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Report of the Proceedings

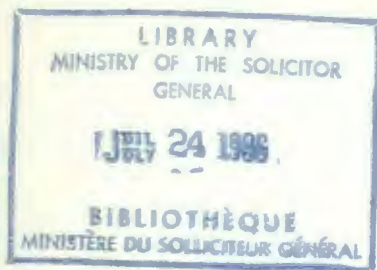
**Workshop on
VIOLENCE IN
CANADIAN
SOCIETY**

**Convened by the
CENTRE OF CRIMINOLOGY
University of Toronto**

September 8th and 9th, 1975

PREVIOUS CONFERENCES CONVENED BY THE CENTRE OF CRIMINOLOGY

National Conference of Judges on Sentencing	1964
Conference of the Chief Justices of Canada	1964
National Conference on the Prevention of Crime	1965
Conference of the Chief Justices of Canada	1965
National Conference on the Disposition of Offenders in Canada	1972
Workshop on the Use of Sanctions in Controlling Behaviour on the Roads	1972
National Symposium on Medical Sciences and the Criminal Law	1973
Private Policing and Security in Canada: A Workshop	1973
Crime Prevention Workshop	1975
Law in the School Curriculum: A Symposium	1975



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Report of the Proceedings

WORKSHOP ON VIOLENCE IN CANADIAN SOCIETY (1975: University
of Toronto).

Convened by the Centre of Criminology, University of Toronto
September 8th and 9th, 1975

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Professor John Edwards provided the major impetus for the *Workshop on Violence in Canadian Society* through his sensitivity to the need for a workshop on the topic of violence and his desire to carry further the work of the earlier *National Symposium on Medical Sciences and the Criminal Law*. His encouragement and advice led to the formation of the Planning Committee, whose task it was to bring the project to fruition. The actual work of the Planning Committee was supported by Professor Gordon Watson, Acting Director of the Centre of Criminology.

The members of the Planning Committee included Professor Bernard Dickens, Faculty of Law, Professor Anthony Doob, Department of Psychology, Professor John Hagan, Department of Sociology, Professor Kenneth McNaught, Department of History, Professor Alan Mewett, Faculty of Law and Professor John Scott, Department of Physiology. They helped to develop the structure of the Workshop, outlined the topics to be covered, and suggested potential contributors and participants.

The production of the Proceedings was ably undertaken by three members of the Centre of Criminology: Marbeth Greer, Research Secretarial Assistant, Carol La Prairie, Senior Research Assistant (part-time), and Marilyn Salutin, Research Associate. They had responsibility for obtaining and editing the papers written by contributors, summarizing the discussions which took place after each paper and during the "open session" on the last afternoon of the Workshop, and producing a camera-ready copy for printing.

The planners, contributors and participants are collectively grateful to the Canada Department of the Solicitor-General for funding the Workshop, and to the Canada Law Reform Commission for its financial support. ←

November 1975

Richard V. Ericson,
Chairman, Planning Committee



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INTRODUCTORY REMARKS

by

*Professor Gordon A. B. Watson,
Acting Director,
Centre of Criminology.*

"In May, 1973, the Centre of Criminology convened a National Symposium on Medical Sciences and the Criminal Law, the Proceedings of which have been subsequently published and widely distributed. On May 9th, 1974, I met at Massey College with members of the Planning Committee that had organized the above symposium and I also invited to the discussion, one or two additional persons with interest in the subject of violence who had become known to me in connection with some of the research planning that has occupied the attention of the Federal Department of Justice over a number of recent years."

Such was the beginning of a memorandum written by Professor John Edwards, Director of the Centre of Criminology, introducing the idea of a Workshop on the subject of violence, and suggesting that Dr. Richard Ericson, whose arrival at the Centre was anticipated, assume the responsibility for planning and executing the workshop.

It is unlikely that any conference could have been more timely.

Included in the Proceedings of the National Symposium on Medical Sciences and the Criminal Law referred to in Professor Edwards' memorandum is a report on the psychoneurotic aspects of violence. Dr. Beatrice Loomer who presented the report says in it, "In approaching the formidable problem of violent behaviour in man, the clinician first of all must understand those who are troubled by their violence and come for help. The clinician's chief interest is neither group violence, as in war, nor group rebellion, nor social unrest, nor isolated acts of violence in understandable response to extreme provocation." This is an entirely proper comment for a clinician at that particular symposium. Criminologists, on the other hand, cannot so confine their interests and attention, for it is precisely in the more social manifestations of violence and in the changes that are taking place in society's attitudes with respect to acts

of violence of all kinds that the criminologist is presented with the extraordinary challenge. So deep in society's concerns and so complex are the issues that the very definition of violence, our understanding of it and our response to it, is a subject of growing magnitude and argument. When we move from the individual and his anxieties concerning his own violent urges to society and its anxieties concerning social behaviour we encounter the stereotypes, the expectations, the values and the problems of communication and publicity which leave the social scientist and practitioner in confusion and uncertainty, often alienated from each other and the public.

The criminologist when talking about violence can no longer abstract from ideological implications, international ramifications and political contexts those very manifestations of violent behaviour to which the clinician, in Dr. Loomer's sense, would like to confine his attention. But criminologists have not learned to deal confidently with these broader contexts and the public attitudes that are bound up with them. It is to be hoped that this Workshop will provide an opportunity to establish some new perspectives along these lines while reviewing critically some of the older ones.

The police, social workers, corrections officers, and members of the community who have been the victims of violent acts have a very direct view of the matter, based upon hard experience. The demands for understanding and effective handling of the problems are for them incessant and concrete. Questions of a theoretical or philosophical nature seem to have little place in the midst of what appears to be a crisis in our society involving the very preservation of social order. In the same way, research must surely focus upon the immediate and common incidents that are the preoccupation of professional workers in their everyday tasks, as well as of the public going about its business.

On the other hand, a moment of reflection leaves one haunted by doubts both of fact and of principle. The starting point for so many of us is the publicity given to violence in the media. It is publicity which carries with it the declaration that violence is on the increase, and probably beyond the power of control. Along with this claim is the further one that there is a dramatic increase in the stimuli to violence within society. Television, literature, and the graphic arts are blamed for unrestrained exposure of the public to the more disagreeable aspects of human nature, and thus for being the chief causes of their increasing manifestations in action. But the fact is that we know little of this cause and effect relationship. One also hears much talk about the decrease in the restraint within individuals and in the constraints within society at large, and these are said to be the features of liberalism in a society which is losing its values, and in individuals who are losing sense of responsibility.

These are the things that are said. What precisely is meant by such statements, and what constitutes the evidence for them? Does violence on television encourage violence in actual behaviour? Or does it suggest, merely, certain forms that violence might take in those who are already prone to it? So we may see an increase in the incidence of certain kinds of violent behaviour and a decrease in the incidence of others. What are the facts? Where the press reports a suicide in the subway there may follow a rash of suicides in the subway. Is there an increase in the total number of suicides? I am under the impression that we have not established that there is an increase in the total incidence of violent behaviour because we have not decided what is to be included or excluded in the definition.

In the papers and discussions in this Workshop there have been many references to the fact that definitions are a problem, and that particular definitions have been chosen, for particular purposes, and in each case the choice has been often slightly, but significantly, different from the others. That is not to be wondered at, but it does raise the question of communication among researchers in the field. When does a change in definition alone "increase" or "decrease" the incidence?

To what extent is "violent" behaviour in fact behaviour that is judged by the individuals to be aesthetically repulsive, or perhaps morally offensive, and perhaps not at all physically injurious? And what about non-physical violence? Very little has been said, about violent behaviour that would be considered constructive rather than destructive. Now, if it has been decided by definition that violent behaviour is destructive, then this should be clearly understood. And then, of course, there is violent behaviour which performs a therapeutic function, by releasing both individual and group frustrations and tensions.

So much for the confusion and the complexities. What is required above everything else at this stage of our experience is a longer period of time for people of the backgrounds represented in this Workshop to probe more deeply into the subtler aspects of the questions that have been raised.



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WORKSHOP ON VIOLENCE IN CANADIAN SOCIETY

September 8 and 9, 1975

Music Room, 2nd Floor,
Hart House,
University of Toronto

PROGRAMME

MONDAY, SEPTEMBER 8th, 1975

- | | | |
|----------------|-------|---|
| <u>MORNING</u> | 9.15 | <u>Opening Address by</u>
Professor G. A. B. Watson, Acting Director,
Centre of Criminology. |
| | 9.30 | <u>Demographic Aspects of Violence</u>
- Professor F. H. McClintock, Head
Department of Criminology,
University of Edinburgh |
| | 10.15 | <u>Victims of Violence</u>
- Professor E. Fattah, Chairman
Department of Criminology,
Simon Fraser University |
| | 11.00 | Coffee - South Dining Room |
| | 11.15 | <u>Psychology of Aggression and Violence</u>
- Professor B. Rule,
Department of Psychology,
University of Alberta |
| | 12.00 | <u>Violence and the Mass Media</u>
- Professor D. Ellis,
Department of Sociology,
York University |
| | 12.45 | Buffet Lunch - South Dining Room |

MONDAY, SEPTEMBER 8th, 1975

- AFTERNOON
- 2.00 Medical Aspects of Violent Behaviour
Introductory Comments by
- *Professor J.W. Scott,*
Department of Physiology,
University of Toronto
- 2.30 Addiction and Violence
- *Professor H. Kalant,*
Department of Pharmacology,
University of Toronto
- 3.15 Coffee - South Dining Room
- 3.30 The Medical Psychiatric Treatment of Violent Behaviour
- *Dr. D. Common,*
Ontario Department of Correctional Services,
Guelph, Ontario
- EVENING
- 6.30 Sherry Reception - Senior Common Room, 2nd Floor
- 7.15 Dinner - Gallery Dining Room, 2nd Floor

TUESDAY, SEPTEMBER 9th, 1975

- MORNING
- 9.15 Social and Legal Defences Against Violence
Introductory Comments by
- *Professors Alan Mewett and Bernard Dickens,*
Faculty of Law,
University of Toronto
- 9.45 The History of Collective Violence in Canada
- *Professor K. McNaught,*
Department of History,
University of Toronto
- 10.30 Coffee - South Dining Room
- 10.45 The Penal Response to Violence
- *Professor John L. Hagan,*
Department of Sociology,
University of Toronto
- 11.30 Civil Rights and the Violent Offender
- *Professor R. Price,*
Faculty of Law,
Queen's University
- 12.15 Buffet Lunch - South Dining Room
- AFTERNOON 1.00 Open Discussion on Proceedings
Chairman: Professor Gordon Watson



"Demographic Aspects of Violence"

by

*F.H. McClintock
School of Criminology
University of Edinburgh*

We are all aware that one of the sources of academic criminology is traceable to attempts to measure the social and other environmental influences on the behaviour of man. Precursors of the sociological school of criminology are to be found in the 17th century among British writers on political arithmetic; for example, William Petty and John Graunt. But more systematic attempts to lay the foundation of a sociology of crime were made by Quetelet in Belgium and Guerry in France, based upon official criminal statistics and other recorded data on the general population. This was in the empirical tradition of Jeremy Bentham in the late 18th century who advocated official returns on crime comparable to mortality returns in the medical field: the former would indicate the moral health of the nation as the latter did the physical!

Earlier studies of the demography of crime - whether property offences or offences of violence - had two aims: (1) to indicate the moral state of the population, and (2) to provide data for testing the effectiveness of legislation and the penal remedies administered. These two aims continued to underlie the main thrust of public discussions today, even though the language in which they are expressed has changed somewhat. "What is wrong with a society in which so much violent crime occurs?" "Why is it increasing?" "How effective are new laws, new types of policing, or new penal measures in preventing or controlling such crime?" These are the kinds of questions which are currently being asked and to which demographic data on criminal violence are expected to yield some answers.

I would suggest that demographic studies of criminal violence in the past have not been of great help; and in the future they will not be any more helpful unless they are based upon a contextual analysis of the circumstances of the crime in social and economic terms, covering the

three essential elements, i.e. the act of violence itself, the perpetrator, and the victim; and unless the relevant demographic data include much more sociologically sophisticated variables than those employed at present, which relate only to sex, age, marital status and, in some countries, ethnic origin.²

Demographic studies in crimes of violence in the old style were dependent upon groupings of crime and criminals according to legally defined categories of law-breaking behaviour with little consideration given to the social features of the violent act or to the offender, and none at all to the victim. Official criminal statistics on violence have therefore been found rather sterile if not totally valueless by those attempting either to understand the nature of violent crime or to establish a fruitful and reliable basis for discussing criminal or penal policy. It is true that in most countries in the Western World one can ascertain the trends in homicides, rape, robbery, wounding and other kinds of violence as recorded annually by the police, and likewise establish that the majority of offenders convicted of acts of criminal violence are young in age and male in sex - with the small proportion of violent young female offenders increasing significantly in the seventies.

This restricted old-fashioned type of demography of crime has tended, by the abstract nature of its contents closely patterned on legal classifications, to yield little to the research worker and to conceal a great deal. Statistical studies of the phenomenon of criminal violence from the viewpoint of political economy have sometimes been discarded for the wrong reasons. I would suggest that it is not because such studies are per se useless or even misleading, but because the wrong kinds of measurements were calculated, and are still frequently being so made.

Our present demographic data on criminal violence lead to a variety of speculations as to what the real problems are; and in such a situation individual prejudices can dominate penal policy, and the mass media can re-enforce, if not create, myths and can distort images and stereotypes of violent offenders and their criminal acts.

If, for example, we are investigating the nature of the recent increases in known cases of robbery with violence, or homicide, the current demographic studies based on official records are largely void of relevant facts. Furthermore we can search the official returns in vain for material on such issues as youth drunkenness and violence, violence and ethnic minorities in urban communities, youth and violent sex crime, destructive violence against public property, spectator sport and violence, public protest and violence, or terrorism. This dearth of factual data is to be deplored and I suggest that we can move towards a new and more sophisticated form of demography that is informative and provides a firmer basis for other kinds of research into violence as well as for the development of rational programmes of prevention

and control.

I would suggest that in our discussion on such a complex phenomenon as that of criminal violence it is necessary to distinguish between the legal level of reality, the social level of reality and the individual level of reality. All are obviously inter-related but an attempt to deal with them all at the same time is likely to cause confusion and detract from clarity. Each level also needs separate consideration in any new demographic approach to the study of violence.³ If I take an example it may help to define the categories that I am here suggesting.

We can take the problem of violence at football matches: this can be discussed in terms of the legal reality, (1) what the criminal law is in relation to public order and personal violence (though incidentally the law in relation to individual and collective responsibility is complicated and not entirely satisfactory); (2) the way in which the law is enforced - out of the melees at the football match involving perhaps scores of individuals, what is the process by which eight or ten appear on criminal charges in court? - and (3) what kind of criminal justice processes and measures there should be for dealing with these kinds of problems. If we then examine the question from the social-reality level, we need to have detailed case studies to decide how such situations arise and to examine the interaction between youth groups and the police; and the question that arises in social terms is how this kind of behaviour has increased from an occasional or rare occurrence to a frequent and expected occurrence at most matches in Great Britain attracting large crowds. At this level we need to look at the social role and status of youth in modern society, the changes in the social relations between youth and the older generations, as well as the social and economic aspects of the life-styles of modern urban youth in relation to the function of spectator-sport, as distinct from participating in sport. Thirdly we can study the problem on the individual level and ask such questions as what the social and psychological characteristics are of the youths arrested and convicted. How did they come to behave in a particular way on a particular occasion? Do they differ significantly from youths not involved in violence? Can one deal with the individual within the juvenile justice or criminal justice system in a way which will prevent him from committing further offences of this sort? What I am therefore suggesting is that to try and deal with the whole phenomenon of violent crime as if it were all at one level only leads to confusion. If this is so then demographic studies must take into account the various levels indicated.

Basic to a demography of violent crime is the definition of what we mean by violence. Some have suggested that the concept of violence is so lacking in precision that it may not even be a very useful one - and in this context it is important to note that the criminal codes or statutes do not usually define violence but only specific acts or offences of

violence but if the notion of violence in the community is taken as the starting point in public discussion it is necessary to consider the area of legitimate as distinct from illegal, or criminal violence. On the state level there is the legitimate use of violence, in specific circumstances, by the police and the army to protect life and property and to maintain law and order. To decide when violence can be legitimately used by the organs of the State is in itself no simple matter. Without recourse to extreme crises as in Northern Ireland, we can cite student and other public demonstrations for evidence of this. But if we restrict ourselves to what may be termed personal violence, it is clear that the range of conduct covered by the term is so wide as to make generalization virtually impossible: i.e. from homicide and robbery with violence to legitimate violence in sport (boxing, wrestling, rugby, or football), or from aggression manifested by fists and weapons to that manifested in verbal altercations.

To concentrate attention solely on criminal violence is also insufficient to delimit the field with any real precision. Levels of acceptability and therefore group concepts of legality are often a matter of social and cultural tradition. What would be regarded as a normal angry response or physical boisterousness among young people in the streets of a working-class environment could be viewed as a criminal assault in a middle-class suburb. In this sense, what is regarded as criminal violence is socially as well as legally defined. I suggest that if one is to deal properly with the demographic aspects of the problem of violence it is impossible to treat the one without considering the other.

Furthermore, the question of unreported, or "hidden" criminal violence, is not just an actuarial question of how many crimes are not reported, i.e. how reliable a demographic study of violence is, based on official statistics, but relates, on the one hand, to the nature of the criminal violence and the social situation within which it occurred, and, on the other, to the view taken by those involved as to the criminal justice system and the possibility of alternative non-legal social controls in the social, medical, educational and economic spheres. For example, what amounts in law to robbery with violence of one pupil by another on school premises might very well be dealt with by the school staff as part of the process of social control under the educational system, or even simply ignored and therefore not reported to the police. In one set of circumstances therefore unreported violence among youth can be seen as a result of the functioning of the legal as well as other control systems, both formal and informal. When we have a registered increase in criminal violence in the school, as in Britain and the U.S.A. today, this could be due to a breakdown in the non-legal forms of social control or it could indicate a genuine increase in violent conduct.

Over the last fifteen years I have been involved in various

research studies of criminal violence. These have covered surveys of violence in London and provincial areas in England and Scotland, an examination, for the Council of Europe, of the problems of urban violence in five capital cities in Western Europe, as well as reported violence and law enforcement in the City of New York. My research has also required an assessment of borstal training in an institution in Great Britain in which a third of the youths had committed serious offences of criminal violence. Each of these studies has involved demographic aspects of the phenomenon studies.

For the purposes of those studies we have taken what is often regarded as a rather narrow definition of violence, namely, criminal acts which result in physical injury or immediate threat of physical injury to an individual; to these should be added those kinds of offences that occur in public, of a less personal nature, such as affrays, mobbing and rioting, acts of terrorism and perhaps also the more serious forms of disorderly conduct which put ordinary citizens in fear of personal injury. However, it has to be recognized that conduct under the last heading is particularly difficult to quantify: it is often popularly described as hooliganism or public vandalism and, although often resulting in damage to property, is not infrequently perceived as likely to lead to personal injury.

In examining criminal violence as a social phenomenon we have in earlier studies suggested that there are four broad categories, each of which requires separate consideration: namely (1) instrumental violence; (2) inter-personal violence; (3) ideological and political violence; and (4) destructive or sensational violence.

Instrumental violence can be seen as primarily violence in the furtherance of property crime, such as robbery; but it can also include violence in the forms of sexual coercion on a stranger, such as rape or indecent assault. Violence to avoid arrest can also be seen as instrumental violence. However, our studies indicate that both sexual violence and violence against the police quite frequently are better described as interpersonal or conflict violence. Under inter-personal violence are included some crimes which are the culmination of a long period of strain and conflict in the home, as well as crimes which result from a sudden outbreak of anger over a specific issue following a casual encounter.

In the class of ideological or political violence, there is a considerable range of possible situations, from the young revolutionary anarchists or terrorists for whom violence is the planned strategy of the group, to the young trade-unionist, or student, protest organized in some matter of immediate collective concern. In the latter case, the violence may, of course, be precipitated by the over-reaction of the law enforcement agencies. The class of destructive or sensational violence is in some ways almost a residual category in that no

individual motive or reason is explicit or can be inferred. It is, however, this class of violence which is so frequently highlighted in discussions as a new form of violence among the young. Public concern for this kind of violence is found in urban areas throughout the world: in Eastern as well as Western European countries, in Asia as well as the Americas. Destructive violence may comprise isolated acts by solitary individuals - as in some instances of arson - or concerted vandalism and violence of adolescent groups or gangs roving the neighbourhood in search of excitement. As indicated earlier, destructive violence may be not infrequently a result of deeper problems, whether of an individual or social kind. While an acknowledgement of such problems does not make the behaviour more acceptable it may help to differentiate the issues so as to identify more precisely the appropriate methods of prevention and control.

These descriptions of criminal violence show that, at the level of social reality, the legal definitions are inadequate as a means of understanding the nature of the phenomenon. They also indicate how extremely heterogeneous criminal violence is as a social phenomenon.

The main sub-classes of this classification are set out below:⁴

"Ideal-type" classification⁵

- I. Instrumental violence:
 - (a) Violence in furtherance of property crime (robbery, etc.);
 - (b) Violence in furtherance of some forms of sexual coercion (rape, and indecent assault);
 - (c) Violence to avoid individual arrest.
- II. Interpersonal violence:
 - (a) Prior personal relationship of permanence or of some duration;
 - (b) Prior personal relationship of a casual or transitory nature.
- III. Destructive and sensational violence:
 - (a) Local community level;
 - (b) National and international levels
- IV. Ideological and political violence:
 - (a) Local community level;

(b) National and international levels

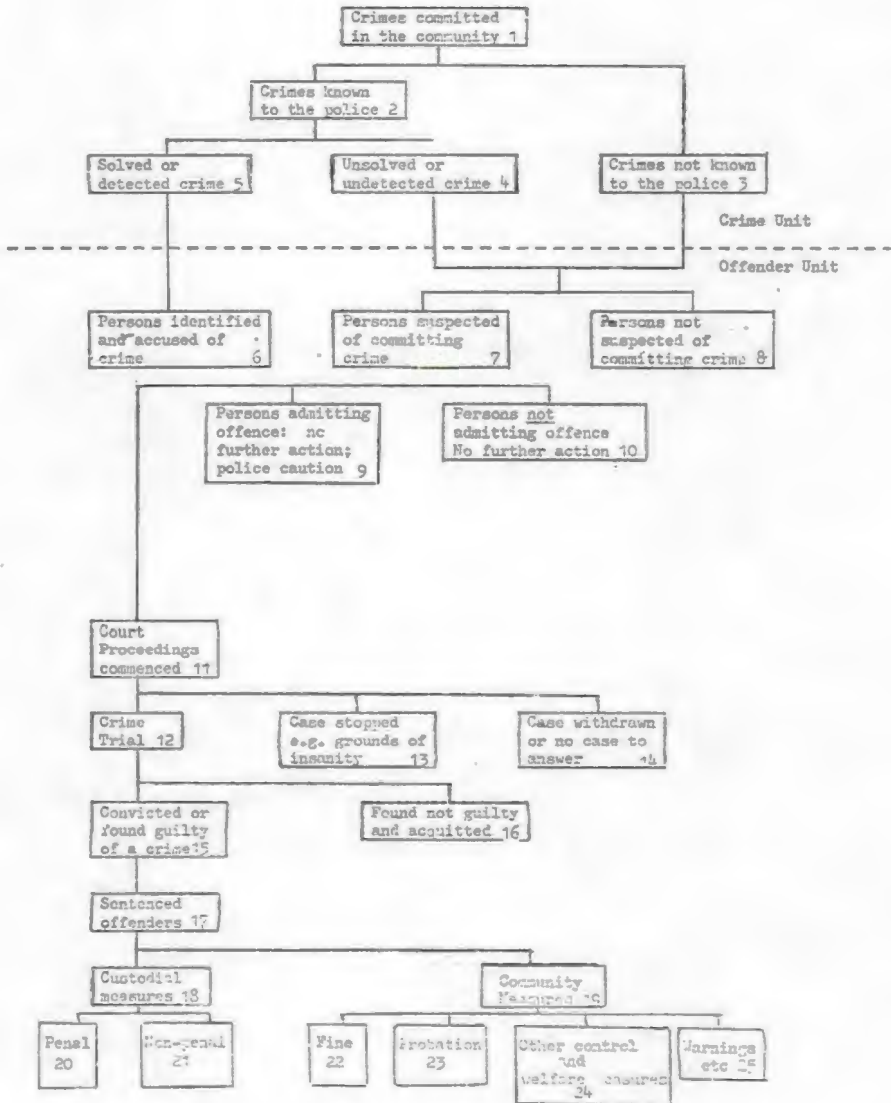
V. Community disturbance and disorderly conduct.

There is, of course, overlap between these classes and, at a practical level, information will not always be available or even obtainable so as to place every criminal event in its appropriate subclass. The purpose of this classification is to isolate the main situational clusters of violence, rather than to obtain a uni-dimensional and exhaustive classification. The fifth class, dealing with disorderly conduct, can be described as a "threshold" class in that the elements of anti-social behaviour are not ignored but are mainly minor in character. Not to include this class would unduly limit a discussion on the phenomenon of criminal violence. To some extent it can be regarded as the "grey" area between recorded criminal violence and the "dark figure" of crime.

This classification gives the basis for the study of offender and victim relationships - or the victimology of violence - in a precise and meaningful way. Furthermore this classification takes into account not only certain aspects of the social circumstances in which the criminal event occurred, but also something of the broad motivational features behind the act. For the purpose of those responsible for the control system, the intention might be known, inferred or assumed; from the research point of view it provides a framework for the study and investigation, not only of those involved in the criminal event, but also of those operating the control system.

In studies carried out in Great Britain it was found that basic data readily accessible in records were insufficiently comprehensive to suit this Ideal-type of classification; as a result therefore a descriptive classification had to be adopted based on information available to the police. It has to be recognized that an overall view of the phenomenon of criminal violence is dependent upon data provided from the activities of law enforcement and the criminal justice process. Apart from a few *ad hoc* research enquiries our knowledge of various aspects of criminal violence cannot be independent of the system of crime control and it is important therefore to be aware of the location of the source of such information in relation to the total system of control. An outline of a crime control system is given in Chart A. It is obvious that a study of a particular category of violence, e.g. violent sex crime, will be based on a different range of cases if located at point 2 rather than, let us say, at point 20 of the chart.

Chart A: Law enforcement and criminal justice process: sphere in which information is generated by the formal system, or point of entry for collection of research data.



Summary Descriptive Classification

- A. Personal violence in the course or furtherance of theft (mainly robbery)
 - 1. Robbery of persons who, as part of their employment, have charge of money or goods;
 - 2. Robbery in the open after sudden attack;
 - 3. Robbery on private premises;
 - 4. Robbery after preliminary association of short duration between victim and offender;
 - 5. Robbery in cases of association of some duration between victim and offender.
- B. Crimes of violence against the person (without theft)
 - 1. Attacks in order to perpetrate a sexual offence;
 - 2. Attacks on police officers, or civilians, intervening to prevent crime or to apprehend an offender;
 - 3. Attacks arising from domestic disputes, quarrels between neighbours or between persons working together.
 - 4. Attacks in and around public houses, cafes and other places of refreshment or entertainment;
 - 5. Attacks in thoroughfares and other public places;
 - 6. Attacks in special circumstances, including attacks on prison officers, injury resulting from criminal negligence and attacks by persons of insane mind.

The extended descriptive classification of criminal violence, according to the circumstances in which the offences occurred, covers no less than one hundred and twenty sub-classes (see Appendix A). The eleven groups contained within the two main categories of the summary classification afford only a general indication of the situations in which the acts of violence occurred.

In this paper it is only possible to select a few examples of the way in which this contextual analysis of violence forms the basis for a more informed demographic appraisal of the phenomenon.

Diagram I shows that in the Greater London Area (population 8 million) there was a substantial increase in robberies from 1960 to

1970, and that while planned robberies (Class 1) increased substantially during that period the greatest increase occurred in attacks on ordinary citizens in the open, including the so-called "mugging" offences.

Diagram 1
Classification of indictable crimes of robbery
shown according to circumstances in which they occurred
(London, urban area, 1960 and 1970 estimates)

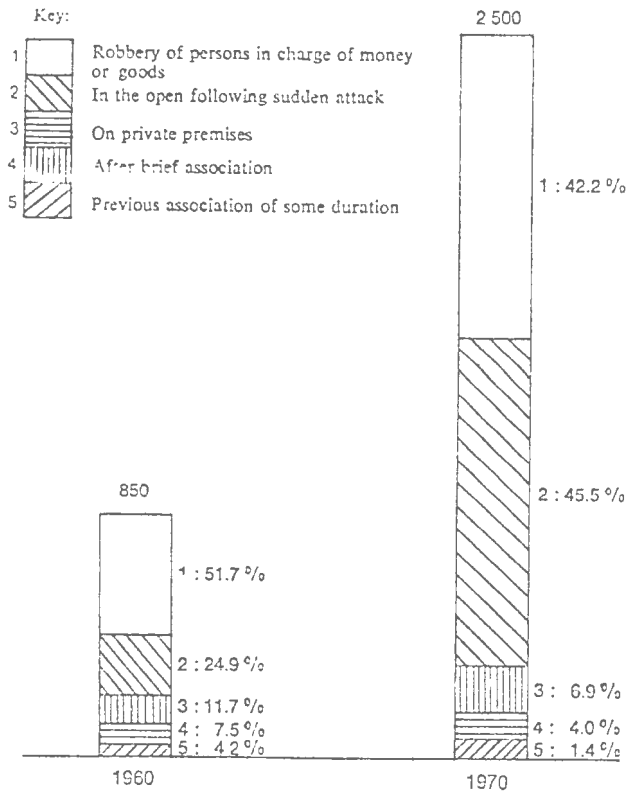
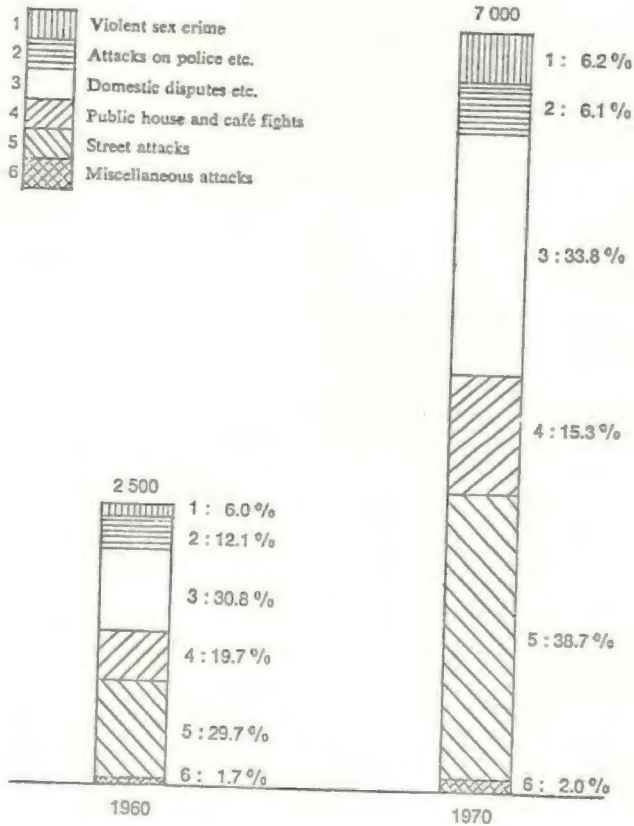


Diagram II shows that, over the same period, the main increase in non-instrumental violence was in street attacks (frequently involving associated groups or gangs of youths) and attacks within the domestic situation (including "battered wife" and "battered husband" cases, as well as sibling and sibling/parent conflicts).

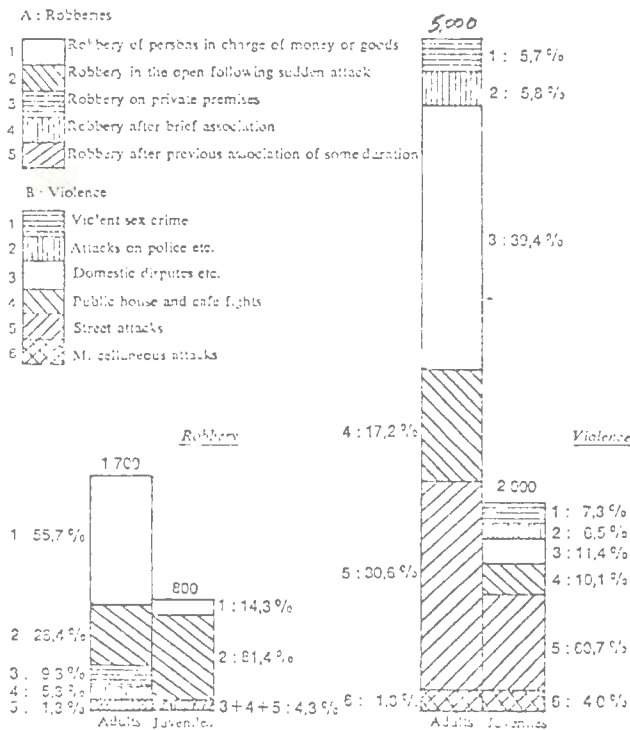
Diagram II
Classification of indictable crimes of violence
shown according to circumstances in which they occurred
(London, urban area, 1960 and 1970 estimates)



The relationship of age and sex in these various situational groups of violence are obviously complex; but, as can be seen from Diagram III, in which only two age groups are distinguished (juveniles under 17 years, and adults, aged 17 and over), this type of analysis adds substantially to the significance of the demographic analysis of violence over that which is usually given in relation to the bare legal categories

Diagram III

Classification of indictable crimes of robbery and violence shown according to age of offenders and circumstances of offences (London urban survey material, 1970 estimates)

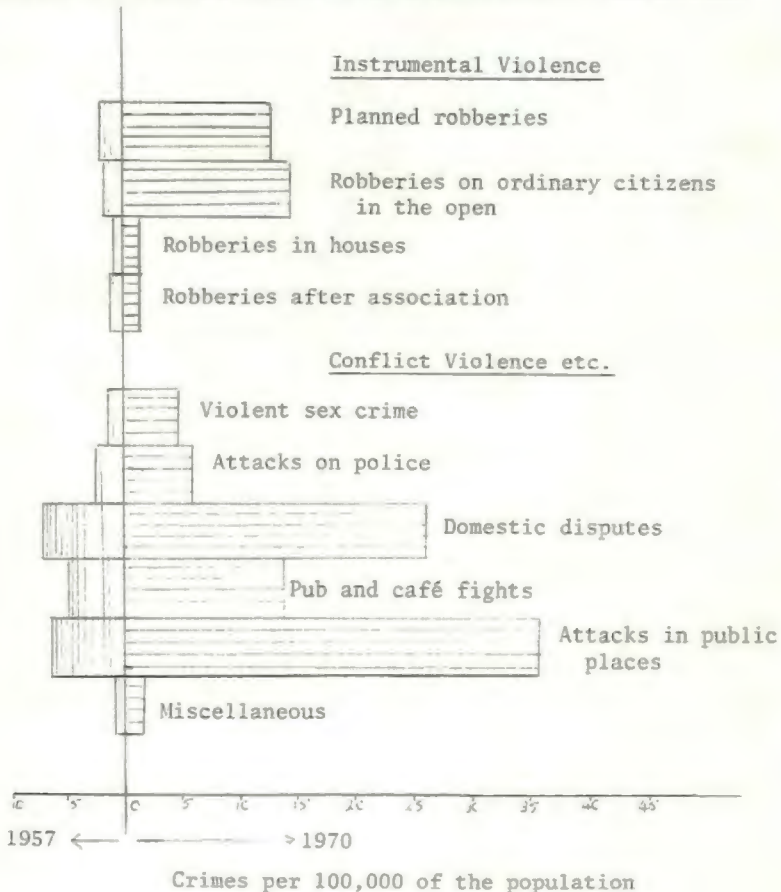


It can be seen that in London for the year 1970, six in ten of the robberies by adults were planned against persons in charge of money or goods, whereas eight in ten of the robberies by juveniles were attacks on ordinary citizens in the street or other public places. In the category of personal violence, no fewer than four in ten of the cases involving adult offenders occurred in the home, while among juveniles the vast majority of offences of violence occurred in public places and no more than one in ten in the home.

For a comparison of the incidence of different kinds of crime over a period of time it is clearly necessary to relate such data to any changes that occur in the population. Even with the adoption of crude population rates, the advantage of such an approach can be seen from Diagram IV where the increases in different kinds of violence recorded by the police are given per hundred thousand of the population of Greater London in the years 1957 and 1970.

Diagram IV

Diagram showing the situational classification of Crimes of Violence and of Robberies known to the police in London (M.P.D. and City) per 100,000 population, 1957 and 1970



When crime data on violence are recorded merely according to legal categories of crime, it is difficult to do more than speculate about its real social and demographic significance.⁶ This can be gathered from the data presented in Table 1. It is true that some information can be deduced as to the magnitude of the increase in the four selected legal categories of criminal violence in England and Wales from 1950 onwards, and that the increases are substantial even in recent years is manifest; but from such data no idea of the circumstances and gravity of the crime can be gained.

Table 1: England and Wales: Number and proportion of indictable offences against the person and robbery in 1950, 1971 and 1974 distinguishing between selected crimes of violence (I) and other crimes against the person (II).*

Class of Offence	1950		1971		1974		Change 1974/ 1971
	No.	%	No.	%	No.	%	
Homicide & attempts	531	2.6	918	1.2	1,102	1.1	+20.0
Woundings	5,258	25.7	45,165	57.8	61,878	63.7	+37.0
Rape	514	1.5	784	1.0	1,052	1.1	+34.2
Robbery	1,021	5.0	7,465	9.5	8,666	8.9	+16.1
I. Total: Selected Violence	7,124	34.8	54,332	69.5	72,698	74.8	+33.8
Heterosexual Off.	7,927	38.8	18,184	23.3	17,968	18.5	-1.2
Homosexual Off.	4,416	21.6	4,509	5.8	5,479	5.6	+21.5
Other Off. against the person	998	4.8	1,097	1.4	1,000	1.0	-8.8
II. Total Sexual Off. etc.	13,331	65.2	23,790	30.5	24,447	25.2	+2.8
GRAND TOTAL	20,455	100.0	78,122	100.0	97,145	100.0	+24.3

*Based on data obtained from Criminal Statistics England and Wales, 1950 and 1971-1974.

Even when homicides are singled out and compared with the changes in wounding offences and serious assaults, the social and demographic aspects of homicide, in relation to the issue, for example, of capital punishment, remain obscure, although it can be seen from Table 1A that, although the incidence of homicides has been increasing, the proportion of homicides to the total number of fatal and serious assaults has actually decreased since 1957. Any attempt to ascertain the reason for this requires, of course, more elaborate social and demographic approaches suggested in this paper.⁷

Table 1A: England and Wales: Increase in homicides related to increase in attempted murder and serious woundings (1957-1974).

Years	Homicides		Attempted murder and serious woundings		Total of fatal and serious assaults		% of homicides to total (1)/(5)
	No. (1)	Rate (2)	No. (3)	Rate (4)	No. (5)	Rate (6)	
1957-59	288	100	1,741	100	2,029	100	14.2
1960-62	283	98	2,057	118	2,340	115	12.1
1963-65	311	108	2,261	130	2,572	127	12.1
1966-68	401	139	2,697	155	3,098	153	12.9
1969-71	417	145	3,333	191	3,750	185	11.1
1972-74	515	178	4,234	243	4,749	234	10.8

Where the homicides are considered according to the situational classification of the offence it immediately becomes apparent that more than half of the homicides in London in 1970 resulted from domestic disputes (80 out of 148; see Table 2) and that the percentage of homicides within the category of domestic disputes (2.3 percent) was more than twice that of homicides amongst cases of violence generally (1.0 percent).⁸

Table 2: English Survey: Number and proportion of homicides according to the situational classification of the offences (1970).

Indictable crimes of violence	Total Crimes No.	Homicides	
		No.	%
A. <u>Instrumental violence</u> All robberies etc.	3,218	12	0.4
B. <u>Conflict violence etc.</u>			
1. <u>Violent sex crime</u>	915	14	1.5
2. Attacks on police etc.	646	0	0.0
3. Domestic disputes etc.	3,414	80	2.3
4-6. Other classes of violence	6,699	42	0.6
GRAND TOTAL	14,892	148	1.0

Another example of the limitations of a demographic analysis based exclusively on legal criteria is the difficulty that arises in interpreting statistics of violent sexual crime. On strict legal criteria rape and attempted rape are outstanding instances within such a category; but under English law the offences of indecent assault on males or females may either be acts involving physical violence or a threat of violence, or may be acts so classified on the ground that, while there was de facto consent the victim being under the age of sixteen or he or she could not de jure give such consent. In the English survey it was found that the vast majority of victims of recorded sexual assaults were in this latter category. On the other hand, under such legal headings as murder, indictable woundings, aggravated burglaries, are included violent crimes which have a strong sexual element not legally recognized. Furthermore the class of homosexual offences, such as buggery, covers some offences definitely violent in character. To ascertain the incidence of violent sexual crime when distributed under legal classification is a fairly complex process. This can be illustrated from the English survey (Table 3) where many thousands of crime reports had to be scrutinized in order to determine the factual information for identifying the violent heterosexual and homosexual crimes.

Table 3: English Survey: Legal categories of violent sexual crime (1970)

Violent Sexual crime	No.	%
I. Heterosexual violent crime		
sexual murders	10	1.1
rape	152	16.6
attempted rape	36	3.5
indictable woundings	59	6.6
aggravated burglary	4	0.4
indecent assault	593	64.8
Sub-Total I	854	93.3
II. Homosexual violent crime		
sexual murders	4	0.4
buggery and attempts	2	0.2
indictable woundings	2	0.2
aggravated burglary	0	0.0
indecent assaults	53	5.8
Sub- Total II	61	6.7
All violent sexual crime	915	100.0

Another important demographic and social aspect of crimes of violence is the extent to which crimes are committed by individuals one against another, or involve attacks by a group (more than one individual) against a single victim, or by inter-group conflict, and also as to whether or not offenders and their victims were male or female. Table 4 gives some indication of this on the basis of the English Survey, distinguishing between robberies and other kinds of criminal violence. It is seen that the majority of robberies were group attacks against a single male, whereas the majority of cases of conflict violence (74.0 percent) were simple attacks of one individual against another; in most cases a male assailant against a male victim.

Table 4: English Survey, 1970: Incidents of criminal violence grouped according to the number of assailants and the number of victims.

Number of Assailants and Victims	Robberies		Conflict Violence		All Selected Violence	
	No. (1)	% (2)	No. (3)	% (4)	No. (5)	% (6)
a) Attacks by one offender against one victim:						
male against male	519	16.4	4,682	44.5	5,201	38.0
male against female	277	8.8	2,514	23.9	2,791	20.4
female against male	3	0.1	217	2.0	220	1.6
female against female	5	0.1	339	3.2	344	2.5
Sub-Total (a)	804	25.4	7,752	73.6	8,556	62.5
b) Group attacks against one victim:						
against a male	1,801	56.9	1,829	17.4	3,630	26.5
against a female	237	7.5	221	2.1	458	3.3
Sub-Total (b)	2,038	64.4	2,050	19.5	4,088	29.8
c) One assailant against 2 or more victims						
	26	0.8	300	2.8	326	2.4
d) Attacks or fights involving 2 or more persons on each side						
	299	9.4	431	4.1	730	5.3
GRAND TOTAL*	3,167	100.0	10,533	100.0	13,700	100.0

* Excluding victimless crimes and a small number of cases where there are insufficient data to classify.

In fact, apart from violent sex crime and violence resulting from domestic disputes, female victims were in a minority. In robbery with violence only one in six victims was a female (see Table 5).

