape, or robbery, was mostly clumsy and inadvertent. One of the "monsters" stabbed a tormenter who was taunting him about his obesity. The wound was in the shoulder, but the victim needlessly bled to death.

The research on the "normal primitive" murderer and the juvenile monster myth has been introduced in the hopes of developing a transition in our thinking. Violence is wide spread and it comes from a large number of potential offenders. Sometimes a vicious offence is attributed to a person who seems to fit the stereotype of the pathological killer, but more usually these offenders come from a much larger group of troubled and troublesome offenders. True, they are frequently chronic offenders, with low social status, impoverished, and have experienced a different type of family life. But it should be obvious that an effective policy should focus on this larger population of potentially dangerous offenders rather than on those few who are finally convicted of violent crimes. The criminal justice system can only deal with the latter, however, we suggest that the conscientious policy maker should deal with the former.

Dealing with the Violent Offender

We have argued that severe sentencing has little impact on the total volume of violent crime, but obviously we have an obligation to do the best we can with those relatively rare cases of serious violent offenders who filter through the criminal justice system. Duncan Chappell, who has recently joined the staff at Simon Fraser University, points out that there are a number of

intervention techniques that might help (1973). For example, an individual's biological state may be changed. Obviously, there are ethical issues involved in making dramatic biological changes, such as those involved in brain surgery. Work done by Lorne Yeudall, here in Alberta, suggests that drug treatment could be useful for dealing with some aspects of brain damage (1977). Secondly, an individual's environment can be changed so as to provide him with new learning experiences that will diminish his propensity for violence. Thirdly, within this environment one can alter the contingency of reinforcement and change the nature of the environmental stimulæ which could lead to a reduction of stress (Chappell, 1973: Chapter 3).

Although there are many reasonable suggestions for dealing with the violent offender after he has been convicted, there are almost always ethical and practical considerations. It is not clear whether it is possible to legislate this treatment, which almost always implies incarceration, because the nature and the effect of that treatment is frequently unknown and is very expensive in terms of liberty as well as services. There is the additional risk that the response will repeat the causes and thus lead to a vicious cycle (Scott, 1977). Given these concerns, it is useful to revert to five rules spelled out by Nigel Walker for deciding when to apply protective measures against dangerous offenders (1978):

Rule 1. This rule is concerned with the sorts of harm to which we should limit such measures. Walker suggests that when the form of confinement involves serious and lasting hardship to the offender it should be used sparingly to prevent serious and lasting hardship to others. Thus, Rule 1 excludes property damage but includes lasting psychological harm as well as physical injury that might result from rape, blackmail or kidnapping. Perhaps hijacking should be added to this list.

Rule 2. There should be good reason to believe that the actions to which the first rule applies were not an isolated out of character episode.

Rule 3. If the circumstances which first provoked the offender to commit the offence have ceased to exist (through the death of his enemies or because of incapacity) and he is therefore unlikely to repeat his behavior - this argument should operate in his favor. This rule, says Walker, should also apply to first offenders - so that the first period of compulsory detention should not, for the purpose of protecting others, be made longer than it would otherwise have been.

Rule 4. This rule is based on a preference for the least restrictive alternative. Walker says that if any less drastic measure than detention offers a reasonable prospect of protecting others it should be used.

Rule 5. If prolonged detention for the safety of others is justified, the conditions of detention should be made as tolerable as possible. This means that when the detention is no longer justifiable as retribution, denunciation, deterrence or correction, but solely as a protection for others, its condition should be no worse, apart from the deprivation of liberty, than those which a law-abiding person would enjoy outside (Taken from Greenland, 1978).

There is an extensive literature on the different ways of treating the individual violent offender. We neglect most of that material here because it is of greater utility to the clinician, program administrator, and others more directly involved with specific programs. These discussions may be less helpful to the legislator or policy maker who must deal with broader strategies.

One might summarize this section with two points: (1) A harsh stand toward the individual offender tends to make us feel good, is supported by many people currently working in the criminal justice system, and is a

popular stance for a person in a political position. (2) These harsh measures, especially in terms of increased imprisonment, have a trivial impact on the problem of violence in society and raise very serious questions concerning justice and other basic rights for the larger society. (An illustration of this problem is described in Appendix A.)