Table 5: English Survey, 1970: Number and proportion of female victims in each of the main categories of the situational typology

Situational typology	All Crimes of Selected Violence	Attacks on Females	
		No.	Percent.
Conflict violence:			
1. Violent sex crime	915	852	95.1
2. Attacks on police/interveners	648	35	5.1
3. Domestic disputes etc.	3,414	1,703	49.9
4. Pub and cafe fights etc.	1,881	141	7.5
5. Attacks in public places	4,587	661	14.4
6. Miscellaneous attacks	231	70	30.3
Total	11,676	3,460	29.6
Robberies	3,218	525	16.3
GRAND TOTAL*	14,894	3,985	26.8

* Cases in which there were several victims have been coded according to the main victim.

In attempting to ascertain the degree of criminal violence the actual physical injury sustained by the victim is clearly of considerable importance, as stereotypes of violence tend to be built on those cases in which serious injury results. In fact, it was found from the English survey that in the majority of cases (72.0%) the injury was negligible, or no more than a bruise or abrasion causing some discomfort to the victim for a few days only (see Table 6).

Table 6: English Survey, 1970: The number and proportion of robberies grouped according to degree of injury sustained by the victim.

Degree of Injury	Robberies		Conflict Violence		All Selected Violence	
	No.	%	No.	%	No.	%
Death	12	0.4	136	1.2	148	1.0
Fractures & major woundings	54	1.7	982	8.4	1,036	6.9
Cuts, 1-5 stitches	156	4.9	2,895	24.8	3,051	20.3
Bruises, abrasions & minor wounds	1,138	35.3	6,168	52.8	7,306	49.1
None or negligible	1,858	57.7	1,495	12.8	3,353	22.5
TOTAL	3,218	100.0	11,676	100.0	14,894	100.0

In stating that, one should not ignore the considerable harm inflicted on victims in a small proportion of the cases, the incidence of which among all categories of violent crime as well as in the general population is much lower than the official criminal statistics might be taken to imply.

As regards robberies, a further indication of the seriousness of such crimes lies in the value of property stolen. In planned robberies a substantial proportion of the offences involved the loss of large sums of money: as many as three in ten of such robberies involved losses of over £500, including a smaller proportion in which the losses were assessed in terms of thousands of pounds. In the case of robberies of ordinary citizens the amounts stolen were usually relatively small; in almost seven in ten of the cases it was less than ten pounds (see Table 7).

As regards the nature of the weapons carried or used in a criminal assault, it is interesting to note that in the English Survey no weapon was carried or used in a high proportion of the cases, as many as six in ten; and in a number of the others - especially those of conflict violence - some object ready to hand, a brick, a poker or a table knife - was used which would at least save the accused from a charge of carrying an offensive weapon with criminal intent. In robberies, however, it was found that firearms were displayed or used in more than ten percent of the cases, and in a further twenty percent that knives, knuckledusters, coshes etc. were carried. Details are given in Table 8.

Table 7: English Survey, 1970: Value of property stolen in robberies shown according to the main situational typology of robbery.

Value of property stolen	All robberies		Planned robberies (I)	Attacks on ordinary citizens (II)	Other robberies (III-IV)
	No.	%	%	%	%
	(1)	(2)	(3)	(4)	(5)
Nil	454	14.1	15.5	13.2	13.8
Less than £1	397	12.3	2.5	20.1	10.5
£1 and less than £5	368	11.4	2.2	18.8	9.6
£5 and less than £10	288	9.0	2.5	14.0	7.8
£10 and less than £50	740	23.0	16.3	26.6	27.5
£50 and less than £100	203	6.3	8.5	3.7	9.8
£100 and less than £500	377	11.7	23.8	2.8	11.8
£500	391	12.2	28.7	0.8	9.2
Percent		100.0	100.0	100.0	100.0
TOTAL Number	3,218	-	1,175	1,595	448

Table 8: English Survey, 1970: The number and proportion of robberies and crimes of conflict violence grouped according to weapons used and to method of assault.

Weapons used or displayed, or other method of assault	Robberies		Conflict Violence		All Selected Violence	
	No.	%	No.	%	No.	%
Firearms	365	11.3	240	2.1	605	4.1
Sharp instruments	493	15.3	1,567	13.4	2,060	13.8
Blunt instruments	375	11.7	2,384	20.4	2,759	18.5
Other techniques	75	2.3	198	1.7	273	1.8
<u>No weapons carried:</u>						
a) victim punched, kicked, etc.	1,645	51.2	7,064	60.5	8,709	58.5
b) threats only, fists, etc.	220	6.8	11	0.1	231	1.6
Method of attack not known	45	1.4	212	1.8	257	1.7
TOTAL	3,218	100.0	11,676	100.0	14,894	100.0

It is often assumed in discussion on crimes of violence that the vast majority of offences are committed by assailants not previously known to their victims; and in fact that is true of 88 percent of the robberies, although according to the English Survey some ten percent of victims had had some sort of earlier contact with their robbers. In the case of conflict violence, however, there was a prior association in almost half of the cases (see Table 9).

Table 9: English Survey, 1970: Number and proportion of selected crimes of violence shown according to whether or not the persons involved were acquainted prior to the offence.

Previous relationships	Robberies		Conflict Violence		All Selected Violence	
	No.	%	No.	%	No.	%
Husband/wife	3	0.1	984	8.4	987	6.6
Cohabitation	1	-	496	4.2	497	3.4
Living in lodgings, etc.	7	0.2	173	1.5	180	1.2
Sweethearts	11	0.3	183	1.6	194	1.3
Prostitution	16	0.5	12	0.1	28	0.2
Business and work	56	1.8	1,299	11.1	1,355	9.1
Club members	3	0.1	42	0.4	45	0.3
Friends	11	0.3	335	2.9	346	2.3
Neighbours	8	0.3	563	4.8	571	3.8
Acquaintances	141	4.4	714	6.1	855	5.8
Casual association	151	4.1	871	7.5	1,002	6.7
No previous association known	2,850	87.9	6,004	51.4	8,854	59.3
TOTAL	3,218	100.0	11,676	100.0	14,894	100.0

In the incidents of conflict violence, there was a familial or domestic relationship between the parties in some 16 percent of the cases, a business or employment relationship in 11 percent, and in a further 14 percent the persons involved had been friends, neighbours or acquaintances.

Table 10: English Survey, 1970: Place where the offences occurred.

Place	Robberies		Conflict Violence	
	No.	%	No.	%
A. <u>In the Open:</u>				
streets, footpaths, etc.	1,490	46.3	4,317	37.0
public urinals	35	1.1	53	0.4
parks, commons, etc.	145	4.5	442	3.8
outside place of refreshments etc.	38	1.1	609	5.2
public service transport	20	0.6	170	1.4
street near victim's home	56	1.7	614	5.2
taxis and other vehicles	42	1.3	77	0.7
Sub-total A	1,826	56.6	6,282	53.7
B. <u>Inside; but public access;</u>				
pubs, cafes, etc.	96	3.0	1,448	12.4
shops, banks, garages, etc.	595	18.5	278	2.4
railway stations	80	2.5	170	1.5
schools, colleges, etc.	-	-	112	1.0
other public buildings	67	2.1	104	0.9
Sub-total B	838	26.1	2,112	18.2
C. <u>Private buildings:</u>				
places of work (offices or factories)	191	6.0	263	2.2
residence of <u>victim</u>	249	7.7	946	8.1
private entrance to residence	48	1.5	49	0.4
residence of <u>victim & offender</u>	7	0.2	1,305	11.2
residence of <u>offender</u>	15	0.5	348	3.0
other residence	42	1.3	301	2.6
places of detention	2	0.1	70	0.6
Sub-total C	554	17.3	3,282	28.1
GRAND TOTAL	3,218	100.0	11,676	100.0

Table 11: English Survey, 1970: Previous criminal records of convicted offenders

Previous Record of Convictions	Robberies				Conflict Violence			
	All		Young Offenders	Adults	All		Offenders	Adults
	No.	%	%	%	No.	%	%	%
None	357	27.3	54.8	12.7	2,669	39.8	40.6	39.3
Non-violence only	582	44.4	45.8	41.7	2,337	34.8	40.9	51.1
Sub-Total <u>No</u> Violence	939	71.7	80.6	54.5	5,006	74.6	81.6	70.4
Violence and non-violence	544	26.3	17.4	43.3	1,458	21.7	15.7	25.4
Violence only	27	2.0	2.0	2.2	243	3.6	2.7	4.2
Sub-Total Violence	571	28.3	19.4	45.5	1,701	25.4	18.4	29.6
GRAND TOTAL	1,310	100.0	100.0	100.0	6,707	100.0	100.0	100.0

In terms of control of crime prevention it is also, of course, important to know something about the venue of different kinds of crimes of violence. In the English Survey it was found that 17 percent of the robberies and 28 percent of the cases of conflict violence occurred in private buildings where no direct preventive action by the police would be possible, and that a further substantial proportion occurred in buildings to which there was some public access, although not in all cases entry for regular police patrol (see Table 10).

Obviously such findings raise various issues about the role of the police and the prevention of criminal violence which cannot be explored in this paper.¹⁰

It is not possible at this stage to give any detailed consideration to the question of the characteristics of those convicted of violent crime. However, it is noteworthy that on the basis of the English Survey it was found that 66 percent of those convicted of robbery were under the age of 21, and that the corresponding proportion in the cases of conflict violence was 38 percent. An examination of the previous criminal records of the offenders established that more than seventy per cent had not previously been convicted of violence; and that of the recidivists in violence, the majority also had previous convictions for property offences as well. (See Table 11 for details).

These findings clearly have important implications for sentencing and the penal system.

In this paper I have only been able to illustrate a few of the kinds of data needed for approaching the demography of criminal violence from the social and not merely the legal angle on violent behaviour. In the time available no clear picture of one particular category of criminal violence has been possible; but I hope that I have given sufficient indication to justify the conclusion that the problem is a complex one and that, apart from theoretical issues, practical solutions relating to prevention or control are not likely to be simple. Also, that criminal violence regarded as a social phenomenon constitutes a far from homogeneous category of behaviour. But current criminological work suggests that meaningful indicators can be constructed that will bring us nearer to an understanding of violence in society and to a position where its occurrence can perhaps be forecast with some degree of accuracy. The developments in criminal ecology, which have not been mentioned in this paper, are in this respect important: some work even indicates that accurate forecasts can perhaps be made according to types of neighbourhood rather than according to the individual characteristics of the convicted offenders. Such findings would clearly have implications for criminological theory as well as for preventive policy. For the development of such studies, as has been indicated in this paper, a more sophisticated approach is needed in the social demography of violence, also a greater precision in victim studies. Without such studies the various crime prevention programmes, as well as sentencing policy and practice, are unlikely to be developed in a rational and effective manner.

In this paper I have also attempted to illustrate the need for a more empirical approach to theorizing about the nature of violence in modern society, seeing that the suggested classification of violent behaviour was primarily based on the empirical studies that led the way in this field. Criminological and sociological theories on deviance are essential in giving insight and in suggesting ways in which data may be conceptualised and dealt with; they are also important in suggesting responses at the community or structural level. But precise hypotheses capable of empirical validation are dependent on the careful evaluation of information about the wide range of violent behaviour actually occurring in the various situations which I have described. And a more elaborate demography of violence will provide a basis for this.

This point is of some relevance to penological research as well as to criminology and sociology. Research into the effectiveness of various methods of dealing with offenders has all too often relied either on general categories of "violent offenders" or else on the more precise but perhaps even more misleading legal classification of convicted offenders. Our proposed sociological categorisation of violence should lay a base for research into control or treatment for various types of offender, though it must be remembered that in the case of many recidivists criminal violence is only one facet of a more general pattern of criminal behaviour.

Three suggestions, I think, should be made.¹¹ The first is that the lawyer wishing to modify or change the civil law on violence needs more than criminal statistics based on legal definitions if existing systems are to be properly assessed; that there is some evidence to prove that the present system based upon a precise legal analysis of intention and outcome is less than wholly realistic, and that the emphasis in legal change should be on the identification of the typical in social terms rather than on the problems of the borderline cases. The second is that the penologist and medical practitioner in dealing with the violent offender should not ignore the dangers of relying too much on assessing the effectiveness of treatment methods on individuals without considering the broader influences of the social and neighbourhood conditions from which the offender comes, as well as the wider impact of community attitudes to law enforcement, judicial process and the penal system. And the third is that the sociological theorist should take advantage of demographic and social data, collected on a continuing basis, and supplemented by more detailed social surveys, to develop or modify his hypothesis explaining criminally violent behaviour.

References

1. "Facts and Myths about the State of Crime", by F.H. McClintock in Crime, Criminology and Public Policy (1974) ed. by Roger Hood.
2. Crime in England and Wales (1968) by F.H. McClintock and N. Howard Avison.
3. "Phenomenological and Contextual Analysis of Criminal Violence", by F.H. McClintock in Collected Studies in Criminological Research Vol. XI, Council of Europe, Strasbourg, 1974.
4. "Social and Legal Definitions of Criminal Violence", by T.B. Hadden and F.H. McClintock in Proceedings of the Fourth National Conference on Research and Teaching in Criminology (Cambridge, 1970, mimeo).
5. Theory of Social and Economic Organization (1947, translated by A.R. Henderson and Talcott Parsons) by Max Weber; Social Theory and Social Structure (1957) by R. Merton.
6. The data in tables headed "England and Wales" relate to information taken from the Official Criminal Statistics published annually by Her Majesty's Stationery Office, London.
7. See Patterns in Criminal Homicide (1958) by Marvin E. Wolfgang; Crimes of Violence against the Person (1964) by F.H. McClintock, and Known Criminal Violence in Urban Society (forthcoming 1976) by F.H. McClintock.
8. The data in tables headed "English Survey" relate to a survey covering London, Greater Manchester and Nottingham City. A more detailed consideration of these and other data will be contained in Known Criminal Violence in Urban Society (forthcoming 1976) by F.H. McClintock.
9. Sexual Offences (1957), a Report of the Department of Criminal Science, prepared by F.J. Odgers and F.H. McClintock, under the direction of Leon Radzinowicz; "Violent Sexual Crime", in Known Criminal Violence in Urban Society (forthcoming 1976) by F.H. McClintock.
10. "Attacks on Police" in op.cit. (1976) by F.H. McClintock.
11. "Social and Legal Definitions of Criminal Violence," by T.B. Hadden and F.H. McClintock in Proceedings of the Fourth National Conference on Research and Teaching in Criminology (July 1970, mimeo.).

APPENDIX A

III. *Contextual analysis of criminal violence*

Details of the Cambridge classification of criminal violence according to the circumstances in which offences occurred.

A. *Personal violence in this course or furtherance of theft* (mainly robbery)

1. Robbery of persons who, as part of their employment, have charge of money or goods:

- (a) in transit (includes security organisations' employees);
- (b) carried during everyday employment (include taxi drivers);
- (c) in shops or banks etc. where public invited during working hours;
- (d) on other premises where public not invited during working hours;
- (e) on business premises following illegal entry (warehouses etc.);
- (f) kidnapping cases where ransom demanded.

2. Robbery in the open after sudden attack:

- (a) male victim;
- (b) female victim;
- (c) child victim (*under 14*).

(N.B. Victim may have some casual knowledge of offender or even acquaintanceship but the offence occurs without warning.)

3. Robbery on private premises:

- (a) by offenders who knock and forcibly or fraudulently enter on door being opened;
- (b) by offenders following discovery (on premises) after illegal entry (house-breaking etc.).

4. Robbery after preliminary association of *short duration* between victim and offender (often for homosexual or heterosexual purposes):

- (a) on victim decoyed by prostitute;
- (b) on prostitute by client/person waylaying her for her takings;
- (c) on victim in street or open spaces following preliminary association;
- (d) on victim in or in the vicinity of public houses, clubs, cafés etc., including arguments in these surroundings over property etc.
- (e) on victim while or after accompanying offender(s) home (to victim or offender's residence).

5. Robbery in cases of previous association of *some duration* between victim and offender, e.g. in cases of friends, lovers, people living in the same house, workmates etc.

(N.B. If association no longer extant for some time and offender suddenly attacks, robbery may be classified in 2 and 3.)

B. *Crimes of violence against the person* (without theft)

1. *Attacks in order to perpetrate a sexual offence:*

- (a) homosexual offences;
- (b) attack of non-sexual nature after homosexual advance refused;
- (c) heterosexual attack—rape or attempted intercourse or indecent assault—on female 13 or over;
- (d) as (c) but on female under 13;
- (e) non-sexual attack on female 13 or over after sexual advance refused;
- (f) as (e) but on female under 13.

2. *Attacks on police officers or civilians intervening to prevent crime or to apprehend an offender:*

(i) Attacks on police officers (in course of duty or when offender knew victim to be a policeman):

- (a) attack following *arrest* for offence not specified/impepe arrest;
- (b) attack to *free prisoner* arrested;
- (c) attack following *questioning by officer*;
- (d) intervening to stop *violence* and arresting or trying to arrest offender committing it;
- (e) intervening to arrest or question person (including those caught red-handed) for offence concerning *property* (including cases of being found with housebreaking implements or on enclosed premises);
- (f) intervening to arrest or question person (including those caught red-handed) for *traffic* offence;
- (g) intervening to stop or question in connection with *disorderly conduct* (whether officially proceeding against those involved or not);
- (h) intervening to stop or question in connection with *other offences* (e.g. sex offences or drug offences);
- (i) apparently sudden attack—suddenness noted on crime report;
- (j) attack when off duty—victimisation of known police officer;
- (k) attack by person in custody in police vehicle, station or court;
- (l) attack on police officer—no further details.

(ii) Attack on civilian intervening (includes police in plain clothes not known to be police):¹

- (a) on civilian intervening in *violent or disorderly offence*;
- (b) on civilian intervening in a *property offence* (including robbery);
- (c) on civilian remonstrating at *rowdiness or disorderly conduct*;
- (d) on civilian intervening in any *other offence* (including sex offences, damage offences etc.);
- (e) any other intervention by a civilian;
- (f) *prison officers* attacked in the course of their duty;
- (g) traffic wardens attacked in the course of their duty—over parking;
- (h) traffic wardens attacked in the course of their duty—for other reasons;
- (i) other attacks on traffic wardens, prison officers or customs officers.

3. *Attacks arising from domestic disputes, quarrels between neighbours or between persons working together:*

(i) Family altercations and conflicts (wherever they occur):

- (a) between husband and wife;
- (b) between persons who are or have been cohabiting over a period (i.e. *not* casual relationships) (may include disputes relating to the relationship after its termination);
- (c) parents against children 3 years old and over
- (d) children against parents
- (e) parents against children of 2 years and under
- (f) disputes between brothers and/or sisters—includes step-brothers and/or sisters;
- (g) disputes involving people related by marriage (in-laws);
- (h) disputes involving distant relations (cousins, aunts, uncles, grandparents etc.);
- (i) spouse against spouse and/or children and/or other relations (i.e. one offender against two or more victims);
- (j) between relatives (not known how related).

Note: Offences involving people related as above will fall in this main category wherever they actually take place (e.g. at work, in a public home or elsewhere; though if a *sexual offence* is involved, category 1 takes priority over a familial relationship).

1. This main category includes cases where the intervener is acting beyond his own immediate interests—i.e. does *not* include neighbours protesting at nearby noisy party, workmen intervening in fight at work, barmen intervening in pub fight or passenger protesting at rowdiness on train or bus on which travelling.

(ii) Domestic altercations (usually occurring in or around the place of residence of one of the concerned):

- (a) between people living in the *same house* (includes tenants of flats in the same building);
- (b) between landlord, landlord's wife or landlady and tenants (whether landlord etc. resident or not);
- (c) between *neighbours*;
- (d) between people assembled in house for a *party* or some other common purpose;
- (e) in house of offender or victim due to quarrels, immediate or long-standing;
- (f) fights over women or between women over men;
- (g) attacks involving *prostitutes*;
- (h) attacks involving *officials* visiting or *workmen* in the property concern;
- (i) disputes at *lodging houses* or *hostels* involving officials or residents;
- (j) any other domestic dispute (e.g. known to be in house but not known whose residence or what led to attack);
- (k) aggravated burglaries etc.: cases where offender(s) break(s) in and attack(s) victim(s) *and* where there is some previous association.

(iii) Altercations between persons working together:

- (a) between fellow workmen—apparently of equal rank;
- (b) superior on inferior—both employees;
- (c) superior on inferior—employer on employee;
- (d) inferior on superior—both employees;
- (e) inferior on superior—employee on employer;
- (f) between rival businessmen or after business dispute at the place of work of one party (*not* staff against customer—see classifications 4 and 5);
- (g) disputes over past or prospective employment;
- (h) other attacks at work including delivery men and staff but *not* members of the public.

4. Attacks in and around public houses, cafés and other places of refreshment or entertainment:

- (a) unprovoked attacks;
- (b) quarrels where offender and victim are acquaintances (includes cases where dispute between landlord and tenant over business premises);
- (c) feuds or previous disputes noted as being the cause of the current attacks—including gang disputes;
- (d) individual(s) attacking one of the staff;
- (e) staff member(s) attacking one of the customers;
- (f) general fights or disturbances or "rowdyism" involving more than one offender and one victim—may involve staff on either side;

- (g) attack arising from expressed *racial* prejudice;
- (h) fights over women or between women over men;
- (i) aggressive behaviour by *offender* including drunkenness or homosexual advances etc. (including attacks involving prostitutes);
- (j) provocative behaviour by *victim*, including cases where he made homosexual advance, intervened in argument or caused offender to be provoked (including attacks involving prostitutes);
- (k) attack following "argument", "altercation" or "fight" between individuals—no other information;
- (l) other attacks.

5. *Attacks in thoroughfares and other public places:*

(i) Some provocation and/or previous connection between offender and victim:

- (a) sudden premeditated attack by offender(s) (*not* gang fights);
- (b) acquaintanceship between offender and victim—no note of previous dispute as in (c) below;
- (c) altercation before attack between offender and victim which arose in course of old feud, long-standing quarrel or previous dispute between parties (*not* gangs);
- (d) disputes between members of public/customers and staff or officials in places not covered in main classification 4 (e.g. shops, public service vehicles, taxis etc.);
- (e) attacks arising out of *road traffic incident* after altercation;
- (f) fights between groups of people from the neighbourhood who were known to each other (including gang fights and including rowdyism);
- (g) attacks arising from *expressed racial prejudice* where already association between offender(s) and victim;
- (h) disputes over a woman or between women over men;
- (i) aggressive behaviour by *offender* including drunkenness or homosexual advances etc. (includes attacks involving prostitutes);
- (j) provocative behaviour by *victim*, including cases where he has made homosexual advance, intervened in argument or in some other manner caused the offender to be provoked (includes attacks involving prostitutes);
- (k) attack following argument, altercation or fight between individuals—no other information;
- (l) other attacks.

(ii) No specific provocation by victim noted and no known previous connection between offender and victim:

- (a) wanton discharge of *firearm*, catapults or throwing of missiles etc. not preceded by threats or menacing attitude;
- (b) *football "hooliganism"*;

- (c) aggressive behaviour by offender(s) in which *racial prejudice* clearly expressed;
- (d) aggressive behaviour leading to attacks where offender(s) had been *drinking*—victims may have been drinking also;
- (e) sudden attacks arising from road *traffic incident*;
- (f) *other* attacks by offender(s) (includes cases where requests for directions, money, cigarettes etc.);
- (g) attacks where *victim* had been drinking;
- (h) attacks where victim standing near fight or altercation and was attacked without provocation;
- (i) *apparently*¹ sudden attack on male;
- (j) *apparently* sudden attack on female;
- (k) *apparently* sudden attack on two or more people (males, females or mixed sex);
- (l) other attacks.

6. *Attacks in special circumstances:*

- (a) inexplicable offences: offender mentally abnormal or berserk (excluding attacks within family);
- (b) false pretences—impersonation;
- (c) offender(s) mistaking victim—attack intended for another;
- (d) dispute between schoolchildren on school premises;
- (e) attacks between professional and client—doctor and patient; probation officer or social worker and client; accountant or solicitor and client; teacher and pupil;
- (f) injury resulting from carelessness;
- (g) death of victim from illegal abortion;
- (h) prisoners attacking other prisoners or non-official staff;
- (i) insufficient information to classify;
- (j) alleged attacks by police in course of duty (generally cross summons to classification 2 cases);
- (k) aggravated burglary cases (H.O. classifications 29 and 31) where no apparent prior association. May include incomplete property offences where no indication on crime report of intent to steal.

1. i.e. no further data as to motive, altercation etc. on crime report.

Discussion

Professor McClintock's paper provoked a fairly diverse discussion. Professor Greenland wanted to know how we should deal with types of violence, such as pollution, which are on the borderline of being criminal. In reply, Professor McClintock emphasized the point that stretching the definition of violence to include almost everything considered equally serious was not helpful. Instead we must have clear-cut boundaries around what is defined as violence while recognizing that other areas of social concern, such as pollution, are just as important.

Professor Willett then raised two points. One was the use of violence in crime control situations as with the British Army in Northern Ireland. However, Professor McClintock said that the Irish situation needed a special analysis different from the evaluation of interpersonal and instrumental violence although he did note that much of the violence in Northern Ireland which might be categorized as political/ideological overlaps somewhat with interpersonal and instrumental violence as in the settling of personal scores and even in robbery.

Professor Willett's second point related to the measurement of the effects of violence; i.e., have innovations in surgery, telephones, ambulances, etc. cut down on the adverse effects of violence? Professor McClintock replied that with no systematic comparative data from the past, it is almost impossible to answer that question, but people now are beginning to collect data which will provide a basis for dealing with that particular kind of question in the future.

Concluding the discussion, Mr. Marchand, asked to what extent the increases in the incidence of crime are explicable in terms of changes in the age composition of the population? Specifically, if we now have a larger percentage of young people in the population than previously, is that reflected in the rising crime rate and will the crime rate then drop as the age composition of the population changes? Professor McClintock said research in that area conflicted. For instance, Professor Wolfgang, writing recently about the increase of urban violence in the U.S., suggested that a substantial part of the increase can be accounted for by changes in age composition of the population. However, his own testing of the data on the U.K. indicated that increases in the crime rate cannot be accounted for in this way; in Great Britain, growing longevity of the population is accompanied by a substantial increase in violence. At the same time, the population changes have been so small in the last 15 years and age changes so small in relation to the total population, that they can be taken, more or less, as constant when considering crime rates.

"Victims of Violence"

by

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A Typology of Victims of Violence

Typologies of offenders are quite common in criminology, but there are very few typologies of crime victims. My intention here is not to elaborate a comprehensive typology of victims of violence, but rather to discuss some types. These types are not mutually exclusive, and a potential victim can belong to two or more types.

1) The vulnerable or the violence-prone victim

On the basis of the available data, it seems clear that victims of violence do not represent a totally unbiased cross-section of the population. Because of certain characteristics, attributes, attitudes or qualities, certain individuals or groups of individuals seem to be more pre-disposed and more vulnerable to violent victimization than others.

A Finnish survey of victimization to violence (Aromaa, 1973) showed that the majority of respondents did not report one single incident of violent victimization. In contrast, a small top risk category seemed to be victimized to violence of one kind or another (mostly, of course, very mild forms of violence) almost incessantly. Thus, it seemed that different individuals have very different risks of victimization to violence.

For many years now, insurance companies have been interested in studying and calculating the risks of accidents, death, suicide for various categories of the population, and dressing up a profile of the "accident-prone" and the "suicide-prone" individual. Unfortunately, there has been little interest in criminology in studying the differential risks of criminal victimization for various categories of the population, in examining the different characteristics of crime victims in an attempt to identify those who are most or least vulnerable, and to draw a profile of violence-prone victims.

Studies of violence have limited themselves nearly exclusively to studying the predisposition to use violence; what is needed are studies of victims of violence, to explain why some people are more frequently recipients of violence than others are, and to determine what biological, psychological or sociological factors make certain individuals more prone to violent victimization than others.

In discussing the concept of proneness to violence, we may distinguish between: the violence-prone society and the violence-prone victim.

a) The violence-prone society

Certain societies have higher rates of violent crimes than others. Wolfgang and Ferracuti (1967) suggest that a whole culture may accept a value set dependent upon violence, demand or encourage adherence to violence, and penalize deviation.

Extensive research, in particular, cross-cultural research, needs to be done to determine the prevalence of violence in different societies, the degree of violence, the differential levels of tolerance to violence, and to identify the characteristics of a violence-prone society.

Some studies have been carried out for the U.S. National Commission on the Causes and Prevention of Violence. One of the studies, using cross-cultural investigation, came to the conclusion that the characteristics of an assassination-prone society are very similar to those of a society beset by a high level of political unrest. The traits of such a society, as isolated in the study were: a low level of modernity, high systemic frustration, a high rate of socioeconomic change, a high level of need for achievement, mid-levels of coerciveness of political regime, a high level of external aggression, a high level of minority hostility, a high level of homicide, and a low level of suicide. Individual nations may, of course, deviate to a greater or a lesser degree from this general pattern (see the Staff Report on Assassination and Political Violence, 1970, p. 207).

On the basis of an historical analysis of political violence and terror, Gross (1970) was able to identify certain sociopolitical conditions conducive to terrorist activities, and to isolate certain factors which seem to be associated with systematic, large-scale violence. He found that:

- Ideological-political inequalities and tensions, rather than social and economic conditions contribute to revolutionary situations in which terror is waged.

- Assassinations and individual terror seem to appear, or increase, in periods of intensification of ethnic tensions. Socioeconomic tensions before or during the terror do not result in tactics of individual violence.

- The condition generating terrorist action is usually that of a certain high intensity threshold level of oppression, which, theoretically at least, could be measured by the enormity of oppressive acts, such as destruction of households, massacre of the subjugated people, the number of persons of the subjugated ethnic group who were political prisoners, and the limitations imposed on freedom of movement and freedom of expression.

- Where systematic terror was part of the tactics of the struggle against autocracy, three factors were usually present: a) an oppressive sociological situation, b) existence of a revolutionary party, an organized group, guided by an ideology which opts for terrorist tactics, and c) existence of "activist" personality types; i.e., persons who took a definite stand in relation to the situation, and had, or developed, the will to act.

Jayewardene (1960) hypothesizes that societies with a high degree of cultural conflict and cultural heterogeneity are likely to be violence- and homicide-prone. He points out that homicide tends to be relatively low in the old world countries of Europe, where a certain degree of cultural integration and cultural homogeneity has been achieved, while in the U.S. and countries of South America, which are characterized by a cultural heterogeneity, homicide rates tend to be inordinately high, and in the third world countries of Asia and Africa, where the cultural homogeneity of the past has been effectively disturbed by years of foreign domination, the homicide rates are high.

Further research is needed to test the hypothesis that culturally heterogeneous societies, and societies suffering from a high degree of cultural conflict, are particularly violence-prone.

Two Canadian studies, one by Fattah (1972), and the other by Singh (1973), lend only partial confirmation to the hypothesis.

Rates of crimes of violence in Canada (criminal homicide, attempted murder, wounding and assault, robbery and rape), suggest that some provinces are more violence-prone than others. The study of trends and patterns of violent criminality in Canada show that violent offences tend to increase as we move from the east to the west of the country, with only a very few exceptions. It also shows that provinces with high rates of criminal homicide have high rates of other violent crimes, while provinces with low rates of violent crimes have low rates of criminal homicide. (See Fattah, 1972). This finding suggests a link between the various violent offences, and supports the concept of violence-prone provinces. Research needs to be done to establish the particularities of these violence-prone provinces, and to link some of these particularities to the levels of violence.

b) The violence-prone victim

It seems certain that certain individuals and certain groups are more vulnerable and more likely to become victims of violence than others. Research is needed to identify those individuals and groups, to measure the levels of vulnerability, and to develop reliable predictors of violent victimization.

Some authors claim that there are born victims. In one of his early papers, Von Hentig (1933) noted that:

"If there are born criminals, it is evident that there are born victims, self-harming and self-destroying through the medium of a pliable outsider."

Aldous Huxley once wrote that:

"There are born victims, born to have their throats cut, as the cut-throats are born to be hanged. You can see it in their faces. There is a victim type, as well as a criminal type."

While the existence of the "born victim", like that of the "born criminal", is more than questionable, it is more than likely that some people are more predisposed to become victims of violence than others. The nature of this predisposition, and whether it is biological, psychological or social, or a combination of all three, needs to be established.

Though some victims of violence may be victimized by mere chance, or by purely chance encounters, others tend either by reason of personality or way of life, to get themselves involved in situations likely to lead to violent victimization. Still others may invite, provoke or precipitate acts of violence against themselves.

Age

Age seems to be one of the factors predisposing people to violent victimization. Infants, children and senile people are particularly vulnerable to acts of violence committed against them. The lack of physical durability which varies from the helplessness of the newborn to the incapability of offering any effective resistance because of old age, is one among other factors associated with age that lead to such vulnerability. Infanticide is a typical example of violence committed against a vulnerable victim.

The battered child syndrome

Child abuse seems to be widespread, though the dark figure is very high. Only a few cases are ever reported or come to the attention of the authorities. In spite of increasing awareness of the battered child problem, research is needed to determine the incidence of the phenomenon, to find the right explanations, to develop strategies of intervention and means of prediction and of prevention.

Studies of child abuse show that the "battered child syndrome" was most common in children under three years of age, with some authors claiming the period of utmost vulnerability to be the first six months (Resnick, 1969; Bennie and Sclare, 1969; Gil, 1971; Kempe, 1968; Gladstone, 1965).

Explanations of the battered child syndrome haven't gone beyond the impressionistic stage. Some authors point out the stress a child may create for his parents by his birth. Others stress the fact that the infant is not capable of much meaningful social interaction, and may, thus, create a good deal of frustration for the parent, who is trying to interact with the child. This is, no doubt, a fertile area for research.

Sex

Variations in the rates of victimization by sex suggest that the degree of vulnerability to violence is not the same for both sexes, and that the two sexes are not equally prone to become victims of the different types of violent offences.

While women are the only victims of rape (some countries have modified their criminal legislation to extend it to homosexual rapes), men seem to be more vulnerable to victimization in cases of homicide, assault and robbery.

Occupation

The risk of violent victimization seems to be higher for people exercising certain occupations than for others. Taxi drivers, people responsible for large sums of money, such as cashiers, bank employees, etc., seem to run a much higher risk of being violently victimized than people in other occupations.

Studies by insurance companies have tentatively established the probabilities of death, injury and suicide for the members of certain occupations. What is needed in criminology are studies of the differential risks of violent attack against people working in certain jobs.

Studies of one particular group, the police, resulted in shaking the widely held belief that the occupational hazards for the police are extremely high and disproportionately above the risks in other occupations. Robin (1963) found that in any given year, policemen in the U.S.A. are approximately six times more likely to kill than to be killed in the course of their duty, while the probability of either event occurring is very small. The risk for the prison guard of becoming a victim of homicide while on duty seems to be even lower. It was found that in certain countries (such as the U.S.A.), the ordinary city resident has a higher victimization rate than do prison guards (Buffum, 1975).

Political leaders and heads of government are more visible and much more exposed to the public eye than ordinary citizens. Such visibility and such exposure lead to more vulnerability, and to a higher risk of violent victimization.

In recent years, the members of yet another occupational group (foreign diplomats) have become popular targets for kidnapping and killing. Aircraft pilots, on the other hand, run the risk of becoming victims to skyjackers.

Social class

Research on violence tends to show that violence occurs more often in the lower class or the working class. However, explanations of such a phenomenon vary widely. Among the most popular are those that point to the volume of social interaction due to poor, crowded housing conditions, those that emphasize the deep frustrations of the lower classes, which often lead to verbal and physical aggression, as well as those explanations based on the existence of a subculture of poverty and violence.

Deprivation of liberty

People deprived of their liberty, and held in incarceration, such as inmates of penal institutions, and mental patients in psychiatric hospitals are particularly vulnerable to violent victimization.

Minority groups

Members of minority groups, such as racial, ethnic or religious groups, are particularly vulnerable to acts of genocide and acts of mass terror, defined usually as a political tactic of the "ins" to consolidate power, and to eliminate groups of innocent people defined as class, race or a nation.

Minorities are also vulnerable to organized violent victimization by members of clandestine organizations such as the Ku Klux Klan in the U.S.A.

Deviant minorities

Among the groups that are vulnerable to violent victimization we find deviant minorities such as prostitutes, homosexuals, gamblers, alcoholics, drug addicts and traffickers, criminals. One important reason for the proneness of these groups is that they cannot rely on the protection usually given to the ordinary citizen.

Lind's (1972) study in Norway found many of the victims of violent assaults were registered for criminal offences, primarily to the law of vagrancy and public drunkenness.

Psychological vulnerability

There seems to be a link between personality types and the frequency of violent victimization. The violent, impulsive, aggressive and provocative types are likely to be victimized more often than others. It also seems obvious that the quarrelsome type, the nagging, scolding and irritating types are more predisposed to become victims of violence than others.

2) The precipitating victim

The concept of vulnerability or proneness is a static concept. Though it is useful in singling out certain individuals or groups as particularly vulnerable to violent victimization, it does not explain why, or in what situations, the victimization is likely to happen. Nor does it explain why in a group of equally predisposed or equally prone persons, a particular individual might become a victim of violence, while another might not.

Victim-precipitation, on the other hand, is a dynamic concept that refers to the type of victim-offender interaction which quite often precedes the violent act. Thus, the precipitating-victim type refers to a behaviorally-prone victim, a victim who through its own behaviour precipitates or triggers the aggressive act of which it becomes a victim. In studying the dynamics through which violence is generated, one cannot overlook the role of the victim and its contribution to the genesis of the crime.

As Von Hentig (1948) pointed out, motives for the act do not develop in a vacuum. They result from actions and interactions between the offender and his victim, and much more so in the cases of crimes of violence than in other types of crime. Unless the aggressor is mentally deranged, or unless the motive is robbery or sex, it is rather unlikely that a person is attacked, injured or killed without any provocation on his part. This means that the more provocative a person is, the greater are his chances of being violently victimized. This would suggest that we are likely to find an unusually high number of provocative and precipitating victims among all victims of violent crimes.

In his study of criminal homicide in Philadelphia, Wolfgang (1958) applies the term victim-precipitated to those criminal homicides in which the victim is a direct, positive precipitator in the crime. The role of the victim in such cases is characterized by having been the first in the homicide drama to use physical force directed against his subsequent slayer.

Amir (1971) operationalized the concept of victim-precipitation in the case of rape in the following manner: he considers as victim-precipitated rapes those

"...rape situations in which the victim actually, or so in it was deemed, agreed to sexual relations but retracted before the actual act or did not react strongly enough when the suggestion was made by the offender(s). The term also applies to cases in risky situations marred with sexuality, especially when she uses what could be interpreted as indecency in language and gestures, or constitutes what could be taken as an invitation to sexual relations."

The concept of victim-precipitation is less applicable to property offences such as robbery, because the confrontation with the offender usually occurs only at the time of the offence itself. However, Normandeau (1968) found that precipitation at a distance is possible as

"...in cases of unreasonable self-protective behavior in handling money or goods. Some victims are "careless" and imprudent, and create "temptation-opportunity" situations."

The Frequency of Victim-Precipitation in Violent Crimes

Criminal homicide

Using the above-mentioned definition of victim-precipitation in cases of criminal homicide, Wolfgang (1958) found that 26 percent of the Philadelphia cases involved victim-precipitation.

Voss and Hepburn (1968) found that 38 percent of the Chicago homicides they investigated involved victim-precipitation. The higher percentage may be due (though this is not quite clear) to their giving the concept a wider definition than that of Wolfgang.

In the study of crimes of violence in 17 American cities, carried out for the National Commission on the Causes and Prevention of Violence (1969), the same definition as that of Wolfgang was used, and 22.0 percent of the cases were classified as victim-precipitation, while in 33.8 percent of the cases, no victim-precipitation was found. The percentage of 22.0 should, however, be considered as a minimum, since in 44.2 percent of the cases, the information was not available.

Aggravated assault

In the study of 17 American cities, the concept of victim-precipitation was somewhat more broadly defined than for criminal homicide. Aggravated assault was considered to be victim-precipitated when the victim was first to use either physical force or insinuating language, gestures, etc., against his attacker. In more than half of the cases (51.0 percent), the situation was unknown. Victim-precipitation accounted for 14.4 percent, and in 34.6 percent there was no victim precipitation.

A Finnish study of aggravated assault (Aromaa et al., 1972) concluded that completely "innocent" people are quite uncommon among the victims of aggravated assaults. Usually, the victim had intentionally provoked the perpetrator in one way or another; the provocation was both more common and more rude if the victim was drunk, than if he was sober. Provocation was exceptionally common if victim and perpetrator were casual acquaintances.

Forcible rape

Amir (1971) classified 19 percent of rape cases studied in Philadelphia as victim-precipitated cases.

In the study of crimes of violence in 17 American cities (Mulvihill, Tumin and Curtis, 1969), though Amir's definition of victim-precipitated rape was followed, the frequency of victim-precipitation was much lower than that revealed in Amir's study. Only four percent of the cases were classified as victim-precipitated rapes. It was found that, in particular, females between the ages of 15 and 17 were likely to behave in a way that encouraged the attack.

Armed and unarmed robbery

In his study of robbery in Philadelphia, Normandeau (1968) found about 11 percent of careless or victim-precipitated robberies.

The Mulvihill-Tumin study related victim-precipitation in armed and unarmed robbery to "temptation-opportunity" situations in which the victim clearly had not acted with reasonable self-protective behaviour in handling money, jewellery or other valuables. Because detailed information was usually absent, the authors consider that their finding "that six percent of the armed robbery interactions, and eleven percent of unarmed robbery interactions were victim-precipitated" to be tentative. This finding suggests, however, that victims are likely to provoke crime more in armed than unarmed robbery. As a tentative explanation, the authors suggest that it may be that once a victim presents a "temptation-opportunity", the potential offender is more likely to respond if he is armed than if he is not.

3) The culturally legitimate victim

Many violent acts do not evoke any moral indignation either in the individual who commits them, or in others. They are permitted by the law, and accepted by society for the simple reason that they are committed against culturally legitimate victims.

During periods of war, the whole nation accepts the principle of violence against the enemy. The enemy becomes a culturally legitimate target, and killing him is considered not a crime, but an act of courage and heroism. Another form of state-endorsed violence against a culturally legitimate and "appropriate" victim is the death penalty. The executed murderer is seen as an enemy, and killing him is considered a justified act of "social defense" or justice.

In primitive societies, in adolescent gangs, in political extremist groups, acts of violence against the members of the out-group are

not only tolerated, but are sometimes encouraged, while violence against members of the in-group is strongly condemned. The normative system in those societies or groups designates members of the out-group as legitimate and appropriate targets for violent and physical aggression. In every society there are typical victims or targets of violence; that is, persons or groups against whom the use of violence is tolerated or condoned. By stigmatizing certain individuals or groups, society, in fact, culturally legitimizes their victimization.

People find it easier to accept harm to victims who occupy disvalued social roles. A national survey of attitudes toward violence in the U.S.A. found that "excluding people from groups to which one feels related can serve as a rationalization justifying violence toward them", or make violence inflicted on such people more easily acceptable (see Conklin, 1975 and Blumenthal et al. 1972).

The use of violence against pupils in schools for misconduct or misbehaviour, the use of violence to discipline or to control the behaviour of inmates in penal institutions, the flogging of offenders guilty of certain crimes, are all forms of violence accepted by a large number of people, who see these victims as culturally appropriate targets.

The use of violence against an aggressor in self-defense is permitted by the law within certain limits. The aggressor is seen as a legitimate victim.

In our society, having sexual intercourse by force with one's wife does not constitute the crime of forcible rape. If a wife is raped by her husband, she is culturally defined as a legitimate victim. In fact, certain authors claim that in a male-dominated society, all women are culturally legitimate targets for rape.

Weiss and Borges (1973) point out that socialization and, especially, sex-role learning, exploit both males and females, and produce both victims and offenders. A male-dominated society, with almost all positions of power and influence occupied by men, tends to establish and perpetuate the woman as a legitimate object for victimization.

"Social processes prepare the woman for her role as a potential victim and provide the procedures to make her a socially approved or legitimate victim for rape."

Family members as culturally legitimate victims

Straus (1975) points out the existence of cultural norms which actually permit, or in some cases, require, the use of violence within the family. These social norms seem to imply the right of family members to strike each other, and therefore legitimize intrafamily assaults, at least under certain conditions.

Children are considered legitimate victims for the use of physical force in the process of training and control. Further, there seems to be a legitimization of husband-wife violence by the courts and police. Murray Straus (1975) points to the doctrine of "spousal immunity" which still exists in many jurisdictions in the U.S.A., and which prevents a wife from suing her husband for assault and battery. Quite often, the police do not make arrests in such cases, and the International Association of Chiefs of Police, in their training manual (1965), recommends that arrests not be made in such cases. Straus feels that, in general, the police seem to share the implicit legitimacy of spousal violence, provided the resulting injuries or destruction are within limits.

A survey of the assault cases in the District of Columbia showed that over three-quarters of the cases not involving husbands and wives went to a disposition on the merits of guilt or innocence. The enforcement pattern was reversed in husband-wife cases. Only about one-sixth of all arrests involving marital violence ultimately ended at trial or with a guilty plea, and the crime charged by that time was invariably a misdemeanor, rather than a felony. (Field and Field, 1973).

Nearly all state victim compensation systems exclude cases of violence between husband and wife from eligibility for compensation.

Straus (1975) points out that the failure to invoke criminal penalties in cases of spousal violence reflects historical continuities in the cultural norms which make the marriage licence a hitting licence.

"This is perhaps most explicit in the California Penal Code section on wife-beating, which only prohibits an assault if it results in a "traumatic condition" in the medical sense, i.e., severe physical injury produced by violence."

The unfaithful wife is a typical case of a culturally legitimate victim. In many countries the law treats the husband who kills his unfaithful wife and her lover with extreme leniency. It has been recently reported that Portugal has revoked a law which made the maximum penalty for killing unfaithful wives and husbands - as well as their lovers - six months banishment from their home town (Reuter, May 27, 1975).

4) The aggregate victim

The concept of the aggregate victim may be useful in understanding certain new forms of violent crimes, where a number of people who happened to be together at the time of the crime are held together in a situation of mass victimization. The concept applies, for instance, to the cases of hijacking of aircraft, to the taking of hostages (as occasionally happens in a bank, in a school or in a penal institution), to hold-ups committed on the passengers in a bus or train, etc.

The behaviour of the victims in such cases is a totally unexplored area. The particularities of victim's reaction to mass victimization in those cases, as compared to its reaction in cases of individual victimization, need to be examined. Another interesting phenomenon, worthy of investigation, is the relationship that sometimes develops between the victimizer, be it a hijacker or a kidnapper, and one or more of the victims, in particular, in cases where the situation lasts for some days. Not long ago, in a case of bank employees held hostages for a few days in Stockholm, a love relationship developed between one of the female hostages and the hold-up man. And, in a recent case in the British Columbia Penitentiary, where three inmates held many penitentiary employees hostages for nearly three days, it was reported that during the ordeal, one of the female hostages became emotionally and sexually involved with one of the inmates.

5) The collectively-victimized victim

In cases of rare, a distinction can be made between the victim of collective rape, and the victim of an individual rapist. In cases of assault, one can also differentiate between the victim who has been assaulted by an individual and the victim who has been attacked or beaten by a group.

Studies of this particular type of victim can examine and compare the characteristics and behaviour of the victims of individual and collective victimization before, during and after the attack, as well as the catamnestic effects of both types of victimization on the victim.

6) The conditional victim

Like the concept of the precipitating victim, the concept of the conditional victim is a dynamic concept. The conditional victim is a victim placed in a situation in which its attitude and reaction to the initial gesture of the offender become the determinants of the final outcome of the attack. In many cases, the final denouement depends largely, or solely, on the attitude and behaviour of the victim. This attitude and behaviour will determine not only whether a crime is to be committed or not, but also the degree of violence to be employed during the commission of that crime. In such cases, a different attitude or reaction on the part of the victim would have prevented any physical violence from taking place, or would have substantially reduced the degree of violence involved. Thus, if the victim yields to the demands of the aggressor, no physical violence will be employed, whereas if the victim resists, such resistance may aggravate the situation, and increase the likelihood of the use of physical violence against him/her. In all such cases, the reaction of the victim, largely influenced by his/her personality, and by the circumstances, determines the final outcome.

Forcible rape is a conditional crime. The reaction of the victim to the initial advances of the potential rapist determine whether a "rape" or a "consensual intercourse" will take place, whether physical violence

be employed to overcome the resistance of the victim or not. If the victim does not pose any resistance, the act will in all likelihood, be committed without the use of physical violence.

If the threatened victim, in the case of a hold-up or extortion, hands out the money to the attacker, it will, in nearly all cases, avoid being subjected to physical violence. But, refusal to hand out the money increases the chances of the victim being killed or assaulted, according to the circumstances. In cases of skyjacking and kidnapping, the situation is largely similar.

The concept of the conditional victim stresses the role of the victim in conditioning or influencing the final outcome. It is not a question of passing a moral judgement on the desirability of the appropriateness or resistance in such cases. It is a question of determining which types of personality are likely to react in such or such a manner, when placed in a victimogenic situation, and why, in such a situation, some individuals are more likely to be subjected to physical violence of varying degrees, than others. People do not react in the same way when they are face to face with a burglar, a thief, a hold-up man, an extortionist, a rapist, etc. He who, in his bed at night, hears the noise of a burglar, can escape violence by pretending that he is sound asleep and by resigning himself to the fact that some of his belongings will be stolen. But, he can also decide to vigorously defend his material goods, at the risk of being assaulted or even killed by a burglar in a state of panic resulting from the surprise.

In their study of murder, Morris and Cooper (1964) note that:

"Some householders on the other hand, especially women, attempt to defend their property with quite exceptional vigour, frequently screaming loudly. Such behaviour is likely to trigger off a violent attempt to silence the victim on the part of the intruder who himself is tense and fearful, and the violence of such panic reaction may well result in death."

This is, again, an unexplored field of study, and research is needed to link certain personality types to different kinds of reaction in victimogenic situations. Research can also assess the chances of the use of physical violence, of assault or murder in the course of the commission of certain crimes, such as burglary, robbery, hold-up, extortion, rape, skyjacking, etc. Through the findings of such research, it may be possible to work out guidelines for the use of potential victims, and to inform them of the risks of physical violence associated with the different types of reaction in victimogenic situations.

7) The recidivist victim

Not only are there violence-prone victims who are more vulnerable and more likely to be victimized than others, but there are also recidivist victims who are victimized not just once, but several times. Police officers are not unfamiliar with those persons who become victims of violence over and over again.

As mentioned above, the Finnish survey on victimization (Aromaa, 1973) revealed that violent victimization to one event increases the risk of a second victimization and so on.

While studies of the recidivist offender are quite common in criminology, to my knowledge, only one study has addressed itself to examining the concept of the recidivist victim. The data in the study showed that a recidivist victim exists. In a population sample of assault victims, recidivist victims comprised 26 percent of the total. (Johnson et al., 1973).

8) The accidental victim

Though research is lacking, it does seem that there are not many accidental victims among victims of violent crimes. The accidental victim is the individual who is victimized through pure chance, he is not actually intended, but just happens to be there. The typical example is of course the innocent, uninvolved bystander who gets hit or shot by a hold-up man escaping the scene of the crime, or by a sniper shooting indiscriminately from his hiding place.

Victim-Offenders Relationships in Crimes of Violence

1) The interpersonal character of violent crimes

Most crimes of violence, in particular, homicides and assaults, are highly interpersonal. They involve different types of relationships between victims and offenders. A special German term has been coined to designate the interpersonal character of such crimes: they are called "Beziehungs Verbrechen."

The typical context in which criminal homicide or assault occurs is the context of a quarrel or altercation where insult or jealousy is clearly present. A very large proportion of these crimes take place within or near the home, and occur between people well-known to each other, bound by interpersonal relationships, in particular, family, friendship or affective ties.

Though some authors have examined, in recent years, the type and dynamics of relationships between offenders and their victims in violent crimes, there is still a great need for large-scale cross-cultural studies of such relationships in a large number of societies.

One cross-cultural study by Palmer (1965) indicates that in the vast majority of non-literate societies analyzed (41 out of 44), homicidal victims and offenders are rarely, if ever, strangers.

In a study of murders committed in England and Wales between March 1957 and December 1960, Morris and Cooper (1964) found that 81 percent of the killers were either related to, or acquainted with, their victims, while only 19 percent were committed by strangers.

In a study of Danish murders committed between 1934 and 1939, and between 1946 and 1951, Svalastoga (1956) discovered a family relationship or some type of acquaintance in 87.8 percent of the cases. Only 12.2 percent were committed by strangers. Svalastoga notes that for a Danish murderer, there are six out of ten chances that he/she will commit the crime against a member of the family, three out of ten that the victim will be a friend or acquaintance, and only one chance in ten that the murdered will be a person to whom the killer is neither related nor acquainted.

In India, Driver (1961) found some kind of personal relationship between the offender and the victim in 91 percent of all homicide cases studied, compared to only nine percent of the cases where the killer and the victim were total strangers.

In his study of homicide in Philadelphia, Wolfgang (1958) reports that only in 14.4 percent of the cases, the killer and the victims were neither related nor acquainted.

In the study of criminal homicide in 17 American cities, (Mulvihill, Tumin and Curtis, 1969), 15.6 percent of the cases were between strangers.

There are not many studies of victim-offender relationship in the cases of assault. In the above-mentioned American study, the percentage of aggravated assaults involving strangers was 20.6 percent, a little higher than the one for criminal homicide.

In Lind's study of injured victims of violence in Oslo (1972), it was found

"...that relatively many victims know the offender, sometimes have a very close relationship to him."

A Finnish study of aggravated assaults (Aromaa et al, 1972) shows that only in one-third of the cases the assailant and the victim were not known to each other at all, whereas in most cases they were friends or casual acquaintances.

The victim-offender relationship exists as well, though to a lesser extent, in the cases of rape.

In the Mulvihill-Tumin study of rape in 17 American cities, it was found that 52.8 percent of the cases of forcible rape involve strangers. This percentage is quite similar to the one found by Amir (1971) in his study of forcible rape in Philadelphia, where strangers constituted 51.9 percent of the rapists. A previous relationship between the victim and the offender was thus present in nearly half of the cases. It is further reported that 19.3-percent of the victims were raped by neighbours, 14.4 percent by acquaintances, six percent by boyfriends, 5.2 percent by friends of the family, and 2.5 percent by relatives.

In Denmark, Svalastoga (1962) found that in 54.0 percent of the cases of rape, there was no previous personal relationship between the rapist and the victim, while in 43.0 percent, such a relationship was present, and in 4.0 percent of the cases, no information was available.

Canadian data on victim-offender relationship in violent crimes is not available, except for murder. Thus, this area seems to offer unlimited opportunities for victimological research. Because the types and frequency of victim-offender relationships in violent crimes, revealed by the various studies carried out in the U.S.A. and elsewhere, reveal striking similarities, it seems that comparative and cross-cultural research are likely to reveal universal patterns which may be very helpful in understanding the phenomenon of violence.

2) Intrafamily violence

Intrafamily victimization constitutes an important segment of all homicides and assaults. "Conjugal violence" and "parent-child violence" are the two most common patterns of intrafamily violence. The reported frequency of intrafamily violence is more reliable in the cases of criminal homicide than it is for other types of violence. Even victimization studies do not seem to provide accurate information on the incidence of less serious forms of intrafamily violence. There are reasons to believe that incidents of assaults stemming from domestic quarrels are under-reported in victimization surveys, because some victims do not consider such incidents as crime.

Intrafamily homicide seems to be a universal phenomenon, though the frequency with which it is committed may vary from one society to the other. Also, the pattern of who kills who within the family is worthy of cross-cultural investigation.

Driver's study of criminal homicide in India (1961), and Bohanan's study of African homicide (1960), show that intrafamily homicide is a phenomenon which characterizes not only American, Canadian and European societies, but also many diverse African and Asian societies as well.

In a ten-year study of "murders" in Canada, published by Statistics Canada, and covering the period of 1961 to 1970, it was reported that 41.7 percent of the murder victims were related to their assailants by some kind of family relationship. Female victims were much more likely to be killed by a member of their family than male victims. Out of a total of 2,674 victims, 417 (15.6 percent) were killed by their male or female spouse. Figures released recently by Statistics Canada, and reported in the local press, indicate that most of the 48 children listed in murder statistics in 1974 were slain by their fathers, usually men who also shot their wives, then committed suicide.

It is rather distressing to realize that if one is to be killed, there are more than four in ten chances that this will be done by a member of the family.

3) Intraracial violence

Studies carried out in the U.S.A. clearly show that assaultive violence - criminal homicide, aggravated assault and forcible rape - is predominantly intraracial in nature. The majority of these crimes involve blacks assaulting blacks, and most of the rest involve whites victimizing other whites. Robbery, on the other hand, has a high inter-racial component, mainly composed of younger black males robbing older white males (cf. Crimes of Violence, 1969).

Criminal homicide

The study of criminal homicide in 17 American cities shows that 89.7 per cent of the cases were intraracial (24 percent whites killing whites, 65.7 percent blacks killing blacks). This finding is quite similar to that of previous studies of criminal homicide in the U.S.A.

For example, intraracial violence was found in 94.0 percent of criminal homicides in Philadelphia (Wolfgang 1958), 91.0 percent in North Carolina (Garfinkel 1949), 92.8 percent in Birmingham, Alabama (Harland 1950), and 93.4 percent in Chicago (Voss and Hepburn 1968). Even higher percentages of intraracial homicides were recorded in studies by Bullock (1955) in Houston, and Meyers in St. Louis. The findings of these two studies were 97.6 percent and 97.0 percent, respectively. A more recent study by Pokorny (1965) revealed that homicides were intraracial in 97.0 percent of the cases involving black Americans, 91.0 percent of the cases involving white Americans, and 86.0 percent of the cases involving Spanish Americans.

Driver (1961) studied 144 murder convictions in India (1946-1956) and used religion instead of race. Homogeneous homicides accounted for 94.4 percent of the cases. The distribution was as follows: 88.2 percent Hindus killing Hindus, 5.6 percent Muslims killing Muslims, and in 0.65 percent a Sikh killed another Sikh.

Aggravated assault

The study of crimes of violence in 17 American cities reports that about one-quarter of all assaults (23.9 percent) were between whites, two-thirds (65.9 percent) were between blacks, 8.4 percent involved blacks attacking whites, and 1.8 percent whites attacking blacks. Thus, intraracial assaults accounted for 90.0 percent of the total.

Studying the patterns of aggravated assault in St. Louis during 1961, Pittman and Handy (1964) found that 228 cases out of 238 involved intraracial violence.

Rape

In his study of rape in Philadelphia, Amir (1971) found 93.0 percent of the cases to be intraracial (76.9 percent were black/black, and 16.1 percent white/white) while 7.0 percent were interracial (4.3 percent white victim/black offender, and 2.7 percent black victim/white offender).

The study commissioned by the U.S. National Commission on the Causes and Prevention of Violence found that 90.0 percent of the rapes where race was determined, were intraracial (30.0 percent were white/white, and 60.0 percent were black/black), 10 percent involved black rapists and white victims, and a negligible percent involved whites attacking black victims.

Hayman et al. (1971) found that in a study of rape in the District of Columbia (July 1969-December 1970), 79.0 percent were intraracial (76.0 percent black/black and 3.0 percent white/white), 21.0 percent were committed by black males on white females, and a negligible percentage (0.4) were committed by a white male on a black female. This study, however, was concerned only with persons who reported to a hospital for treatment, a sample that represented only about half of the cases in the District of Columbia (see Agopian, Chappell and Geis, 1972).

On the other hand, Agopian et al. (1972) have studied rapes reported to the police during 1971 in the city of Oakland, California, and report 60.0 percent to be intraracial (40.0 percent black/black, 19.0 percent white/white, and 7.0 percent Indian-Mexican/Indian-Mexican). The interracial rapes involved a much larger percentage of blacks raping white victims (33.0 percent) than those reported in other studies. A small number (2.0 percent) of cases involved white males raping black females. The same authors, examining interracial rapes in Oakland, found that this type of rape overwhelmingly involves persons who are strangers to each other.

Robbery

In Philadelphia, Normandeau (1968) found that 24 percent of all types of robberies were interracial, and 76.0 percent were intraracial and of the latter 63.0 percent were black/black and 13.0 percent were white/white. In Chicago, Reiss found that, on the average, two-thirds of all armed robberies occurred within the same race group.

The American study of crimes of violence in 17 cities (Mulvihill, Tumin and Curtis, 1969), reports that 51.6 percent of armed robbery cases to be intraracial (38.4 percent blacks robbing blacks and 13.2 percent whites robbing whites). On the other hand, 46.7 percent of the cases involved blacks robbing whites, and 1.7 percent involving whites robbing blacks. The frequency of intraracial interactions was, however, slightly higher (55.0 percent) for unarmed robbery (37.1 percent black/black and 17.9 percent white/white).

4) Intrasex violence

Criminal homicides and assaults seem to be predominantly committed between members of the same sex, although the intrasex pattern is less strong than the intraracial one. Rape is almost exclusively an intersexual crime, although some legislations have recently recognized and criminalized male homosexual rapes. Armed robbery, and to a lesser degree, unarmed robbery, seem to be strongly intrasex crimes.

Criminal homicide

The following studies demonstrate the correlation between criminal homicide and sex. In a study done in Birmingham, Alabama, Harland (1950) found 59.4 percent of 500 homicides in Birmingham, Alabama to be intrasexual, and 36.2 percent to be intersexual. For 4.4 percent of the cases, the information regarding the sex of the victim, offender or both, was missing. Wolfgang (1958) reports that 64.0 percent of the 550 criminal homicide cases he studied in Philadelphia were intrasexual (61.0 percent were male/male and 3.0 percent were female/female). From the 36.0 percent intersexual homicides, 16.0 percent were committed by a female offender against a male victim, and 20.0 percent were committed by a male offender against a female victim. Voss and Hepburn (1968) studied criminal homicide in Chicago and report 60.4 percent to be intrasexual homicides, compared to 39.6 percent that were intersexual homicides. In the study of criminal homicide in 17 American cities (Mulvihill, Tumin and Curtis, 1969), 63.0 percent of the interactions in which the sex of the participants was known were male/male, 4.0 percent were female/female. Thus, the intrasexual cases represented a total of 67.0 percent of all cases. The intersexual interactions accounted for 34.0 percent (16.0 percent were male victim/female offender, and 18.0 percent were female victim/male offender).

In India, Driver (1961) reported 70.8 percent of the homicide cases he studied to be homogeneous regarding sex (67.3 percent males killing males, and 3.5 percent females killing females), while 29.2 percent were sexually heterogeneous (26.4 percent males killing females, and 2.8 percent females killing males).

Aggravated Assault

In cases of aggravated assault the same pattern emerges as for that of criminal homicide. When sex was known, 57.0 percent of all interactions were male/male, and 7.0 percent were female/female; nine percent of the cases of aggravated assaults involved females attacking males, and 27.0 percent involved males attacking females. The main exception to the general similarity to homicide was a male(offender)/female(victim) assault frequency much higher than the female/male frequency (Mulvihill et al., 1969).

In their study of patterns in criminal aggravated assault in St. Louis, Pittman and Handy (1961) found that 60.5 percent of the cases were intrasexual, while 39.5 percent were intersexual.

Armed Robbery

The U.S. Violence Commission study found that male/male interactions are the most frequent in armed robbery (84.0 percent) - females rarely robbed other females (1.0 percent), or other males(4.0 percent), but males occasionally robbed females (10.0 percent). Thus, it seems that while armed robbery is not as strongly intraracial as homicide, assault or rape, it is much more intrasexual than homicide or assault.

Unarmed robbery

Approximately 69.0 percent of unarmed robbery interactions in the above study were male/male, while only 3.0 percent were female/female; 26.0 involved males robbing females, and only 2.0 percent involved females robbing males. The male/male pattern therefore retained its dominance in both armed and unarmed robbery although a noticeably higher frequency of males robbed women in the latter.

Alcohol and Violent Victimization

Studies of the role of alcohol as a criminogenic factor are abundant in the criminological literature, but there are very few studies of alcohol as a victimogenic factor, which may be due to certain methodological problems. Except in the cases of criminal homicide, where the body of the victim is available for testing, there is usually no record of the amount of alcohol in the blood of the victim. In the studies of Wolfgang, Amir, Normandeau, Fattah, the information regarding alcohol consumption by the victim prior to the attack was absent in a large number of cases.

One of the first studies that stressed the importance of alcohol as a victimogenic factor in violent crime was the study by Verrko in Finland (1951), which revealed that nearly half of the victims of non-negligent manslaughter (49.5 percent) during the years 1920-29 were intoxicated at the moment of the crime.

Wolfgang (1956 and 1958) reports that either or both the victim and the offender had been drinking immediately prior to the slaying in nearly two-thirds of the cases. In 54 cases (9.0 percent of the 588 homicides), alcohol was present in the victim only. In 64 cases (11 percent), alcohol was present in both the victim and the offender. Alcohol was present in 56.0 percent of male victims, compared to 42.0 percent of female victims.

Comparison of victim-precipitated to non-victim-precipitated cases, with respect to the presence of alcohol in the homicide situation (alcohol present in either the victim, the offender, or both), reveals that alcohol was present in 74.0 percent of the victim-precipitated cases, and in 60.0 percent of the non-victim-precipitated cases. The proportional difference results in a significant association between alcohol and victim-precipitated homicide. Wolfgang found another significant association between victim-precipitated homicide and presence of alcohol in the victim. Victims had been drinking immediately prior to their death in more victim-precipitated cases (69.0 percent) than in non-victim-precipitated cases (47.0 percent). A positive and significant relationship is, therefore, clearly established between victims who had been drinking, and who precipitated their own death,

In commenting on the victim-precipitated homicide, Wolfgang points out that in many of these cases, the victim was intoxicated, or nearly so, and lost control of his own defensive powers. He frequently was a victim with no intent to harm anyone maliciously. Nonetheless, he struck the friend, the acquaintance, or wife, who later became his assailant. Impulsive, aggressive, and often dangerously violent, the victim was the first to slap, punch, stab, or in some other manner, commit an assault.

"Perhaps, (notes Wolfgang) the presence of alcohol in this kind of homicide-victim played no small part in his taking the first and major physical step toward victimization. Perhaps if he had not been drinking he would have been less violent, less ready to plunge into an assaultive stage of interaction. Or, if the presence of alcohol had no causal relation to his being the aggressor, perhaps it reduced his ability to defend himself from retaliating assault, and contributed in this way to his death."

This is not only true of homicide and assault, but of some sexual crimes such as rape. Some girls, under the influence of alcohol, become seductive and provocative. As a result of a weakened self-control and lower inhibitions, they are likely to adopt an audacious attitude which may be interpreted as an invitation or as a tacit consent to sexual intercourse. This may explain why among the victims who have been drinking, there is a higher percentage of victim-precipitation than among non-drinking victims.

In his study of forcible rape in Philadelphia, Amir (1967) found that alcohol played no role in the commission of the offence in 429, or 66 percent of the 646 forcible rapes. In these cases, police secured no evidence or did not record that either the victim or the offender had been drinking prior to the crime (at least during the day of the rape). Of the 646 forcible rapes, alcohol was present only in the victim in 62, or 10 percent of the cases. In three percent of the 646 forcible rapes, alcohol was present in the offender only; and in 21.0 percent, alcohol was present in both victim and offender. All told, in 34.0 percent of the 646 cases, alcohol was present in either one or both parties involved in the crime. And, of these 217 cases in which alcohol was present in the rape situation, 63.0 percent showed alcohol present in both the victim and the offender; an association which was found to be significant.

Moreover, Amir found a significant association between victim-precipitated forcible rapes, and the presence of alcohol. Alcohol was present in the rape situation (either in the offender, in the victim, or in both) in 53.0 percent of victim-precipitated cases, and in 25.0 percent of the non-victim precipitated cases. Victims, he reports, had been drinking immediately prior to the offence in significantly more victim precipitated cases (18.0 percent) than in non-victim-precipitated cases (8.0 percent). Another significant relationship was also found between victim-precipitated events and the consumption of alcohol by both offender and victim. Thus, alcohol was present in both offender and victim in 35.0 percent of victim-precipitated cases, compared to 20.0 percent of non-victim-precipitated rape events.

Catamnestic Studies of Victims of Violence

Except for some studies of victims of sexual offences, and some studies of survivors of concentration camps, there is, to my knowledge, no important catamnestic study of victims of crime, in particular, victims of violent crimes. We seem to be quite ignorant of the short-term, as well as long-term, effects violent victimization may have on the victim. We do not know whether victims of attempted murder, of aggravated or simple assault, of robbery, etc, do suffer or not from any durable or everlasting psychological trauma. This seems to be a virgin area, with rich possibilities for research.

Compensation to Victims of Violent Crimes

In recent years, many countries have set up state-financed and state-operated systems for the compensation of victims of intentional violent crimes. However, most of these systems are subject to serious limitations. Usually, there is a maximum set on the amount of compensation, and such an amount is, in most cases, insufficient. Most systems exclude precipitating victims and those victimized by members of the immediate family from compensation schemes. This is in spite of the fact, discussed earlier, that a large part of all violent crimes involves intrafamily violence. In some countries, state compensation is reserved for poor and needy victims of violence.

National studies of the operation and impact of the victim-compensation systems, and international comparative studies of the differential effectiveness of the different compensation systems and their ramifications for the criminal justice system are needed.

References

- Agopian, M.W., Chappell, D. and Geis, G. "Interracial Rape in a North American City." Paper presented at the Second Interamerican Congress of Criminology, Caracas, Venezuela (1972).
- Amir, M. Patterns in Forcible Rape. University of Pennsylvania, (1958).
- Aromaa, K. "Our Violence." Scandinavian Studies in Criminology Vol. 5 (1973).
- Bennie and Sclare. "The Battered Child Syndrome." American Journal of Psychiatry 125(7): (1969), 975-979.
- Blumenthal, M. Justifying Violence: Attitudes of American Men. Ann Arbor: Institute for Social Research, University of Michigan (1972).
- Bohernnan, P. African Homicide and Suicide. Princeton: Princeton University Press (1968).
- Buffam. "Prison Killings and Death Penalty Legislation." Prison Journal LIII(1): (1975), 49-57.
- Bullock, "Urban Homicide in Theory and in Fact." Journal of Criminal Law, Criminology and Police Science 45: (1955), 565-575.
- Conklin. The Impact of Crime. New York: MacMillan (1975).
- Driver. "Interaction and Criminal Homicide in India." Social Forces 40: (1961), 153-158.
- Fattah, E.A. Is the Victim Guilty? The Role of the Victim in Murder for Gain. University of Montreal Press (1971).
- Field and Field. "Marital Violence and the Criminal Process: Neither Justice Nor Peace." Social Service Review (1973).
- Garfinkel, Harold. "Research Notes on Inter- and Intra- Racial Homicides." Social Forces 27: (1949).
- Gil, David. Violence Against Children: Physical Child Abuse in the United States. Harvard University Press (1970).
- Gladstone. "Observations of Children who have been Physically Abused by their Parents." American Journal of Psychiatry 122(4): (1965), 440-443.
- Gross. "Political Violence and Terror in Nineteenth and Twentieth Century Russia and Eastern Europe." In Assassination and Political Violence. New York: Bantam Books (1970).

- Harland, H. "Five Hundred Homicides." Journal of Criminal Law and Criminology 40: (1950).
- Hayman, Lanza and Fuentes. "Sexual Assault on Women and Girls in the District of Columbia." Sth. Medical Journal (1969).
- Hentig, H. Von. The Criminal and His Victim. New Haven: Yale University Press (1948).
- Hentig, H. Von. "Remarks on the Interaction of Perpetrator and Victim." Journal of Criminal Law and Criminology 31: 1940-1941.
- Jayewardene. "Criminal Homicide: A Study in Culture Conflict." Ann Arbor: University Microfilms (1960).
- Johnson, N., Savitz, L. and Wolfgang, M. The Sociology of Punishment and Correction (2nd ed.). New York: John Wiley (1970).
- Kempe, C.H. The Battered Child. Chicago: University of Chicago Press (1974).
- Kirkham, J., Levy, S. and Crotty, William. Assassination and Political Violence. Staff Report submitted to the U.S. National Commission on the Causes and Prevention of Violence. U.S. Government Printing Office (1970).
- Lind. "A Study of Injured Victims of Violence in Oslo, Norway." Nordisk, Fidsskriftfor Kriminoturdenskalo 57(3-4): (1972), 207-222.
- Meyers, A. "Murder and Non-Negligent Manslaughter: A Statistical Study." St. Louis Police Department (1949-51).
- Morris, T., Blom-Cooper, L. A Calendar of Murders, Criminal Homicide in England Since 1957. London: M. Joseph (1964).
- Mulvihill, D., Tumin, M. and Curtis, L. Crimes of Violence. A Staff Report submitted to the U.S. National Commission on the Causes and Prevention of Violence, U.S. Government Printing Office (1969).
- Normandeau, A. Trends and Patterns in Crimes of Robbery with Special Reference to Philadelphia. Thesis, University of Pennsylvania (1968).
- Normandeau, A. "State Indemnification for Victims of Criminality." Rev. Int. Criminol. Police Techn.(1967).
- Palmer. The Violent Society. New Haven: College and University Press (1972).
- Pittman, D. and Handy, W. "Uniform Crime Reporting." Sociology and Social Research (January 1962).

- Reiss, A. and Black, D. "Studies in Crime and Law Enforcement in Major Metropolitan Areas." U.S. Government Printing Office (1967).
- Resnick. "Child Murder by Parents: A Psychiatric Review of Philicide." American Journal of Psychiatry 126(3): (1969), 325-334.
- Singh, G. and St. Clair, Singh E. "Grassroots Multiracialism in a London Borough." Int. J. Offend. Ther. Comp. Criminol. London. (1972).
- Straus. "Cultural Approval and Structural Necessity of Intra-Family Assaults in Sexist Societies." Paper presented at the International Institute on Victimology, Bologna, Italy (1975).
- Sualastoga, K. "Homicide and Social Contact in Denmark." American Journal of Sociology (1956).
- Voss and Hepburn. "Patterns in Criminal Homicide in Chicago." Journal of Criminal Law, Criminology and Police Science 59: (1968): 499-508.
- Weiss and Borges. "Victimology and Rape: The Case of the Legitimate Victim." Issues in Criminology 8(2): (1973), 71-115.
- Wolfgang, M. and Ferracuti, F. The Subculture of Violence: Towards an Integrated Theory of Criminology. London: Tavistock Publications (1967).
- Wolfgang, M. Patterns in Criminal Homicide. University of Pennsylvania (1958).
- Wolfgang, M. and Strom, R. "The Relationship Between Alcohol and Criminal Homicide." Quarterly Journal of Studies on Alcohol 17: (1956).

Discussion

The discussion which followed Professor Fattah's paper was opened by Professor McNaught. He asked Professor Fattah what the comparison was between violent prone victims and a violent prone society. Professor McNaught mentioned that Canadian author Margaret Atwood illustrated in her writings that we wish to be victims but he disagreed with her suggestion that Canadians have proven in the past that they do not wish to be victimized if they can resist. He added that helplessness is, of course, an essential point of being a victim, i.e., being very young or very old, being male or female. Professor McNaught asked, "What elements invite aggression?"

Professor Fattah replied that there are certain characteristics that suggest that certain societies tend to be more violent, but that more studies should be done to verify this. In Canada, there are different rates of crime among our provinces - why? Individual victims, some studies show, consciously or unconsciously seek violence or become the victims of violence, for example, battered wives returning to beating husbands.

The question of whether Professor Fattah would agree that there is not such a thing as an innocent rape victim was brought up by Professor Ellis. Professor Fattah replied that he did not say that, but said that Amir in his study in Pennsylvania indicated that 18 percent of rapes are victim-precipitated, but everyone agreed that there are innocent victims and not-so-innocent victims. He went on to say that we are concerned with the role of each and how one contributes to the other not only in cases of rape but in others as well. Professor Ellis agreed but asked of the philosophical and ideological implications that are being studied in rape with scales that do not permit the possibility of a zero value as the assumptions seem to be in all of these tests that none of the positive elements have ever been taken into consideration. He suggested that the evidence cited by Professor Fattah in terms of victim-precipitation is one of the least valid methods he would cite and that evidence presented in terms of conscious or unconscious processes is evidence he would like to see.

In reply Professor Fattah suggested that he did not think that all criminologists who have studied rape from a victimological viewpoint started with that assumption. They just formulated the hypothesis that victims can, in certain cases, contribute to their own victimization and it so happens that the results partially confirm this hypothesis. There are many clinical tests that show that consciously or unconsciously, certain types seek acts of violence to be committed against them, for example, the masochist.

The following comments were also made by participants in reply to Professor Fattah's presentation.

Professor McClintock stated that when rape cases in Great Britain were looked at in terms of instrumental violence in which there was no previous personal contact, it was found that 35 percent were instrumental violence in terms of sexual gratification and the rest were in the category of conflict violence. He suggested that this is the area where we are starting from knowledge that there was some conflict situations generated from an interpersonal contact. He questioned how is it possible then in that category, to differentiate out those in which there is a proneness to being a victim of rape and those in which the conflict is a situation which is more likely to lead to rape.

Ms. Gibson said that with reference to Professor Fattah's statements that the majority of victims are males that she would like to divide victims into two distinct categories. The first category is one in which the person becomes a victim because he is helpless and/or in a domestic situation where the majority of victims are woman and children; in the second are persons who enter occupations in which they are more likely to become victims, for example, the military, police or security firms, as well as positions of power (political) and positions dealing with large sums of money (banks). Since the majority of people entering these occupations are men, one can see why the majority of victims are males.

Professor Clark endorsed the statements made by Professor Ellis. Having been engaged for some time in rape research and having reviewed the literature, Professor Clark suggested that the whole concept of victim precipitated rape in connection with the offence of rape is based on deeply ideological issues and that studies are set up in such a way that this concept is self-verifying. She cited Amir's study as being the best example of this as it does not use the right approach, - the central assumption in Amir's study is that the victim's behaviour somehow elicits the responses of the rapist, and at no time does he admit that it is actually the interpretation of the victim's behaviour by the offender that puts her in that situation. Professor Clark suggested that it would be much better to simply look at the facts of a situation and to see how judgements were made.

"Some Social Psychological Aspects of Violence and Aggression"*

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Within the past five years the Canadian press has given considerable attention to reported increases in aggression and violence. The public has been appraised of less crime overall, but more crimes of murder, robbery and rape in Canada (Grescoe, 1973). In addition, Hopper (1973) has written that "Canadians may be in danger of becoming a nation of guntoters." Whether or not the statistics do reflect actual increases in aggressive outbursts and violent behavior, there is a legitimate concern about the existence and prevalence of aggression. Because of this concern, psychologists have intensified their efforts to discover the factors contributing to the display of aggression, including the personality and biological bases of the aggressive behavior. However, the focus of this presentation is on social psychological analyses which elucidate the situational and inter-personal bases of aggression.

Until very recently, the main thrust of the work undertaken by social psychologists was dominated by those who have emphasized a learning approach. This approach generated interest in the effects on aggression of such factors as observing someone commit an aggressive act (Bandura, 1973) and the presence of aggressive cues such as weapons or violent films (Berkowitz, 1971). Although it has been found that under certain conditions these factors do exert an influence on the expression of aggression, the theoretical perspective has emphasized learning rather than cognitive and normative influences on aggression.

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Of particular relevance to the present paper is the fact that in these perspectives there has been a restriction to considering aggression which is committed primarily for personal reasons. Such aggression includes hostile aggression in which the major aim in aggressing is to hurt the other person, and instrumental aggression in which the major aim in aggressing is to gain a personal goal such as reward or advancement for the aggressor.

However, attention has recently been drawn to the fact that aggression may be perpetrated for prosocial reasons; that is, for reasons that are other than personal gain or satisfaction. Examples of the prosocial basis for aggression include situations in which children are punished to improve their behavior and wars that are waged primarily to defend a society. Although the ramifications of prosocial aggression for theory and research have been relatively unexplored, identification of this type of aggression has assumed importance in the light of the apparent increase in violence and aggression. Apart from conjectures about the role of the mass media in affecting aggression, it has recently been speculated (Adams, 1972) that acceptance of aggression, as in the United States' participation in the Viet Nam War, may lead to an increased tolerance of aggression generally.

There are a number of direct and indirect ways to examine the conjecture that people in today's society have become brutalized or less sensitive with regard to aggression. On the one hand, some researchers are examining the possible brutalizing effects on aggression of observing TV violence (Goranson, 1970). In this work, there is a direct focus on the reduced emotional responsivity which presumably occurs with repeated exposure to violence. On the other hand, my colleagues and I have obtained research results which bear on some assumptions concerning the possible brutalizing effect of acceptance of, and participation in, one type of aggression (e.g. prosocial aggression) on the other type of aggression (e.g. hostile aggression). The possibility that this loss of aversion to one kind of aggressive behavior because of tolerance for another type of aggression rests at least partially on the assumption that the different forms of aggression may substitute for one another. This would imply that people fail to differentiate the varying kinds of aggressive behavior in their moral judgments, or even if they do differentiate when making evaluations, it is not useful to distinguish types of aggression when considering the actual expression of aggression. The latter possibility would be consistent with the view that different forms of aggression are functionally equivalent, and that aggressive responses are elicited by the same antecedent conditions.

One purpose of this paper is to review the results of our experiments which have examined whether people do systematically differentiate varying kinds of aggressive behavior in their judgments of the rightness or wrongness of that behavior. This research shows that although there is acceptance of some forms of aggressive behavior, other forms of aggression are not accepted. The second purpose of this paper is to review research bearing on the issue of the functional equivalence of various aggressive behaviors. This research has indicated that there are different antecedent conditions precipitating functionally different forms of aggression. Rather than a spillover effect, the research indicates that depending on the context, the perception that the aggressive response serves predominantly one goal, leads to an increase or decrease in aggression according to the specific antecedent conditions preceding a response.

Observers' Evaluations of Aggression

The first issue is related to people's evaluations and reactions to aggressive incidents. Research on the factors influencing judgments of aggressive acts has increased in recent years, based at least partially on social scientists' suggestions (Feshbach, 1971; Kelley, 1971) and the increasing concern of legal scholars (Evan, 1962; Kalven & Zeisal, 1966; Toch, 1961). The research has typically been directed toward obtaining ratings from people about the rightness or wrongness of specific aggressive acts. As more indirect measures, people have also been asked to give recommendations regarding punishment (e.g. fines or number of years of imprisonment) for the aggressor. The judgments are obtained so that they reflect the participants' everyday reactions to aggressive incidents which are observed directly, as well as to aggressive incidents which are more indirectly experienced through the different media. The aggressive acts which have been the subject of research efforts range from verbal abuse to murder, although most studies have examined comparatively moderate physical aggression between two people in an interpersonal setting.

Of particular relevance to the present issue is the question of whether observers' evaluations exhibit systematic reactions to different forms of aggression. Just as the nature of the assailant's motive is crucial in determining judgments in a murder trial, an aggressor's intentions are apparently vital in judgments of his aggressive act in situations where the judgment carries no institutionalized sanction. Aside from considering whether a particular act was intended or accidental, Feshbach (1971) has proposed that personally motivated aggression (i.e., hostile or personal-

instrumental) is viewed more unfavourably than socially motivated aggression. We have found support for Feshbach's idea in a series of studies (Nesdale & Rule, 1974; Nesdale, Rule & McAra, in press; Rule, Dyck, McAra & Nesdale, 1975). In these experiments high school and university students read of an incident in which one person physically assaulted another person after they had jointly found a wallet. The aggressor attacked the victim in order to hurt him (hostile aggression), to keep the wallet for himself (personal-instrumental), or to return the wallet to its rightful owner (prosocial aggression). The results of this series of studies have disclosed that although the aggressive behavior was identical in all conditions, aggression for prosocial reasons is viewed as more right and as less deserving of punishment than is aggressing for personal reasons (hostile and personal-instrumental).

At what age do these differentiations occur? Although this question has received little theoretical and empirical attention in the field, one theorist (Piaget, 1965) has commented extensively on the development of moral judgments in children. He suggested that children in the stage of moral realism (usually under the age of about ten) do not rely on inferences about intentions but rely instead on other features of the situation to form their judgments. In particular, Piaget stressed that younger children use the outcome or consequence of a behavior as the basis for inferences and it is only later that intentions become important. In accord with this view, we (Rule & Duker, 1973) predicted that only boys older than ten years of age would respond differentially to the intentions underlying an aggressive act. Instead we found that both eight and twelve year-old boys evaluated an aggressor as worse when his intentions were hostile rather than prosocial. Moreover, in two later studies with Drew Nesdale and Marilyn McAra (Rule, Nesdale & McAra, 1974), using kindergarten, second and fifth grade girls, and first, third and sixth grade boys, we found that regardless of age, the children viewed the personal reasons for aggressing as more wrong than the prosocial reasons for aggressing. Thus, girls as young as five years of age and boys as young as six years do distinguish the different bases for aggression in their judgments. Information about intentions is apparently more important at an earlier age than has been suggested. However, although these findings suggest that children employ the complex inferential processes postulated by Piaget to be operative at higher stages of cognitive development, it seems likely that they result from adults emphasizing the difference between personally and socially motivated aggression in the training of even very young children. Moreover, the children in these studies have been provided typically with unambiguous information about the intentions underlying the act. It is not known whether children actually make inferences about intentions when that

information is not explicitly given.

Considered together, the studies have indicated that people varying in age from preschool to university students, view the personal reasons for aggressing as more wrong than the prosocial reasons for aggressing. Thus, people do differentiate varying types of aggression. Some aggression is seen as wrong whereas other aggression is seen as right. Although in our studies prosocial aggression is defined within the context of minor physical assault or verbal abuse, aggressive acts of a much more serious nature are tolerated for prosocial purposes. For example, Kahn's survey (1972) revealed that extreme forms of police violence were seen as justified by some people, although as not justified by others; and Tomlinson (1970) revealed that comments about participation in ghetto riots reflected the assumption that violence serves a good end. Recent surveys in the United States revealed that Lt. Calley's involvement in the My Lai massacre was actually approved by a sizable segment of the U.S. population (Kelman & Lawrence, 1972). As we have suggested elsewhere (Rule & Nesdale, in press), tolerance for extreme violence may be rooted in tolerance for minor aggressive incidents.

It should be emphasized that our research program has not been concerned with ethical questions relating to whether or not aggression should be judged as right; this is a question which has to be resolved by the broader society. However, our research does indicate that if there is agreement that attitudes toward prosocial aggression should be changed, it would have to be accomplished at a very early age.

The Role of Functional Differences in the Expression of Aggression

Even though observers differentiate types of aggressive response, is there a reason to differentiate aggressive behaviors when considering the expression rather than evaluation of aggression? The question relates to whether one form of aggression substitutes for another. Will the conditions leading to aggression which serves one goal, enhance aggression which serves another goal? The notion of substitution has figured prominently among laymen and in the writings of clinical and some social psychologists. We have conducted several experiments addressed to some aspects of these questions. They were designed to have maximum control over conditions so that our answers can be as unambiguous as possible. In these experiments, participants were asked to take the part of a teacher who is ostensibly to punish a learner's errors

by administering electrical shocks to the learner. Actually no shock is administered, and of course, subjects are immediately debriefed concerning the purpose and details of the experiment. In an early experiment in our laboratory, Lynn Hewitt and I (Rule & Hewitt, 1971) expected to find that as the teacher's frustration increased, aggression would increase correspondingly. Frustration in this study was manipulated by the teacher's previous success at a task (low frustration), failure (moderate frustration), and failure accompanied by insult (high frustration). Our results did not support our hypothesis. Instead they revealed that teachers subsequently set the highest shock levels for the learner's errors following high and low frustration conditions. Although the supplementary data revealed that the shocks were delivered to hurt physically an insulting partner in the high frustration conditions, they were delivered apparently in the other conditions to promote learning if learning seemed feasible on the basis of the subject's past experience. Thus the low frustrated subjects delivered a relatively high number of shocks, similar in number to those in the high frustration condition, apparently assuming that the shocks would facilitate the other person's goal achievement. On the other hand, moderately frustrated subjects using previous failure as a comparison, apparently assumed that punishment would contribute little to the other's goal achievement and hence delivered fewer shocks. We inferred that the salient function of shock delivery was determined by the context in which they occurred. The context apparently provided a set which made one of the conflicting goals dominant, thereby reducing the conflict.