We cannot determine precisely the negative impact of harsh measures in terms of the brutalization of individuals who are subjected to them or the brutalization of the society in general which, in the long run, may lead to even greater violence. In other words, treating nasty and brutish individuals who have committed particularly offensive crimes with the sort of decency and humanity that is applied to other members in society is not a particularly popular pose for policy makers even though Quakers, civil libertarians, and other groups, who lean toward the "bleeding hearts" perspective, advocate such a stand. On scientific grounds, however, the latter perspective has more going for it.

In terms of positive action that might have a genuinely meaningful impact on violent crime, is there anything that policy makers can do? We feel there is, but they must first forego the simplistic notion that violent crime can be solved by dealing with a single element in the complex of forces and situations surrounding violence. Policy makers tend to focus their attention almost exclusively on the offender ignoring other elements such as the opportunities for violence, the physical and psychological environment, the socialization of youth, the behavior of victims, and in fact the role played by our laws and our correctional system and their potential contribution to violence. The area of domestic violence provides one of the best illustrations of the type of strategies we believe can effectively reduce violent crime in our society.

The Reduction of Domestic Violence

Why should the reduction of domestic violence have an impact on offences such as murder and rape? As noted in the first paper in this study, serious violent crime is frequently a chance outcome from situations with a potential for violence (Hackler and Gauld, 1980a). The reduction of potentially violent situations should influence specific acts of violence. If we were to plot the frequency of individuals who commit violent acts against the seriousness of those acts we would probably get a curve that looks like the solid line in Figure 2. We would argue that most people in society commit minor acts of violence. Most small children fight with each other. Most parents occasionally slap their children and the blows struck by males of all ages during hockey matches are not rare. These acts of minor violence fit under the hump on the left side of the graph. There are a few angels who are never violent, but they are rare and close to the zero point of the graph. From the hump, the line tapers to the right with smaller numbers of violent persons committing more serious acts of violence. The truly serious acts, such as murder, become increasingly rare. According to the shape of this curve there is no unique population of truly serious offenders who are particularly numerous and who might be the logical target for an anti-violence program.