In an attempt to demonstrate more unambiguously that different antecedent conditions precipitate aggression serving different goals, another experiment was conducted by myself and a colleague, Andrew Nesdale (Rule & Nesdale, 1974). In this experiment a situation which maximized the functional value of the aggressive response by unconfounding the hostile and prosocial value of the aggressive act. Participants were told that increasing shock either helped (prosocial) or hindered (hostile) learning. The results indicated, as expected, that subjects administered shock levels according to both the value of aggression and their partner's insult. When shocks presumably facilitated learning, the subjects delivered more shocks when they had not been previously insulted and less shocks when they had been previously provoked and less shocks when they had not been provoked. These results were subsequently confirmed in another experiment conducted by Gerry Leger (Rule & Leger, 1975). It is clear from these results that different antecedent conditions precede the use of aggression expressed for one rather than the other reason.

Finally, another experiment in our laboratory demonstrated that the different standards for aggressing in fact are highlighted by a person's enhanced awareness of his own behavior. In an experiment in collaboration with Drew Nesdale and Ronald Dyck (Rule, Nesdale & Dyck, in press), when subjects were able to observe their own behavior by the presence of Video TV monitor, their aggression increased when they believed the response would facilitate learning, but decreased when they believed the response would hinder learning. Considered together, the several experiments demonstrate that the situational context affects the degree to which the person will harm another person. Different antecedent conditions precede an aggressive response which is delivered for prosocial versus hostile reasons. Moreover, by focusing a person's attention on his response, the intensity of his aggressive responding increases when the response is assumed to be in line with societal values, but decreases when it is against societal values.

What conclusions and implications can be derived from the research presented? The entire series of experiments has demonstrated that people approve of, and engage in, aggressive responses according to the context in which the harmful behavior is embedded. It is clear from these results that people distinguish systematically between different types of aggressive behavior and that the antecedent conditions for each of these types of aggression seem to differ. One might draw the conclusion from this that because the factors which affect the display of prosocial compared with hostile aggression are in fact different, there is no reason to expect that there will be a brutalizing effect in terms of spreading from one type of response to another. There may, of course, be a change in societal values which alter the definition of what is right or wrong, and concomitantly alter behavior.

It is recognized, also, that people may rationalize their aggression. While a person's aim may be to hurt another, it can be masked as prosocial aggression. Nonetheless, when one goal predominates, control or elimination of the aggressive response depends on identifying the relevant and appropriate antecedent conditions. For example, inferring that a race riot is due to hostility or senseless rage on the part of blacks rather than to their attempt to call attention to their plight, neglects to change the situation appropriately, and in fact may not alter the aggression at all.

Moreover, apart from our concern with the relevance of these results for the question of the brutalizing effects of one kind of aggression on another, the results are related to several other different developments in the field. These include, (1) the variety of factors which affect moral judgments of aggression, (2) whether moral judgments of observed aggression have any impact

on the expression of aggression, and finally (3) the role of normative and cognitive factors in the expression of aggression.

With regard to the first general issue, factors other than those reviewed in this paper are known to affect judgments. In addition to factors usually considered as relevant in forming moral judgments, such as the aggressor's intentions, other factors which are generally considered as more irrelevant have been identified as actually contributing to judgments. It has been shown, for example, that an aggressor's physical (Dion, 1972) and personal attractiveness (Landy & Aronson, 1969; Nesdale & Rule, 1974; Rule & Nesdale, in press; Rule, Dyck, McAra & Nesdale, 1975; Shepherd & Bagley, 1970), as well as the physical attractiveness of the victim (Jones & Aronson, 1973; Landy & Aronson, 1969) bias the judgments and recommended penalties for a transgression. Favourable impressions have been created by varying marital status (married vs. divorced), previous criminal record and foreigner's attitude toward the observer's country. These favorability manipulations have affected ratings of both serious acts even-tuating in death and less serious acts of physical aggression. For example, a more attractive aggressor and a more attractive victim are likely to be evaluated more favorably than their less attractive counterparts. However, evaluations of the attractive aggressor may depend on the crime. It has been found (Sigall & Ostrove, 1975) that harsher evaluations were given to attractive offenders when their crime was related to their attractiveness. Moreover, we have found that although these factors are important when judgments are made anonymously, the influence of such factors are diminished when the person judging is aware that he must explain his judgments (Nesdale & Rule, 1974). The implications of this finding is that persons in judgment situations should be aware of possible bias on their part. Future research should be addressed to whether judgments are biased by aggressor or victim characteristics when the observer is in a position to actually administer sanctions (i.e., jurors, teachers).

A second issue pertains to the impact of witnessed aggression and subsequent judgment on the instigation or inhibition of actual aggression. Will awareness of the motivation underlying observed violence instigate or disinhibit aggression? Although we have confined our own research questions to considering how such factors influence judgments, some recent work by others has indicated that the actual expression of aggression is affected by the observer's awareness of the aggressor's goals. In these experiments, angered subjects express more aggression toward a partner who has provoked them after viewing a film in which violence occurs for vengeful rather than other purposes such as filling the professional role of a fighter (Geen & Stonner,

1973) or in defense (Hoyt, 1970). More directly related to the distinctions in the present paper is Geen and Stonner's demonstration (1974) that more aggression by angered subjects followed the observation of violence motivated by revenge in contrast to professional or altruistic reasons. These experiments, although few in number, seem to indicate that knowledge of the intentions underlying aggression affects not only moral judgments of the act, but also the expression of aggression.

Finally, the thrust of this research has been toward elaborating the importance of the person's interpretation of the situation, as well as how differing standards for aggression affect the expression of aggression. To date we know a great deal about learning processes in the form of classical and instrumental conditioning which underlie aggression, especially of an impulsive nature. We know that rewarding a person for aggressing increases his aggressiveness and may be most responsible for the development of an aggressive personality (Bandura, 1973). However, our results on the expression of aggression have documented the importance of the person's perception and interpretation of what is potentially a provocation, findings which encourage the development of theory and research on the cognitive processes underlying aggression. Although we know that much aggression is impulsive, it is apparently the case that much aggression is generated by interpretations of both the provocation situation, and the function of the response, factors which have now been overlooked too long in social psychology, but appear relevant to a more complete understanding of aggressive behavior.

References

- Adams, V.
1972 "Psychology of Murder." *Time*, April 24: 68-69.
- Bandura, A.
1973 *Aggression: A Social Learning Analysis*.
Englewood Cliffs, New Jersey: Prentice-Hall.
- Berkowitz, L.
1971 "The Contagion of Violence! An S-R Mediation Analysis
of Some Effects of Aggression." in M.J. Arnold and
M.M. Page (Eds.), *Nebraska Symposium on Motivation*, 1970.
Lincoln, Nebraska: University of Nebraska Press: 95-135.
- Dion, K.K.
1972 "Physical Attractiveness and Evaluation of Children's
Transgressions." *Journal of Personality and Social
Psychology* 24: 207-213.
- Evan, W. M.
1962 *Law and Sociology*. New York: The Free Press of Glencoe.
- Feshbach, S.
1971 "Dynamics and Morality of Violence and Aggression: Some
Psychological Considerations." *American Psychologist*
26: 281-292.
- Geen, R.G. and Stonner, D.
1973 "Context Effects in Observed Violence." *Journal of
Personality and Social Psychology* 25: 145-150.
- Geen, R.G. and Stonner D.
1974 "The Meaning of Observed Violence. Effects on Arousal
and Aggressive Behavior." *Journal of Research in
Personality* 8: 55-63.
- Grescoe, P.
1973 "Get Off the Road Chum! There's a Sniper There."
Canadian Magazine, *Edmonton Journal* July 21: 3-9.
- Hopper, D.
1973 "The Gun: Its Purpose is to Kill." *Canadian Magazine
Edmonton Journal* July 14: 2-4.

- Hoyt, J. L.
1970 "Effect of Media "Justification" On Aggression."
Journal of Broadcasting 6: 455-464.
- Jones, C. and Aronson, E.
1973 "Attribution of Fault to a Rape Victim as a Function of
Respectability of the Victim." Journal of Personality
and Social Psychology 26: 415-420.
- Kahn, R. L.
1972 "The Justification of Violence: Social Problems and Social
Solutions." Journal of Social Issues 28: 155-177.
- Kalven, H. and Zeisal, H.
1966 The American Jury. Toronto: Little, Brown and Company.
- Kelley, H. H.
1971 "Moral Evaluation." American Psychologist 26: 293-301.
- Kelman, H. C. and Lawrence, L. H.
1972 "Assignment of Responsibility in the Case of Lt. Calley:
Preliminary Report of a Recent Survey." Journal of
Social Issues 28: 177-212.
- Landy, D. and Aronson, E.
1969 "The Influence of the Character of the Criminal and His
Victim on the Decisions of Simulated Jurors."
Journal of Experimental Social Psychology 5: 141-152.
- Meyer, T. P.
1972 "Effects of Viewing Justified and Unjustified Real Film
Violence on Aggressive Behaviour." Journal of Personality
and Social Psychology 23: 21-29.
- Nesdale, A.R. and Rule, B.G.
1974 "The Effects of an Aggressor's Characteristics."
Canadian Journal of Behavioral Science 6: 342-351.
- Nesdale, A.R., Rule, B.G. and McAra, M.J.
[In Press] "Moral Judgments of Aggression. Personal and Situational
Determinants." European Journal of Social Psychology.
- Piaget, J.
1965 The Moral Judgement of the Child.
New York: Free Press of Glencoe.
- Rule, B.G. and Duker, P.
1973 "The Effect of Intentions and Consequences on Childrens'
Evaluations of Aggressors." Journal of Personality and
Social Psychology 27: 184-189.

- Rule, B. G. and Leger, G.
1975 "Pain Cues and the Function of Aggression."
University of Alberta, unpublished manuscript.
- Rule, B. G. and Nesdale, A.R.
1974 "Differing Functions of Aggression."
Journal of Personality 42: 467-481.
- Rule, B.G. and Nesdale, A.R.
[In Press] "Moral Judgments of Aggressive Behavior." in R.G. Green
and E. O'Neal, Perspectives on Aggression.
New York: Academic Press.
- Rule, B.G. and Hewitt, G.L.
1971 "Effects of Thwarting on Cardiac Response and Physical
Aggression." Journal of Personality and Social Psychology
19: 181-189.
- Rule, B.G., Dyck, R., McAra, M. and Nesdale, A.R.
1975 "Judgments of Aggression Serving Personal Versus Prosocial
Purposes." Social Behavior and Personality: An International
Journal 3: 55-63.
- Rule, B.G., Nesdale, A.R. and McAra, M.J.
1974 "Childrens' Reactions of Informations About the Intentions
Underlying an Aggressive Act." Child Development 45: 794-798.
- Rule, B.G., Nesdale, A.R. and Dyck, R.
[In Press] "Objective Self Awareness and Differing Standards of Aggression."
Representative Research in Social Psychology.
- Scheerer, M.
1954 "Cognitive Theory." In G. Lindzey (Ed.) Handbook of
Social Psychology. Reading: Addison-Wesley Publishing
Company. pp. 91-142.
- Shepherd, J. W. and Bagley, A.
1970 "The Effects of Biographical Information and Order of
Presentation on the Judgment of an Aggressive Action."
Journal of Social and Clinical Psychology 9: 177-179.
- Sigall, H. and Ostrove, N.
1975 "Beautiful but Dangerous: Effects of Offender Attractiveness
and Nature of the Crime on Juridic Judgment."
Journal of Personality and Social Psychology 31: 410-414.
- Toch, H. (Ed.)
1961 Legal and Criminal Psychology.
New York: Holt, Rinehart and Winston.

Tomlinson, T. M.

1970

"Ideological Foundations for Negro Action: A Comparative
Analysis of Militant and Non-Militant View of a
Los Angeles Riot." *Journal of Social Issues*, 26: 93-120.

Discussion

Professor T.C. Willett felt that the origins of violence and aggression and their manifestation among school children had long been a neglected subject. He described a survey he conducted among 400 children from Kingston schools to see whether the rules of fighting had changed among school children in Canadian society. He found interestingly that the rules of "fair fight" seemed to have changed very little since his own childhood. When asked where they learned these rules from, an overwhelming majority said, "From the kids." Only five per cent of them mentioned the media. Professor Rule commented that more work of this nature is required, particularly with regard to the development of very young children.

Professor Cyril Greenland asked whether Professor Rule had any data on the male and female differences in the very young age group and if she would like to speculate on the meaning of these differences. Professor Rule replied that although she had expected to find sex differences, in all her studies in the judgemental work, she had found no difference between males and females. This was the case even with high school and university students.

Professor Harold Kalant mentioned the limitations of the experimental set-up described by Professor Rule in which all the subjects were aware that the shock administration was for a socially approved purpose. He wondered whether this fact would limit the ability of the technique to explore the factors which governed the expression of aggressiveness in other types of situations. Professor Rule admitted that they were well aware of these limitations and had tried to corroborate results by putting the subjects in different kinds of experimental situations. Bandura, she noted, had discussed this in his book by pointing out that many acts of aggression did occur within some kind of socially sanctioned framework. In her own experiments, they tried to minimize the legitimate aspect of the aggression by emphasizing that shocks were known to hinder learning and performance.

Professor Ronald Price was intrigued by the point brought up in the presentation concerning the extent to which judgements altered when one was required to give the reasons. He cited situations in the judicial and correctional systems where the reasons given are often pro forma. He asked Professor Rule if she knew of any parallel in the literature. Professor Rule pointed out that in the judgement situation, the people were not going to administer the sanction themselves. This would be a limitation in terms of extrapolating this result to judges and correctional officers who might be actually administering the sanction. In relationship to other data in the field outside the moral judgement area, many of her experiments on aggression show a reduction of aggression when people expected to have to answer to someone else.

"Violence and the Mass Media"

by

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In 1969, the United States Public Health Service was awarded one million dollars to enquire into the relationship between the mass media and violence in society. To this end, the Surgeon General's Scientific Advisory Committee funded twenty-three original research projects. The results of these survey and experimental studies, sixty reports and papers describing, explaining and/or evaluating the thoughts, feelings and behaviour of 22,781 research subjects, were published in 1972. Roughly three years later a Royal Commission on the Effects of the Mass Media on Violence in Society was established by Premier Davis of Ontario. Because of its scope, possibly because of the relatively easy solutions suggested in some of the United States Commission's Volumes - markedly decrease the violent content of the media - and perhaps because members of both the United States and the Ontario Commissions share certain middle class concerns about aesthetic and/or cultural norms depicted in the "masses oriented" mass media,¹ there exists a distinct possibility, not only of the selective retrieval of evidence and conclusions to support the view that "television is a major cause of violence in society", but more generally, that the sort of questions asked by the United States Commission researchers and the methods of answering them will be taken as paradigmatic by their counterparts in Canada. This will be less than desirable for at least three reasons.

First, it will tend to direct attention (and resources) away from theoretically interesting and more socially significant areas of enquiry. Thus, because the political violence predicted for Metropolitan Toronto by the Metro Planning Commission (*Globe and Mail*, October 13, 1975) cannot easily be explained by the theories to which most Commission (American) researchers appear to be committed, it would probably be ignored by the Canadian Commission. More generally, research questions having to do with the relationship between the structure of society and the political economy of instrumental violence, individual and collective, will be

neglected in favour of further research into the social psychology of impulsive aggression, premised on the idea that a causal relationship between media-violence and violent behaviour has already been established.

Second, diagnoses of the problem of violence in society which are derived from the latter kind of social enquiry, provide spurious and deceptively simple solutions to a highly complex problem. Causal mechanisms such as "disinhibition" and "contagion" can be got at by controlling the media. Scarcity, inequality, racism and hierarchy are less easily played upon.

Third, it tends to help perpetuate ways of doing research in which data quality considerations are treated as less important than researcher's theoretical expectations which help generate the data.² Such an approach tends to produce results that are more equivocal than need be. If one takes the view that policy recommendations with real life consequences should, ethical considerations aside, be based upon the most reliable and valid knowledge one can obtain, within given cost and time parameters, then minimally, two conditions should prevail: (a) Researchers engaged in different studies, but of a similar type and with similar subjects, should be studying the same relationships. This is the replication criterion; (b) Subjective meanings and definitions of major concepts, held by research subjects themselves should enter, in important ways, into measurement and therefore theoretical, considerations. This is the validity criterion.

In the context of these observations and on the basis of the evidence presented, I want to suggest that the view, "televised violence makes viewers significantly more aggressive" is far from compelling. This conclusion stands without prejudice to the possibility that the media do influence the level of violence in society in ways other than those suggested by social psychologists whose work is taken as paradigmatic. I shall attempt to provide a convincing account of these other media-societal violence relationships.

Before embarking on this task, one caveat is in order. First, I am going to assume that the violence Canadians are concerned about may be defined in the following way: The application (or threat thereof) in real life settings, of high magnitude, physically harmful stimuli to the person or property of another person (or group) with the intention of inflicting harm. This definition excludes from consideration experimental laboratory studies because, no matter how many times such studies confirm predictions from this or that theory, from a social policy prospective, one remains interested in the application of such theories of real life settings.³ So, I shall confine my attention to studies measuring aggressive behaviour in naturalistic settings.

Secondly, I am going to assume that, other things being equal, a citizen would be most concerned with "instrumental" violence. This is because one is much more likely to experience instrumental than non-instrumental violence. The State uses violence instrumentally, so do citizens (also called criminals and/or radicals) who individually and collectively engage in socio-political struggles with the State (Arendt 1972; Nieberg, 1969; Skolnick, 1970; Sartre, 1960).⁴ Among families, street gangs, prisoners, ghetto residents, indeed for citizens generally, violence is one of a number of means to an end (Brown, 1971; Good, 1971; Kriesberg, 1974; Ellis, Grasmick and Gilman, 1974; Yablonski, 1962). Thus, in addition to intention, one should add to the definition set out earlier, the motive, for the purpose of obtaining desired outcomes and/or of avoiding undesirable ones.⁵

With these assumptions in mind, I shall "enter the lists" as it were and tilt first at extant research into mass media effects on violent behaviour. In the process of doing this and in the concluding section of the paper I shall attempt to show that the mass media may be implicated in societal levels of violence in ways other than those suggested by scholars (Bandura and Berkowitz) whose work tend to dominate social enquiry in this area.

Televised Violence and Official Statistics on Violent Crime

Ecological/Structural Studies

According to Berkowitz and Macaulay (1970), violence is contagious, something like measles. A sensational crime occurs in real life, the media describe the crime in detail. This elicits aggressive ideas and provides the viewer with a number of aggressive cues. Suppose the viewer is ready to act aggressively anyway, then, if he also finds himself in a situation in which aggressive cues are present, he will behave aggressively. The effects of televised aggression are long lasting, so that the individual viewer or reader is likely to behave aggressively later on, if the combination, arousal and aggressive stimuli are present together in a specific context. What happens if viewing media violence also arouses strong inhibitions in the viewer? Well then, he may not behave aggressively.

In propositional form, the "contagion of violence" hypothesis may be stated as follows: the level of violent crime in society will vary directly with media portrayals of violent crime. Specifically, as media portrayals increase, so too will the amount of violent crime. This is the hypothesis that Berkowitz and Macaulay set out to test. Their study yielded confirmatory results. Specifically, they found that the rate of violent crimes increased after three events which received massive coverage by the media, President Kennedy's assassination in 1963, and the mass murders of Speck and Whitman in 1966.

In relation to the evidence they present, two points may be raised. First, the increase in violent crimes may have occurred primarily because of police reactions to each of these incidents. The actual level of violent offences may have changed very little. Consider the following possibility. The police react to the stimulus "shocking crimes-with-massive-media-coverage", by trying to increase the severity of legal punishments for assailants. They do this by using the more serious classification for crimes in which they have discretionary power. Thus, "assaults", non-Index violent crimes, are more likely to be classified as "aggravated assaults", an Index violent crime. As Berkowitz and Macaulay took violent Index crimes as their dependent variable, it is quite possible that a change in the classification changes described here, could show up as an "increase in serious violent crime" without there being any real change in the amount of serious (Index) violent crime. If this is so, crimes for which the police have least leeway to exercise discretion, crimes in which someone is killed, will show the smallest increase in these areas. An analysis of the violent crime statistics (Index crimes) will reveal this to be the case. Homicide and manslaughter increased least.

Secondly, why were similar increases in violent crimes not observed in Canada, where exposure to these events via the media, was almost as great as it was in the United States (Canadian Crime Statistics, 1963 and 1966).

Third, other attempts to test the Berkowitz-Macaulay hypothesis have yielded disconfirmatory results. In the Clark and Blankenberg study (1971), the dependent variable was the rate of serious (Index) violent crimes (murder, forcible rape, robbery and aggravated assault) as reported by the police in Uniform Crime Reports, 1933 and 1968. The independent variable was defined as 'physical acts or the threat of physical acts by humans designed to inflict physical injury to persons or damage to property' (1971: 195). Sources of data were direct viewing of programmes and coding of synopsis of shows in the T.V. guide. Having established that the synopsis would arrive at a similar judgement, content analysis was applied to a sample of T.V. guides published between 1953 and 1969. The two sets of data were then examined. On the basis of their study, Clark and Blankenberg concluded that there was no relationship between media violence and violent crime (1-71: 199-200).

Fourth, while Berkowitz and Macaulay emphasized the instigating aspects of media portrayals of violence, their explanatory model also suggests that such portrayals might decrease violent behaviour if they arouse "strong inhibitions" among viewers. Dominick's (1973: 241-250) analysis indicates that the television programmes shown during the early part of the 1970's might have increased the strength of instigation to inhibit violent behaviour among viewers. First, he found that, "T.V. crime is almost always unsuccessful" (1973: 245). Second, Gerbner's data indicate that criminals are becoming less violent but more vulnerable to violent attack by law officers (1971). Thus, either because there was

less criminal violence to "infect" viewers and/or, because of aggression anxiety, fear about what would happen to them if they behaved violently, there would be a decrease in the level of criminal violence in society. In fact, violent crime increased (Uniform Crime Report and Canadian Crime Statistics). This finding, together with the Clark and Blankenberg findings, leads one to conclude that media portrayals of violence and violent crime are unrelated.⁶

Fifth, beyond all of the specific points that have been raised, is the more general question as to the degree to which televised violence can be shown to be associated with any of the known and generally accepted facts about violent behaviour across and within societies.

Gross National Comparisons

Societies vary in the amount of violence they generate (Interpol: Crime Statistics, 1965, 1966). They also vary in the ratio of television sets per capita (World Radio and Television Handbook, 1966). There is no association between these two sets of statistics. Of course, possession of a television set is a poor measure of exposure to violent content - true. But, I would go on to suggest, had a more direct measure been used, we would have found that among societies which do have television available, the nature of the society would determine the content of the television programmes produced indigenously or (selectively) acquired from other societies. If this is true, the relevant question becomes, why do societies vary in public demands for violence in the media? As Halloran has indicated, this question suggests that analytical and research emphasis should be placed on the study of violent behaviour itself (1968: 152). In other words, if one is interested in the place of violent behaviour in Canadian society, interested in its causes and consequences, media content should be treated initially as a dependent variable. That is to say, media violence is seen as one consequence of living in a society in which real life violence is not as rarely experienced as it might be.

Intrasocietal Comparisons

Within any given society, violent crime rates vary across regions and social groupings. In the United States, the South and Southwest regions and in Canada, the Yukon have the highest violent crime rates (Mulvihill and Tumin, 1964; Crime Statistics, 1974). So far as I am aware, no evidence has been presented which would indicate that differential exposure to televised violence is a major factor in accounting for these variations. On the contrary, while the young (14 to 35 age group) are over-represented among those who behave violently in real life, Israel and Robinson (1971) found that older persons (50 and over) are over-represented among high violent programme viewers.

In Canada and the U.S.A., the young, poor, uneducated Indian or Black living in an urban slum are over-represented among those who behave

violently (Mulvihill and Tumin, 1964). There is no evidence which indicates that exposure to televised violence should be included among the major causes of extant patterns in the social distribution of violent crime. More worthy candidates for inclusion in this list would be social processes (racism, discrimination, inequality) which decrease the "stake" that such persons have in society, processes which reduce the "costs" of informal (community, family, peer) and formal (police, truant officers) sanctions and which simultaneously narrow the availability of non-violent means of satisfying psychic and material wants (Mulvihill and Tumin, 1964; Brian and Piliavin, 1965).

In sum, we tend to get the violence in the "streets" and the violence in the "suites" that we deserve. This conclusion applies not only to the fact that television reflects regnant societal values and norms relating to violence, social control and so on, nor to the fact that the inequality we create and maintain causes society's "bottom dogs" to rely on violent methods of redistributing income, power, status and so on, but also to the fact that we, as citizens, have not insisted on the creation of an agency, with no vested interest in the "production of violent crime rates", to present and interpret crime information to us and to put the "violent crime" problem in perspective.

Structural ecological studies using aggregate violent data, lend very little credence to the view that exposure to media violence directly decreases or increases the level of aggressive behaviour among viewers and readers. Would the same conclusion be supported by (survey) studies using data on individuals?

Correlational (Survey) Studies

Taken together, sociological surveys provide no clear answer to this question. More precisely perhaps, the answer to the question will vary with the measures being used. If one is interested in the real life effects of television, then one ought, in my opinion, to measure the 'net effects' of television. That is to say, as a stimulus, television may instigate, facilitate and/or inhibit aggressive behaviour in various ways (Bryan and Walbeck, 1970; Dominick, 1973; Stein and Bryan, 1972), and the most valid measure, is one that gets at the outcome of the interaction between these three sets of variables. From this perspective, "television viewing" (and the meaning it has for viewers) may be the most valid measure of the net effects on aggressive behaviour of exposure to television.

Studies showing this measure show no association, in one case (Leftowitz et al., 1971), and weak positive associations in another (McLeod et al., 1971). Two earlier studies, Schram, Lyle and Parker in Canada and Himmelweit, Oppenheim and Vince in England (1962), also found no association between rather indirect measures of exposure to television (availability of a television set) and self-reports of aggression. The

results of these latter two studies were rejected precisely because they did not pertain to "the relationship of interest...exposure to television violence (not television per se) and aggression" (Liebert et al., 1973: 73).

In relation to this statement, two points may be made. First, availability of a television set is a rough measure of exposure to televised violence. Children with sets in their homes are more likely to be exposed to violence than those for whom television sets were not available.

Second, even when a more direct measure is used, "preference for violent programmes" the results are inconsistent. In one study and under the "best" possible comparison, that is comparing extreme groups (those whose four favourite programmes included "almost no violence" and a "great deal of violence" respectively) the percentage difference on any one of eight measures of aggressive behaviour is no greater than 12 percent (Robinson and Bachman, 1971: 372-382). Liebert et al., for some unexplained reason, interpret these data as supporting the conclusion that "50 percent more subjects in the high violence viewing group than in the low violence viewing group admitted behaving aggressively" (1973: 75). But, to add the small differences across the eight measures, and so obtain a 50 percent difference, is to ignore the fact that the same individuals, already high in aggression according to Robinson and Bachman, were being counted over and over again.

Perusal of the remaining studies which used the "preference" measure reveal, in McIntyre and Teevan (1971), virtually no association with fighting with peers, in Chafee and McLeod (1971), no association and finally, in Lefkowitz et al., (1971) a low positive association with aggressive behaviour in the third grade, no association with the same behaviour in the eighth grade and then, mysteriously, with a moderate positive association in the thirteenth grade.⁸ Taken together, the results of these studies are, consistent with the view that televised violence, as measured here, neither reliably nor markedly influences the level of aggressive behaviour in the real world. Will the same conclusion hold if we measure not "total viewing" nor "preference for violent programmes" but actual exposure to television violence? The studies of Dominick and Greenberg (1971) and Leftowitz et al. (1971) provide an answer to this question.

In one sense, the Dominick and Greenberg study is not really relevant because the dependent variable is not aggressive behaviour but rather, what students say about how they would behave if placed in certain situations. In other words, they were measuring aggressive attitudes. These may have very little to do with the aggressive behaviour of the children. Beyond this, the differences between the "highly" and "less" exposed groups were small, albeit statistically significant.

McLeod et al., were interested in behaviour and they found moderately positive associations between exposure and aggressive behaviour in both their

samples. Incidentally, they also discovered that the probability of obtaining "statistically significant" results varies with the sample size. As the total sample is broken down into sub-groups (sex and school type) the number of statistically significant relationships decrease. What can we conclude from all this?

First, on the criterion of the consistency of results, the evidence in favour of the view that television and televised violence markedly increases aggressive behaviour is not compelling. Of the 13 relationships presented in Table 1, four are moderately positive and three are low positive associations. In the remaining six relationships, televised violence has virtually no effect on aggressive behaviour and attitude.

Second, those studies using similar measures of both independent and dependent variables on roughly similar students (McIntyre and Teevan, Leftowitz et al., and Chaffee and McLeod, Robinson and Bachman) yield different results. Thus, all four used the "preference" measure and used self and/or peer reports of aggressive behaviour and yielded the following correlations between these two measures. No association (McIntyre and Teevan), no association (Chaffee and McLeod), virtually no association (Robinson and Bachman), and no association for grade eight students and a correlation of 0.31 for grade thirteen students for Leftowitz et al.

Third, in the two studies (Leftowitz et al. and McLeod et al.) in which a moderately strong positive association was found, no evidence is presented which would invalidate the contention that, for all but a few "extreme" subjects, there was no relationship between exposure to televised violence and violent behaviour. In the case of the Leftowitz et al. study, this conclusion can be derived from an examination of the "scatter plot" around each of the correlation coefficients. In the case of McLeod et al., individual data are not available and one cannot be absolutely sure about what is going on.¹⁰ In the absence of such data, suspicion that the association holds for only a few subjects would vary with the size of the correlation coefficient. Had the coefficient been somewhat higher than 0.32 one would be more easily led to abandon the "outlier" conclusion.

Fourth, if the criterion of variance explained is used to assess the importance of the effects of televised aggression upon aggressive behaviour, then it is difficult to sustain the conclusion that exposure to televised violence is a "major factor" in influencing the level of aggressive behaviour in society. The strongest association as measured by the correlation coefficient (0.32) explains less than eleven percent of the total variation in the dependent variable, aggressive behaviour. This leaves almost ninety percent of the variation unexplained. Of course, the fact that televised violence explains only a small proportion of the variance in the aggressive behaviour among viewers, does not mean that these two variables are not causally related. According to Liebert et al. (1973: 78-82) the findings of Leftowitz et al. and McLeod et al. provide the basis for inferring that

a causal relationship does exist between these two variables and that it is exposure to violent television programmes that causes viewers to behave aggressively rather than the other way around. For at least three reasons, I am not convinced that such a causal inference is valid.

First, victimization research has provided us with convincing evidence as to the unreliability of retrospective data covering even such traumatic personal experiences as being robbed, mugged, burgled and so on (Turner, 1972a, and 1972b). In general, the shorter the reference period, the more accurate the recall of violent incidents. With a sample size of about 5,000 the optimal (cost and accuracy) reference period was found by Turner to be about six months. The Leftowitz et al. measures of the dependent variable at grade thirteen, peer reports of aggressive behaviour, covers a ten-year span. Similarly, the critical measure for McLeod et al. is the measure of "past violence viewing" covering a four-year period. The sample sizes were 460 and 624, respectively.

Second, no acceptable evidence is presented which would lead one to reject the view either that aggressive behaviour and exposure to televised violence vary independently or that both variables are functionally related to some third unmeasured variable. Consider first the problem one would face in trying to eliminate the second possibility on the basis of the data presented by McLeod et al. In their study they show that "violence viewing over the past three or four years" is correlated ($r = 0.30$) with present aggressive behaviour. However, no retrospective data are presented on pre-existing levels of aggressive behaviour, at earlier periods of time. So, the very real possibility remains that highly aggressive children preferred more violent programmes "four years ago" and also in the present.

Had the requisite retrospective data been available, it would have been possible to test this counter hypothesis by controlling on past violence and examining the change (or lack of it) in the original association between past violence viewing and present aggressive behaviour. If the original association is markedly reduced, say from $r = 0.308$ to $r = 0.021$, then it is said to be spurious. What is really going on is that the more aggressive the child, the more likely he or she is to watch violence on television. This in fact, is what Robinson and Bachman (1971) discovered.¹¹ This discovery motivates one to search for the possible causes of both the levels of aggressive behaviour which children bring with them to the "tube" and their viewing preferences.

If one assumes that the behaviour we are interested in is, for the most part instrumental aggression, that is behaviour whose probability is influenced by the relative pay-off for using aggressive rather than non-aggressive means of satisfying wants and, if one presumes further that parental socialization plays an extremely important role in influencing a child's behaviour, then, parental punishment of aggressive behaviour and

rewarding of non-aggressive substitutes for aggressive behaviour should be related to either one or both of the variables of interest. In this connection, the findings of McLeod et al., Stein et al. (1971) and Dominick and Greenberg are relevant. These studies indicate that parental socialization variables influence the level of aggressive behaviour directly and independently of televised violence. These variables also influence both exposure to televised violence and aggressive behaviour.¹² One question we should be concerned with then is this. What societal and sub-cultural factors explain variations in parental socialization practices?

To provide an answer to these larger questions was not the aim of the study conducted by Leftowitz et al. (1971). Rather, they wanted to answer the specific question, does preference for violence on television cause aggressive behaviour or does aggressive behaviour cause preferences for violent television shows? Unlike McLeod et al. and Robinson and Bachman, they had the requisite retrospective data on both variables at three points in time. Unlike Dominick and Greenberg, they were interested in aggressive behaviour. Finally, they could attend to the problem of eliminating rival hypotheses by employing a "cross-lagged" technique of causal analysis. The application of this technique yielded the following conclusions.

Nineteen-year-olds who preferred (according to their mothers) violent television programmes when they were about eight years old, are more aggressive (as assessed by peer reports of their behaviour at any time during their elementary, junior or high school lives) than are those who preferred other types of programmes when they were about eight and conversely, those who preferred violent television programmes at age nineteen were no more aggressive than their peers when they were seven or eight. So, earlier aggressive behaviour did not cause viewing habits but rather, earlier preferences for violent shows, causes the behaviour.

As an empirical basis for making valid causal inferences, these findings are problematic for a number of reasons. First, because measurement of the dependent variable was "open-ended" with respect to time, we cannot be sure as to how much of the behaviour reported as "aggressive" actually occurred prior to the students preference for violent programmes in grade three, when they were about eight years old. If the ages six to eight are "critical" in terms of the long lasting effects of stimuli presented by television, might these years also not be critical in terms of the judgements of peers who might have known each other since childhood.¹³ Moreover, if these findings apply mainly to a relatively few highly aggressive students, as they do, the mothers of such children may be more likely than other mothers to assign responsibility for their children's behaviour to some agency outside of themselves. They would be more likely to do this, because their children's aggression which is not generally approved of, may make them feel guilty about "not bringing up their children properly." These feelings could influence what they told Leftowitz et al. about their children's television preferences.¹⁴

In this connection, it is pertinent to note that when the grade eight boys themselves are asked about their television preferences, there is virtually no association between their preferences and their subsequent behaviour when they are in grade thirteen ($r = -0.019$). If the possibility mentioned earlier is correct, the aggressive behaviour being measured at grade thirteen might also have occurred prior to grade eight, then the finding of, (a) no association between grade eight television preferences and past aggression among grade thirteen students, and (b) of a weak negative association ($r = -0.171$) between present aggression in grade eight and television preferences of the students themselves at grade thirteen, suggests respectively that the two variables vary independently and that aggressive behaviour causes a slight decrease in preference for violent programmes.¹⁵

It seems then, that the evidence for inferring a causal relation between preferring violent shows on television and aggressive behaviour may not be as valid as one may wish. When mothers' reports are used to measure the former variable and the measurement of the latter variable covers a period of time that preceded the time at which television preferences were measured, one obtains supporting evidence. This evidence is suspect precisely because of the way the dependent variable was measured and the possible influence of high aggressive children on their mothers' answers to reach questions. In the case where the latter source of bias is removed (self-report, grade eight measures of television preferences) these preferences are not associated with aggressive behaviour as measured by peer reports in grade thirteen. What the data do indicate, is that aggressive behaviour in grade three is associated with later aggressive behaviour (grade three aggression is correlated with itself and with grade eight aggression, $r = -.480$, and aggression in the latter grade is correlated with itself and with grade thirteen aggression, $r = 0.650$).

These findings of the studies reviewed here may be subjected to three interpretations. First, exposure to televised violence causes aggressive behaviour. Second, televised violence and aggressive behaviour are caused by some third variable. Third, televised violence and aggressive behaviour are functionally related to different sets of variables. Of these interpretations, the first mentioned is, in my opinion, least consistent with the data. However, the more relevant conclusion is that, because of design and measurement problems, none of these interpretations can be regarded as providing a clear scientific rationale for implementing policy decisions based upon them. Perhaps a clearer rationale based on unambiguous causal references will emerge from studies focusing on real life aggression as these did, but which actually control and manipulate television content, as these studies did not.

Field Experimental Studies

As reasons for their belief and/or to confirm preexisting beliefs, critics of televised violence, point to the results of three experimental studies conducted in naturalistic settings. Steuer et al. (1971: 442-447) and Stein et al. (1971) worked in a preschool setting and Leyens et al. (1975: 212-257) carried out their research in a reformatory (young persons prison) setting. Perusal of these studies yield conclusions somewhat at variance with those of the critics and the researchers themselves. For example, on the basis of the results of the Steuer et al. study, I concluded that there was no (main effect) association between televised violence and aggressive behaviour. This conclusion was based on one fact and one possibility. The fact is that a marked increase in aggressive behaviour, following exposure to televised violence, occurred among only one of five children exposed to this stimulus. The possibility exists that this child (experimental subject in pair number four) was simply retaliating for aggressive acts directed against him by the subjects (pairs one and three) whose aggressive behaviour was increasing prior to their exposure to televised violence.¹⁶

Turning now to the other two studies, one discovers that they are more difficult to evaluate precisely and in grubby detail, because unlike Steuer et al., they did not provide data on individuals, much less longitudinal data on individuals in graphic form. With these qualifications in mind a perusal of the Stein and Frederick and Leyens et al. studies indicates that, on the grounds of both facts and alternative possibilities the results do not support their interpretation, viz., that exposure to televised and/or filmed violence causes an increase in the level of aggressive behaviour among those with preexisting high levels of aggressive behaviour. Specifically, these studies do not convince the reader, (a) that much of the behaviour being recorded was not rough play behaviour from which the "intention to injure" was absent, (b) that children were responding to "violent televised material" (c) that changes in the behaviour defined as aggressive by the researchers only, were not caused by experimenter and/or theoretical demands for the findings reported. What was actually being observed changing and what caused these changes? These are the two questions under which the specific points may be subsumed. What follows is an attempt to answer them.

Participant Models, Observer Models and Media Effects on Behaviour

Granted that the changes described above did occur, the specific questions to be considered here, are what actually increased and what exactly preceded the increases. Answers to these questions tend to vary with whom you ask, the researchers or the subjects. Of course, it might be better if the persons doing the research themselves asked the subjects these questions and then attempted to integrate their observers models with participant models of social process. In neither case were the two

models treated as being equally worthy as sources of both data and theorizing. Consequently, the way is open for the interpretation that, what was observed changing was not aggressive behaviour, but mainly rough play behaviour as defined by the subjects themselves.

Social psychology and sociology have been regarded as skin trades. For some time now and ever since the skin trade began, I shouldn't wonder, there has been a great deal of more or less disciplined chatter on the value of using "inside the skin" concepts such as "expectancy", "guilt" and so on. Those who believe that using such concepts increases our understanding of human behaviour may be divided into two groups. In the first group are researchers who believe that what is in the subjects' mind and heart is of direct and not of derived significance. That is to say, theories, definitions and so on of subjects, are valid and valuable in their own right and not simply because some professional social scientist has viewed selected aspects of the subjects' experience as being worthy of being ingested into his/her own skin.

In the second group are experimentalists who decide for themselves, in any given research situation, what is inside the skin of the subject, that is to say, how the subject experiences the stimuli being manipulated. This group contains all those who emphasize "their theory" as a way of seeing (and not seeing, one should add) and who believe in the primacy of the observers model in interpreting what is going on in any experimental situation. Stein et al. and to a lesser extent, Leyens et al., fall into the latter group.

Consider first, the Stein et al. study. On the independent variable side, how can one be sure that exposure to violent television programmes was in fact the experimental stimulus to which the subjects were responding. No one asked the children whether they interpreted and defined the stimulus, "Batman and Superman cartoons", in the same way as the researchers did. When this was done by Cumberbatch and Howitt (1975) programmes (cartoons) which would be ranked as "very violent" on the basis of criteria used by Stein et al., were, because of their lack of realism, perceived of by children as being the "antithesis of violence" (1975: 19). Moreover, children who are exposed to and prefer television programmes which they regard as violent (realistic violent shows, professional boxing, soccer, news programmes covering violent incidents) are no more likely than children with other viewing habits and preferences, to behave aggressively.

One reason for this is that the former group selected for imitation from aggressive television programmes, not aggressive behaviour, but "harmless material which they could incorporate into their games, such as pretending to have supernormal hearing" (1975: 22). In terms of this data, one may interpret the Stein et al. finding in the following way:

children who are initially more active and more inclined to engage in rough play increased the level of this type of behaviour, behaviour which is not intended to really hurt anyone, after being exposed to cartoons which suggested novel ways of engaging in the sort of behaviour they enjoy, rough play, in a social setting that was quite permissive with respect to this type of behaviour.¹⁷

In this connection it is relevant to note that Stein et al. appear to have been made aware, by the children themselves, of the possibility that behaviour which the researchers defined as aggressive (action that was intended to injure another person or object) may be defined as playful by children, and not involving the intention to really injure anything or anyone. Their "conservative" approach (1975: 214) to the measurement problem is however, not an adequate substitute for asking the children themselves at some point, "what is really going on here?", nor on the basis of inter-observer reliabilities reported can one be confident that the data are reliable enough to warrant firm conclusions about what they themselves think is going on.¹⁸

This interpretation is not entirely consistent with the findings of Leyens et al. because, unlike Stein et al., they did ask their subjects questions about the meaning of the stimuli to which they were exposed. Both researchers and subjects seemed to agree that the films used were in fact violent. However, the subjects were not asked similar questions about the behaviour which the researchers had defined as violent.¹⁹ Consequently, it is quite possible that the aggressive behaviour recorded by the observers was mainly rough play behaviour. Indeed, the researchers themselves recognize that, "one limitation of the study is the failure to distinguish playful aggression and "real" aggression" (1975: 359). As they did not provide a conceptual definition of aggression, it is difficult to know what they mean by "real" aggression. In any case, they note that "both types (play and real) of aggression were recorded" (1975: 359). In this situation, would it not make sense to ask the subjects themselves?

Suppose such questions had been asked, we would then know the degree to which the dependent variable in this study was in fact, rough play behaviour. However, this would not relieve us of the task of providing an explanation of why those with preexisting high levels of this behaviour, exhibited even more playful or real aggressive behaviour following their exposure to violent films. One explanation, a possible alternative to the one formulated by Stein et al. and Leyens et al., is experimenter demand effects.

Experimenter Demand Effects

The concept of experimental demand characteristics has, in the literature, usually been applied to subjects and/or the setting.²⁰ Thus, in the usual Bandura and Walters experimental laboratory study of aggressive behaviour, the subject is exposed to Bobo, a doll that positively invites

being hit and does not hit back and/or subjects are allowed to vary the amount of shocks they deliver but are not allowed to decide whether or not they want to shock anyone. Alternatively, or in addition, if subjects feel they are being evaluated and expect their behaviour to elicit disapproval by the experimenter, they may try to please him by tending to behave in ways that confirm his theoretical expectations (Orne, 1969). The same considerations apply with regard to strategically located research assistants who, because they know "the theory" and/or are dependent in some way upon the principal investigator(s), unwittingly produce results that will confirm what their professors already "know" or suspect.