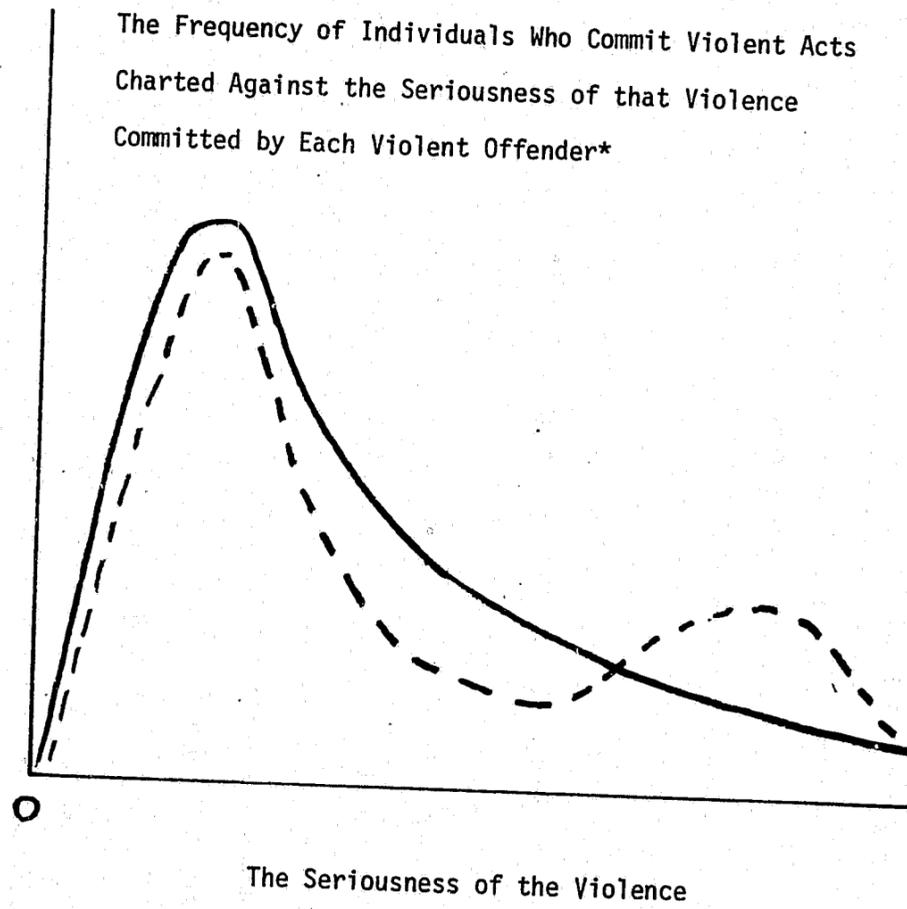
FIGURE 2 ABOUT HERE

It is also argued that the shape of this curve will remain basically the same for a wide variety of deviant behavior. Whitehead and Smart applied the idea to drug use (1972). We have borrowed the idea and have applied it to juvenile delinquency (Hackler, 1980). In fact, the shape of this curve probably exists for most of the deviant behavior engaged in by many people. Minor acts are common while serious acts are rare and engaged in by relatively few.

Figure 2

The Frequency of Individuals Who Commit Violent Acts
Charted Against the Seriousness of that Violence
Committed by Each Violent Offender*

Percentage
of Persons
Who Commit
Violence



*Basic idea from Whitehead and Smart (1972)

But if one looks at the dotted line, instead of the solid line, we might be describing the situation if there were a group of individuals who committed many acts of violence and were different from the rest of us. That is, in the dotted line we see a peak on the right side of the chart as well as on the left. We frequently think of a "problem group" who are in need of special treatment. We accept the fact that many individuals commit minor acts of violence, just as we did when we were kids and some of us still do when we get very angry. Of course we didn't do anything really bad; our violence was just trivial. The real concern is with those truly dangerous offenders who commit serious crimes. They are represented by the second smaller hump in the curve shown by the dotted line.

The assumption behind the thinking which accepts the dotted line as reality is that we can somehow deal with a portion of the population while ignoring the rest. All we need to do is imprison, punish, or treat that special group and the problem will be solved. The fallacy in the argument is that the shape of the argument does not resemble the dotted line but rather the solid line. There is only one hump on the curve and there is no special population that increases in size as the violence continuum moves toward the serious end of the graph. The violent people are part of us. We may be able to move the entire curve to the right or to the left but the shape remains basically the same. If this is true, there is no special group of unusually violent offenders who can be treated by uniquely severe sentencing policies while the rest of us continue going about our business as usual. In terms of effective policy strategies, we would have to move the entire curve to the left, rather than focus on one particular portion of that curve. An intelligent strategy would be geared toward lowering the amount of violence committed by everyone. It is unreasonable for the mother who goes to hockey games and

watches her son play and yells, "kill the bastard," to be surprised if her son is later involved in fighting. If we wish to encourage aggressiveness in sports, business, politics, and the civil service, we should expect aggression to manifest itself in criminal activities as well. The point should be obvious. The world is not neatly divided into the violent and non-violent. Instead there is a large gradation in between. Most of us engage in, praise, are stimulated by, and reward various forms of violence. The majority of us do not persist and do not end up becoming serious violent offenders, but if the shape of this curve remains constant in this society, and there is considerable evidence that it does, the only way to reduce violence on the extreme end of this curve is to reduce all violent behavior. We must change the rest of society and those general conditions that seem to support the high level of violence that characterizes North America.

The media and violence in the family. It would be redundant to repeat the well known discussions about violence and the media, and we would quickly acknowledge that a clear link between the media and serious violent crime has not been positively established. The July 9, 1979, Maclean's Magazine describes the horror film, The Brood, which portrayed a tot snatched by monsters and forced to witness several grisly murders. Little girls around 8 years old played the roles of the monsters. In one of the messier scenes, 8 year old Krista describes how, "we had to go for Oliver Reed's throat and face in the last scene while they kept pouring blood on us. I strangled him by myself -- it was fun." The movie's last scene was so realistic that one of the mothers and two members of the crew "fell apart" and wept. The mother thought the child had flipped for good. But the second the director of the film, David Kronenberg, yelled "cut," the girls stopped and walked off the set licking the blood (a mixture of corn syrup and food coloring) from their finger tips.

The various blood baths didn't appear to phase the little girls. Only once were they sent off the set, when a model of one of their faces was blown apart by a detonator planted inside the skull. But they immediately rushed back after the explosion and took the gory sight in their stride.

We cannot weigh, in a report like this, the merits of freedom in the media, and the potential such a film has for legitimizing violence and producing a lasting reduction of inhibitions against taking human life. One can argue that adults who watch such films are stimulated by such violence and may practice violence on their own children as a result. In Edmonton, recent attention was focused on the death of Baby Troy, whose father seemed to be an unfit parent. Are such parents influenced by the violence that pervades our mass media?

In addition to the stimulation provided by violence in the media, children and adults get a moral message as well: violence is an appropriate tool for resolving issues. Especially when violence is used by the "good guys", things usually work out well. Weapons, for example, kill bad people on television. Shots rarely go astray and kill innocent bystanders. A recent report entitled Television's Action Arsenal: Weapon Use in Prime Time studied four episodes of a number of action (usually police or detective) dramas (Wilson and Higgins, 1979). Of the 648 weapons that were seen, 25% were actually used. Of the 346 bullets fired, 84% missed the target entirely; only 8% resulted in injury and 7.5% in death. The presence of so many weapons firing so many bullets and leading to so few injuries suggests that firearms are potentially less harmful than they actually are. The victims of violence are rarely seen suffering and the incidence of bloodshed is nominal. Besides, the good guys usually escape injury and most of the blood is spilled by bad guys. We learn that violence is an effective tool for solving problems, and

that power and force tend to be on the side of the good guys.

Even the comic books support the theme. Little Orphan Annie represents the good guys and Daddy Warbucks can blast the bad guys with cannons from his cruiser (which has been disguised as a yacht); seven foot giants slip knives into bad guys, and even Sandy, Annie's dog, takes a bite out of nasty fellows who threaten Little Orphan Annie. The rule becomes clear. Good guys can use violence as long as it is directed toward bad guys and never is there the slightest doubt as to who is a bad guy. Dick Tracy makes that abundantly clear. Bad guys have funny shaped heads or some other distorted characteristic. They look bad. Good guys such as the Moon Maid with her laser beam are allowed to execute bad guys with impunity. As the young purse snatcher runs away with the purse, he is burned to a crisp by the Moon Maid's laser beam and dies on the spot. Little niceties such as trials, weighing the appropriateness of the crime against the punishment, are overlooked. Dick Tracy pleads on behalf of Moon Maid, "what has she done wrong? He was a punk anyway."

The lessons are clear. Violence is okay if you are a policeman. If you are a young man with a hankering for violence, by all means join the police.

The media should not be seen as a distinct part of our society which can be separated from everything else. It may not bring about dramatic changes in behavior, but it does reflect, reinforce, and teach the themes that are considered important in a society as a whole. Family life provides an arena for acting out the values and themes portrayed on the screen.

Wife battering. A recent publication prepared for the Canadian Advisory Council on the Status of Women organizes and summarizes much of the current information on wife battering (McLeod and Cadieux, 1980). There is a tendency for many policy makers to see some forms of violent crime as a major threat to

society while treating wife battering and child abuse as very secondary. Our argument is that wife battering makes a major contribution to violence in Canada. We are not denying the existence of husband battering as well, but there is little doubt that long term physical abuse between spouses is almost always perpetuated by the male, especially if one uses injuries as the main criterion. Statistics relating to domestic violence are difficult to assess, but one can certainly argue that wife batterings contribute significantly to homicides. In one hundred and seven reported murders in the immediate families in Canada in 1975, the wife was killed by the husband in 49 cases, and the husband was killed by the wife in 8 (Gayford, 1978). Statistics Canada also shows that if we look at all homicides in Canada between 1961 and 1974, 60% of all the female victims were killed within a family context (1974). Also between 1968 and 1974 37% of all murder cases were reported as domestic.

A recent U.S. study focuses directly on those 3.8 million cases of intimate violence which involved relatives, friends, neighbours or work associates, and were reported to have occurred during the four year interval from 1973 through 1976 (U.S. Bureau of Justice Statistics, 1980). Approximately 55 of 100 cases of intimate violence uncovered in this study were not reported to the police. One might assume that many more incidents were still uncovered, but the interesting point in this study is the contrast between intimate violence and violence involving strangers or near strangers. Can we argue that family squabbles are of a minor nature, while the truly serious crimes take place among strangers? In this study the offenders displayed or used one or more weapons in 30% of the incidents involving intimates; a firearm was present 10% of the time. An actual attack, such as objects being thrown, weapons used or victims physically abused in some other way, occurred in three out of every five cases involving intimates. By contrast threats were more common to the

non-intimate crimes. For the intimate crimes, 40% resulted in injury, 13% were serious enough for medical care and 10% lead to hospitalization or emergency room treatment.