In both the Stein *et al.* and Leyens *et al.* studies, we cannot be sure that the observers who recorded changes in the amount of aggressive behaviour were not students who were dependent upon and/or influenced by the principal investigators.²¹ Having established initially (baseline observations) who the more aggressive subjects were, possibly believing that these were the children/inmates who earlier in their lives and/or at home, were most exposed to televised violence and crime, the observers then confirm their expectations by "seeing" increases in the level of aggressive behaviour among subjects following exposure to that experimental condition which "theory" and their professors, say is most likely to cause such increases. Thus, an interaction effect (initial level of aggression vs. exposure to televised violence) is confirmed, but artifactually.²²

There is, in the Leyens *et al.* study, another way in which this interaction effect hypothesis could be confirmed. This has to do with the inhibition of aggressive behaviour contingent upon the differential presence of social control agents (counsellors) in the two aggressive cottages during baseline and post treatment conditions.

Situational-Social Control Versus Media Instigating Effects

In the prison studied by Leyens *et al.*, counsellors were social control agents. They did control important contingencies. They could and presumably did differentially reward, punish and ignore behaviours they evaluated as requiring one or other of these reactions. Physical aggression is punished in this prison. So, one would expect inmates to be less likely to behave aggressively when counsellors are present than when they are absent. Inmates who are most likely to take advantage of the absence of counsellors are those for whom aggressive behaviour in the past, in this setting, had the greatest and/or most reliable desired pay-off. Inmates in the less aggressive cottages are less likely to become more aggressive during counsellor absences because for them, non-aggressive means have, in the past, constituted a more reliable and successful way of getting what one wanted and/or of avoiding unpleasant experiences.

If one accepts as reasonable, the notion that counsellors "make a difference" in relation to what inmates do or don't do, then the following hypothesis may be formulated: the probability of inmate aggression in the high aggressive cottages will vary with the differential presence, in those cottages, of counsellors. During the baseline period the counsellors were present, night and noon and "customery" levels of aggressive behaviour were observed. During the movie week period, perhaps because an attention-rivetting movie was being shown and a questionnaire was being administered, by the researchers, counsellors could relax and go off elsewhere to do other things. During the day, others are around the institution and it is less easy to "skive". Besides there is less need to leave the cottage. As neither film nor questionnaire are being presented there is no excuse for doing other things.

If the differential presence of counsellors did in fact follow this pattern, one does not know that it did not, then one would expect the pattern of results which Leyens et al. actually found. Increases in physical aggression occurred only in the high aggressive cottages. These increases were observed during the evening period, immediately following the film. They were not observed during the noon observation period of the next day, seventeen hours later. No evidence is presented to show that the increases in aggressive behaviour continued during the evenings of the post-movie week, when we have good reason²³ for believing that counsellors were in their respective cottages.

In this connection, it is relevant to note that Leyens et al. might, inadvertently, be supporting the differential inhibition-social control hypothesis. Thus, they answer the question, "Why did physical aggression not increase during the noon periods in the high aggressive cottages?", by saying that "physical aggression is more dangerous and can easily be punished by the counsellors" (1975: 357). This statement could imply either that physical aggression in the evening, immediately following the film was "less dangerous" than the physical aggression expressed at "high noon" the next day, or that the counsellors could less easily punish the evening aggression because they were not always there, or both.

But, one might object, what about their conclusion that the increases in aggressive behaviour were obtained, "in spite of the presence of agents of social control who negatively sanctioned agonistic behaviours and who could therefore inhibit these behaviours" (1975: 357). This conclusion is not in my opinion supported by their own data. If the counsellors were present for equally long periods during both the noon and evening observation periods, then, in order for the conclusion to be valid, the increases observed during both periods should be marked and roughly equal. This was not the case. In the absence of further and better particulars on the behaviour of counsellors, a more valid conclusion might be that among more aggressive individuals, the frequency of aggressive behaviour varies with the perceived probability of contingent

punishment. Exposure to violent films indirectly and quite accidentally influenced this perception, by changing the level of surveillance by social control agents.

Following their rather inconsistent explanation of the noon-evening differences in physical aggression, Leyens et al. go on to suggest that "violent movies do not necessarily have a fixed, automatic effect on viewers. A strategy of reactions may be developed that takes into account the situational constraints. Provided that the strategy is adequate, the effects may be long-lasting" (1975: 357). My own views of the matter are, first, that, if the strategy is effective, aggressive behaviour will increase and if not effective it will decrease in frequency, regardless of exposure to symbolically mediated models, aggressive and altruistic, respectively.

Secondly, recognition of the crucial role played by situational constraints implies that the aggressive behaviour being studied is neither compulsive nor impulsive but instrumental or strategic. This means that the way is opened for looking at the relationship between the mass media and violence in society, in ways that are left unexamined in most extant social psychological research on the topics. In this research, hypotheses are tested which relate the content of the media to nonstrategic, apolitical aggressive behaviour. Rarely does one find questions being asked about whether and/or how the fact of the mass media may be implicated in the level of strategic, political violence experienced in society. Attica not only symbolizes the callous indifference to life evinced by society's "top dogs", but it also demonstrates the way in which the media can be used as an "extra parliamentary resource" by bottom dogs engaged in unequal social struggles, struggles in which the top dogs have all of the guns and most of the butter.

The Role of the Mass Media in Social Struggles

Most human societies are characterized by scarcity in relation to wants. Scarcity instigates, among other things, violence and/or fraud. Bilateral or unilateral reliance on these means of satisfying wants creates a social hierarchy. The attempt by those at the top to maintain and those at the bottom to change their positions in the social hierarchy, constitutes an ever present source of violent conflict in society. Certainly, the development of "parliaments" has tended to make social conflict more hygienic. There is less gore than before because "jaw-jaw" has tended to replace "war-war" as a primary means of resolving social conflicts.

Peaceful or ritualized alternatives to violence are likely to be successful to the degree to which they actually do continue to decrease differences in the hierarchical positions of bottom and top dogs. If, under the hubris of democracy, liberty, equality and so on, bottom and top dogs actually do share political power, and, to the extent that decisions based upon power sharing do make society somewhat less unequal, one important cause of political violence will have been muted. If, however,

commitment to the values of equality and so on are mainly rhetorical, if maintenance of hierarchy is the real business of those who run things, and/or is perceived of in this way by society's bottom dogs, prisoners, women, young, poor, uneducated, the black and the brown, then "war-war" may become, for these groups, one viable option to continued reliance on the "jaw-jaw" process. Indeed, the process itself tends to lose its legitimacy.

Under these conditions, control of vast coercive resources by the state and its agents, becomes a primary basis of bottom dog compliance with laws, rules and regulations promulgated by those at the top. When this happens the distinction between a prison and a society becomes blurred. In both settings, collective violence comes increasingly to be viewed as a means of trying to attain ends that can be attained in no other way. Certainly, a military victory is not expected. But, by behaving violently things might get better. At the very least those who run things might get a taste of their own medicine. By doing nothing, one knows things will not get any better.

The idea that violence may help improve things appears to be based on two or three beliefs. First, the benign belief that if only people "outside" this city or prison knew what was really being done in the name of "justice", "rehabilitation", "equality", and so on, they would not stand for it. Second, the malign belief that people outside know about what is going on locally, but do not care very much, so the costs of indifference must be made evident to them. Perhaps then, they would do something to avoid such costs in the future. Third, the mass media, for whom death and destruction remain one of the few "real news events", will facilitate the attainment of either or both ends, if only the violence is dramatic enough to penetrate locally imposed information curtains.

In this analysis, the widespread and rapid dissemination of information constitutes the only valuable extra-parliamentary political resource for those denied a share in helping run things. Whereas people who run things, either because they also run the media or share political perspectives with those who do, have ready non-violent access to the media. Bottom dogs on the other hand, must do something odd and/or violent to gain "equal time", if only for the short time it usually takes for news to become history.

When this analysis is applied to incidents of collective violence in specific settings, such as prisons, it seems to fit the data quite well. Thus, with respect to the location of prison riots Wilsnack (1975) found that compared with non-riot prisons, riot prisons had "previously received a lot of attention from outside, attention which indicates that there is a public interested in prison policy and willing and able to influence it." Moreover, if one randomly picked any ten prisons which had experienced riots, eight of them will be found to have "received more than one form of publicity before the riot."

Given the relative absence of power sharing, of direct involvement by prisoners in the decision-making process, third party intervention may be sought by getting the media to describe their condition.²⁴ Collective violence, in their experience, seems to be more successful in obtaining media attention than other things they could do. So long as media attention, contingent upon collective violence gets inmates some of the things they want which hitherto had been denied them, the strategic use of collective violence for the purposes of securing such attention will continue.²⁵

Summary

To the victim, it probably makes little difference if he is attacked impulsively or for instrumental reasons. However, given scarce societal resources, it would seem to make sense, if only on a cost-benefit basis, to use available resources for the study of more rather than less urgent social problems. Given that the two types of violence are likely to be equally severe in the harm they can inflict, then one criterion of emergency becomes the likelihood of experiencing impulsive rather than instrumental violence. On the basis of this criterion, the study of impulsive violence in society allegedly caused by exposure to televised violence is less urgent than the study of instrumental violence per se.

In the first section, I attempted to show that research generated by the theories does not provide a basis for making unambiguous causal inferences about the relationships being investigated.

The second section of the paper was devoted to explicating ways in which the mass media may be implicated in the level of instrumental violence in society. Here, both the fact and the content of the media were relevant. In the latter case, the content did not necessarily include violence and the effects could not easily be derived from extant social psychological theories of compulsive and/or impulsive aggression. If, political violence is going to be more likely in Metro Toronto in the near future, these theories are less likely to explain how the media instigate, facilitate and/or inhibit this phenomenon, than do theories of instrumental aggressive behaviour.

The more relevant observation is not that political-instrumental violence is "coming to Toronto", but that it was never absent. Conflict and instrumental violence are endemic to society, because scarcity and hierarchy are endemic to society. It is this crucial relationship that we should be using our scarce public resources to study, if we are going to study violence at all.

1. Unlike the "pure elitism" and intellectual snobbery of some English critics of television, for example, Malcolm Muggeridge, the elitism of Canadian middle class spokesmen combines elitism with anti-Americanism. Most (over 90 percent) of the violent programmes seen by Canadians originate in the United States. To control violent and trashy programmes is to simultaneously "work upon" Americans and those with "lower class" tastes. For a good, but not unusual example of this admixture, read Jacques Herbert's "grilling of Giguere" at a recent Canadian Radio-Television Commission hearing (Toronto Star, Thursday, October 6th, 1975). Herbert is a member of the Commission.
2. For an excellent discussion of the problems associated with this stance, see Yarrow, Campbell and Burton (1968). Chapter III, "Theories and Correlates of Child Aggression", should be required reading for Ontario Commission members.
3. The relationship between the "artificial" laboratory experiment and naturalistic settings is discussed by Zelditch (1970: 528-539). Of special relevance is the distinction he makes between "generalizability of results" and the "application" of theory, where theory is conceived of a "bridge" between the two worlds. One uses the theory to make predictions about behaviour in natural settings. By studying the behaviour in question in these settings one is getting at the applicability of the theory. The usual criticism that is made of laboratory studies concerns the problem of generalization of direct extrapolation of the specific results found to obtain in the experimental laboratory. Here is an example of this type of critique. "If a child pummels a Bobo doll that is created primarily to be pummelled, or chooses to play with one rather than another toy, or even throws his toys about, are these the aggressive acts that cause the greatest parental concern? Is it valid to bracket these behaviours with the murderous knife fights of unstable adolescents, and to refer to them by the same rubric as Bandura (1963) and Berkowitz (1962) do, both directly and by implication" (Hartley, quoted in Milgram and Shotland (1973: 2).
4. For Arendt, "violence is by nature instrumental" (1972). Goode contends that, "Force or its threat is used in all social systems because it is one of four major sets of resources by which people can move others to serve their ends" (1971: 624). Nieberg believes that "...violent political behaviour cannot be dismissed as erratic, exceptional and meaningless. To set it apart from processes that are characteristic of society...is to deny the role of violence in creating and testing political legitimacy and in conditioning the terms of all social bargaining and adjustment" (1969: 9, 137). Aggression, Sartre maintains, "is a consequence of need in a world where there is not enough for all" (Critique of Dialectical Reason).

5. The instrumental definition proposed here, closely resembles the definition adopted by Mulvihill and Tumin (1969: 4). The distinction between intention and motive contained in both definitions also exists in law. Thus, two persons may have intended to harm the person each shot, but the motive in one case may have been "to escape detection" and in the other, "self-defence".
6. Incidentally, both sets of data indicate that policemen and other social control agents are equally or more likely to use violence than are crooks. Should one expect increases in police violence? Perhaps. But, for one reason or another, attempts to answer this question are rare. The assumption seems to be that everyone else except those authorized by the state to use physical force against citizens will be influenced by media portrayals of violence. To correctly appreciate the paucity of media-contagion explanation of police violence one should compare this explanation with Westley's analysis of police violence (1962: 301-303).
7. The Advisory Committee did commission a review entitled "International Comparisons" but for some reason, this review had nothing to do with the televised violence-violent behaviour relationship.
8. In their large scale, field experimental study of the relationship between television and deviant behaviour, Milgram and Shotland found "no differences in those exposed to (different) stimulus programmes" and specifically "no evidence that the antisocial programme engendered imitation" (1973: 68 and 66).
9. In the case of the latter study, why the effects of televised violence should vary curvilinearly with age has not been satisfactorily explained.
10. One of the problems of using summary statistics such as means and correlation coefficients, is that they hide as much as they reveal. One is less likely to arrive at misleading conclusions if individual data were made available in an appendix, if not in the body of the study itself.
11. However, as they did not gather the requisite (retrospective) data on "past violence viewing", one cannot arrive at an unambiguous interpretation of their finding.
12. Another antecedent variable which might function in this way is sex role conditioning. This interpretation is consistent with the following empirical data: boys are more aggressive than girls and the positive association between violence viewing and aggressive behaviour holds for boys but not for girls. Lefkowitz *et al.* did in fact obtain such a finding. However, McLeod *et al.* and Dominick and Grienberg find either no sex differences in the strength of the association between the two variables or that the association between them is stronger for girls than for boys.

- 13 The "critical period" formulation may be arrived at by the following, somewhat circuitous route. Causal inferences require, in addition to constant conjunction, the idea of some "push" or forcing mechanism at work (Blalock, 1961: 9-11). According to Liebert (1971: 17) the forcing mechanism underlying the Lefkowitz et al. findings is "disinhibition". The problem with this notion is that, no explanation is provided as to why the mechanism works so selectively. Viewing violent television shows at grade three, and via disinhibition, forces aggressive behaviour at grade thirteen, but viewing the same type of show at grade eight has no effect on aggression in grade thirteen. One way out of this difficulty is to specify an interaction between developmental stage and exposure to violent behaviour. In this formulation some stages, say ages five to seven, are more "critical" than others with respect to the effects of given stimuli.
- 14 Evaluation apprehension and experimenter demand have been found to be important (potential) sources of bias in obtaining information from respondents using interviews and questionnaires. The likelihood that these sources of bias will be operating varies with the connotations and denotations, to the respondent, of the topic being studied. Negatively sanctioned or evaluated behaviour will, ceteris paribus, pose greatest problems with respect to obtaining valid responses to questions.
15. This may also be referred on the basis of the association of peer reports of present aggression in grade three and self-reports of television preferences in grade eight ($r = 0.163$). Also supporting the independence notion is the finding of virtually no association ($r = 0.052$) between television preferences in grade thirteen and peer rated, past and present aggression in grade thirteen, and between the same two variables at grade eight ($r = 0.096$).
16. These researchers are to be commended for their decision to report individual data in both tabular and graphic form. This enables the reviewer to gain a better understanding of what is going on. Apart from this, major problems of experimental design characterize this study. First, as a way of equating subjects, randomization is almost invariably better than "matching" (Blalock, 1963). Second, and even more critical is the use of an A-B rather than an A-B-A-B design. Given equally large changes in aggressive behaviour, only the latter design, via the demonstration of "reversal" can show that these changes are a function of changes in exposure to televised-violence.
17. On the dimension of "permissiveness" with respect to rough play and/or aggressive behaviour, the classrooms closely resembled the experimental laboratories of Bandura. Stein et al. describe the setting on pp. 210-211.

18. The reliabilities they report are 74.8 (mean percent exact agreement among pairs of observers) and 79.0 (mean percent agreement on general categories) (page 217).
19. Another indication of the implicitly held belief that the researchers themselves really know what is happening, is the following observation. "...the TV sets were turned off in each cottage for the entire week to avoid content interferences with the films. It was felt that this action would not be resented by the subjects" (page 349). Other than Leyens *et al.*, this statement will probably surprise everyone else who has lived, worked in, and/or done research in, youth reformatories (prisons), including, I would guess, the prisoners who were the subjects of their study. More generally, the selective use made of the subjects' thoughts, feelings and so on is quite worrying. They ask about the meaning of the films shown, position in dominance hierarchy and cohesion, but not about the dependent variable (aggressive behaviour) nor about the effects of switching off the TV sets and the "important fight that took place on Tuesday night" (p. 353), or even why it occurred.
20. The topic is discussed in some detail by Rosenthal (1966 and 1969).
21. In the Leyens *et al.* study, inmates were used to measure pre-movie aggression, but only the student-observers measured aggressive behaviours in all three experimental conditions. The rationale for this decision remains unclear.
22. Actually, because of design problems one modest conclusion that can be drawn from this study is, as Leyens *et al.* point out, "that among children who were most aggressive during a period of adaptation to nursery school, those who saw aggressive TV programmes, decreased less in their interpersonal aggressive behaviours than those who were shown neutral programmes" (1975: 347).
23. The reason referred to is the statement that, during the post-movie week: "The observations were restricted to the noon period (12.10 to 1.30 p.m.), since some counsellors experienced the desire to have evenings available for other activities (p. 349).
24. Lipsky (1968) and Schrag (1960) develop in greater detail the major idea being expressed here.
25. As the contest for collective violence is minimally, an interactional one, an unequal social struggle between two parties, what the other party does is critical for the working out of the struggle. Thus Wilsnack (1975) points out, "for a riot to develop there must not only be deprived and powerless inmates and attention from influential outsiders, but also uncertain and unstable administration" (1975: 12-13). Variations in the effectiveness of social control agents are then, among the more important "other factors" at work in causing riots in prisons.

References

- Atkinson, J.W. An Introduction to Motivation. Princeton: D. Van Nostrand (1964).
- Bandura, A. Principles of Behaviour Modification. New York: Holt, Rinehart & Winston (1969).
- Bandura, A. "Influences of Models' Reinforcement Contingencies on the Acquisition of Imitative Responses." Journal of Personality and Social Psychology 1: (1965), 589-595.
- Bandura, A. and Walters, R.H. Social Learning and Personality Development. New York: Holt, Rinehart & Winston (1964).
- Berkowitz, L. "The Contagion of Violence: An S-R Mediation Analysis of Some Effects of Observed Aggression." Nebraska Symposium on Motivation. University of Nebraska Press (1970).
- Berkowitz, L. "The Frustration-Aggression Hypothesis Revisited." In L. Berkowitz (ed.) Roots of Aggression. New York: Atherton Press (1969) pp. 1-28.
- Berkowitz, L. "The Study of Urban Violence: Some Implications of Laboratory Studies of Frustration and Aggression." In L. Masotti and D. Bowen (eds.) Riots and Rebellion. Sage Publications (1968) pp. 39-50.
- Berkowitz, L. "Experiments on Automatism and Intent in Human Aggression." In C.D. Clements and D.B. Lindsley (eds.) Defence: Neural Mechanisms and Social Function. Berkeley, California: University of California Press (1967) pp. 246-266.
- Berkowitz, L. "The Expression and Reduction of Hostility." Psychological Bulletin 55(5): (1958), 257-283.
- Berkowitz, L., Lepinski, J. and Angulo, E. "Awareness of Own Anger Level and Subsequent Aggression." Journal of Personality and Social Psychology 11: (1969), 293-300.
- Berkowitz, L. and Macaulay, J. In L. Berkowitz "The Contagion of Violence: An S-R Mediation Analysis of Some Effects of Observed Aggression." Nebraska Symposium on Motivation. University of Nebraska Press (1970) pp. 97-103.
- Blalock, H. M. Jr. Social Statistics. New York: McGraw-Hill (1972) 2nd ed.

- Blalock, H.M. Jr. Toward a Theory of Minority Group Relations. New York: John Wiley (1967).
- Blalock, H.M. Jr. Causal Inferences in Non-Experimental Research. Chapel Hill, N.C.: University of North Carolina Press (1963).
- Brian, S. and Piliavin, I. "Delinquency, Situational Inducements and Commitment to Conformity." Social Problems 13(Summer):(1965), 35-45.
- Bryan, J.H. and Walbek, N.B. "Preaching and Practising Generosity: Children's Actions and Reactions." Child Development 41: (1970), 239-353.
- Clark, D.G. and Blankenburg, W.B. "Trends in Violent Content in the Mass Media." In G. A. Comstock and E.A. Rubinstein (eds.) Television and Social Behaviour. Vol. 1. Content and Control. Washington D.C.: Government Printing Office (1971).
- Clark, K. Dark Ghetto: Dilemma of Social Power. New York: Harper and Row (1965).
- Cumberbatch, G. and D. Howitt. "Does Television Teach our Children Violence?" Psychology Today 6(September): (1975), 16-23.
- Dahrendorf, R. Class and Class Conflict in Industrial Society. Stanford; Stanford University Press, (1959).
- Dominick, J.R. "Crime and Law Enforcement on Prime Time Television." The Public Opinion Quarterly XXXVIII(2): (1973), 241-250.
- Dominick, J.R. and B.S. Greenberg. "Attitudes Towards Violence: The Interaction of Television, Family Attitudes and Social Class." In G.A. Comstock and E.A. Rubinstein (eds.) Television and Social Behaviour. Vol. 3. Television and Adolescent Aggressiveness. Washington D.C.: U.S. Government Printing Office.
- Ellis, D., Grasmick, H. and Gilman, B. "Violence in Prisons: A Sociological Analysis." American Journal of Sociology 80(1): (1974), 16-43.
- Forward, J.R. and Williams, J.R. "Internal and External Control and Black Militancy." Journal of Social Issues 26(1): (1970), 75-91.
- Gamson, W.A. Power and Discontent. Homewood, Illinois: Dorsey Press, (1968).
- Gerbner, G. "Violence in Television Drama: Trends and Symbolic Functions." In G.A. Comstock and E.A. Rubinstein (eds.) Television and Social Behaviour. Vol. 1. Content and Control. Washington D.C.: U.S. Government Printing Office, (1971).

- Gurr, T. Why Men Rebel. Princeton: New Jersey (1970).
- Halloran, J.D. "Television and Violence." In Otto N. Larsen (ed.) Violence and the Mass Media. New York: Harper & Row (1968).
- Hartley, R.A. "A Review and Evaluation of Recent Studies on the Impact of Violence." Office of Social Research, C.B.S. June 23, 1964 (mimeo).
- Himmelweit, H.T., Oppenheim, A.N. and Vince, P. Television and the Child: An Empirical Study of the Effects of Television on the Young. London: Oxford University Press (1958).
- Hinde, R.A. "Energy Models of Motivation." Symposium of the Society for Experimental Biology 14: (1960), 199-213.
- Homans, G. Social Behaviour: Its Elementary Forms. New York: Harcourt Brace and World (1951).
- Israel, H. and Robinson, J.P. "Demographic Characteristics of Viewers of Television Violence and News Programmes." In E.A. Rubinstein, G.A. Comstock and J.P. Murray (eds.) Television and Social Behaviour. Vol. 4. Television in Day-to-Day Life: Patterns of Use. Washington D.C.: Government Printing Office (1971).
- Krisberg, B. Themes of Violence and Gang Youth. Berkeley, California: School of Criminology (1974) (mimeo).
- Lefkowitz, M.L., Walder, Eron L. and L.R. Huesmann. "Television Violence and Child Aggression: A Follow-Up Study." In G.A. Comstock and E.A. Rubinstein (eds.) Television and Social Behaviour. Vol. 3. Television and Adolescent Aggressiveness. Washington D.C.: U.S. Government Printing Office (1971).
- Leyens, J., Camino, L., Parke, R.D. and Berkowitz, L. "Effects of Movie Violence on Aggression in Field Setting as a Function of Group Dominance and Cohesion." Journal of Personality and Social Psychology 32(August): (1975), 346-360.
- Liebert, R.M. "Television and Social Learning: Some Relationships Between Viewing Violence and Behaving." In J.P. Murray, E.A. Rubinstein and G.A. Comstock (eds.) Television and Social Behaviour. Vol. II. Television and Social Learning. Washington D.C.: U.S. Government Printing Office (1971).
- Liebert, R., Neale, J.M. and Davidson, E.S. The Early Window: Effects of Television on Children and Youth. Toronto: Pergamon Press (1973).

- Liefer, A.D. and Roberts, D.F. "Childrens' Responses to Television Violence." In J.P. Murray, E.A. Rubinstein and G.A. Comstock (eds.) Television and Social Behaviour. Vol. II. Television and Social Learning. Washington, D.C.: U.S. Government Printing Office (1971).
- Lipsky, M. "Protest as a Political Resource." American Political Science Review 62: (1968), 1114-1158.
- McIntyre, J. and Teevan, J. "Television and Deviant Behaviour." In G.A. Comstock and E.A. Rubinstein (eds.) Television and Social Behaviour. Vol. 3. Television and Adolescent Aggressiveness. Washington D.C.: U.S. Government Printing Office.(1971).
- McLeod, J., Atkin, C. and Chaffee, S. "Adolescents, Parents and Television Use: Adolescent Self-Report Measures from Maryland and Wisconsin Samples." In G.A. Comstock and E.A. Rubinstein (eds.) Television and Social Behaviour. Vol. 3. Television and Adolescent Aggressiveness. Washington D.C.: U.S. Government Printing Office (1971).
- Milgram, S. and Shotland, R.L. Television and Antisocial Behaviour. New York: Academic Press (1973).
- Mohr, H. "Facts, Figures, Perceptions and Myths - Ways of Describing And Understanding Crime." Canadian Journal of Corrections 15(1): (1973), 39-49.
- Morgan, W.R. and Clark, T.C. "The Causes of Racial Disorders: A Grievance-Level Explanation." American Sociological Review 38(5): (1973), 611-624.
- Mulvihill, D.J. and Tumin, M.M. Crimes of Violence, Vol. II. A staff report to the National Commission on the Causes and Consequences of Violence. Washington D.C.: U.S. Government Printing Office (1969).
- Noble, G. Children in Front of the Small Screen. Beverley Hills, California: Sage Publications (1975).
- Orne, M.T. "Demand Characteristics and the Concept of Design Controls." In R. Rosenthal and R.L. Rosnow (eds.) Artifact in Behavioural Research New York: Academic Press (1969).
- Ransford, H.E. "Isolation, Powerlessness and Violence: A Study of Attitudes and Participation in the Watts Riot." American Journal of Sociology 73: (1968), 581-591.
- Rice, M.E. The Development of Vicarious Reinforcement Effects. Unpublished Ph.D. Thesis, Department of Psychology, York University, Ontario (May 1975).
- Robinson, J.P. and Bachman, J. "Television Viewing Habits and Aggression." In G.A. Comstock and E.A. Rubinstein (eds.) Television and Social Behaviour. Vol. 3. Television and Adolescent Aggressiveness. Washington D.C.: U.S. Government Printing Office, 1971.
- Rosenthal, R. "Interpersonal Expectations: Effects of the Experimenter's Hypothesis." In R. Rosenthal and R.L. Rosnow (eds.) Artifact in Behavioural Research. New York: Academic Press (1969), pp. 181-277.

- Rosenthal, R. Experimenter Effects in Behavioural Research. New York: Appleton-Century Crofts, (1966).
- Sartre, J.P. Critique de la Raison Dialectique (1960). English translation, The Problem of Method. London: Methuen (1964).
- Schrag, C. The Sociology of Prison Riots. Proceedings of the American Correctional Association, 19th Annual Congress, Denver, Colorado, (1960), 136-147.
- Schramm, W., Lyke, L. and Parker, E.B. Television in the Lives of Our Children. Stanford: Stanford University Press, (1961).
- Singer, J.L. "The Influence of Violence Portrayed in Television or Motion Pictures upon Overt Aggressive Behaviour." In Jerome Singer (ed.) The Control of Aggression and Violence. New York: Academic Press (1971).
- Skolnick, J. The Politics of Protest. A staff report presented to the National Commission on the Causes and Prevention of Violence (1970). Washington D.C.: Government Printing Office.
- Spilerman, S. "The Causes of Racial Disturbances: A Comparison of Alternative Explanations." American Sociological Review 35(4): (1971, 427-442).
- Stein, A.H., Friedrich, L.K. and Vondracek, F. "Television Content and Young Children's Behaviour." In J.P. Murray, E.A. Rubinstein and G.A. Comstock (eds.) Television and Social Behaviour. Vol. II. Television and Social Learning, Washington, D.C.: U.S. Government Printing Office (1971).
- Stein, G.M. and Bryan, J.H. "The Effect of a Television Model Upon Rule Adoption Behaviour of Children." Child Development 43: (1972), 268-273.
- Steuer, F.B., Applefield, J.N. and Smith, R. "Televised Aggression and the Later Personal Aggression of Pre-School Children." Journal of Experimental Psychology 11: (1971), 442-447.
- Thibeaut, J.W. and Kelley, H.H. The Social Psychology of Groups. New York: John Wiley and Sons (1965).
- Turner, A.G. Methodological Issues in the Development of the National Crime Survey Panel: Partial Findings. Washington D.C.: LEAA, National Criminal Justice Information and Statistics Service, Statistics Division (1972) (mimeo).
- Turner, A.G. Victimization Surveying, Its History, Uses and Limitations. Prepared as a Chapter for inclusion in the Report of the National Advisory Commission on Criminal Justice, Standards and Goals, Washington D.C. (1972) (mimeo).

Ulrich, R.E. and Azrin, N.H. "Reflective Fighting in Response to Aversive Stimulation." Journal of Experimental Analysis of Behaviour 5: (1962), 511-520.

Vernon, W. and Ulrich, R.E. "Classical Conditioning of Pail-Elicited Aggression." Science 152: (1966), 668-669.

Westley, W. "Violence and the Police." American Journal of Sociology 59: (July 1959), 34-41.

Wilsnack, R.W. "Explaining Collective Violence in Prisons: Problems and Possibilities." Paper presented at the Conference on Violence in Prisons, Durham, New Hampshire, May 31, (1975).

World Radio and Television Handbook Company Limited. Hellerup, Denmark: H.J. Meakin Company Limited (1966). Annual.

Yablonsky, L. The Violent Gang. Baltimore, Maryland: Pelican Books (1967).

Yarrow, M.R. Campbell, J.D. and Burton, R.V. Child Rearing: An Inquiry into Research Methods. San Francisco: Jossey-Bass (1968).

APPENDIX A Table 1: Correlations of Televised Violence Measures with Measures of Aggressive Behaviour and Attitudes Among Samples of Children and Adolescents

Independent Variable Measure	Dependent Variable Measure	Sample Size	Correlations			Study
			Total	Boys	Girls	
Preference for violent programmes	Fighting with peers (self-report)	2300 (junior and high school students)	-			McIntyre and Trevan
Average level of violence in four favourite programmes	Fighting with peers (self-report)	Same	.11			
Level of violence in four favourite programmes	Aggressive tendencies	473 (junior & senior high school S's)	-			Chaffee & McLeod
Three of four favourite programmes	Self-reports of aggressive behaviour	1,900 boys aged 19	Average 8% difference			Robinson & Bachman
*raw and cooked--see p. 137 in review						
Preference for violent programmes at Grade 3, as indicated by mother	Peer reports of aggressive behaviour at Grade 3	875 third grade reducing to 460 students in 13th grade		.21	-	Lefkowitz et al.
Same	Peer reports of aggressive behaviour at Grade 8		-	-	-	Lefkowitz
Same	Same at Grade 13			.31		Lefkowitz
Actual exposure to televised violence	Self-reports of aggressive attitude	434 (4th, 5th & 6th grader's boys & girls)	Both influenced			Dominick &
Actual exposure to violent television programmes	Self-report of aggression present and past	624 adolescents male & female	Both influenced .30 Maryland sample .32 Wisconsin sample			McLeod et al.

Independent Variable Measure	Dependent Variable Measure	Sample Size	Correlations		Study
			Total	Boys Girls	
Time spent in viewing television	Peer reports of aggression	460 grade 13 students	-		Lefkowitz
Time spent viewing television	Self & peer reports of aggression		.17	Maryland sample .23 Wisconsin	McLeod

*Correlations under +.10 will be treated as indicating no association and will be interpreted with a dash.

Discussion

The discussion opened with Mr. Marchant questioning Professor Ellis' conclusions. Stating that he was professionally concerned with looking at the literature, he suggested that while the methodological aspects of the research are controversial, much depends on who one listens to. For example, a CRTC symposium on television and film violence, at which Robert Libert was a featured speaker, used the same evidence to come to a different conclusion. Furthermore, there may be a better answer in terms of does it cause violence or whatever. Movies and TV programs on extortion attempts, rape, the emulating of people, etc., have led to a rash of violence-related incidents. Professor Ellis replied that such anecdotal evidence is completely unacceptable unless for example one has data on how many times children ate nails who didn't see violence or jumped off bridges and didn't see it etc.

Mr. Marchant went on to suggest that effects other than aggression should perhaps be examined, for example, the effect of such violence on people's norms, perceptions and attitudes to violence which they might encounter in real life, various kinds of program content and further research on the effect of media violence on adults.

While conceding that TV may have some effects such as making children more anxious, Professor Ellis suggested that due to limitations of time and money we should perhaps be concerned with what sort of society it is that makes it necessary for people to routinely rely on violence to improve their self-image to get what they want. By concentrating solely on the mass media and violence, attention is being diverted to something relatively unimportant - if we have limited time and money and one is interested in violent behaviour, then study violent behaviour in an integrated way. He suggested that the existing evidence of a causal relationship between violence and the media is not compelling enough to warrant spending all this time studying it - there are lots of other interesting and more important things to study.

Professor Price asked Professor Ellis if his statement on prediction of violence in the prison setting, given the ratio or extent to which the pull of information is controlled by those who administer the system, is inconsistent with the essential theme of his paper. Professor Ellis clarified this point by stating that they are not the same thing. In the prison context violence is an instrumental mode of communication and by following this analysis through where would one expect more violence: in the maximum security end of the prison that has a trade union or one that has not? He suggested that the prison with the trade union will probably have less violence, maybe not less resistance, but less violence. Minimally, three interacting factors operate - instigators, facilitators or inhibitors. For example, if on the social control side, vacillation among administrative staff occurs along with change in the high level of administrative staff and differing views among correctional personnel as

to what should be done inmates in such prisons have only violence left with which to bargain. This occurs primarily in prisons with heterogeneous populations and vacillating administrations. However, in prisons where political groups such as Black Panthers, etc. provide leadership corridors for heterogeneous populations there may be resistance but it tends to be non-violent. In the former, the likelihood is greatest of using collective violence to communicate to a larger audience. Thus, it is possible to see that the instrumental use of violence in society conflicts.

While agreeing with Professor Ellis that the actual reinforcement or punishment of real behaviour is more important than in fantasy behaviour in governing how a person behaves in a real situation, Professor Kalant wondered if the spread of acceptance, for example, of violence, for a more condoned instrumental means throughout society changes the norms of behaviour in such a way as to make, at a later stage, different levels of violent behaviour more acceptable. Professor Ellis suggested that it may do but he added that the people who live in central city areas who are both poor and uneducated don't have to be reminded about violence - they have enough of it among themselves and among social control agencies in society. While no society known is against violence there exists discrimination in the conditions and context of such - those who have power want to leave to themselves the ability to make decisions as to where, when and how it should take place. The primary effects of dissemination by the creation of these mentalities is to influence those who want to keep themselves even further from the people they consider a real threat to themselves. While such disseminations of news are unlikely to make middle class people more violent, indirectly it will make them do things which might make it easier for violent people to behave violently.

Professor Rule suggested that there had been some studies using bobo clown dolls and electrical shock. In general, they are not enough studies but it is the case that there have been some studies showing that children who use higher levels of electrical shocks in the experiment are indeed more aggressive children in the playground. The children who responded to the film violence with more hidden responses for the bobo clown doll are also more verbally assaultive and physically aggressive towards other children. It is also the case that other measures have been used in examining the effects of film violence on aggressions, such as children's tolerance for watching another child being beaten up. Professor Rule stated that this makes it difficult to dismiss Andreas' and Berkowitz's results as much as Professor Ellis seemed to have done. She went on to suggest that it is also the case that both Andreas' and Berkowitz would agree that there are other determinants of aggression - film violence is not the only one. It might be useful to pursue it as one of the determinants of aggressive behaviour but that is not to say that we would ignore some of the other ones some of which may be more powerful.

Professor Ellis replied that the one problem he has is with the duration of results in experimental studies. If one checks the children out 5 minutes, 10 minutes, 16 minutes after the experiment has ended one may find that these experimental results are very short lived even among the children in the same setting, i.e., there have been studies where children who behaved aggressively immediately after seeing a film may not a while later if the stimulus was stopped.

Professor Ellis suggested that it would be difficult to deny that for some children under some conditions, TV may make them a little more aggressive - the evidence is not all one way. Would it not be more sensible to say - look we have all this evidence presented to us and if one could do a tightly controlled field experimental study with naive subjects that would be most acceptable to most people involved in the controversy. If one could do that sort of study knowing all the variables that are supposed to be important then perhaps it would be possible to design a study which is generally agreed upon; do it; (a field experimental study), replicate it and then talk about the results. The evidence, as it exists, is not clear one way or the other. He suggested that if Professor Rule is saying that television does have some effect, it is difficult to disagree but Professor Ellis felt that there are many more important things going on which explain a much greater part of the variation than does exposure to televised aggression.

"The Physiological Basis of Aggressive Behaviour"

by

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In all human activity the brain plays a central and essential role. The brain is the organ of the mind, and the source of all behaviour. If the brain dies, the individual is dead. The brain cannot be replaced. A heart, liver or kidney can be transplanted and grafted to the brain, which is the only essential organ of the body and provides the personality.

Consciousness is the individual's awareness of himself and his environment - and provides a correct orientation of himself both in time and space. This implies memory, for the individual must have memory of past experiences to be able to recognize and comprehend the present situation. The brain obtains information about the environment by means of sense organs, compares it with memories of past experience, comprehends the situation, and issues executive orders to the muscles. In this interpretation and assessment, both environment and previous experience play a part. The stored memories also include all the cultural and social rules and values that have been taught either by formal schooling or as the 'mores' of society. If the brain cannot retrieve the memories promptly and accurately, and correlate them with the current sensory information, the response will be inappropriate. Thus for suitable behaviour, it is essential that the brain and nervous system are working correctly. If an error arises because of a faulty interpretation of the sensory data, it is called an illusion. If spurious data is produced within the nervous system it causes an hallucination. Illusions commonly occur within a normal brain. Gathering and assessing the data requires sophisticated, complicated 'hardware' - to use computer jargon. In this case the 'hardware' is the nervous system, which includes the brain.

The physical organization of the nervous system is determined by the genetic characteristics of the individual. Every living thing, including man, brings forth offspring according to its kind. The structure and capabilities are determined genetically. The genetic endowment establishes

the physical attributes of the individual, including sex. It determines the capabilities and sets the limits that the brain and body can achieve, but does not provide the desire to try. This urge to try is fostered by the environment.

Environment plays an important part in the development of the individual. It determines whether the body grows normally or is stunted. It provides the knowledge and the experience needed for reading, listening and speaking. It establishes appropriate behaviour and acceptable responses for our emotions.

It is generally accepted that "autogeny is a brief recapitulation of Phylogeny", which, being interpreted, means "an animal climbs its family tree". Embryologically, each individual starts life as a fertilized ovum and rapidly passes through various stages comparable to primitive unicellular and invertebrate forms of life. It then forms a backbone, and continues to summarize its evolutionary past, developing gill slits and a primitive nervous system. But, in a very few weeks, the embryo has developed the basic neurological equipment of a modern man.

In the evolutionary development of the nervous system, new things are added but the older, more primitive parts remain and become integrated into the ultimate functional whole. Consequently, enshrined in the human brain is the brain of the primitive free swimming vertebrate. This primitive brain permitted the fish or reptile to survive and propagate in an environment where there were only two possibilities; eat or be eaten. To eat, the fish had to seek and attack, that is, be aggressive. To survive, it must defend itself or run away, either fight or flight. This primitive brain continues to play an important part in modern man. It is relatively crude in its response, often involving the whole body in an emotional outburst, which may be appropriate in an emergency. This primitive protective system is situated in the Limbic Lobe of the brain, and acts through the Autonomic Nervous System.

The autonomic system contains the regulatory parts of the nervous system, that control visceral functions: the regulation of the various vital systems of the body that do not require thought - respiration, circulation and digestion; that is, all the functions essential to life. This regulatory system consists of two parts: the parasympathetic, or housekeeping department; and the sympathetic or emergency system. Cannon called the sympathetic activities the "Fight or Flight" system more than sixty years ago. Both divisions are controlled by the hypothalamic part of the limbic system, which is located near the midline on the undersurface of the brain. The limbic lobe is responsible for survival, both of the individual and the species. For the individual it deals with food: appetite, hunger, searching for food, hunting and defence. For protection of the species it deals with sex and reproduction. Associated with each of these fundamental "animal" activities are the appropriate emotions. Consequently, disturbances of this part of the brain produce disorganization of emotional control.

The environment undoubtedly plays an important part in the development of the nervous system. The environment can be either internal or external. The thalidomide episode is a good example of the internal environment interfering with the normal development of the embryo. The relative aggressiveness of the male is related to hormone balance and the effect of the androgens. Castration results in the placid ox as opposed to the belligerent bull. There is evidence that just after birth, if the male sex hormones are present, the nervous system develops an aggressive potential. Female mice that have been injected with androgens in the neo-natal period, later as adults show some of the aggressive features of normal male mice.

The external environment will build memories, social norms and behaviour patterns into the memory of a developing individual. Because the primitive limbic system is incorporated in the human brain, its aggressive features will form part of human behaviour. Moyer has examined various types of aggression in mammals, and while there is considerable overlap, he lists eight variants:

1. Predatory - Hunting and killing for food. This form of aggression stands apart from the others, and is seldom utilized by modern man.
2. Inter-Male Aggression: This is the aggressive behaviour that challenges a stranger and drives him away.
3. Fear-Induced: When cornered and flight is impossible, the animal will defend itself.
4. Irritable: Any animal, or even inanimate objects will be attacked with minimal or no provocation. The individual is angry and rages at everything.
5. Territorial Defence: Any intruder that invades will be driven off, often regardless of sex or species.
6. Maternal Aggression: Protecting the young.
7. Instrumental Aggression: A learned response using tools or weapons.
8. Sexual Aggression: A variant of the normal sexual response.

Some of these may contribute to criminal violence: Inter-Male Aggression; Fear-Induced Aggression; Irritable or Angry Aggression; Territorial Defence and Sexual Aggression. In any particular case there will be overlaps, and it may be difficult to fit the behaviour into a single category. Fear-Induced or self defence, territorial defence and maternal aggression may be used by a defence lawyer to justify violence.

In a small part of the Limbic Lobe called the Hypothalamus, are located the centres and pathways which control all vital functions, regulate hormones and contain the trigger mechanisms for each of the forms of violent behaviour. Some of these trigger pathways have been identified, but because they are crowded into such a small space, it is not yet possible to determine whether there are separate circuits for each form of violence, or how much they have in common. It is possible to insert small electrodes into the hypothalamic portion of the animal brain, and various areas have been stimulated and the results observed. There are several regions in the hypothalamus which, if stimulated, will produce a well-organized aggressive

attack by the animal. The nature and target of the attack varies according to the part of the hypothalamus or particular circuit that is stimulated. The final pathway is common to all, causing muscles to contract, increasing the effectiveness of the circulation, respiration, and stopping digestion. Thus the whole animal is alert, active and prepared to deal with the emergency. This is brought about by a diffuse discharge of the Sympathetic Nervous System.