Policy makers should not delude themselves into thinking that domestic violence is somehow less serious than other violent crime among strangers. McLeod and Cadieux (1980) studied 73 transition houses where battered women and their children could stay temporarily for protection and support. Only one house asked whether the woman was beaten during pregnancy, but they found that 80% of these women answered positively.

What about the husbands? Are they so very unique? Over 50% of the husbands of the battered women interviewed by transition houses had been beaten as children, compared to one-third of the wives. A number of studies identify husbands of battered women as being lower class, but we might well ask if the "normal primitive" stereotype that Swigert and Farrell (1977) found among those charged for homicide was operating here as well. Do middle class wife batterers remain hidden because others in society simply cannot believe that such people could act in such a manner? A study done by Osborne House workers in Winnipeg in 1977 found wife batterers disproportionately represented in three occupations: truck driver, police officer and doctor.

Some workers suggest that there is a distinct underreporting of middle and upper-class wife battering. Such women frequently believe that wife battering is a "lower class" phenomenon and won't admit that it exists in their families. Of course, they also have more legal solutions at their disposal than lower class women. Even official Canadian statistics suggest that two white-collar occupational categories, professional-managerial and clerical-commercial are above average among suspects of domestic homicides (1974). The Toronto Star reported that police and social workers claim that

some of the most inveterate wife beaters are lawyers, doctors and business executives. Pollster Lewis Harris found that college-educated people approved of slapping their wives slightly more often than did the national average. He concluded, if anything, the middle class is more prone toward physical assault than the poor (McCleod and Cadieux, 1980).

Wife battering is probably widespread throughout society, but a bias may be operating that influences official responses to this type of violent crime. Official action tends to be launched by a variety of agencies against lower class, nasty, and uncouth men. Referring again to the shape of the curve in Figure 2, there is a tendency to think of a special population representing the right hand hump in the dotted curve. Again, there is no hump, no special identifiable group. Effective policy making must take into account the larger population of offenders who frequently hide behind their professional or higher social class status. The reduction of wife battering requires moving the entire curve to the left.

Estimating wife battering in Canada is difficult, but McLeod and Cadieux make a number of reasonable calculations that suggest approximately one in ten Canadian women who are married or in a relationship with a live-in lover are battered, in other words approximately 500,000. Just imagine what could be achieved if the incidence of violence in the family could be cut in half. It seems that wife battering is rarely a one time occurrence. Some of the transition houses collected statistics on the regularity of beatings and found that 31% of their clients were beaten weekly or daily. Another 26% were beaten at least once a month. One house reported that 84% of its residence had been beaten at least 11 times. Therefore, when we look at the 500,000 estimated to be battered in Canada, one can easily see how this population can contribute significantly to the 500 or 600 cases of murder in Canada each year.

If we could cut down on domestic violence, would we save the lives of policeman? Next to automobile accidents, police die most frequently in domestic disputes. Rarely are they murdered deliberately by hoodlums (and this risk is a tiny fraction of the deaths occurring among lumber jacks, miners, and farmers, and many other industrial occupations). A ban on speeding and a 50% reduction in domestic violence would clearly cut the death rate for policemen in half.

A reduction in family violence during the present generation would almost undoubtedly lead to a reduction in violence in future generations. Not only do wife batterers come from violent families, but they have a tendency to marry each other. Reducing the size of the training ground (should we say battle-ground?) would also increase the likelihood that those raised in violence would marry people who would have a non-violent family experience. A successful strategy in this direction clearly has the potential for moving our violence curve to the left (Figure 2). By contrast, a strategy directed toward long sentences focuses only a tiny population far out on the right side of our curve and only deals with a portion of them.

The purpose of this report is not to offer cures on wife battering, but there are clear areas where policies could make a difference. For example, the economic dependence of women on men leaves some women feeling that they must endure physical abuse because they couldn't provide for themselves. Hopefully women are becoming more independent economically and laws could assist in this direction.

Medical doctors have frequently looked the other way when confronted with evidence of family violence. The diagnosis of "fragile bones" was one medical diagnosis used in the past to deliberately avoid recognizing cases of child abuse. Action is being taken in this area, and policy makers who insist on more responsibility in the health profession are more than incidentally making

a contribution to the reduction of violent crime.

The police response to family violence has been typical of other official responses to battered wives. They are hesitant to interfere. The situations are dangerous and they are caught in a moral dilemma themselves. If they arrest the man, the woman may suffer a retaliatory beating when he gets out of jail. In addition, women frequently are hesitant to lay charges against their husbands for a variety of reasons. Fortunately, in Alberta, police officers in Calgary and Edmonton are given some training in family crisis intervention. In Edmonton, since September 1979, every nine-week recruit training program has included eight hours instruction on intervention in domestic disputes. In addition, the Edmonton Family Court Conciliation Service helps wives who have been beaten to assess the options open to them.

Child abuse. Along with the increased interest in battered wives, we see a greater concern for child abuse. We are just beginning to realize that love, protection and care on the part of parents is not quite as universal as many have naively believed in the past. Even historians are pointing out that children have been systematically abused in the past. Historian Edward Shorter, from the University of Toronto, pointed out to a May 1980 Family Court Clinic Conference in Ottawa that children who were a burden in the past died quite often as a result of "accidents." Even Hannah Whitehall-Smith, who was in her day regarded as a "saint and a sage" revealed much in a letter written in 1866.

"It is just perfectly wonderful to have two babies," writes this gracious Quaker lady. "Mary is developing exactly as one's fondest hopes would desire. . . Logan and I had our first regular battle today. . . I whipped him until he was actually black and blue, and until I could really not whip him any more, and he never gave up one single inch. However, I hope it was a lesson to him. He is going to get it over again for screaming."

Baby Logan, was only 3 and one-half months old (Greenland, 1980). Subjugation of children by parents was not only widely supported by society in the past, it is still a theme that receives extensive support today. However, one cannot automatically assume that parents will somehow provide the type of care that will protect the child and increase the likelihood that he or she will develop into a non-violent adult.

There are dilemmas and compromises. The rights of children, the rights of parents, and the desirability of intervention on the part of a government agency must be balanced; but there is some evidence that can aid in the decision making process. For example, Cyril Greenland, at McMaster University, has suggested there are certain clues that may indicate action. When a social worker has been dealing with a family where child abuse is a potential, there may be signals that help is needed. After a normal period of visits, if parents refuse to allow the social workers to see the child, Greenland argues that this is a major danger signal. Vigorous intervention is called for.

Other strategies might head off potential abuse. A volunteer worker dropping by to pick up a child for an hour or two each day to join her own child at a playground, might provide a young mother under stress with a much needed break during the day. For this report, the details are not important. What is important is that legislative action in this area has a much greater potential for reducing violent crime than legislative action towards more traditional violent offenders that has been described above. Taking men to court, especially middle class men, who beat their wives or children, even if they are only given a suspended sentence, may provide some deterrence. It may also reinforce an important norm in society that such behavior is not acceptable just because it takes place within the family.

Conclusion

Orators wishing to incite the public to action would do well to ignore these comments. It is safe and popular to pontificate about what should be done to those few brutish, violent offenders who are out on the far end of the curve. It is easy to array powerful allies against them because few will speak on their behalf. Just as we take a great satisfaction upon smashing an annoying mosquito, "that mosquito will never bite again," we can feel smug about our actions. But the feeling of smugness should not obscure the ineffectiveness of our actions. Short sighted thinking may be practical politically and may massage egos, but constructive policy making requires a broader vision. (The policy maker interested in longer range and cross cultural aspects of violence should note Appendix B.)

Indirect approaches have a much greater chance of moving the total violence curve to the left. Wife battering is one such concern. We have an overly sacred view of keeping some families together in violent conditions and accepting too easily notions such as, "it's normal that a man will give his wife a belt now and then." In addition to programs that might strengthen the quality of family life and provide relief to families under stress, we need to consider removing restraints that keep violent families together. Divorce may be a tool for easing a problem instead of just being seen as an indicator of a problem. These efforts are less glamorous than simplistic solutions (the May 1980 theme for Alberta is "death to all drug pushers"), but long range programs that focus on the modest reduction of violence in many families would have a much greater impact on reducing violent crime in the future.

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Appendix A

Weighing the Possibilities of Error

In this study we decided not to spend much time on a technical discussion of "false positives." That is, how frequently are we wrong in assessing a person who might hurt someone else in society? What are the consequences of making an error of this type? It is clear that many people who would not commit violent crimes would have to be imprisoned to carry out any of the hard line sentencing strategies currently being discussed. Supporters of severe sentencing policies mistakenly assume that courts have no difficulty identifying those who "deserve" to be treated harshly. There are many sophisticated discussions of this problem, but we will use a real life example.