We do not know why some people explode violently while others remain calm. For this heredity and environment interact and set the stage: Heredity provides the basic circuitry or 'hardware', but this is modified by training and experience which are the result of environment. Their interaction determines the 'flash point'. It is the environmental stimulus that triggers the explosion. Frustration lowers the 'flash point' while success and achievement tend to stabilize the individual. The aggression area of the hypothalamus may be quiescent and insensitive, so that environmental stimuli have no effect. But various physiological factors will alter the sensitivity, for example, male sex hormones injected into immature male rats will induce fighting behaviour if another male approaches. In this case the aggression centre is quiescent but irritable, and easily stimulated by the environment. Finally, the aggression centres may be spontaneously active and minimal or no stimulation is needed to produce violent behaviour; the animal may even actively seek an opponent. This is the situation in the irritable or angry type of aggression described by Moyer.

In the normal human there is very little spontaneous activity in the aggression circuits of the hypothalamus. However, injury to this area may result in scarring, which acts as an irritant and causes spontaneous activity which increases the probability of violent behaviour. Similarly, a tumour in this region can produce a state of spontaneous aggression. Charles Whitman, who was responsible for the mass shooting followed by suicide at the University of Texas a few years ago, was found to have a malignant brain tumour in this region of his brain.

A sudden lowering of the blood sugar results in increased excitability of the brain, causing some individuals to have a convulsion. Most individuals become irritable; fatigue also increases. The male sex hormone produces aggression, at least in animals. How these various factors interact is not clear, but they are cumulative. These observations raise the possibility of therapy - Surgical destruction of the aggression circuits is possible, but we don't know what other effects this operation produces. Castration reduces aggressiveness in male sex offenders but its effect on other forms of aggression is not known. Whether society would sanction such operations upon prisoners is another matter. The use of drugs of the tranquilizer type has been suggested. These certainly are useful in acute cases, but whether they can be used indefinitely is not known. There are no drugs known at present that inhibit only violent aggression, but this may change as more synthetic compounds are produced and tested.

Summary

Man has the neural elements for aggression which when activated by internal stimuli, can be triggered by environmental situations and lead to violence. Lesions of the hypothalamus may produce 'spontaneous' violence. Surgical destruction of these 'violence circuits' will reduce aggression. As yet the ideal drug to depress this region has not been found. Much more study and research in the physiology of human aggression is urgently needed.

Discussion

The first question from the floor following Dr. Scott's presentation focused on the use of castration as a method of treatment for the male sexual offender. Assuming there is a reduction of sexual aggressiveness after castration, Professor Turk questioned the causes of reduction. Is this a purely physiological phenomenon or is it a reaction to the knowledge that one has been castrated? Dr. Scott suggested that we don't really know what mechanism produces the reduced level of sexual aggressiveness. He noted that aggressiveness in immature male animals can be produced by injections of androgens, and the complete withdrawal of androgens, as in the castration of the bull to produce the ox, does produce an animal that is very different from the normal male animal. Therefore, it would appear that the mechanism is partly physiological, although there is certainly room for a major psychological influence.

When asked by Professor Price about whether the use of anti-androgen medication is currently a subject of great interest and some degree of experimentation in the medical field, Dr. Scott acknowledged that it certainly was being studied but he was not fully informed as to the results of such recent studies.

Dr. Scott was asked by Fern Jeffries what the medical model has to tell us about female aggression in light of the increased rate of violence and violent crime committed by women. He answered that the female brain has a limbic system just as the male brain has, a system which provides the inherent machinery for aggression, i.e. for attack and defence. However, by and large, in the sub-human species, the male is more aggressive than the female. It would appear that, in humans, there is a basic common denominator of aggression; if male sex hormones are added, however, a more aggressive human individual is produced.

Professor Greenland suggested that the relationship between younger people and violence had been alluded to previously in the Workshop discussions. Most of us have had the experience of observing the aggressive fighting between young males in particular. Is there any evidence of a physiological basis for 1) this interest in aggression and 2) the practice of aggressive behaviour in various forms among young males, and might this not have some value for the growth of the individual? Dr. Scott commented that the play activity of kittens and puppies certainly does have aggressive features, e.g. chasing, jumping, etc. The human young show similar tendencies. By and large, aggressiveness among children is relatively minor and not harmful, and is part of the normal growth process that is learning to control their bodies as well as their emotional responses.

"Drug Addiction and Violence"

by

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Addiction Research Foundation of Ontario

In accepting the invitation to speak on the subject of drug addiction and violence, I assumed somewhat naively that the statistical association between violence and heavy use of alcohol and other drugs had been demonstrated conclusively, and that the questions to be answered related only to the nature of the association. It has been somewhat disturbing, therefore, to find that there is not even an agreed definition of violence. Consequently, almost no two studies have based their statistics upon the same set of criteria. This is further confounded by the fact that some studies have dealt only with crimes of violence, others have dealt with histories of violent behaviour whether or not this involved criminal offences and prosecutions, while still others have dealt with crime in general, including but not limited to crimes of violence.

To illustrate the diversity of concepts of violence, it is enough to cite some examples of the definitions or classifications used in relatively recent studies. Robins et al. (1970) define a "violence syndrome" as the presence of three or more of the following: getting hurt in a fight (even in self-defence?), ever hurting someone in a fight, ever feeling like killing someone, ever hitting people when angry, being quick to lose one's temper, throwing or breaking things when angry, ever fighting with a weapon, getting "mean" when drinking, or showing hostility to the interviewer. Weissman et al. (1974) refers to "impact crime", a composite of burglary, robbery, assault and sexual assault, which omits homicide. Nicol et al. (1973) include acts of violence to person or property, with or without criminal prosecution. Haberman and Baden (1974a,b) include accident, suicide, homicide and even drug overdose in the category of violent death, while Le Roux and Smith (1964) considered only homicidal

and traffic deaths. Johnson (1973) does not deal with "violence", but with "aggressiveness", defined only as threatening or physically assaulting others, or taking part in gang fights. Tinklenberg and Woodrow (1974) refer to "assaultiveness", a term which includes murder, manslaughter, assault and battery, and robbery, but specifically excludes threats or failed attempts, such as "a gunshot that missed." Finally, others (e.g., Lidberg, 1971) simply refer to crimes of violence without defining the term at all.

The Oxford dictionary gives a number of meanings for "violence", of which the two most relevant to our discussions are: 1) the exercise of physical force so as to inflict injury on or damage to persons or property; 2) vehemance of personal feeling or action, violent or passionate conduct or language. These definitions give some support to the "violence syndrome" of Robins *et al.* (1970), which included not only violent deeds, but also the thought of them. This accords with the popular wisdom that the thought is mother to the deed. But the process of civilization includes the provision of social contraceptives to prevent that particular mother from having visible offspring. I am sure that all of us have had many violent thoughts; but society and the law censure us only if we act on them. Suicide is perhaps legitimately included with violent acts, since many psychiatrists regard it as the result of hostility re-directed from an external target to the self, and it is undeniably an infliction of injury on a person.

In view of the disparity of classifications and ratings in different studies, we are forced to settle for two procedures. The first is to assume (not unreasonably) that violent moods and violent acts are at least related in some way, and that drug actions and addictions affect both in related ways, and therefore that we can examine the various studies on their own terms and see what generalities emerge. The second is to urge adoption of a standard definition of violence for sociological, criminological and legal purposes, and then to go about gathering new data consistent with that definition. The balance of this paper represents an attempt at the first procedure.

Mechanisms by Which Drug Use Might Affect Violence

Before considering the conflicting claims on the statistics of violence among drug users and drug addicts, it is worth noting the different ways in which drug use and violence might be related. All have been claimed or described in the literature (Blum, 1969), and our concern at this point is only with qualitative description rather than frequency.

(a) Impairment of judgement or motor skills. There are many descriptions of injury or death resulting from accidents, especially vehicular accidents, caused by a variety of different drugs. Alcohol is

unquestionably the drug most commonly encountered in this context, and an enormous literature documents its effects on alertness, span of attention, reaction time, muscular coordination, risk-taking and various driving skills (Milner, 1972; Wallgren and Barry, 1970). However, it is by no means the only drug studied in this connection. Marijuana has been shown clearly to produce a dose-related impairment of real and simulated driving, similar though not identical to that caused by alcohol (CINMUD, 1972; Rafaelsen et al., 1973). There are many studies of the effects of tranquilizers, antihistaminics and analgesics, either alone or in combination with alcohol, on driving skills (Barnes and Price, 1974; Polacsek et al., 1972). In the opposite direction, amphetamines and cocaine in large doses induce euphoria, short attention span and overconfidence (Kalant, 1973; Maier, 1926) which can lead the user to drive at excessive speed and pay insufficient attention to the hazards of the road. Presumably either this effect, or the profound depression and sleepiness which can follow let-down of the drug effect, was responsible for the fatal truck accidents attributed to amphetamines by Fleming (1960). The contribution of all such drugs to driving accidents has been reviewed recently (Kibrick and Smart, 1970; Milner, 1972; Waller, 1971), and no attempt will be made to cover that ground here.

A legitimate question, however, is: to what extent should injury or death in automobile accidents be considered in the context of this Workshop? When is an "accident" totally accidental, and when is it a consequence of aggressive hostile behaviour using the vehicle as a weapon, coupled with drug-impaired execution of that behaviour? Unfortunately, there is no way of answering the question in most cases. Accidents should be held in a separate category from acts of overt violence, but detailed comparisons of drug effects on both might prove highly instructive.

(b) Creation of violence de novo. Although it was often alleged years ago, especially by anti-alcohol and anti-drug crusaders, that these substances could generate violence where no hostility or anger had existed before, there is no clear scientific evidence to support the claim. In an excellent analytical review on alcohol, Carpenter and Armenti (1972) discuss the results of studies on rat-killing behaviour by cats, which is one of the best examples of a purely biological violent behaviour, devoid of social or psychiatric components. Alcohol gave no sign whatever of provoking this behaviour; and when the behaviour was provoked by electrical stimulation of an appropriate region of the brain, alcohol tended to slow the response.

A great deal of progress has been made in exploring the neuro-physiological and neurochemical mechanisms underlying certain types of aggressive behaviour in experimental animals (Goldstein, 1974). Abundant evidence links adrenaline-like substances (catecholamines) in the brain to the display of fighting behaviour between mice, rats and other animals, when they are subjected to electric shock to the feet, food deprivation or prolonged isolation. Drugs which affect the metabolism of nor-adrenaline in

the brain have corresponding effects, either facilitatory or inhibitory, on the provocation of such fighting behaviour. Spontaneous rage reactions have also been produced in animals by the administration of drugs which raise the levels of catecholamines in various parts of the brain. However, the evidence suggests that the catecholamines, and probably other neurotransmitter substances in the brain, are simply components of the mechanism which leads to expression of rage or aggressive behaviour. Drugs may alter the sensitivity or reactivity of this mechanism, but something else is generally required to call it into play.

In recent years there has been much medical and criminological interest in the possible connection between criminal violence and certain biological variables, such as XYY chromosome anomalies and plasma testosterone concentrations. Indeed, animal experiments do suggest that raised levels of testosterone result in greater expression of aggression and dominance behaviour (Floody and Plaff, 1974). However, a careful study of Mendelson and Mello (1974) showed that human volunteers, drinking about 30 ounces of liquor daily for eleven or twelve consecutive days, tended in general to show a fall in serum testosterone levels, and their outbursts of violent behaviour had no consistent relation to the magnitude or direction of changes in testosterone level.

To my knowledge, there is no evidence that any drug, purely by its pharmacological effects, can create violence by humans in the absence of any other stimulus to it.

(c) Removal of controls from feelings of violence. A much more commonly proposed mechanism, and one for which there is good evidence, is that a variety of drugs can in one way or another weaken the controls which all individuals exert over the behavioural expression of their own feelings. There are at least two different mechanisms which might result in such a loss of control one essentially neurological and another essentially psychological or social.

The neurological mechanism is related to what has been given the rather inelegant name of "episodic dyscontrol syndrome" (Bach-y-Rita et al., 1971; Maletzky, 1973; Marinacci and Von Hagen, 1972). This is a modern description for what was formerly called "pathological intoxication" (Banay, 1944). At the risk of oversimplification, these terms refer to episodes of sudden, inexplicable violent behaviour which are probably behavioural equivalents of epileptic attacks. They may occur in patients with or without history of antecedent head injury or brain disease. Alcohol and various other drugs are known to facilitate the spread of epileptic electrical waves over the brain, and thus to trigger overt attacks. In patients whose attacks take the form of violent outbursts followed by loss of memory for the events (Konuma, 1969), the alcohol may be seen as having "caused" the violence. The importance of proper diagnosis lies not only in relation to assignment of legal responsibility for the acts, but also in the possibility of prevention of recurrences by the use of diphenylhydantoin (Maletzky, 1973), lithium (Morrison et al., 1973) or some other form of therapy for the underlying condition.

The psychological mechanism is of a different kind. It is well recognized that part of the process of growing up in a social context is the incorporation into one's own personality of socially accepted standards and limits of behaviour. This includes learning when, how, and to what degree it is permissible to give overt expression of feelings of rage or frustration. Individuals differ with respect to the strength of these self-imposed controls, i.e. the depth or superficiality of their incorporation into the personality. It is commonly accepted that alcohol and other drugs can diminish the strength of these controls, and permit the expression of emotions which might otherwise be kept under voluntary control. Carpenter and Armenti (1972) have reviewed the experimental evidence showing that alcohol can modify the expression of aggressiveness or violence when this is provoked by social interaction. A most interesting point in their review, however, is that even under such provocation the effect of ethanol may be modified by the subject's degree of need for social approval. Unfortunately, this interaction has not been sufficiently explored to permit clear understanding of its importance.

A comparable effect has been described for barbiturates, used by juveniles convicted of assault (Tinklenberg and Woodrow, 1974). Cannabis, in the form of marijuana or hashish, has also been claimed to play a role in triggering acts of violence, at least by anecdotal accounts of specific cases (Munch, 1966; Stringaris, 1939). However, it has been emphasized repeatedly (CINMUD, 1972); National Commission, 1972; Tinklenberg and Woodrow, 1974) that the common effect of cannabis, and also of opiates, is to produce passivity and reduce the intensity of aggressive feelings. On this account, one would expect that these drugs would be much less likely to facilitate violence by weakening inhibitory controls. Unfortunately, the same could also be predicted for alcohol and barbiturates on the basis of their pharmacological actions as sedatives and hypnotics.

Indeed, facilitation of violence by barbiturates has been described only by juveniles using them in a peculiar manner; the user takes 3 or 4 capsules at once, and then engages in rather frantic activity to stay awake. This is in some ways like the once common use of intravenous barbiturate in narcoanalysis; the subject received a large enough dose to abolish conscious control over what he said or did, but was prevented by the analyst from going to sleep. In this state he would reveal what was going on in the depths of his emotions, and with enough encouragement would even act it out. Quite possibly, if opiates, cannabis and other depressant drugs were used in a comparable way they could have comparable effects on behaviour.

(d) Reaction to altered perception of reality. Another way in which drugs can give rise to violence is through the production of hallucinations and delusions, especially those of a paranoid nature. Drugs such as LSD, mescaline, or very high doses of cannabis frequently cause gross distortions of perception, even of the user's own body, which can give rise to intense anxiety or panic. Under these circumstances other people may appear to be threatening, and the user may assault or kill them in imagined self-defense (Barter and Reite, 1969; Klepfisz and Racy, 1973; Sadoff, 1973;

Stringaris, 1939). Amphetamine and related central stimulants are even more dangerous in this regard. Large doses, especially when taken repeatedly, often give rise to quite bizarre delusions of persecution, often aggravated by auditory hallucinations, which may lead to assault or homicide against innocent persons who have the misfortune to be woven into the drug user's delusions (Ellinwood, 1971; Kalant, 1973; Lidberg, 1971).

Alcohol has also been implicated in similar events, although much less commonly than by the mechanisms described earlier. The occasional case of alcoholic hallucinosis, with violent reaction against an imagined insult or threat (Konuma, 1969), illustrates the fact that such occurrences are not restricted to any specific type of drug. Cocaine is able to produce delusional states identical to those resulting from amphetamines (Maier, 1926), but violent crime has not been attributed to it in recent years because very little cocaine is used, relative to the amounts of other drugs. In the early part of this century, however, when cocaine was much more widely used as a principal drug of abuse, cases of violence generated by paranoid delusions were also described (Maier, 1926).

(e) Withdrawal reactions. Up to this point I have described mechanisms by which drug use might give rise to violence, but these did not imply the presence of drug addiction. There are a number of ways, however, in which addiction as distinct from simple drug use may play a role. One is through the agitation and hyperirritability which characterize the withdrawal syndromes precipitated by abrupt cessation of depressant drugs such as opiates, alcohol and barbiturates. A report by the American Bar Association (1972) cites an American writer's account of a heroin addict who, in a fit of desperate rage, attempted to throw his three-year-old niece out the window because she had accidentally spilled the heroin which he needed to stave off withdrawal symptoms.

(f) Violence incidental to obtaining a supply of drug. The relation between opiate addiction and crime is so well known that it scarcely requires documentation. The cost of maintaining a heroin addiction may be as much as \$100 a day or more, and it has been estimated that the average addict in Washington, D.C., commits crimes costing up to \$50,000 a year to obtain money for buying his drug (Dupont, 1972). Naturally the crimes are primarily property crimes: theft, burglary and robbery. Violence enters incidentally, in the form of muggings, the primary purpose being to obtain money (American Bar Association, 1972). Other illicit drugs, which are either not so expensive or not so strongly addicting, do not appear to play a major role in this area. Introduction of large-scale methadone maintenance programmes, which eliminated the need to buy expensive illicit heroin, led to a 20 percent reduction in rates of violent crimes and thefts in Washington, D.C., during a one-year period, instead of the expected large increase (Dupont, 1972).

(g) Violence related to drug trafficking. With all illicit drugs, trafficking usually involves varying degrees of adulteration with inactive diluents to increase the profit. In some cases, completely inactive material may be sold in an outright swindle. Assaults or homicide may arise from arguments about prices or quality of the goods sold. Although the public thinks of this chiefly in relation to the heroin traffic, it is a by-product of illicit traffic rather than of any specific drug. In a recent survey of Ontario coroners' records, we found such cases involving amphetamine traffickers (Kalant and Kalant, 1975).

Statistics of General Occurrence

All the preceding sections refer to ways in which drug use and addiction can be related to violence in individual cases. For society as a whole, however, a more important question is how often such events occur. And even more importantly, how can they be predicted and prevented?

There is no question that use of alcohol and other drugs is statistically related to the occurrence of violence, more closely to some kinds than others. The most simple type of statistics describes the frequency with which a given drug has been used by either the perpetrators or victims in a given series of violent acts. Shupe (1954) measured the concentration of alcohol in the urine of 882 persons arrested in Ohio during or immediately after commission of a felony. In 163 cases involving homicide, cutting, shooting or other assault, only 19 of the accused had no alcohol present; 16 had less than 100 mg/100 ml; and 128 had more than 100 mg/100 ml. This was in marked contrast to sexual offenders, and to forgers (who require considerable skill), about half of whom had no alcohol present. In a Chilean series (Medina, 1970), 35 percent of the assailants in homicide and assault cases were under the influence of alcohol at the time of the offence.

Similar figures apply to the victims of violence. Le Roux and Smith (1964) found that in 376 homicides in the Cape Town district of South Africa, 64 percent of all adult victims had positive blood alcohol tests and 50 percent had levels in excess of 150 mg. per 100 ml., indicative of marked intoxication. Among 226 victims of traffic accidents, including pedestrians, cyclists, passengers and drivers, 50 percent of adults had positive alcohol tests and 43 percent had levels in excess of 100 mg per 100 ml. Similar findings from Chile (Medina, 1970) indicate blood levels about 50 mg/100 ml. in 62 percent of male homicide victims, 36 percent of suicides, and about 50 percent of male victims of fatal accidents of various kinds. The figures for women were about half as large. A Californian study (Thum et al., 1973) found that 60 percent of 158 victims of assault injuries had positive breathalyzer tests for alcohol. Even more striking was the finding that 64 percent of those who had been assaulted on public streets without any preceding argument or interaction had positive blood alcohol tests, and 45 percent had levels

of 50 mg/100 ml. or more. A Finnish study of 116 homicides (Virkkunen, 1974) revealed blood alcohol levels well above 200 mg/100 ml. in a high proportion of both the victims and the perpetrators.

All the foregoing statistics are consistent with the suggestion that alcohol affects not only the person who is judged legally culpable in cases of violent behaviour, but also the victim. By impairing judgement and response capability, it makes the victim more vulnerable to violent attack, and this may even invite unprovoked assault. But in many cases it also causes the victim to initiate aggression by displaying hostile or provocative behaviour. Professor Fattah has dealt with these matters earlier in this workshop.

An equally striking involvement of alcohol in suicides is documented. Australian studies (James *et al.*, 1963; James, 1966) showed that 62 percent of unsuccessful and 37 percent of successful suicides had blood alcohols in excess of 50 mg/100 ml., and 28 percent and 19 percent respectively had levels in excess of 150 mg/100 ml. Levels of 50 mg/100 ml. or more were found in 20 percent of male suicides in one Californian series (Krieger, 1967). Goodwin (1973) has published an extensive critical review of the subject, which draws on a large number of other, similar reports.

Comparable data are available for other drugs, and a single example will suffice to illustrate them. Among 207 homicide victims in Detroit City during an 11-week period in 1973, 30 percent had positive tests for alcohol while 40 percent had positive or presumptive tests for heroin or other opiates. Only 13 cases had both ethanol and opiates, so that the two substances corresponded mainly to separate groups of victims (Monforte and Spitz, 1975).

Such statistics, however, are of limited value in themselves. In Canada, 85 percent of persons over the age of 15 years use alcohol to some degree. In countries such as France and Chile, the percentage of users is somewhat higher, and the amounts and frequencies of use are considerably higher. It is conceivable, therefore, that, depending on the day of the week, the time of the day, and the locale, a substantial proportion of the population might have positive alcohol tests, regardless of whether or not they happened to be the perpetrators or victims of violence. What we really wish to know is whether or not people who use, or are addicted to, alcohol or other drugs are significantly more likely to commit acts of violence, and if so, why?

Selective Statistics

In the field of traffic safety, important advances have been made by use of matched samples of vehicle drivers passing the scene immediately after an accident. There is a voluminous literature on this subject which it is impossible to review here. It is sufficient to say that such studies

indicate a much greater risk of accident among drivers who are under the influence of alcohol, barbiturates and other sedatives than among drivers who are not (Waller, 1971). Even more striking is the finding that alcoholics or problem drinkers account for a high proportion of all the accidents that occur under the influence of alcohol (Schmidt and Smart, 1959). There is even some suggestion that alcoholics have an increased risk of accident even when they are not driving under the influence of alcohol (Smart, 1969). Whether this might be due to withdrawal disturbances, or to underlying personality traits, is not at present clear.

Accident and mortality statistics among alcoholics, as distinct from persons who have simply been shown to have alcohol in the blood, confirm the high risk. Accident, homicide and suicide death rates are at least four times as high among alcoholics as among the age- and sex-matched general population (Feuerlein, 1975; Schmidt and de Lint, 1971; Rushing, 1968, 1969). A similar excess risk of violent death was found among amphetamine addicts (Kalant and Kalant, 1975). An interesting difference, however, was found between alcoholics and narcotic addicts who died in New York City during three months in 1972 and were examined by the Medical Examiner's Office (Haberma and Baden, 1974b). Whereas 16 percent of the alcoholics had died in accidents and 11 percent by homicide, only five percent of the narcotic addicts were accident victims while 22 percent were murdered. Further, a comparison of 270 homicide victims who were known opiate users and 205 who were not (Zahn and Bencivengo, 1974) indicated that the great majority of non-user victims had been killed by family members or friends during domestic quarrels, while 82 percent of the narcotic-user decedents had been killed by police, shop-keepers, etc., during attempted criminal acts, or by gangs or fellow users during arguments about drugs.

These findings suggest that the patterns of violence are different in the two groups, but they give no idea of the relative incidence. For this, one requires statistics of a different kind. Tupin et al., (1973) compared three matched groups of prisoners in California, 25 convicted murderers with a history of multiple violent crimes, 25 with a single conviction for murder without previous record of violence, and 25 with non-violent crimes. About 20 percent of each group had used alcohol and/or other drugs at the time of the most recent offence, and amphetamine was the drug mentioned most often. However, chronic heavy drug use was reported by about twelve percent of the non-violent offenders and none of the violent group. This appears to be in reasonable accord with the findings of Tinklenberg and Woodrow (1974), who also compared similar groups of 50 "assaultive" and 80 "non-assaultive" offenders in a juvenile detention centre. Among the assaultive group, alcohol had been used at the time of 41 percent of the offences, and other drugs at 33 percent; unfortunately, corresponding data are not given for the non-violent offences. Greater information is given about the patterns of habitual drug use by both groups. Practically all had used alcohol, and most had used one or more other drugs

as well. However, the non-assaultive group had a considerably heavier record of drug use than the assaultive group, with about four times as much use of marijuana, twice as much use of alcohol, five times as much LSD, and so forth for practically every drug listed. In contrast, in a similar study of adult men imprisoned for violent and non-violent offences, Nicol et al. (1973) found a much higher proportion of alcoholics among the violent than the non-violent group, 50 percent versus 18 percent, respectively. The difference was most marked in those under 30 years of age.

Such discrepancies in findings naturally raise questions about the meaning of the association between any given drug and violent behaviour. The most useful information would be about the incidence of violent behaviour among drug-using and non-using groups in otherwise comparable populations. Robins et al. (1970) have reported such a study of 222 negro males in St. Louis, whose names were obtained from public elementary school records and who were interviewed 20 years later at an average age of 33. Of these, 76 had become drug users (other than alcohol) during adolescence, 33 had started using drugs only as adults, and 113 had never used them. On a wide range of measures, including educational and employment level, marital history, alcoholism and the "violence syndrome" mentioned earlier, the adolescent drug users had done significantly less well than their non-using counterparts, despite being initially matched for childhood socio-economic status and presence or absence of the father. Those who used only marijuana during adolescence did less badly than those who also used opiates and other drugs. In a separate report on the same group, Robins et al. had found that adolescent use of alcohol also led to a poorer outcome, but when alcohol use was matched the drug users still did more poorly.

These findings still do not answer the question as to whether the drug use caused the poor social performance or whether both were caused by the same underlying individual and social factors. In an attempt to test causality, others have looked at the crime and violence records of the same offenders before and after the apparent onset of their alcohol or drug addiction. Weissman et al. (1974) found that opiate users whose first drug conviction had occurred after the age of 21 showed a large increase (four-fold) in rate of "impact crime" after the drug arrest compared to before, while those whose drug use had begun before the age of 20 showed no change. Gordon (1973), in a similar study, found 40 percent involved in violence after the first drug arrest, compared to 17 percent before. However, these figures were not expressed as annual rates (cf. Weissman et al.) but as aggregate life-time offences, and Blumberg (1973) points out that Gordon's figures suggest no change in rates.

Johnson (1973) tried a different approach to explore causality. In a questionnaire study of about 3,500 American college students, he found a clear significant positive correlation between frequency of use of cannabis and high rating on his "aggressive index". However, in an effort to separate the influence of cannabis use per se from that of belonging to a drug subculture, he corrected for the extent of involvement in buying and selling cannabis and other drugs. This correction abolished the correlation between cannabis use and "aggressiveness." Goode (1974) cites this work as proof that drug use does not cause crime, but that crime and drug use are both caused by adherence to the norms of a particular

subculture. Unfortunately, there is a possible fallacy in the reasoning. Johnson had previously found a very high correlation between use of cannabis and participation in drug selling. If the aggressiveness ratings are "corrected" for drug selling, therefore, it is inevitable that the correlation with drug use will be drastically reduced.

Finally, some aspects of causality have been explored by studies of the same population before and after restriction of access to drugs. A recent Finnish paper (Karaharju and Stjernvall, 1974) reported that a six-week strike by employees of the State liquor monopoly caused a significant decrease in the numbers of accidents on Friday evenings and weekends. There was a reduction in accidents occurring at industrial and construction sites, especially those involving blades and sharp-edged tools. There was a highly significant reduction in homicides and assaults. The importance of this finding lies in the fact that the same population, whatever its values and norms with respect to violence may be, committed less violence while deprived of alcohol.

Conclusion

The foregoing survey, limited as it is, indicates nevertheless that there is ample evidence to support a correlation between the use of alcohol and other drugs and the occurrence of acts of violence. It is probable, also, that this correlation reflects a role of the drugs themselves in facilitating violent behaviour, though individual socio-pathic factors and subcultural values among drug users undoubtedly also play a role.

Perhaps there is only one way of ever resolving the relative importance of the various contributions to the statistical correlation between drug use and violence. This would be a true prospective study, similar to the long-term Framingham project for the study of hypertension and heart disease. One would have to begin with a large cohort of school children, before the age at which alcohol and drug use begins. A thorough initial assessment of their individual personalities, home environments and behaviour patterns would be required, with subsequent periodic follow-up interviews to gather information on their social situation, behaviour and drug use. This is obviously a complex and very expensive project, which would have to be backed by governmental commitment to provide the necessary support for the whole period. But it would seem to be the only way to move from adroit inferences to demonstrable facts.

In the meantime, another approach that might be useful is one suggested by my colleague, Dr. Wolfgang Schmidt. This would be an attempt to define as clearly as possible various specific typologies of violent acts in which the contribution of the drug is clearly established. This is a different matter from describing typologies of drug user, or of violent

offender, which has been attempted by a number of investigators. The purpose of concentrating on the acts is to see whether some finer analysis of present data is possible, by separating those types of act or situation in which there is a high probability that the drug effects themselves play a major causal role, those in which drug dependence is likely primary, and those in which drugs are probably incidental or minor factors.

It is evident that our present knowledge provides a meagre basis for policy decisions of most kinds, but it is at least possible to identify some research approaches which might correct the situation.

References

- American Bar Association
1972 New Perspectives on Urban Crime. Report of the A.B.A. Special Committee on Crime Prevention and Control. Washington, D.C., p. 49.
- Bach-y-Rita, G., Lion, J.R., Climent, C.E. and Ervin, F.R.
1971 "Episodic Dyscontrol: A Study of 130 Violent Patients." American Journal of Psychiatry 127: 1473-1478.
- Banay, R.S.
1944 "Pathologic Reaction to Alcohol." Quarterly Journal of Studies on Alcohol 4: 580-605.
- Barnes, T.H. and Price, S.F.
1974 Drug Use and Driving. Toronto: Addiction Research Foundation Bibliographic Series.
- Barter, J.T. and Reite, M.
1969 "Crime and LSD: The Insanity Plea." American Journal of Psychiatry 126: 531-537.
- Blum, R.
1969 "Drugs and Violence" in Report of the National Commission on the Causes and Prevention of Violence, Vol. 13, Crimes of Violence. Washington, D.C.: U.S. Government Printing Office, pp. 1461-1523.
- Blumberg, H.M.
1973 "Violence Among Attenders at a London Drug Clinic." British Journal of Psychiatry 122: 619.
- Carpenter, J.A. and Armenti, N.P.
1972 "Some Effects of Ethanol on Human Sexual and Aggressive Behaviour" in B. Kissin and H. Begleiter (eds.), The Biology of Alcoholism, Vol. 2, Physiology and Behaviour. New York: Plenum Press, pp. 509-543.
- C.I.N.M.U.D.
1972 Cannabis: A Report of the Commission of Inquiry into the Non-Medical Use of Drugs. Ottawa: Information Canada, pp. 107-111 and 136-144.
- Dupont, R.L.
1972 "Heroin Addiction Treatment and Crime Reduction." American Journal of Psychiatry 128: 856-860.
- Ellinwood, E.H. Jr.
1971 "Assault and Homicide Associated with Amphetamine Abuse." American Journal of Psychiatry 127: 1170-1175.

- Feurlein, W.
1975 "Sucht und Suizidhandlungen."
Munchener Medizinische Wochenschrift 117: 197-200.
- Fleming, A.S.
1960 "Amphetamine Drugs."
Public Health Reports 75: 49-59.
- Floody, O.R. and Pfaff, D.W.
1974 "Steroid Hormones and Aggressive Behaviour: Approaches to
the Study of Hormone-Sensitive Brain Mechanisms for Behaviour."
Research Publications of the Association for Research on
Nervous and Mental Disease 52: 149-185.
- Goldstein, M.
1974 "Brain Research and Violent Behavior."
Archives of Neurology 30: 1-35.
- Goode, E.
1974 "The Criminogenics of Marijuana."
Addictive Diseases 1: 297-322.
- Goodwin, D.W.
1973 "Alcohol in Suicide and Homicide."
Quarterly Journal of Studies on Alcohol 34: 144-156.
- Gordon, A.M.
1973 "Patterns of Delinquency in Drug Addiction."
British Journal of Psychiatry 122: 205-210.
- Haberman, P.W. and Baden, M.M.
1974a "Alcoholism and Violent Death."
Quarterly Journal of Studies on Alcohol 35: 221-231.
- Haberman, P.W. and Baden, M.M.
1974b "Drinking, Drugs and Death."
International Journal of the Addictions 9: 761-773.
- James, I.P.
1966 "Blood Alcohol Levels Following Successful Suicide."
Quarterly Journal of Studies on Alcohol 27: 23-29.
- James, I.P., Scott-Orr, D.N. and Curnow, D.H.
1963 "Blood Alcohol Levels Following Attempted Suicide."
Quarterly Journal of Studies on Alcohol 24: 14-22.
- Johnson, B.D.
1973 "Marijuana Users and Drug Subcultures" Chapter 8, Delinquency,
Militancy and Sexual Permissiveness. New York: Wiley-
Interscience, pp. 148-167.

- Kalant, O.J.
1973 The Amphetamines: Toxicity and Addiction (2nd ed.).
Toronto: University of Toronto Press, Chapter 4.
- Kalant, H. and Kalant, O.J.
1975 "Death in Amphetamine Users: Causes and Rates."
Canadian Medical Association Journal 112: 299-304.
- Karaharju, E. O. and Stjernvall, L.
1974 "The Alcohol Factor in Accidents."
Injury 6: 67-69.
- Kibrick, E. and Smart, R.G.
1970 "Psychotropic Drug Use and Driving Risk: A Review and Analysis."
Journal of Safety Research 2: 73-85..
- Klepfisz, A. and Racy, J.
1973 "Homicide and LSD." Journal of the American
Medical Association 223: 429-430.
- Konuma, M.
1969 "Some Topics in Forensic Psychiatric Studies on Offences
During Drunkenness." Japanese Journal of Studies on
Alcohol 4: 6-20.
- Krieger, G.
1967 "Suicides in San Mateo County."
California Medicine 107: 153-155.
- Le Roux, L.C. and Smith, L. S.
1964 "Violent Deaths and Alcoholic Intoxication."
Journal of Forensic Medicine 11: 131-147.
- Lidberg, L.
1971 "Abuse of Central Stimulants and Its Effect on Criminal
Behaviour in Sweden." Pharmakopsychiatrie Neuro-
Psychopharmakologie 4: 212-215.
- Maier, H.W.
1926 Der Kokainismus.
Leipzig: Georg Thieme, p. 141, 161.
- Maletzky, B.M.
1973 "The Episodic Dyscontrol Syndrome."
Diseases of the Nervous System 34: 178-185.
- Marinacci, A.A. and Von Hagen, K.O.
1972 "Alcohol and Temporal Lobe Dysfunction; Some of Its Psychomotor
Equivalentents." Behavioural Neuropsychiatry 3: 2-11.

- Medina, E.
1970 "The Role of Alcohol in Accidents and Violence" in
Alcohol and Alcoholism, R.E. Popham (ed.).
Toronto: University of Toronto Press, pp. 350-355.
- Mendelson, J.H. and Mello, N.K.
1974 "Alcohol, Aggression and Androgens."
Research Publications of the Association for Research
on Nervous and Mental Disease 52: 225-247.
- Milner, G.
1972 Drugs and Driving.
Basel: Karger, 124 pp.
- Monforte, J.R. and Spitz, W.U.
1975 "Narcotic Abuse Among Homicide Victims in Detroit."
Journal of Forensic Sciences 20: 186-190.
- Morrison, S.D., Erwin, C.W., Gianturco, D.T. and Gerber, C.J.
1973 "Effect of Lithium on Combative Behavior in Humans."
Diseases of the Nervous System 34: 186-189.
- Munch, J.C.
1966 "Marijuana Use and Crime."
Bulletin on Narcotics 18(2): 15-22.
- National Commission on Marijuana and Drug Abuse
1972 Marijuana: A Signal of Misunderstanding.
New York: New American Library, pp. 85-94.
- Nicol, A.R., Gunn, J.C., Gristwood, J., Foggitt, R.H. and Watson, J.P.
1973 "The Relationship of Alcoholism to Violent Behaviour Resulting
in Long-Term Imprisonment." British Journal of Psychiatry
123: 47-51.
- Polacsek, E., Barnes, T., Turner, N. and Weise, C.
1972 Interaction of Alcohol and Other Drugs (2nd ed.), revised.
Toronto: Addiction Research Foundation Bibliographic Series.
- Rafaelsen, O.J., Bech, P. and Rafaelsen, L.
1973 "Simulated Car Driving Influenced by Cannabis and Alcohol."
Pharmako-Psychiatrie Neuro-Psychopharmakologie 6: 71-83.
- Robins, L.N., Darvish, H.S. and Murphy, G.E.
1970 "The Long-Term Outcome for Adolescent Drug Users: A Follow-Up
Study of 76 Users and 146 Non-Users."
Proceedings of the American Psychopathological Association
59: 159-180.

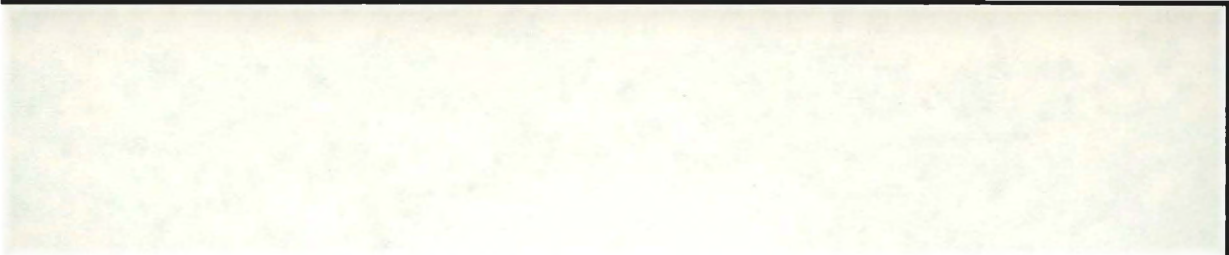
- Rushing, W.A.
1969 "Suicide and the Interaction of Alcoholism (liver cirrhosis) with the Social Situation." *Quarterly Journal of Studies on Alcohol* 30: 93-103.
- Sadoff, R.L.
1973 "LSD, Alcohol and Homicide." *Journal of the American Medical Association* 225: 1123.
- Schmidt, W. and Smart, R.G.
1959 "Alcoholics, Drinking and Traffic Accidents." *Quarterly Journal of Studies on Alcohol* 20: 631-644.
- Shupe, L.M.
1954 "Alcohol and Crime." *Journal of Criminal Law, Criminology and Police Science* 44: 661-664.
- Smart, R.G.
1969 "Are Alcoholics' Accidents Due Solely to Heavy Drinking?" *Journal of Safety Research* 1: 170-173.
- Stringaris, M.G.
1939 *Die Hashischsucht*,
Berlin: Springer, Chapter 4.
- Thum, D., Wechsler, H. and Demone, H.W. Jr.
1973 "Alcohol Levels of Emergency Service Patients Injured in Fights and Assaults." *Criminology (Beverly Hills)* 10: 487-497. Abstracted in *Journal of Studies on Alcohol* 36: 765-766 (1975).
- Tinklenberg, J.R. and Woodrow, K.M.
1974 "Drug Use Among Youthful Assaultive and Sexual Offenders." *Research Publications of the Association for Research on Nervous and Mental Disease* 52: 209-222.
- Tupin, J.P., Mahar, D. and Smith, D.
1973 "Two Types of Violent Offenders with Psychosocial Descriptors." *Disease of the Nervous System* 34: 356-363.
- Virkkunen, M.
1974 "Alcohol as a Factor Precipitating Aggression and Conflict Behaviour Leading to Homicide." *British Journal of Addictions* 69: 149-154.
- Waller, J.A.
1971 "Drugs and Highway Crashes. Can we Separate Fact From Fancy?" *Journal of the American Medical Association* 215: 1477-1482.

- Wallgren, H. and Barry, H. III
1970 Actions of Alcohol.
 Amsterdam: Elsevier, Chapter 6.
- Weissman, J.C., Katsampes, P.L. and Giacinti, T.A.
1974 "Opiate Use and Criminality Among a Jail Population."
 Addictive Diseases 1: 269-281.
- Zahn, M.A. and Bencivengo, M.
1974 "Violent Death: A Comparison Between Drug Users and Nondrug Users."
 Addictive Diseases 1: 283-296.

Discussion

Concern about the problems of addiction were voiced following the presentation. Ms. Gibson questioned Professor Kalant on the advisability of treating the problem of addiction as a medical rather than a criminal act even when the addiction results in violent behaviour. She pointed out that in British prisons there is a subculture which revolves around tobacco addiction, the same sort of violent subculture as that described by Professor Kalant, and suggested that any prohibition of a desired substance by law will produce this kind of subculture of unstable people that may produce violence.

Professor Kalant suggested in reply that deprivation of an addictive substance, whatever it may be, can generate new sets of values which may lead to violent behaviour but there is no single explanation for correlations between the two. Addiction is a behavioural problem not simply a pharmacological or neurological one, thus making it very difficult to isolate the causes and prescribe treatment unless one is prepared to include all the things that shape behaviour. In terms of a medical problem it is difficult to see how one can single out addiction for that treatment. When questioned by Ms. Gibson on the situation of personal use rather than trafficking Professor Kalant suggested that that would require a redefinition of the problem i.e., at what point does level of use pass from socially acceptable behaviour to a medical problem? There is no definition of addiction which clearly distinguishes any given level of use between so-called addictive and so-called normal patterns of use - what is normal use for one person may be addiction for another. There would have to be an arbitrary definition of who qualifies for inclusion as a medical problem. To Ms. Gibson's suggestion that one has to be arbitrary when maintenance doses are given legally, Professor Kalant replied that the problem comes at the lower end of the addiction scale. The difficulty comes in applying any particular point of cut off, any single defining criterion. Addiction has to therefore remain with a rather rough operational definition that includes both medical and social criteria and is as a result subject to being handled both medically and socially.



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"Legal Defences Against the Violent Offender"

by

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We have considered the social incidence of violence and certain of its medical, psychiatric and psychological aspects. Now, we are going to look at the legal and the penal aspects of violence in Canada. Medical and legal approaches to violence are linked by the characteristic that, while they both may have had some apparent successes in treating the violent offender, the graduation of the violent person into the violent offender marks where both medicine and the law have failed in their important function of providing social defence. Institutions offering medical and psychiatric treatment, and institutions applying legal sanctions to and restraints upon the criminally violent may, at their best, redeem certain of the shortcomings of medical and legal anticipatory defences. Before we hear about the role of the penal system in controlling violence, and about the legal or civil rights of the identified offender himself who is being subjected to restraints, however, I want briefly to consider legal provisions for preventing and containing violence. I hope to outline certain of the issues, dilemmas and the contradictions existing within the legal system at the point where it faces not the established fact of violence, but the earlier potential for violence, both imminent and prospective.

I am going to confine my comments to the area of individual violence. Collective violence can be considered to have distinctive features making it different from the mere coincidence of individual violence by a number of persons and it must be treated in distinctive legal and political ways. Professor Mewett is going to consider these from the legal standpoint, and Professor McNaught is going to consider collective violence historically. My focus centres both upon the person who, in a given incident, shows signs of having reached his threshold of self-restraint and threatens instant violence, and upon the person who, while presently calm, has in the past shown medical and particularly psychiatric or psychological indications of becoming suddenly triggered into an eruption of un-self-controllable force.