The senior author of this report was observing cases in Paris courts. Parents of a five year old girl laid charges against a middle-aged man that he took the girl by the hand and led her away from a courtyard where she was playing. No harm was done to the girl. The man, testifying on his own behalf, claimed that he merely came into the courtyard asked the little girl where a certain hospital was and left. He denied leading the girl out of the courtyard. The only witness in this case was the five year old girl who told her parents that she had been led away. The defendant had no previous criminal record and there was no evidence that he had been involved in any misconduct in the past. Since no one else had seen the event, the five year old girl was called upon to testify. The judge first asked the little girl if the man who led her by the hand was in the court room. The little girl looked around the room and also at the defendant who was standing approximately 10 feet away and said, "no." The judge then repeated the request telling the little girl to look carefully before she answered. The

girl again said no. The judge, who was a middle aged woman, then asked the five year old to come up next to her. With her arm around the child she tried to determine if the child was frightened, but the child seemed to be at ease and willing to talk to the judge. The judge again asked the little girl to look around the room. Again the little girl said the man who took her by the hand was not there. Then the judge pointed directly to the defendant and said, "isn't that the man who led you away?" With this coaxing the child answered, "yes." The judge tried to get the little girl to repeat the story which she told to her parents. While the child responded with a "yes" to leading questions by the judge, who restated the story narrated by the parents, the child did not tell the story in her own words.

The defence lawyer argued that the little girl could have feared punishment on the part of her parents after having wandered out of the courtyard and therefore concocted a story that would explain her absence. The man, in this case, was found guilty and given a suspended sentence. He would now have a criminal record, but he was not placed in jail or given a fine. The questions remains. Was there the possibility of error? In which direction should one err when there is some doubt?

Frequently, people assume that errors are extremely rare in the court room, but there are numerous illustrations that suggest various degrees of doubt. In one Ontario case a young man who arrived on a scene shortly after a murder had been committed and then called the police was convicted of that murder because his hair was similar to hair clutched in the hand of the victim. The expert who testified did not say that the hair was identical but only similar. After several years in jail, a persistent legal firm in Toronto found an expert who used more sophisticated techniques and showed that the hair

clutched in the hand of the victim was in fact different from the hair of the young man who was convicted. The crown attorney, when forced to prosecute a second time, raised the charge from second degree murder to first degree murder. In other words, if the defendant were found guilty the second time, his sentence could have been increased to life.

It is not necessary to call on other illustrations, such as the Truscott case, to point out that the system frequently operates with varying degrees of certainty. Any sweeping policy changes cannot assume that imperfections will disappear but rather the consequences of a certain percentage of errors must be incorporated into any new sentencing strategy. The simplistic argument, "hang all the bastards," begins to break down as real cases are considered.

Appendix B

Broader Considerations: Understanding the Culture of Violence

To keep this report readable, we ended with only one approach to the reduction of violence, a focus on family violence. The policy maker with longer range vision should consider some of the broader aspects of violence on a worldwide basis to get insights into still other possible ways of bringing about a reduction in violence. Many observers have noted that the form and the amount of violence in human societies varies tremendously in different parts of the world. Yet very little effort is made to see if some of the characteristics of less violent societies can be imitated or those characteristics of violent societies avoided. Let us look at drinking patterns in Northern Canada and in Vienna for example. Alcohol seems to contribute to violence in northern communities rather extensively, but in Vienna, where alcoholism is also a serious problem, drunkenness does not lead to violence to the same degree. Drunks get run over by automobiles, drive their automobiles over others, and die of cirrhosis of the liver, but they tend to be less violent.

Let us look at certain patterns on a nation wide basis. There seems to be a very striking correlation between the amount of alcohol consumed and death from cirrhosis of the liver. There is also a high correlation between alcohol consumption and price of alcohol (Popham, Schmidt, and de Lint, 1976). In this study the authors took into account the different types of liquor by calculating the amount of alcohol that was consumed. They also measured the cost of the alcohol and divided it by peronal disposable income. Not suprisingly, France led the nations in alcohol consumption, had the least expensive alcohol,

and the highest rate of cirrhosis of the liver. By contrast Finland had approximately one-sixth the alcohol consumption, the cost of alcohol was seven times as high, and they had one-tenth as many deaths from cirrhosis of the liver.