The word "violence" is not a term of art in law, and appears more evaluative than definitive; it does not necessarily postulate the presence of brutal strength or savage temper. In offences against the person there may be a rising scale of interference, force, aggression and violence, but for most legal purposes the expressions "force" and "violence" are interchangeable (although private arrangements, as for instance, in insurance policies, may distinguish violent from non-violent injury).¹ Robbery with violence² may appear a more serious offence than, for instance, robbery by assault with intent to steal,³ and would no doubt be more severely punished in practice, but the Canadian Criminal Code provides simply that "Every one who commits robbery (that is, whether with actual violence or not) is guilty of an indictable offence and is liable to imprisonment for life."⁴ In these circumstances, a legal definition of "violence" does not exist, and will not be proposed now. The expression is intended to be used, however, in reference to a degree of harmful physical force directed by one person against the person or property of another. It does not include extremely forceful language unaccompanied by gestures, nor does it include, for instance, economic or commercial activity, however aggressive, nor the planning nor the execution of, for instance, political or social policies not involving harm, or the threat⁵ of harm, to the body, mind or property of any person or corporate entity.

It is one of the paradoxes of legal responses to the threat of imminent individual violence that, in the face of impending use of illegal force, the individual at risk may have recourse to legal force. At several points the Criminal Code, accurately reflecting its origins in the English common law, allows the potential victim forcefully to resist a potentially violent person before that person causes him harm.⁶ By provisions of the most ancient authority, an individual may act in anticipatory defence of his life and person,⁷ his family,⁸ dwelling place,⁹ land¹⁰ and possessions,¹¹ and also in defence of the wider social interest in preservation or restoration of the peace,¹² and for these purposes he may use force proportionate to the harm threatened. A commonly adopted expression of the right of self-defence, arising in the diplomatic field rather than the legal¹³ but endorsed by the Nuremberg War Crimes Tribunal, is that there must arise "a necessity of self-defence, instant, overwhelming, leaving no choice of means and no moment for deliberation". The right of anticipatory self-defence compels us to realize that the likely victim may himself instigate proportionate and therefore legal violence against the person he believes, acting reasonably upon reasonably construed indications, is threatening his interests with the illegal use of force. The contrast we have to draw, therefore, is not between peaceful conduct and violence, but between the legal and the illegal use of force. Awareness of the threat of illegal force creates a right in the party threatened, and possibly in another coming reasonably to his aid, to use legal force.

We must not assume in favour of the potential violent offender, however, that because he has not as yet been violent, he has not become an offender. In law, an assault can be committed by actions falling far short of physical contact or interference. Words alone do not constitute an assault,¹⁴ but words and gestures may constitute the offence.¹⁵ Section 244 of the Criminal Code enacts that:

"A person commits an assault when, without the consent of another person... (b) he attempts or threatens, by an act or gesture, to apply force to the person of the other, if he has or causes the other to believe upon reasonable grounds that he has present ability to effect his purpose."

Even when such assault lacks the quality of actual violence, however, it is sufficient to justify a defence whose limit is governed by the harm reasonably apprehended. There is an obvious social risk in this situation, of course, because what is reasonably construed as a threat of violence may not in fact be intended as such, and the responding act of forceful defence may appear itself to be an unprovoked assault. We know too well from the arena of international relations how such a misunderstanding may escalate out of control, and this poses a threat to the peace even under a municipal system that provides for more effective policing and control of violence, and for compulsory jurisdiction in courts of law to determine facts and parties' rights ex post facto, and to impose punishment where appropriate.

There appears to be a constant legal tension between the social interest in preserving personal security and in promoting personal liberty. It is clear that aspects of individual liberty in one person may threaten the security of others, and equally clear that the demands of security will impinge upon personal liberty. The function of society is to reach an acceptable balance between the conflicting interests of security and liberty and, of course, the balance will shift not only from age to age but also from issue to issue at the same period. When the individual acts so as to threaten by immediate violence another's security, he may forfeit certain of his rights to liberty. He becomes liable to suffer the imposition of physical restraints by way of anticipatory self-defence, ranging all the way from passive detention or arrest¹⁶ to the infliction of death itself if his conduct is a threat to another's life.¹⁷ The potential victim's security prevails over the potentially violent assailant's liberty where the threat of violence is imminent.

Emphasis must be given to the imminence of violence. Where the threat of violence is not immediate but arises from the potential assailant's general medical, psychiatric or psychological predisposition or propensity towards violence, the balance is reversed and the law has traditionally

favoured the individual's liberty over the highest security of society at large. This remains so even when the likely victim is reasonably identifiable, perhaps in a close relative, a co-habiting associate or an institutional authority-figure. When the danger of violence is only generally predictable, the law in principle accommodates denial of liberty only in accordance with demanding tests, reinforced by provisions of legal due process. I say "in principle" because there are indications of some divergence between the law's theoretical strictness and the laxness that at times may appear in its practical enforcement. The potential offender is entitled to the benefit of the presumption of innocence, of course, even when he has a record of misbehaviour, but when his mental health is questioned, he may lose his liberty by a legal process, under the Ontario's Mental Health Act or similar provincial legislation, denying him adequate protection. I do not want to trespass on the ground Professor Price will be covering in relation to the violent offender's civil rights, but I would like to deal briefly with the pre-violent offender, including the previously convicted violent offender who has been discharged from a period of imprisonment or hospitalization, and the person who has never offended at all, except possibly in the general sense of having threatened to cause a breach of the peace by his unorthodox behaviour, such as running and shouting in the streets or acting abusively in public.

When an individual acts in a way that may constitute an eventual threat to another's safety, whether that other is identifiable or not, but the prospect is not so immediate as to justify a responding act of self-defence (that is, where there is no "necessity...instant, overwhelming, leaving no choice of means and no moment for deliberation"), it is doubtful that the person constituting the long-term threat would be arrestable. A private person cannot make an arrest without a warrant, even acting on a reasonable belief that violence is likely, since he has an arrest power without warrant only when an indictable offence is actually being committed, or where such an offence has apparently already been committed and the offender is escaping lawful arrest.¹⁸ A policeman may arrest a person who has not yet offended, without a warrant, only when the policeman reasonably believes that he is about to commit an indictable offence.¹⁹ It is an open question whether the policeman's "reasonable belief" must be based on the potential offender's actual conduct or whether it may be based in part on the policeman's particular knowledge of his past record of violence. When the threat of violence is not immediate, however, there is no arrest power without warrant. Moreover, a warrant for arrest cannot be issued unless there is a reasonable belief that an indictable offence has actually occurred.²⁰ The liberty of the potential offender therefore prevails over both legal rights of arrest without warrant, and over the courts' power to issue a warrant.

Judicial intervention under the Criminal Code may be confined to ordering the potential offender to enter into a recognizance to keep the peace, the justice acting at the instance of the person showing that he, or a member of his immediate family, is at risk. Section 745(1) provides that:

"Any person who fears that another person will cause personal injury to him or his wife or child or will damage his property may lay an information before a justice."

There seems to be no right in the terms of the section, incidentally, for a wife to act when she fears personal injury to her husband. A justice's order to the potential offender to enter into a recognizance to keep the peace and be of good behaviour can last for not more than twelve months,²¹ and if the potential offender fails or refuses to enter into the recognizance, perhaps because required sureties are not forthcoming, he may be committed to prison for a period not exceeding 12 months.²² Nevertheless, breach of the recognizance is punishable only on summary conviction.²³ In addition to this Criminal Code provision, a magistrate has a common law jurisdiction to administer preventive justice and bind over anyone to keep the peace when sufficient evidence exists that he may violate it.²⁴ The exercise of these Criminal Code or common law powers requires observance of legal due process, of course, including hearing both sides and establishing the existence of proper and adequate evidence.

More threatening to the liberty of the as yet non-offending potential offender is the authority of mental health legislation, such as the Ontario Mental Health Act.²⁵ Section Nine of the Act is comparable in its procedure to the Criminal Code provision on obtaining warrants for arrest by the police, although it concerns not only the safety of others but also the safety of the person it is intended to govern. Section 9(1) provides that:

"Where information upon oath is brought before a justice of the peace that a person...

- (a) is believed to be suffering from mental disorder; and
- (b) should be examined in the interest of his own safety or the safety of others,

the justice may, if he is satisfied that,

- (c) such examination is necessary, and
- (d) such examination can be arranged in no other way,

issue his order for examination in the prescribed form.

The suspected mentally ill person is taken to a psychiatric facility, where he is examined. Fears about the results of psychiatric examination, regarding both maximum security patients and those in ordinary civil mental hospitals, may be triggered by a recent observation by Bernard Diamond, Clinical Professor of Psychiatry at the University of California at San Francisco. Writing about statistical follow-up studies of 967 persons transfereed from maximum security hospitals for the criminally insane to ordinary, civil mental hospitals, as a result of the United States Supreme Court's decision in 1966 in the case of Baxstrom v. Herold,²⁶ he said that:

"I believe it is clear from the Baxstrom studies that of these 967 persons...who were designated as mentally ill and dangerous to others in order to justify their further confinement, only a very few were actually dangerous. One can only conclude that psychiatrists who make such judgments tended to over-predict dangerousness greatly, by a factor somewhere between ten and a hundred times the actual incidence of dangerous behaviour."²⁷

He suggests that psychiatrists fear unfavourable criticism in clearing a patient who later commits a violent act, but they suffer no adverse consequence in making a faulty over-prediction of danger, and are inclined to play safe by predicting dangerousness upon minimal grounds.²⁸ They therefore in effect deny the individual liberty in the cause of security, both for society and for the prestige of their own psychiatric discipline.

This position may be aggravated by Sections 8 and 10 of the Ontario Mental Health Act and comparable provisions in the laws of the other provinces. Section 8(1) provides for the admission to a psychiatric facility as an involuntary patient of any person who "suffers from mental disorder of a nature or degree so as to require hospitalization in the interests of his own safety or the safety of others", when he will not go willingly as an informal patient. He can suffer compulsory detention simply on the strength of an application form signed by a physician. The physician, who need have no special qualification in psychiatry, must examine the prospective involuntary patient, but in view of the known episodic nature of many symptoms of mental illness this may reveal little, and the physician in practice may be inclined to pay rather uncritical attention to what he is told by, for instance, relatives who want the individual put into a home.

Section 10 of the Ontario Act provides that:

"Where a constable or other peace officer observes a person,
(a) apparently suffering from mental disorder; and
(b) acting in a manner that in a normal person would be disorderly,
the officer may, if he is satisfied that,
(c) the person should be examined in the interests of his own safety or the safety of others; and
(d) the circumstances are such that to proceed under Section 9 (that is, by warrant procedure) would be dangerous,
take the person to an appropriate place where he may be detained for medical examination".

In 1972 the University of Toronto's Centre of Criminology published a Research Report prepared by Richard G. Fox and Patricia Erickson on how the police in Ontario exercise this power. I think it fair to say that the Report shows police practice to be sensible, understanding and humane. Among their findings on instances where Section 10 was used the researchers reported that:

"...the attending police indicated that no charge could have been laid in 61% of the cases and that in only 12.7% had there been any discussion of the possibility of laying charges against the person apprehended. When asked what would have happened if they had taken no action, the majority of the police respondents referred to a risk that the person might be a danger to himself or to others."²⁹

The authors go on to suggest that police find a risk of dangerousness not only in the immediate threat of violence, but also in the potential threat residing in the unpredictability of a person who acts in an abnormal manner.³⁰ The finding of 61 percent of cases in which there could be no criminal charge therefore appears compatible with the use of Section 10 as a defence against illegal force. Nevertheless, if psychiatrists in Canada follow practice in the United States of introducing a heavy element of protective over-kill in characterising those referred for examination as dangerous, perhaps automatically regarding a prior Section 10 reference as evidence of dangerousness, we may feel some apprehension about the use of Section 10, and indeed Section 9 and especially Section 8 of the Mental Health Act in Ontario, and their analogous sections elsewhere.

I have had time to consider only mental indications of potential violence. We are living, however, in a time of great excitement about possible physiological indications of a predisposition to violent behaviour. The fallacy or myth of the causative association with violent crime of the male XYY chromosomal pattern has now been sufficiently explored,³¹ but research is mushrooming into the physiological roots of behaviour, and into the elaboration of systems for behaviour modification and control. We have heard about the development of techniques of treating the potential violent offender by electrical stimulation of the brain, organic conditioning, drug therapy, psychosurgery and even genetic reconstitution. These techniques may produce remedies, but also possibly more harmful myths, against which the individual may need legal protection. Their use may indeed be more insidious than techniques of psychiatric classification, because under mental health legislation review boards exist,³² composed of psychiatrists and lawyers, before which an involuntary patient, or any person on his behalf, may (admittedly at the patient's risk of having his challenge construed as further evidence of his illness) challenge an adverse classification. A further advisory review board may also exist under the chairmanship of a Supreme Court judge.³³ Regarding physiological

treatment, however, the patient has little greater protection than the legal doctrine of informed consent to medical treatment. In the field of novel diagnosis and proposed innovative therapy, as opposed to pure experimentation, methods of institutional review and challenge are not developed, and a patient's right to participate in an independent review of his proposed treatment is non-existent. In fact, where his proposed treatment is intended to be therapeutic, physicians may be able to employ their "therapeutic privilege" of withholding certain information in seeking his consent to proceed.

A United States federal court has already identified and expressed disquiet at the dangers, when it considered the use of anti-hijacking profiles at airports. It said in 1971 that:

"Employing a combination of psychological, sociological, and physical sciences to screen, inspect and categorize unsuspecting citizens raises visions of abuse in our increasingly technological society. Proposals based upon statistical research designed to predict who might commit crimes and giving them the special attention of law enforcement agencies [are] particularly disturbing...Putting a group of potential violators in custody on the ground that this group contained all or nearly all of the people who would commit crimes in the future would raise the most serious constitutional issues."³⁴

Much of such physiological treatments would in practice be applied to already convicted violent offenders rather than to mere potential offenders, but whether we are dealing with the control of repeated violence or the prevention of original violence, the fact is that we may purchase strong defences against the violent offender at a very heavy cost to liberty. As new techniques of behavioural modification are being developed, it is not too soon to ask ourselves what price we are prepared to pay for them.

Footnotes

1. See George v. Goldsmiths Insurance [1899] 1 Q.B. 595 (C.A.)
2. Canadian Criminal Code (R.S.C. 1970, c. C-34), section 302.
Subsequent section references are on the Code.
3. See R. v. George (1960) 128 C.C.C. 289 (S.C.C.).
4. Section 303, bracket added.
5. See Colyer v. Skeffington 265 F.17 at p. 61 (D.C. Mass. 1920).
6. R. v. Antley, [1964] 2 C.C.C. 142 (Ont. C.A.).
7. Section 27 and 34(2).
8. Section 34; and see R. v. Duffy [1966] All E.R. 62 (C.C.A.)
9. Sections 40 and 41
10. Section 41.
11. Section 38.
12. Section 30; and see R. v. Duffy note 8 above.
13. Daniel Webster, U.S. Secretary of State, in the Caroline incident (1841); see H.W. Briggs The Law of Nations (2nd ed. 1952) at p. 985.
14. R. v. Byrne [1968] 3 C.C.C. 179 (B.C.C.A.).
15. R. v. Judge (1957) 118 C.C.C. 410 (Ont. C.A.).
16. Section 450(1)(a).
17. Section 34(2).
18. Section 449.
19. Section 450(1)(a).
20. Section 455
21. Section 745(3)(a).
22. Section 745(3)(b).

23. Section 746.
24. R. v. White, ex p. Chohan, [1969] 1 C.C.C. 19 (B.C.S.C.);
Re Regina and Shaben, (1972), 8 C.C.C.(2d.) 422 (Ont. H.C.).
25. R.S.O. 1970, c.269.
26. 383 U.S. 107 (1966) (U.S.S.C.). Many of the Baxstrom patients had been initially committed without any psychiatric examination; compare Ontario's Mental Health Act, s.8, below. For further discussion see, B. Ennis and T. Litwack, "Psychiatry and the Presumption of Expertise: Flipping Coins in the Courtroom" (1974) 62 California Law Review 693, and, regarding Canada, Richard V. Ericson "Psychiatrists in Prison: On Admitting Professional Tinkers into a Tinkers' Paradise" (1974) 22 Chitty's Law Journal 29.
27. Bernard L. Diamond, "The Psychiatric Prediction of Dangerousness" 123 University of Pennsylvania Law Review (1974) 439 at p. 447.
28. Loc.cit.
29. Research Report Apparently Suffering from Mental Disorder, Centre of Criminology, University of Toronto, 1972, at p. 170.
30. Ibid., p. 174.
31. See D. Rosenthal Genetic Theory and Abnormal Behaviour (1970) at pp. 237-238.
32. See for instance the Ontario Mental Health Act, note 25 above, sections 27-31.
33. Ibid., section 31(2).
34. United States v. Lopez 328 F. Supp. 1077 at 1100 (E.D.N.Y. 1971).

"Legal Defences Against Violence"
- Collective Violence -

by

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The first difficulty is to attempt to define what I mean by collective violence. For these purposes, all I mean is the use of force by a group of people to an extent that is socially unacceptable. That rather begs the question since it excludes all that violence that we seem to accept in our society - in sports, on television, in the cinema and in literature. The causes of collective violence seem to me to be as diverse as the types of collective violence.

This may stem from a quite deliberate attempt by a group of people to attain conscious political ends that may involve bombings, killings, kidnappings or to some lesser degree, property damage or destruction. Somewhat similar, though fortunately less serious since it is more common, is the violence that stems from a collective protest to social conditions. These may be strikes that turn ugly and become riots or they may be demonstrations of protest that get out of hand.

A different type of group violence may be manifested as some form of mass hysteria, for example, a crowd at a football match becoming a fist-shaking mob, or a crowd in some disaster aimlessly rampaging.

These types of collective violence seem to me to be rather different from another type that we encounter - the more or less organized and often sadistic brutality that may perpetrate a gang-rape or terrorize the residents of a house or that may result from the frustrations and pent-up emotions of a prison population and this, in turn, may be different from that which can result in placing

authority in the hands of persons unsuited for it and in providing an ambiance where it can break out as we see, hopefully rarely, in the brutality of prison guards, or policemen, or members of the armed forces.

The law does have some defences against all these forms of group violence. In the area of political and social unrest, the law of treason is not in practice very important save for Section 46(d) of the Code making it an offence to:

"use violence for the purpose of overthrowing the Government of Canada or a province."

or, under paragraph (f) to:

"conspire to do so."

It is also a specific offence under Section 51 to intimidate by an act of violence the Parliament of Canada or a provincial legislature.

Apart from treason, most forms of which require the levying of war against Canada or assisting its enemies, which do not concern us, sedition is the offence most often thought of in this context. It is one of the most difficult offences both to define and to prove under the Code, it includes, but is not limited to, the teaching or advocating of the use, without the authority of law, of force as a means of accomplishing a governmental change within Canada. How far beyond this the offence extends, is a moot question though in Boucher v. The Queen (1951) the Supreme Court held that some incitement to violence or at least some consequences whether meant or not that lead to public disturbance or general resistance to authority is required.

On a lesser level, breach of the peace by itself and with nothing more is not an offence, though authority exists to prevent or suppress a breach of the peace and to bind persons over to keep the peace. Two cognate offences do, however, exist and these are being a member of an unlawful assembly and taking part in a riot, the essential elements of both being the presence or threat of violence or tumult involving at least three people who so conduct themselves as to cause bystanders reasonably to fear that the peace will be disturbed tumultuously or that others will be provoked to disturb the peace tumultuously. A riot is merely an unlawful assembly that has already actually begun to disturb the peace tumultuously. There appears to be no authoritative definition of what tumultuously means but it seems clearly to require a disturbance of the peace carried on with some element of disorderly uproar. Section 67 of the Code incorporates the provisions of the English

Riot Act of 1714 concerning the reading of a proclamation to a riot with orders for its participants to disperse on pain of increased penalties.

In addition, of course, persons participating in collective violence remain subject to any sanctions for individual offences such as assault or murder or, where applicable, the offence of conspiracy. Mention should also be made of the War Measures Act that applies, inter alia, whenever an insurrection, real or apprehended, exists and gives wide powers of arbitrary arrest, detention, censorship and appropriation of property. It applies regardless of the Bill of Rights and since there is no definition of insurrection presumably could be put into force whenever there is any real or apprehended general resistance to the lawful Government of Canada.

That is what the law says but there is one other legal defence to collective violence that cannot be ignored and that is the provisions relating to self-defence, defence of persons under one's protection, defence of strangers, defence of movable property and defence of one's home. These provisions are extremely complicated and depend very much upon who is the aggressor and who or what is being attacked but in general it may be stated that a person is justified in repelling force by using as much force as is reasonably necessary up to and including the infliction of death to defend himself or others or, to some extent his property, from apprehended injury. But while the law recognizes this right, it does not encourage it. The individual must meet both a subjective test as to whether he actually apprehended injury and an objective test as to the reasonableness of his apprehension and the measures taken to prevent its occurrence. Furthermore, of course, it, in general, prohibits him from keeping or possessing weapons or firearms that might be useful should the occasion arise. While it is understandable that, given the legal system and criminal law process, self-help and self-defence must be the exception, one does wonder whether the law should put quite so many obstacles in the way of enforcing rights that it purports to recognise.

In the political and social areas it seems to me that we do, in fact, succeed in keeping the balance between the protection of the community and the preservation of the freedom to dissent, to advocate change and to express one's opinion. The enforcement of laws relating to sedition, hijacking, hate-propoganda and so on depend to a large extent on the political exigencies of the times, but Canada seems, on the whole to have reached an acceptable solution.

In the non-political or social areas, I am less sure - in

fact, I am sure that we have not found a satisfactory solution - if there is one. Prison brutality, oppression by those in authority, gang violence and mob terror can have no justification and must be repressed, but how? To eradicate the causes, I assume is the first task but that is beyond the area of my expertise. The lawyer can only suggest remedies that are not cures. Law enforcement is never cheap but it cannot be beyond us to ensure that unfit and unsuitable people do not become prison guards or policemen; that prisons are so constructed and run so as to reduce as much as possible the tension and brutalizing influences; that law enforcement agencies are given the manpower and facilities more effectively to enforce the provisions relating to unlawful assemblies and riots; that the courts recognize their obligation to the community in imposing severe penalties for acts involving collective violence; and that the parole board do not defeat that obligation.

On a more general level, one might ask against whom should penal or other sanctions be enforced.

In the field of sports, if a team is suspended or penalized for rowdyism and violence by its fans, it may be unfair to punish the team or its owners, but it may be more effective than trying to locate individual offenders; if members of a union resort to violence, is there more to be said for fining the union than for imprisoning the individual. In short, perhaps this is an area where criminal ideas of guilt or innocence are less important than common-sense ideas of ultimate responsibility.

Discussion

The ensuing discussion of Professor Mewett's and Professor Dickens' papers reflected some of the concerns around the ways in which criminal laws are interpreted and applied.

Professor Turk stated that given the characteristic vagueness of laws, he is usually not surprised at what is left undefined. However, he was surprised with regard to conspiracy, particularly in comparison to the United States and asked Professor Mewett to comment on this comparison. In reply, Professor Mewett noted the need to prove agreement to act to achieve a common purpose but suggested that it may be the case that a purpose is achieved without agreement to bring it about. Accordingly, conspiracy depends upon what the jury decides; as direct evidence of agreement is infrequent it must be inferred in the usual case. Professor Turk was in agreement over the problem of direct proof but referred to situations such as the Chicago Seven Trial in which the prosecution seemed to wish to harass perhaps more than to convict. Professor Mewett observed that in Canada the prosecution tends to leave conspiracy alone when unable to convict and would choose to prosecute on the substantive offence instead. Professor McNaught cited the Winnipeg General Strike trials with their emphasis upon conspiracy in a comparison of the United States and Canada. He stated that conspiracy can also be used against trade unions or businesses equally. He added that statements of the court of appeal on the Winnipeg decisions hold that in Canada conspiracy refers to the North American experience as distinct from the British experience to which Professor Mewett agreed, observing the possibility of greater punishment for conspiracy than for the substantive offence.

Professor McClintock commented upon Professor Mewett's remark that "causes are beyond me, I'm a lawyer", stating that such causes stem from public concern which is their right. Therefore, in order to develop the law we ought to make case studies of situations in which various groups organize themselves to achieve various aims. He noted, also, that if we don't want unfit policemen or guards we should look at instances in which they act that way to see the causes rather than at profiles of individuals. He added that in his research in Britain, police tend to lay charges of breach of peace, assault on police or other offences which are laid against individuals rather than against groups. Professor Mewett noted that the criminal law is not often used as a preventive device but criminologists and lawyers can begin to think that way. Professor McClintock suggested that law reform commissions might be included as well to which Professor Mewett agreed. Professor Dickens added that United Kingdom police practice is that the police want to depoliticize and make cases into single incidents for summary trial rather than have collective incidents go to jury trial with the attendant publicity.

The discussion was concluded with Professor Willett's remarks. In the areas of vague law and the reluctance to act by police, he contended that police prefer paramilitary or military solutions, citing France, Ireland and Kent state in the United States and stated that he would like to see the consideration of guidelines for the military as they are the most extreme agents for force and provocation. He qualified this by observing that in Canada during the War Measures situation and in penitentiary uprisings, the military had been restrained.

"Collective Violence in Canadian History:
Some Problems of Definition and Research"

by

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In 1887 the Toronto Globe commented upon a volatile confrontation between contending railway construction crews in Manitoba. The provincial government had begun building a railway to compete for the traffic between Winnipeg and St. Paul. At Morris the provincial line would have to cross C.P.R. tracks - a direct challenge to Ottawa which had already disallowed provincial legislation chartering a private railway company. The whole issue centred on the right of the federal government to protect the C.P.R.'s monopoly of east-west traffic on the prairies which had been granted in the federal charter of 1880. The construction crews began tearing up each other's tracks and "collective violence" was thereby added to the constitutional struggle. The position taken by the Globe, the most virulent Anglophone critic of Sir John A. Macdonald, was a forthright advocacy of armed rebellion:

"...if the forces of the two companies come into collision, and if bloodshed occurs, will not the blood refresh the redness now staling upon the hands of the men at Ottawa, and will not the whole responsibility for the dreadful troubles that will probably ensue rest upon that infamous gang of political prostitutes?..."

Hence, the country may expect to hear at any day that the gang at Ottawa have wantonly provoked a third insurrection. Nay, they have done that already. The wanton provocation has been given, and the only question now is whether the white men of Manitoba are meeker than the Halfbreeds."¹

This crisis, and others of the era of nation-building and industrialization, reveal most of the problems surrounding any discussion of the role of

collective violence in Canadian history. In particular they indicate the ways in which we have experienced the "violence factor" and the extent to which that experience has been similar to or differed from the experience of other western countries in the nineteenth and twentieth centuries. References to the Riel rebellions (and thereby to the party revolution following Riel's execution which took Quebec from the Conservative to the Liberal ranks by 1896) underline the nearly unique role of "race" and religion in any examination of collective violence in Canada. The context of railways as foundation of a modern industrial state, and of the centralizing needs of such a state, suggest comparisons with Britain, France, Italy, Germany and the United States. In the western world collective violence was carried over from pre-industrial conditions to the period of industrialization. Strikes, riots, protests, rebellions and civil war continued as expressions of the political process although their targets shifted and the causal factors changed. In two earlier articles I have attempted to sketch some of the ways in which Canada shared this general experience and also some of our especially characteristic responses to the incidents of collective violence - incidents which have been far more frequent and integral to our political process than is usually imagined.²

There are several reasons for studying the uses and incidence of collective violence in our past. The most pressing, I suppose, is that any patterns that may emerge might well serve as "indicators" for those who today are charged with contingency planning for "peace, order and good government." If the historian is unconcerned about the present and the future he becomes a mere antiquarian. If he is concerned he may well wish to make his patterns unmistakable. Such a course is dangerous. Yet the dangers of "partisanship" must be set off against another reason for actually depicting patterns in the past. Without such patterns neither the reality nor the causation of our history can be understandable. If, for example, we do not understand why it required several hundred troops and police to ensure that one man be buried in sanctified ground in Montreal in 1875, or why the "father of responsible government" was forced by a gang of Orange thugs to run for his life from an election meeting, or why George-Etienne Cartier was similarly intimidated in Montreal in 1872 by a combination of reactionary Programmistes and Rouges, we can attribute only to accident a pervasive force in our national evolution.

Before suggesting areas and methods of research let us attempt a few definitions as even a preliminary canter over the field of violence in Canada reveals the necessity of limiting the range of one's investigation. For example, the statistics of individual crimes of violence, of suicides or of warfare may all have some relationship to "climates of violence"³ but a survey of the entire field of violence including the sources of individual aggressiveness would be a project requiring as a basis many specialized studies which have yet to be undertaken in this country. I propose arbitrarily to select the area of collective violence and further to delimit the subject by confining research and efforts at conceptualization

to incidents that have either a direct or indirect bearing upon the political process. This still leaves a staggering range of historical evidence to be sought and somehow digested. A recent paper⁴ comparing collective violence in Ontario and Quebec between 1963 and 1973 deals with this problem, in part, by including only incidents "où 50 personnes (insurgés et forces coercitives) ou plus ont commis des dégâts sur la personne ou la propriété", and also by eliminating "la phénomène terroriste" on the ground that "il est impossible d'obtenir suffisamment d'information sur les nombreux attentats dans les deux provinces."⁵ Such definitions seem to me to restrict the research area merely on criteria of academic convenience, and thus to run the risk of interpretative distortion. These criteria would, for example, rule out the murder of Thomas D'Arcy McGee as an incident of collective violence. Yet that act was committed by a man functioning clearly at the behest of a group organized for collective action and with definite political purposes. The surest principle of definition rests more upon purposes than upon numbers. And this raises the very question about collective violence that has been exercising some of the best minds in other countries.

While the literature is already extensive⁶ there are some works that seem to me to be particularly helpful in conceptualizing the role of collective violence in the Canadian political process. Of these the most useful are by Hannah Arendt, not least because she comprehends both the European and North American contexts of collective violence.⁷ Her discussion of the literature, from Sorel to Bertrand de Jouvenel, to Fanon, to Sartre and d'Entrèves is the most succinct.⁸ Yet the theoretical discussions of Arendt have to be set beside the quantitative research of scholars as the Tillys and Shorter on the incidence and causation of collective violence in France, Germany and Italy.⁹ Out of the background of research and thought in other countries Canadians can construct and test theses about their own experience. We have often applied this apparently derivative or even colonial method in the past. Frequently, it has proven helpful - just as a carefully managed colonial situation in political or economic affairs can be much more advantageous than might appear at first glance. For example, we borrowed "the frontier thesis" from the Americans in the 1920's and 1930's and found in the 1940's and 1950's that it did not really apply to the Canadian experience.¹⁰ It may well be that much of the explanation of collective violence that appears plausible in other western nations must be seriously modified or even rejected in the Canadian case - even while we begin to recognize the important role played by such violence in our "peaceful kingdom."

Let us look briefly at the problems of definition raised by Hannah Arendt.¹¹ The distinctions she draws amongst "power", "strength", "force", "authority", and "violence" lie at the heart of her discussion and, with few reservations, are both provocative and instructive when applied to the Canadian case. "Power", she argues, is never the property of an individual and depends always upon a grouping of people: "power always stands in need

of numbers, whereas violence up to a point can manage without them and therefore relies on instruments." "Strength" is individual and thus groups often combine to overpower a strong individual: "It is the nature of a group and its power to turn against independence, the property of individual strength." "Force" is not a synonym for "violence" but rather the designation of energy released by physical or social movements. "Authority" implies "unquestioning recognition by those who are required to obey; neither coercion nor persuasion is needed." The greatest enemy of authority is contempt and the surest way to undermine it is laughter. Thus, of course, a deferential society is one in which resort to physical coercion is least necessary and in which critics and rebels will find appeals to direct action least effective.¹²

"Violence" is distinguished by its instrumental character - it can be used in support of strength or authority or power. The most common combination of all these factors, according to Arendt, is that of violence and power, yet this does not mean that the two are the same. Thus she sharply criticizes those theorists who argue that the chances of revolution decrease in proportion to the increase in the weapons capacity of governments. Everything, she maintains, "depends upon the power behind the violence." In the case of the French student "revolt" in 1968 a revolutionary situation was created with violence used by both sides, but there was no revolution because no one was prepared to assume the responsibility of "power". Arendt further argues that violence always needs justification and that such justification must be a combination of numbers and opinion - whether the violence is the last resort of the state or the desperate action of critics and rebels. Thus "power" can never grow out of the instrumentality of violence but must always be legitimized by opinion - most often, opinion based upon appeals to the past. And perhaps her most perceptive remark about violence is that it is more often the instrument of reform than of revolution. If applied to protest movements and strikes, rather than to state coercive force, this is peculiarly applicable to Canada. It would, oddly, be more difficult to apply this notion, at least historically, to England, France, central Europe or the United States. But Arendt is primarily concerned with the twentieth century, and this leads to a final and extremely important definitional point.

The problem of terrorism is not new but in the second half of the twentieth century it has assumed a new dimension within urban-industrial societies. The weapon of terror has been used in many different ways, usually as a threat, but often as actual collective (or coercive) violence. Regicide is probably its oldest form and few monarchs or tyrants have lived without the terror of this particular threat. But in democratic societies, also, this form of terror continues: were the murders of McGee, Lincoln, Garfield, McKinley, Martin Luther King, the Kennedy brothers the result of "collective violence" using terror as its method or of demented individual actions? Were the bombs in Westmount postboxes or many of the bank

robberies in Quebec the result only of individual aberration or were they an expression of collective purpose using individual or very small group instrumentalities? Was the action of the young Tory rowdies who tossed William Lyon Mackenzie's press into Toronto bay "collective" or "terrorist" violence? I think that Arendt is least reliable when she defines terror:

"Terror is not the same as violence; it is, rather, the form of government that comes into being when violence, having destroyed all power, does not abdicate but, on the contrary, remains in full control. It has often been noted that the effectiveness of terror depends almost entirely on the degree of social atomization. Every kind of organized opposition must disappear before the full force of terror can be let loose."

This is a definition which seems to stem from Danton's role in the French Revolution or from the political obscenities of the Third Reich. Oddly, it overlooks the uses to which "organized opposition" groups can put terror in the highly interdependent societies of the twentieth century. The relationship between "terror" and "collective violence" is much closer than Arendt suggests and this is particularly true of Canadian history. We have several times come close to state-organized-terror during the conscription crisis in 1918, the Winnipeg Strike in 1919, the Nova Scotian industrial strife in the 1920's, the Bennett-Guthrie police state in the 1930's - but we have much more often experienced terrorism as a form of non-state collective violence applied by both "right" and "left" groups. In fact the Canadian experience suggests that it is nearly impossible to distinguish "terror" from "collective violence" except when the state itself resorts to coercive force.

With these questions of definition in mind what are the sources to which one must go to gather evidence about the nature and frequency of incidents of collective violence in Canada? Also, which incidents may be said to have had a bearing upon our political process? As soon as these questions are asked it becomes apparent that collective violence has been and still is an integral part of our political system. This is not as trite as it may seem. Practically all of our textbooks in history, political science and sociology, assume that Canada has been and remains a non-violent society - one that has evolved by peaceful debate from colony to nation. The problem is to discover the extent to which this is a misconception and therefore the extent to which collective violence has been a part of our political method - as well as the ways in which Canadians have viewed and reacted to such violence. The preliminary evidence is scattered through practically every monograph, biography and article. To anyone who simply asks the question it is clear that we have engaged in every kind of violence and from every kind of motive. We have entered foreign battles for ideological, religious and economic reasons. Our first

expeditionary force (if one excludes Frontenac's hair-raising raids into New England) was raised in Montreal as Papal Zouaves to defend the temporal power of the Papal States against Garibaldi's forces who were fighting for the secular unification of Italy. Nor were we slow to rally to the defence of a British Empire in South Africa or in two world wars - partly for political-emotional and partly for economic reasons.¹³ Inside our country we have employed collective violence to "rationalize" the fur trade, the lumber industry, the mining industry, the automobile industry, the electrical process and, abortively, race relations.

The questions posed, then, are: how should one delimit the areas of investigation, select the sources in order to "quantify" the incidence of collective violence in relation to the political process, and, finally, examine and explain whatever patterns emerge?

One big division in the subject becomes immediately apparent. That is between state-organized violence at the military level of "defence", and non-state violence applied in domestic affairs. Yet the definitional lines are imprecise. For example, there is practically no Canadian legislative debate on the militia and national defence that does not include references (often central) to the armed forces as elements necessary to the preservation of law and order inside the country. The relationship between our attitude to violence as war is close to that of our attitude to violence as political-social method. The use of the armed forces in aid of the civil power has been consistent throughout our history - from control of religious-electoral rioting to suppression of strikes and terrorism - just as resort to privately organized violence has been endemic. Thus any account of collective violence in Canada must encompass both state and non-state operations as well as the relationship of these to "national defence." Another sample question: when has the coercive force of the state been merely supportive of widely accepted attitudes and when has it been principally provocative? The difference between the forms of collective violence which emerged in Winnipeg in 1919 and in Montreal in 1970 is instructive and may provide a clue to further research.¹⁴ Amongst other things such a comparison illustrates the problems raised by Arendt's definition of "power", "violence", and "terror."

This particular Canadian illustration suggests that some of Arendt's definitions need amplification. She is perhaps too often absorbed in the problem of the non-violent struggle for civil rights in the United States in the 1950's and 1960's - a struggle which led directly to the advocacy and practice of violence by black militants and by university students.¹⁵ But she does not pursue very far the violent implications of organized non-violence. Strange, because American history abounds in illustrations of this problem - as does Canadian. Perhaps the outstanding American example is the abolitionist crusade which began in dedication to non-violent means of persuasion and ended in total acceptance of civil war.

In Canada the primary example is the Winnipeg general strike whose leaders were condemned by the Third International for refusing to accept the "power" that was within their reach during a potentially revolutionary situation and who suffered at the legal and police-military level the full coercive violence of the state. That violence was clearly instigated by a class-controlled state insistent on maintaining privileges which depended upon forcible assertion of "legitimate authority".¹⁶ Here was an instance in which the state felt that it must protect its "power" by the use of violence. The same feeling was evident when "power" appeared to be undermined in Quebec in 1970. But in this latter case collective violence was used not only by the state but also by insurgents. As Arendt says, violence cannot create power (which depends upon opinion) but it can be used by the state to sustain power if such use is endorsed as legitimate. In Canadian terms, Arendt seems unduly to minimize the extent to which collective violence (or the threat of such violence) has been used to secure changes in economic, social and political conditions as opposed to its use by established authority to maintain the status quo. It may be that extensive examination of Canadian data could result in a useful contribution to an understanding of the theoretical problems of the relationships amongst violence, power and authority which Arendt raises in her definitions. In any event, there seems no alternative to undertaking a massive survey of Canadian newspapers, supplemented by parliamentary and private papers, in order to delineate the profiles of collective violence in this country.

Let us return to the comparative problem raised by the more specific and quantitative analyses of collective violence in other countries. Of these the Tillys, comparing the experiences of France, Germany and Italy in the nineteenth and twentieth centuries, is probably the most suggestive.¹⁷ They conclude from analysis of their data that the basic causes of collective violence in the countries examined were economic - but "economic" with many ramifications at the social and political levels. In all three countries the completion of national railway networks provided a basis for sudden new concentrations of power. Politically, regional authorities were reduced in authority as the writs of national governments could be made effective. Socially, "status" moved its basis towards the centre, the capital. Economically, decision-making also moved from localities to central offices while the steady migration of people from the countryside to industrialized urban centres produced new possibilities and reasons for collective violence. Strikes tended to take on ideological connotations in a way that earlier bread or tenant riots had not. But the most interesting part of the analysis is that which rejects Durkheim's "breakdown" thesis - which attributes outbreaks of collective violence to the fragmentation of society and particularly to disadvantaged and uprooted social groups. Collective violence in the urban-industrial age, they argue does not result from hunger, deprivation, unemployment or inflation. The active participants in collective violence came from organized groups that were already in control of significant political resources, and "the extent and character of violence depended strongly on how governments reacted to challenge." The peak point of such violence, in Europe was, roughly, 1848-1852. Thereafter the incidence of collective violence, especially that attributable to class conflict, has not increased.

If one tentatively applies Canadian experience to this general model the results are extremely interesting. In this paper I must be very selective but nevertheless an hypothesis does emerge. The key seems to be actual or threatened changes in the locus of power and of status. The Marxian formula of violent action welling up from an ever-growing proletarian base seems not to apply. The rebellions of 1837 were clearly led by "organized groups already in control of significant political resources" and whose rising expectations were thwarted by the existing structure and practice of the constitutions. While economic recession undoubtedly made the situation more volatile few would now advance the causal explanation of a simplistic frontier thesis - either with respect to habitants or to yeomen. And, of course, how government reacted to the challenge was crucially important in limiting the extent of the violence and in providing for structural change in response to it.

The second illustration of the application of the Tilly interpretation to the Canadian experience falls precisely within the peaking years of European collective violence - 1848-52. The Canadian case seems to fit a combination of Tilly, Durkheim and N.J. Smelser¹⁸ - that is to say, rapid social-economic change does not always produce anomie and disorder, but sometimes does. Moreover, it suggests the extent to which Canada shared experiences with the more advanced industrializing nations of western Europe - a point which is often overlooked in Canadian historical writing, possibly in deference to the economic pattern proclaimed by W.W. Rostow.¹⁹ The particular illustration is the 1849 rioting in Montreal when a Tory-oriented group invaded and burned down the parliament building, rotten-egged the governor-general and attacked the homes of Reform leaders.²⁰ Every schoolboy knows the incident (one hopes) but how does it fit a comparative historical pattern? The basic frustration was that of a business-professional "class" which had been deprived of imperial tariff preferences coincident with its threatened loss of control over the executive branch of government. The age of railways was dawning and the question of who was to manage and benefit from the expected commercial-industrial growth was urgent. Again the response of government was crucial; this time the storm was simply ridden out. As in 1837 there was economic distress but this was not the essential stimulus of disorder. Professor Careless has observed that "also were unleashed the pent-up frustrations of poverty, unemployment, disease and despair. All the fever and fury in Montreal exploded. A blindly savage mob marched on the parliament building, seat of French power...."²¹

It is that last phrase, "the seat of French power" that must pull one back from any facile application of European paradigms. The similarities and even the chronology (down through the industrial warfare of the 1880's and on) are apparent - including the threat of political-economic centralization stemming from completion of a transcontinental railway network. But the particular roles played by race, religion and immigration have no precise counterparts in western Europe or, for that matter, in the United States. The latter country is largely ruled out for comparative

purposes because both racial and religious sources of collective violence are very differently based there. In the case of Canada collective violence flowing from racial and/or religious contention is probably more endemic than that springing from social-economic change or deprivation. Any thorough survey of collective violence in Canada will almost certainly show a close relationship between religious-racial sentiment (interest?) and resort to violence or threats of violence. Our three rebellions, the organization of strong-arm control of elections, responses to various waves of immigration (down to the present) and the vagaries of basic industries such as the lumber businesses of the Ottawa valley and New Brunswick all show a strong racial-religious component. The same is true of the pre-industrial age of the fur trade and of the full industrial period of the 1949 Asbestos Strike.

Especially in the Asbestos Strike we saw the confluence of two social-economic forces which make difficult any complete analogy to Europe or the United States. One was the force of "racial" survival recurrent both in French and English-speaking Canada, the other was the influence stemming from the changing conditions of a colonial or semi-colonial situation. Much of the collective violence of the 1830's and 40's was in response to policies laid down outside the country - the trade laws and the subsidized immigration of many thousands of diseased Irish people placed heavy financial and emotional burdens upon Canadians which led to rioting in Montreal and elsewhere in 1849. In the case of Asbestos and of many other strikes of the post-World War I period the social-economic decisions were (and still are) made outside the country - occasionally even on the union side. The intervention of Sam Gompers against the strikers in Winnipeg in 1919 (an intervention eagerly welcomed by government) was not the least of the factors limiting non-Winnipeg union support of the strike and defining the post-strike re-establishment of "international unionism" with a pungent A.F. of L. flavour.