Naturally, correlation is not the same as causation. One cannot assume that an increase in the price of alcohol will lead to a decrease in the use of alcohol beverages, but there is considerable evidence that such price changes do change consumption patterns. Sweden has tried to use this approach by charging very high prices for hard liquor, less for 3% beer and still less for 1% beer. If Canada were to maintain the price on its light beers and dramatically increase the prices on those beverages which have higher percentages of alcohol, would it lead to overall reductions in alcohol consumption? Critics can provide many arguments against legislative action in this direction, but if one is looking for a simplified formula for reducing violence in Alberta, this has much more going for it than longer sentences for violent offenders. Reasons for shying away from policies that would dramatically increase the cost of alcohol cannot be based on scientific evidence but rather on a variety of other sentiments that influence policy makers.

There are other cultural differences that deserve attention. The Maritimes have consistently lower rates for violent crime than the rest of the country. They also seem to be more generous when it comes to letting offenders out of prison on parole. In fact one might argue that communities that display more humane attitudes toward offenders may in turn reduce violence by providing a more humane example for the rest of society. There is some evidence for that argument. Part of it is provided inadvertently by the economist Ehrlich who has argued that the death penalty would actually save the lives of victims. A Canadian economist, Robert Hann argues that if one uses

Ehrlich's techniques in a more appropriate manner, one can derive findings that support the hypothesis that the increased use of the death penalty increases the murder rate by providing brutalizing examples for the rest of society (Hann, 1977).

A similar argument has been made by Dan Glaser and Max Zeigler (1974). They note that murder rates generally are highest in those states where capital punishment has been used the most. At least three arguments are compatible with those data. Proponents of capital punishment argue that more executions are required to deter murder in areas with high rates. Opponents of the death penalty usually present one or both of the following arguments: (1) executions by the state have the unintended effect of making murder less repulsive to citizens, thereby increasing homicide, (2) the frequent use of capital punishment and high rates of murder are both consequences of a low evaluation of life. By grouping states in the U.S. according to the executions, their homicides, and the time served before parole, they concluded that the third argument was most compatible with the data. Not only was there a correlation between homicide and the inclination to execute, those states with many homicides seemed more willing to forgive killers and release them on parole sooner.

Glaser and Zeigler also suggest that homicide is frequently the last step in the escalation of controversy that moves from angry words to gestures and then to assault with the most lethal weapons available, the deadliest being guns. Rates of violence decrease with education, suggesting that alternatives to physical aggression can be learned by participation in an atmosphere of deliberation and discussion. Have the Maritimes learned to talk more, think more, and fight less? Here is another suggestion that the public outrage that leads to demands for capital punishment whenever there is a

particularly heinous crime is counterproductive.

This theme gets additional support from another unique study which attempted to compare 110 nations in terms of their involvement in war since 1900 (Archer and Gardner, 1976). It has frequently been noted that waging war might increase personal violence. However, studies exploring the relationship between violent acts, violent times, and post-war homicide rates have usually focused on a single nation. This study used many nations and many wars and asked whether or not there had been an increase in homicide after a period of extreme violence, namely, war. They attempted to test seven theoretical models, but only one seemed to be consistent with the data. The "legitimation of violence model" argued that the social approval or the legitimation of violence produces a lasting reduction of inhibitions against taking human life. One can see that these ideas are compatible with the ones presented above. Studies of this nature do not "prove" that a certain line of thinking is correct, but they are compatible with policies that would attempt to reduce violence in a general way.

Most of these studies come from the United States, but Canadian sociologist Charles Gordon, at Carleton University and John Hofley, at the University of Winnipeg, worked with Hugh Whitt at the University of Nebraska and did a cross-national study of homicide and suicide focusing on increased economic development and religious tradition (Whitt, Gordon, and Hofley, 1972). They found that increasing industrialization had a tendency to insulate the population against homicides in those countries with a Protestant religious tradition, but this was not the case in Catholic or non-Christian nations. Instead Protestantism lead to a greater tendency for a choice between suicide and homicide with suicide becoming more frequent. In very highly developed societies, such as the United States, this trend toward increasing internali-

zation of aggression, which lead to suicides rather than murder may be reversed.

Translating broader, theoretical studies into social policy is difficult, but in the long run they may offer more effective tools than some that we currently employ.

END