Let us conclude by returning to the present and the question of what indicators may be discerned from the past and what problems of definition and research sources are most important. Arendt's definitions of power, violence and authority do appear to have very specific Canadian applications. Erosion of governmental power has often been halted by the instruments of violence and the power sustained by successful appeals to legitimacy. However, non-government collective violence has also frequently resulted in changes in both domestic and external policies - whether the violence is actual or anticipated (apprehended). While there are many similarities between the Canadian experience and that of other western nations there are also several quite exceptional aspects to the Canadian experience. The most important are those which result from our particular context of race and religious relationships, from our experience of immigration and from our often circumscribed control of both domestic and foreign policy. To underpin these arguments will require a considerable research programme and, judging from the experience of scholars in other countries, the great bulk of such research will be in newspapers. The peaks of collective violence we know fairly well even if they have never been assembled in a patterned range. The full extent and nature of such violence remains to be documented.

Perhaps my hypotheses will hold up, perhaps not. At this juncture I suspect that the explosions of terrorism and of separatism with which most western centralized industrial states are now having to contend give added emphasis to the significance of the Canadian experience of collective violence - without robbing that experience of its exceptional characteristics.

Footnotes

1. Toronto Globe, August 17, 1887. The Globe rather favoured the imagery of prostitution: it had earlier referred to a political opponent as an "oily-mouthed political prostitute." Language provocative of violence is, perhaps, not the least important factor in causing violence.
2. "Violence in Canadian History," in J.S. Moir (ed.) Character and Circumstance (1970). "Political Trials and the Canadian Political Tradition" in M. Friedland (ed.) Courts and Trials (1975).
3. See, for example, E. Durkheim, Suicide (1951).
4. "La Violence Collective au Quebec et en Ontario, 1963-1973" par J.A. Frank et Michael Kelly (unpublished, Ottawa, 1975).
5. Without giving a precise definition of terrorisme the authors claim that information from the R.C.M.P. Bomb Data Centre shows that terrorism was "tout aussi frequent en Ontario qu'en Quebec." A startling conclusion for this particular decade. It should be noted that this particular study is not yet in its final form. I am grateful to the authors for permitting this reference to it.
6. See, e.g., N. Smelser, Theory of Collective Violence (1963); G. Rude, The Crowd in History (1964); E.J. Hobsbawm and E.P. Thompson, "Distinctions between Socio-political and other Forms of Crime," Bulletin of the Society for the Study of Labour History, XXV, 1972; S.N. Eisenstadt, Modernization, Protest and Change (1966), and H. Arendt, footnote 6.
7. See particularly, H. Arendt, "Reflections on Violence," in The Journal of International Affairs, Vol. XXIII, 1961; and On Violence (1970); and Between Past and Future (1968).
8. B. de Jouvenal, Power: the Natural History of Its Growth (1945); G. Sorel, Reflections on Violence (1906, '66); A.P. d'Entreves, The Notion of the State (1967); F. Fanon, The Wretched of the Earth (1963).
9. C., L., and R., Tilly, The Rebellious Century (1975).
10. See, e.g., J.M.S. Careless, "Frontierism, Metropolitanism and Canadian History," Canadian Historical Review, March, 1954.
11. On Violence, p. 36ff.

12. See, e.g., A.P. Thornton, The Habit of Authority (1966) and my article on Canadian political trials, op.cit. Arendt argues that universities are the only secular institutions still based on authority. I think she overlooks some governments, such as those in Canada. William Lyon Mackenzie tried both "contempt" and "laughter" before resorting to direct action.
13. See, e.g., Margaret Prang, Newton Rowell (1975) for the reasons why Rowell was an imperialist and the mixture of motives which led Sir Robert Borden to send Canadian troops to Russia in 1919.
14. An hypothesis is put in my chapter in Courts and Trials, op.cit.
15. There is an irony here. Not a few of the 50,000 American war resisters who came to Canada engaged in violent confrontation politics.
16. See K. McNaught and D. Bercuson, The Winnipeg Strike: 1919 (1975).
17. C. Tilly et al., op.cit. For suggestive American comparisons see R. Hogstadter and M. Wallace (eds.) American Violence (1970); H.D. Graham and T. Gurr (eds.) The History of Violence in America (1969); M. Wallace, "Uses of Violence in American History," American Scholar, Summer, 1970. Such phenomena as vigilantism, the tradition of gun-ownership and the special bases of 'racial violence' are only the most apparent points of comparison.
18. Op.cit., footnote 6.
19. W.W. Rostow, The Stages of Economic Growth (1959).
20. It is interesting that the threat of violence preceded the actual resort to violence. The debate over the Rebellion Losses Bill nearly ended in an open fight on the floor of the house and there was brawling in the galleries. See J.M.S. Careless, The Union of the Canadas (1967), p. 124.
21. Ibid., pp. 125-6.

Discussion

Following the presentation of the paper on the History of Collective Violence in Canada, Professor McClintock suggested that with regard to the statements on terrorism he wondered if this doesn't lead us into a position in which we may try to learn too many lessons from the past. The emergence of terrorism in relation to collective violence is really connected to the implements of violence. In the past, to bring about political change, collectivities were the primary way in which this could occur. Today, with the change and use of implements, acts of terrorism are used and only in the last resort is collective violence used.

Professor McClintock registered surprise at the comment that historians would be antiquarians unless they were concerned with the present and the future, feeling that one should try to immerse oneself completely within the period to understand what was involved and what was happening. It is important to learn what happened in history with regard to what is happening to particular groups in our contemporary society.

To Professor McClintock's second point Professor McNaught replied that he would like to use the example of the great French historian Michelay who said that the real function of a historian is to activate the historical imagination, i.e., you must become Dante. There is no conflict between the historical imagination and what one can learn from present situations. By studying historical characters' actions we can learn how they behaved in certain circumstances and therefore how we might react given the same situation. For example, what is the difference between the Rebellion of 1837, the Winnipeg General Strike of 1919 and the problems of the War Measures Act of 1970. From these situations, all dealing with the threat of "apprehended insurrection", we learn how Papineau could confront power and how they did it in 1837; how the Winnipeg strikers confronted power in 1919 and how genuine radicals in Montreal could confront power in 1970; in each case collective violence being provoked by non-violent actions. In 1970 one can see the changes of perception and of the situation. Here we have collective violence used for the social purpose of reform or for the State's purpose of repression.



"Third Party Justice: The Penal Response to Violence"

by

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Uncontrolled violence is commonly perceived as the ultimate threat to the social order we call society. In most societies, the legitimate use of violence is restricted in monopolistic fashion to the police and armed forces. The use of violence outside these institutions provokes relative consensus in the societal definition of deviance. The problem, then, consists of developing a societal strategy for the prevention of violence. In this paper, we will examine an apparent societal strategy for the control of violence, and the actual application of this strategy in North American systems of criminal justice. Our discussion will be based on the assumption that even the best societal blueprints usually do not describe accurately the social system in operation. In particular, we will be interested in (a) the role of victims in determining societal reactions to violence, and (b) the consequences of victim involvement for traditional goals of the criminal justice system. Whether our legal system could operate with more consistency and rationality with regard to these goals is the issue that will concern us.

We can begin our discussion on a rather abstract level by considering violence, and the threat it poses to the social order, as this problem was conceptualized by the seventeenth century philosopher Thomas Hobbes.

The Hobbesian Problem of Order

Thomas Hobbes (1651) is commonly credited with having stated the problem of social order in its most cogent form, calling particular attention to man's presumed propensity for violent conflict. The problem begins, according to Hobbes, with the quest for power. Mankind is such that there is "...a perpetual and restless desire of power after power,

that ceaseth only in death" (p. 64). These deadly quarrels have three principal causes: competition, diffidence, and glory: "The first, maketh men invade for gain; the second, for safety; and the third, for reputation" (p. 81).

While noting that in the absence of a common power such activities cannot be evaluated as right or wrong, just or unjust, Hobbes is clear in distinguishing between "the right of nature" and "the law of nature." The right of nature consists of "...the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature...." (p. 84). A law of nature, on the other hand, "...is a percept or general rule, found out by reason, by which a man is forbidden to do that, which is destructive of his own life, or taketh away the means of preserving the same...." (p. 84). In sum, "...right, consisteth in the liberty to do, or to forbear, whereas law, determineth and bindeth...." (p. 84).

Where the right of nature prevails, unconstrained by the laws of nature and the power of a sovereign state, "...there can be no security of any man" and the people are "...in that condition which is called war; and such a war, as is of every man, against every man" (p. 82). The way out of such a condition lies, then, in the adherence to laws of nature. One additional element, however, is required to assure adherence to the laws of nature and to put an end to the war among men. This, considered the most important factor by Hobbes, is the transfer of power from individuals to the state: "...the multitude so united..., is called a commonwealth...that great Leviathan..." (p. 112).

With the establishment of the commonwealth, we reach the end-point of Hobbes' discussion. The Hobbesian question can now be articulated. It is this: "How is social order established?" The answer lies, according to Hobbes, in the imposition of a common, sovereign power. However, one aspect of the problem remains unresolved: "Why do individuals surrender their powers to the state?" For Hobbes, the answer is found in utility: "The final cause, and, or design of men,..., is the foresight of their own preservation, and of a more contented life thereby...." (p. 109). The solution, then, comes in the form of man's capacity for reason: man is able to grasp his situation and take rational steps to remedy the violent pursuit of self-interest. These actions typically take their form in the creation and application of laws, the purpose of which is to make human behaviour conform to a common social purpose.

The Social Engineering Function of Law

Social and legal philosophers from Auguste Comte to Roscoe Pound have shared Hobbes hope that society possesses the capacity to change and control itself through the rational and conscious use of laws. Pound designated this capacity the "social engineering" function of law. However, although some jurists are profoundly optimistic, the limits of law seem

apparent. In a less than perfect society, a number of constraints limit the effectiveness of the law as an instrument of social change and control. Chambliss and Seidman (1971) suggest that "...it is an important task of the sociology of law to examine these constraints, thus to pose to the policy-makers the actual range of choice with which they are confronted. Such an empirical examination of the situation is the indispensable first step toward planned social engineering." (p. 9)

Toward this goal, Chambliss and Seidman (Chapter 2) suggest two models of legal activity in democratic societies (Figures I and II). The first model describes the legal system as a formal set of role expectations (i.e., the law as formulated by statute). The second model is intended to more accurately reflect actual role performance (i.e., the law in action). Both models are based first on the fact that nearly every legal norm is addressed simultaneously to a role-occupant (e.g., the citizen) and a sanctioning body (e.g., the courts). Thus sections of the Criminal Code of Canada governing assault, first define for the citizenry and the legal system acts to be included under this section:

Section 244: A person commits an assault when, without the consent of another person or with consent, where it is obtained by fraud,
(a) he applies force intentionally to the person of the other, directly or indirectly,
or
(b) he attempts or threatens, by an act or gesture, to apply force to the person of the other, if he has or causes the other to believe upon reasonable grounds that he has present ability to effect his purpose.

Instructions are then provided for the judicial response to such acts:

Section 245: (1) Every one who commits a common assault is guilty of an offense punishable on summary conviction
(2) Everyone who unlawfully causes bodily harm to any person or commits an assault that causes bodily harm to any person is guilty of an indictable offense and is liable to imprisonment for five years.

In operation, however, "the law" is more complex than our statutes suggest. For example, in cases of assault, charges are rarely laid, and convictions rarely obtained, without the cooperation of the victim. A

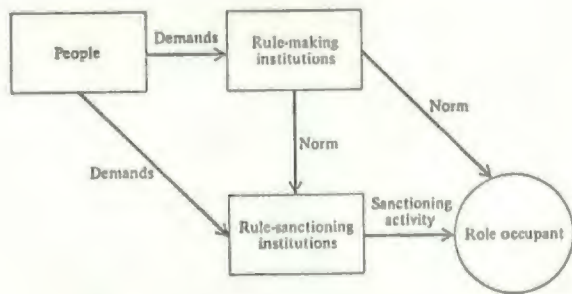


Figure I *

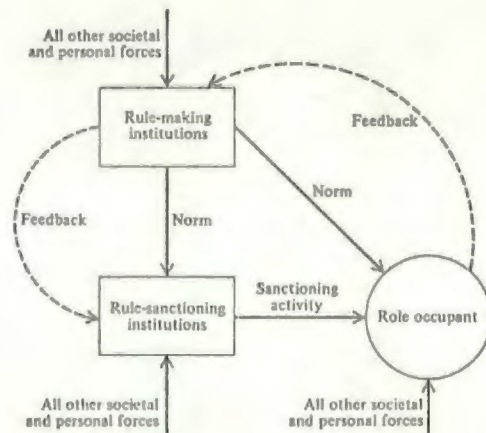


Figure II*

*Source: Chambliss and Seidman (1971)

variety of external forces, then, may influence "the law in action." Chambliss and Seidman represent these possibilities with the exogenous arrows introduced in Figure II.

Chambliss and Seidman refer conceptually to the differences between these models as a disparity between role expectation and role performance. In the remainder of this paper, we will be concerned with the manner in which victims of violence influence the role performances of sanctioning agents, and thereby produce disparities between ideal and actual models of the criminal justice system. Our interest is in how these disparities may effect the social engineering function of those laws seeking to control violent behaviour.

Third Party Justice

We have noted that ideally laws controlling violent behaviour are addressed only to would-be assailants and sanctioning agents. We noted further, however, that the law can be influenced by a third party: the victim - particularly the victim of violence. The role of the victim in guiding the penal response to violence (a) begins with the initial decision whether or not to report the event to the police, (b) persists via the willingness of the victim to see the case through prosecution, (c) extends into the judicial sentencing process, and (d) ends with the decision whether or not to seek compensation. At each stage, this third party, the victim, can be a crucial factor in the continuation of the case. A review of existing research will help to inform our assessment of the influence of the victim in each of these phases of the criminal justice system.

(a) Victim and Police Reports: The significance of the victim in initiating the penal response to violence is indicated in two different types of research. First, observations of police work reveal that very little victimization is discovered without an initial reporting of the event to the police. Albert Reiss (1968) makes this point in analyzing the data from a three city American study of policemen and their encounters with the public. Thirty-six trained observers rode in patrol cars and walked with policemen on their beats on all shifts, each day of the week, for seven consecutive weeks, in each of the three cities. In all, over 3,000 police-citizen "encounters" were observed. Reiss then designated each of these incidents as either a "pro-active" (i.e., on-view) or "reactive" (i.e., in response to citizen report) mobilization. Eighty-seven per cent of the encounters were thus indicated as reactive mobilizations. The clear implication is that the police are not likely to respond to violent events unless they are summoned to the scene.

A second indication of the importance of victims in determining the penal response to violence is found in the various victimization surveys conducted in North America. The first national survey of this type

reported in the United States by Ennis (1967) revealed striking differences between the occurrence of crimes of violence, and the frequency with which these crimes are officially known. For example, nearly four times as many forcible rapes are reported by victims as appear in the official data, more than twice as many aggravated assaults, and nearly one-third again as many robberies. Only homicides, among the violent crimes, are reflected with a semblance of accuracy in the official data. A Canadian survey conducted in Toronto by Curtis (1970) reveals even more startling findings. Here, more than ten times as many common and aggravated assaults are reported by interviewed victims as are reported to the police. The message of these surveys is that much violence goes undetected and unrecorded, and, therefore, unrecognized by a penal system designed to control it.

(b) Arrest and Prosecution: Victims of violence whose experiences are reported are not necessarily willing or anxious to pursue their cases to prosecution. An indication of this reluctance is found in a further consideration of the data on police-citizen encounters, as analyzed by Black and Reiss (1970). These authors report important variation among complainants (many but not all of whom were victims of violence) in their desire to see a suspect arrested. Black and Reiss found that black complainants responding to black suspects were the most insistent on an arrest taking place. It is further noted that demands for arrest from a complainant are very difficult for the police to deny. This situation contributes to a higher arrest rate among blacks. Whether this race differential is similarly a class disparity is unknown, but certainly plausible. It is in this regard that such findings become relevant to the Canadian scene.

The influence of the complainant in determining arrest decisions is made more disconcerting by research on "victim precipitated" crimes. Curtis (1974) found, in analysis of police reports from 17 cities, that victim provocation is common in criminal homicide and aggravated assault, less frequent but still empirically noteworthy in robbery, and perhaps least relevant in forcible rape. Where the victim of violence acts as complainant, the justification of the insistence on arrest becomes problematic. Curtis summarizes the moral dilemma as follows: "In such situations, distinctions between victims and offenders are often blurred and mostly a function of who got whom first, with what weapon, how the event was reported, and what immediate decisions were made by police" (1970: 597).

The fact that a charge is laid does not, of course, ensure that a conviction will follow. This is so in spite of "...a factual presumption that it is more plausible than not that a person suspected by the police is guilty of a crime, a presumption whose probability grows constantly higher as the accused passes through the system from stage to stage without being rejected at one point or another" (Chambliss and Seidman, 1971: 272). This factual presumption suggests that something

other than the guilt or innocence of the suspect and the willingness of the state determines conviction. Canadian research by John Hogarth (1974) again suggests the influence of our familiar third party - the victim.

Hogarth's study is concerned, in part, with the relationships between offenders and victims of person and property crimes in East York. Hogarth reports that in 55.2 per cent of the person and property offenses, some but not all of which involved violence, the offender and victim had a pre-existing relationship. Beyond this, an inverse relationship was observed between the intensity of the prior relationship and the use of charging options. Thus, the frequency of criminal charges declined as one moved from "strangers" to "commercial" to "other friends and relatives" to "neighbours" to "family". In the presence of close social or personal ties, then, the complainant seems less intent upon having criminal sanctions applied than in summoning the police to contain a situation temporarily out of control. Further evidence for this view emerges in the finding that when the prosecutorial initiative resided with private complainants (as in cases of common assault), they tended to proceed to prosecution less often than when the decision to prosecute was primarily within police control (as in property offenses and offenses against the person other than common assaults). Each of these findings suggests that the victim of violence plays a formally unexpected role in determining whether a penal response to violence will occur at the prosecution stage.

(c) Sentencing: A variety of American studies (Green, 1964; Johnson, 1941; Garfinkel, 1949; Partington, 1965; Wolfgang and Riedel, 1973; Judson et al., 1969) consider the role of the victim in the formation of sentencing decisions. These studies are most frequently concerned with inter-racial crimes and the use of the death penalty as a sentencing option. In particular, this body of research investigates the charge that blacks suspected of victimizing whites may disproportionately receive more severe sentences. Unfortunately, most of the research does not incorporate adequate controls for relevant legal variables (e.g., offense seriousness, prior record, and number of charges) (see Hagan, 1974). The most convincing of this research is a study of the use of capital punishment for inter-racial rape in the southern United States.

Wolfgang and Riedel (1973) gathered and analyzed data covering a twenty year period, including over 3,000 rape convictions, in 230 countries and 11 southern states. The results reveal that black men raping white women were considerably more likely to receive the death penalty, than any other racial combination of offenders and victims. Unfortunately, Wolfgang and Riedel did not include in their published analysis an actual control for the prior records of the offenders. Nevertheless, the strength of the zero-order relationship between racial contact and disposition is sufficient to raise the definite suspicion of differential sentencing.

It seems probable that at the root of such differential sentencing patterns there exist fundamental social judgments about the relative immorality of certain types of offenders seeking out specific types of victims. In the southern United States, during the early part of this century, race seems to have constituted the salient social concern. In other periods, and in different settings, other victim attributes will be salient. The more general conclusion is that the victim is again a dominant determinant of the type of penal response to violent crime.

(d) Compensation: The prospect of compensation for victims of violence is a new and growing aspect of North American systems of criminal justice. Unfortunately, research on the use of criminal compensation has not developed as quickly as the programmes involved. Nevertheless, several hypotheses can be suggested relating to the role of the victim in compensation decisions.

Given what we know from the preceding section about the role of the victim in determining sentencing decisions, it seems reasonable to expect an extension of this influence into the assignment of compensation. For example, it seems plausible to hypothesize that compensation awards will vary inversely with the social and moral distance of the victims from those sitting in judgement. Said differently, it can be hypothesized that compensation boards will be most favorably disposed towards victims similar to themselves in social characteristics, and caught in situations that board members can most readily imagine happening to them. This hypothesis would predict, for example, a larger award to a businessman permanently injured while forcibly abducted for ransom, than for a female slum resident permanently injured during a forcible rape. In part, such patterns might be expected to mirror common conceptions of victim precipitated crime. An underlying issue, then, is whether these preconceptions are accurate. (Note: the research by Curtis discussed earlier suggests that in the case of forcible rape these conceptions may be predominantly false).

A second source of hypotheses regarding compensation awards is the issue of who seeks them. It can be hypothesized that upper socioeconomic status victims, equipped with legal assistance, may be most likely to seek out compensation. Again, then, victim characteristics may play an influential role in determining this final penal response to violence.

The Implications of Third Party Justice

We have reviewed research supportive of our original assumption that the victim of violence is an influential third party in the legal decision-making process. The irony of this situation is that when victims

assume an active role in determining penal outcomes, their concern with the traditional goals of the criminal justice system seems likely to be partial. Thus, "The criminal law is commonly considered to be useful in achieving five ends,.... These objectives receive various titles, but they can be recognized as attempts to reform the offender, to restrain him, to deter others, to revive communion symbolically, and to achieve justice" (Nettler, 1974: 32). The current judicial wisdom suggests that among these goals, reform and deterrence are most important (Hogarth, 1971: 32). The current judicial wisdom suggests that among these goals, reform and deterrence are most important (Hogarth, 1971: 70-71). It seems unlikely that victims of violence share this view.

It is hypothesized that victims of violence are more likely to rate "restraint" and "justice" as the most important goals of penal activity. It is further proposed that victims of violence are most concerned with avoiding future victimization, and with imposing retribution for the harm they have experienced. If this proposition is accurate, then we can assume further that "third party justice" will be at variance with judicially conceived purposes of the penal response to violence. The plausibility of this disparity underlines the need to determine just how great the victim's influence in the decision-making process is, and what the consequences may be for the goals of our criminal justice system.

For example, if most victims of common assaults are concerned primarily with the temporary restraint of the offender, and thus characteristically refuse to follow their cases to conviction, then it is important for our legal system to be informed of the impact of this pattern on recidivism. Unfortunately, studies of recidivism in the past have focused on only those offenders actually convicted; the guilty, but unconvicted, remain unstudied.

A second example of deficiencies in our knowledge involves the more serious crimes of violence. We have reviewed research suggesting the influence of victim characteristics on sentencing, and by implication, on compensation decisions. Yet, we have no systematic knowledge of the extent of this influence in the Canadian courts, or, how this influence may correlate with rates of recidivism, or, the effects of such decision-making patterns on victim and public conceptions of justice.

Finally, research to date has focused on the role of the victim largely as that of a relatively passive participant in the penal process. Little attention has been given to how more active attributes of the victim may determine his influence in the penal process. Future research may benefit from a focus on three broadly conceived characteristics of the victim: (a) ability (as indicated, for example, by previous experience in, and knowledge about, the criminal justice system); (b) motivation (as indicated, for example, by the nature of any prior

relationship between the victim and offender, as well as by the degree of injury sustained); and (c) resources (as indicated, for example, by access to legal assistance and time to pursue the case). All of these factors may help to explain variation in victim impact on the penal response to violence.

Summarizing, we are aware that "third party justice" is a significant component of the penal response to violence, but we are largely uninformed of the dimensions or consequences of this situation. An important avenue for future research is thus indicated.

References

- Black, Donald J. and Reiss, Albert J.
1970 "Police Control of Juveniles."
American Sociological Review 35(February): 63-77.
- Chambliss, William J. and Seidman, Robert B.
1971 Law, Order and Power. Reading: Addison-Wesley
Publishing Company.
- Courtis, M. C.
1970 Attitudes to Crime and the Police in Toronto: A
Report on Some Survey Findings.
Toronto: Centre of Criminology, University of Toronto.
- Curtis, Lynn A.
1974 "Victim Precipitation and Violent Crime."
Social Problems 21(April): 594-605.
- Ennis, P.H.
1967 Criminal Victimization in the United States: A Report
of a National Survey. Washington D.C.: U.S. Government
Printing Office.
- Garfinkel, Harold
1949 "Research Note on Inter and Intra Racial Homicides."
Social Forces 27: 369-381.
- Green, Edward
1964 "Inter and Intra Racial Crime Relative to Sentencing."
Journal of Criminal Law, Criminology and Police Science
55(3): 348-358.
- Hagan, John L.
1974 "Extra-Legal Attributes and Criminal Sentencing: An Assessment
of a Sociological Viewpoint." Law and Society Review
8(3): 357-383.
- Hobbes, Thomas
1651 Leviathan. Oxford: Basil Blackwell.
- Hogarth, John
1971 Sentencing as a Human Process.
Toronto: University of Toronto Press.
- Hogarth, John
1974 East York Community Law Reform Project.
Studies on Diversion: Law Reform Commission of Canada.

- Johnson, Guy
1941 "The Negro and Crime." *Annals* 271: 93-104.
- Judson, Charles J., Pandell, James J., Owens, Jack, B.,
KcIntosh, James L. and Matschullat, Dale L.
1969 "A Study of the California Penalty Jury in First
Degree Murder Cases." *Stanford Law Review*
21: 1297-1497.
- Nettler, Gwynn
1974 *Explaining Crime*. Toronto: McGraw-Hill.
- Partington, Donald
1965 "The Incidence of the Death Penalty for Rape in Virginia."
Washington and Lee Law Review 22: 43-65.
- Reiss, Albert J.
1968 *The Police and the Public*.
New Haven, Conn.: Yale University Press.
- Wolfgang, Marvin E. and Riedel, Marc
1973 "Race, Judicial Discretion, and the Death Penalty."
*The Annals of the American Academy of Political
and Social Science* 407(May): 119-133.

"Civil Rights and the Violent Offender"

by

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I have been requested by your Chairman to address myself to the legal and civil rights issues involved in defining and identifying the violent or dangerous offender, and in the procedures that are or may be employed operationally in the process of selecting out this group for special sanctions or measures under the law. I assume that the reason for casting my assignment in these terms has reference to a paper that I¹ published in 1970 on proposals for the control of the dangerous offender.

I propose, for two reasons, to follow the suggestion of your Chairman only in part. One reason is that I have little to add to what I have written elsewhere, and I do not want to repeat what is readily available to you in more developed form than I could present here. The other reason I will come to.

The issues of criminal policy relating to the control of the violent or dangerous offender have presented themselves in the most pressing way in connection with the law and cognate legal proposals for "preventive detention", that is, special terms or measures, which in Canada have taken the form of life indeterminate sentences, for habitual criminals, dangerous sexual offenders, or other categories as specially designated and defined.² The issues become more sharply focused in Canada as a result of the proposals of the Canadian Committee on Corrections in 1969 to replace the habitual criminal and dangerous sexual offender provisions in Part XXI of the Criminal Code with a new set of provisions relating to the dangerous offender, provisions which were designed at one and the same time to reach offenders not caught by the existing provisions, to provide procedural protection not afforded by the existing provisions, and to remove the worst consequences of the discredited legislation contained in Part XXI.³ My 1970 paper took the form of a critique of these proposals.

The emphasis in the paper was not on "violence" as such, but on "dangerousness". It is evident that there is no accepted definition of "violence", even for legal purposes. Perhaps more to the point, it is germane to note that the criminal policy, clinical and legislative problems have more usually centred on the concept of "dangerousness" than they have on the rather more amorphous concept of "violence" - as, for example, in the mental health legislation of the various provinces,⁴ in the dangerous sexual offender provisions themselves, and even in the case law on the habitual offender provisions which are not formally conceived in terms of a criterion of "dangerousness".⁵ It goes without saying that certain kinds of violence are subsumed under the concept of dangerousness.

The overall conclusions of the "Dangerous Offender" paper were: that the kinds of controls that the proponents of change tend to want to introduce presuppose, as has often been the case in other contexts, both knowledge and resources that we do not have; that such proposals are advanced with perilous lack of awareness of a sensitivity to the operational ways in which systems process offenders and that the proposals so far suggested present extraordinary risks to the civil liberties of those selected out for special treatment. The critical nature of the paper has led some to conclude that I am both opposed to controls on those who may be considered to be dangerous, and opposed to recognizing a role for psychiatry in the correctional process. The former is certainly not the case; the latter is by no means entirely true.

I now turn to some of my conclusions from my research as reported in the "Dangerous Offender" papers.⁶ These I will relate to you as a series of short propositions, with only limited elaboration here because of the time constraints of the Workshop, and with footnoted reference to the more developed treatment elsewhere. Proposition 1: Nowhere, in statute, in draft or model statutory provisions, or in legislative proposal, has there been provided a statutory definition of "dangerous" persons that is adequate for purposes of defining in a manner unobjectionable in terms of legal principle, offenders of risk who should be made subject to special measures separate from the regular sentencing provisions of the criminal law.⁷ For notable attempts at definition, which have been found wanting either in practice or in academic commentary, reference might be made to the celebrated Defective Delinquent Act of the State of Maryland,⁸ to the Model Sentencing Act of the National Council on Crime and Delinquency,⁹ to the Model Penal Code of the American Law Institute,¹⁰ and to the proposals of the Canadian Committee on Corrections.¹¹

Illustrative of the problem is the attack by Schreiber on the "vagueness" of the Maryland statute: "In 1964 the staff found 84 percent of the convicts whom they evaluated to be defective delinquents. Since 1964 this figure has dropped to the 45 percent level, although neither the definition of "defective delinquent" nor the type of convicts referred to Patuxent has changed...Dramatic shifts in interpreting a statute that allows indefinite confinement of individuals should be made by the courts, or by specific legislative amendment - not by unarticulated, clinical diagnoses by administrative officials."¹²

More generally, the problem is summarized in the "Dangerous Offender" paper, in the following terms:

"...a definition must contain objective factual elements by which a given subject can be accepted or rejected; it must 'draw lines'. Of the 'dangerous sexual offender' definition in the Criminal Code it has been said: 'Since the definition can obviously fit, or be made to fit, all offenders convicted of one of the specified sex offences, the real criteria for selection or rejection...is a function of the examiner not the examinee...It is drawn not by objective scientific elements, but rather by the subjective expectations held by the particular psychiatrist, such as his own estimate of the prevalence of 'psychopathy', his allegiance to a particular school of psychiatry and...his estimate of his own accuracy in diagnosis...'

Surely it is not inapposite to ask, as has been asked in a somewhat related context, whether 'even-handed justice' can properly¹³ be measured out with a rubber yardstick."

In recognition of the difficulties of definition, both the American Bar Association Project on Minimum Standards for Criminal Justice¹⁴ and the National Commission on the Reform of the Federal Criminal Laws in the United States chose not to recommend specific criteria - the latter on the basis that it was not essential to the legislative scheme proposed. The Commission observed: "The reason for this is that an attempt to set forth such criteria is likely to become overly detailed and cumbersome and to bog down the procedural process of sentencing to a degree that outweighs the advantages of precision which might be sought. And the goal of precision is at best an elusive target...The hope is also that the terms will develop more precise content through the normal common law process of adjudication, and that the meaning so developed will be far more satisfactory than if statutory definitions are set forth at this point...."¹⁵

But the problem remains. What, if any, forms of specific disposition can be justified in the absence of assurances of adequate means of identification, both by statutory definition and in the techniques and procedures for selection? Nor should it be forgotten that the definitional elements of the legislation will greatly affect the information upon which such decisions are made, both as to type of information and as to the means whereby it is provided. Similarly, the substantive element of definition

will have serious implications for the operation of procedural aspects of the legislative arrangement. To avoid definition is not to resolve or simplify a problem; it is, rather, to relegate the problem to the more unmanageable sphere of low-visibility decision-making from which modern legal scholarship has been attempting to remove so many features of the criminal-correctional process.

Proposition 2: It does not appear that anywhere in the extensive body of literature that now exists has anyone provided an empirical listing of behavioural criteria that could meet the requirements of a legislatively adopted typology of dangerousness.¹⁶

Proposition 3: The published literature offers nothing that would justify us in leaving to psychiatrists, psychologists or other clinical professionals, without thorough and operationally functional safeguards circumscribed in law, the decision as to who can be designated as "dangerous" for purposes of special treatment under the law. This is the lesson surely, of the case example presented. It is also the lesson of the research literature.¹⁷

Illustrative of the problem of assessing reliability are the claims of Kozul and his group.¹⁸ The authors claimed reliable diagnosis and effective treatment with a recidivism rate of 6.1 percent, based upon a 10-year study with 561 male offenders at the Treatment Center, Bridgewater, Massachusetts. The staff's initial diagnosis indicated that 304 of these persons were not dangerous, and they were released into the community after completing their sentences. Twenty-six (8.6 percent) subsequently committed serious assaultive (dangerous) crimes. The courts concurred in the diagnosis of dangerous in 226 cases and committed these offenders to the special "treatment" facility for an indeterminate period of one day to life. Following treatment for an average period of forty-three months, eighty-two patients were discharged on recommendation of the clinical staff. Of these, five (6.1 percent) subsequently committed serious assaultive crimes, including one murder. Forty-nine of the originally committed patients were released by court order against the advice of the clinical staff. Of these, seventeen (34.7 percent) subsequently committed serious assaultive crimes, including two murders. It should be noted first that no comment is made beyond a bare statement to that effect with respect to the twenty-two "false positives" that were released by the courts. Secondly,

"...a different approach would be to determine how many actually dangerous persons there were in the 561 originally diagnosed by the Center as dangerous. But 126 of the 561 have not had much opportunity to display their dangerousness, since they are still confined at the Centre: and this group might be expected to contain a relatively high percentage of dangerous persons. One clue as to what that

percentage might be may be gleaned from the 49 who were released by the court against the advice of the Center. Seventeen of these, or 34.7 percent proved to be dangerous. Perhaps the same percentage of those still confined are also dangerous. It could be argued that the percentage would be higher among those still undergoing treatment, since both the Center and the court agree upon their dangerousness. But that is questionable, because the key factor in obtaining a court release against the Center's recommendation seems to be a matter of legal initiative, rather than showing of less apparent dangerousness. Subject to these not insignificant doubts, it can be estimated that 34.7 percent or 44 of the 126 patients still confined may actually be dangerous. Also, if treatment has an effectiveness whatsoever, it is not reasonable to say that only 5 of the 82 released after completing treatment were actually dangerous at the time of their original diagnoses. For lack of any other clue to the real number, the 34.7 percent figure could be used to estimate that 28 of these 82 were actually dangerous before being treated.

Adding these estimates of 44 and 28 to the recidivist figures of 26, 12, and 5 yields a very shaky estimate that 115, or 20.5 percent of the 561 diagnosed persons were truly dangerous; and of these 115, the Center correctly diagnosed 89, or 77.5 percent as dangerous, and incorrectly diagnosed as not dangerous, 22.5 percent of 26 dangerous men. A more alarming conclusion of this same analysis is that 168 or 65.4 percent of the 257 diagnosed as dangerous, may have actually been not dangerous!

The 65.4 percent (65.3 percent before round-off errors) also serves to remind us that the above is merely an extensive extrapolation from extremely little data, that is, that 17 of 49 persons, or 34.7 percent released against the advice of the Treatment Center recidivated; whereas 32, or 65.3 percent did not. The above estimates, even if subject to sizeable errors, illustrate the over-prediction which ...[it is suggested]...is inevitable in all such predictions."¹⁹

Writing in 1969, one scholar of some repute concluded:

"Over this past year, with the help of two researchers, I conducted a thorough survey of all

the published literature on the prediction of antisocial conduct. We read and summarized many hundreds of articles, monographs and books. Surprisingly enough, we were able to discover fewer than a dozen studies which followed up psychiatric predictions of antisocial conduct. And even more surprisingly, these few studies suggest that psychiatrists are rather inaccurate predictors-inaccurate in an absolute sense - and even less accurate when compared with other professionals, such as psychologists, social workers and correctional officials; and when compared to actuarial devices, such as prediction or experience tables. Even more significant for legal purposes, it seems that psychiatrists are particularly prone to one type of error-over-prediction."²⁰

I have read nothing that would persuade me that subsequent events require a change in that conclusion.

Proposition 4: While some refinement in the techniques of selection may be possible through the development of statistical prediction methods, there are distinct and significant limitations on the reliance that we can place on such means of selection. This is in part because of the problem of the "false positive", and in particular the problem that it presents when one attempts to predict the "rare event" - a matter that has been well explored in the published literature.²¹ It is in part also, in the words of Silving, that "prediction of future conduct...whatever might be the improvements of predictive techniques, is to a large degree uncertain, not only because of inadequacies inherent in prediction systems, but also because of the numerous potentialities of error in gathering the pertinent factual data."²²

The latter conclusion receives striking support in a study just reported of parole release procedures under the recently adopted "Guidelines for Decision-Making" of the United States Board of Parole.²³ Under the new procedures, a "Guideline Table" is intended to determine the majority of parole release decisions, subject only to the power of the parole panel dealing with the case to recommend to the Board, with written reasons, a decision outside the Guidelines for or against parole. The basis on which the system is conceived is conveniently described in the study:

"The Guideline Table consists of two basic indices on which inmates are scored: an "Offense Severity" index and a risk prediction or "Salient Factor" index. These two indices form the axes of a matrix:

on the vertical axis inmates are placed into one of six severity groups according to their "offense behaviour", while along the horizontal axis they are divided into four risk groups according to their Salient Factor Score. At the intersection of each severity and risk category, a range of months is listed. This range represents the amount of actual time to be served prior to the first release of an inmate with those offense and risk characteristics. By scoring and rating an inmate on the two indices, the hearing examiners determine the inmate's expected incarceration period....

The Offense Severity Scale was derived by averaging the evaluations of Parole Board members and examiners of the seriousness, on a scale of one through six, of typical offense behaviours. The Offense Severity Rating reflects the Parole Board's independent, subjective evaluation of the gravity of the inmate's past criminal behaviour. Classification on the severity scale is not based on the legal "Offense of commitment" or on sentence length; rather, the Board makes its own determination of the inmate's offense behavior, which it then rates relative to "offense behaviors...commonly seen by the parole board."

The Salient Factor Score is designed to predict the likelihood that an inmate will succeed on parole. This score is measured by an 11-point Salient Factor Scale, which consists of nine weighted personal characteristics that were statistically determined to have high predictive power in discriminating between past groups of releasees who "succeeded" and "failed" after their release.²⁴

The study's findings included the following: that, with reference to the Salient Factor Score, "in very few hearings is every factor on the scale discussed or confirmed", and even "factors that are discussed... are not raised directly, so the prospective parolee often does not have a fair opportunity to rebut or respond to information" on the file, even though uncertainties and inaccuracies not infrequently suggested themselves in the hearings;²⁵ that [t]he Offense Severity Rating is generally determined on the basis of information on the file, with little or no weight given to contradicting accounts provided by the inmate", that although "official reports of offense behavior are at times incomplete and unreliable the examiners do not appear to use the hearing...to check accuracy or possible misinformation", and that "[w]hen an inmate's version disagrees with the

official version, examiners do not point out or explore the discrepancy, but appear instead to evaluate the response for other purposes, usually with an eye to discovering whether the inmate is repentant or willing to accept responsibility for his actions";²⁶ that not infrequently the ratings are manipulated to justify a result outside the Guidelines, without the necessity of supporting the decision to the Board;²⁷ and that the criteria for decision as communicated to the inmate are not criteria under which the panel has purported to reach its decision under the Guidelines.²⁸

While it may be suggested that the example referred to is a comment, not on the ability to fact-find, but on the fact-finding procedures employed, the tendency for just such results to flow from new correctional arrangements of this nature should not be forgotten. It is precisely in those areas of lowest visibility in the correctional process that the greatest threat to the civil liberties of those processed by the system lie.

Proposition 5: We have neither the treatment modalities, nor the facilities, nor the assurance of either, to justify selection and preventive detention for treatment purposes. The failure of "treatment" or rehabilitation programs to achieve their goals is a repeated theme in the research literature.²⁹ That these conclusions are fully justified is, I confess, the conclusion that I have probably the least confidence in accepting.³⁰

Proposition 6: In the introduction of special measures for designated groups of offenders, far too many assumptions are made about the adequacy and probable fairness of the procedures designed to give effect to such measures. One might refer to the unexamined assumptions about the quality of psychiatric and other expert testimony, and the failure to provide: - for the full access to all material on which such expert opinions are based; for content requirements and standards for psychiatric and other reports; for provisions to ensure acceptable qualifications on the part of those offering opinions of such crucial import; and for professional review of 'expert' testimony in the same way that review is provided for judicial decisions.³¹ One might refer to the failure to look seriously at the problems of burden of proof in relation to clinical findings.³² One might also refer to the peculiar vulnerability of the offender under such provisions who is remanded for assessment, and especially to the problems presented for him in attempting to exercise his claim to freedom from self-incrimination by refusing to cooperate with the assessment process.³³ And one might refer to the functional adequacy of release procedures in the light of the accumulating experience of the difficulties that patients and patient offenders have in attempting to secure release from confinement where, on their submission, the grounds on which confinement was ordered have ceased to apply.³⁴

The propositions set out above, with such elaboration as time has permitted me to make on them, treat the more visible aspects of the question of civil rights in relation to the offender perceived to be violent or dangerous. They do not convey, nearly so adequately, the "feel" of the correctional situation, or raise to public scrutiny those less visible qualities that often characterize correctional perspectives and decision-making and that have no less significance for the civil rights of the offenders concerned. One thinks: - of the label of "dangerous" perhaps inaptly applied in the first place, that attaches like a rivetted chain through the years, long after any possible reason for retaining it exists; of the psychiatric report, suspect at best, that is in turn parrotted through the years without serious allowance for change in offender or situation, and yet is still persuasive in high degree to those whose decision governs release; of parole-release decision-making based on criteria that are at once of dubious acceptability and substantially removed from external input or review; and of curious divisions of responsibility among the correctional agencies responsible for these offenders, that result in agency concerns and budget requirements taking precedence over planning in an informed and goal-oriented way for the persons under their charge. And one thinks, in a very personal way, of the anguish of some of those who have suffered under the system.

It is easy to dramatize and to over-simplify. There are "dangerous offenders", and there are difficult decisions to be made, and being made, by men of conscience and dedication whose task is an unenviable one. What have to be understood, however, are the too-frequent experiential outcomes of systems that single out for special treatment designated categories of offenders. Civil rights, to be understood, must be seen not solely in an abstract and conceptual way, but operationally, in terms of how men and systems function. It is in these very human terms that questions of the civil rights of such offenders can best be appreciated.

Footnotes

1. The paper appeared first as "Mentally Disordered and Dangerous Persons under the Criminal Law", (1970) 12 Canadian Journal of Corrections, pp. 241-264. It was subsequently published in considerably expanded form as "Psychiatry, Criminal-Law Reform and the 'Mythophilic' Dangerous Impulse: On Canadian Proposals for the Control of the Dangerous Offender", (1970) 4 Ottawa Law Review, pp. 1-61. The paper was revised and updated in 1974 for the Law Reform Commission of Canada, in collaboration with Mr. Alan Gold. It is scheduled to be published by the Commission shortly under the title "Legal Controls for the Dangerous Offender".
2. It should be said that special provisions for offenders designated as dangerous or otherwise categorized represent only one aspect of the problem of making legal decisions in respect of those considered to be violent or dangerous. The problem presents itself regularly in the sentencing of offenders apart from preventive detention, in proceedings under mental health legislation and in Judicial Interim Release hearings under Part XIV of the Criminal Code. On sentencing, see e.g., Regina v. Pion and McClemens, [1971] 3 O.R. 428 (Ont. C.A.); Regina v. Hill (Ont. C.A., Jan. 17, 1974); Regina v. Head (1971), 1 C.C.C. (2d) 456 (Sask. C.A.); Regina v. Fisher (Ont. C.A., Mar 11, 1975, unreported). On the Judicial Interim Release decision, see e.g., Regina v. Julian (1972), 20 C.R.N.S. 227 (N.S. Sup.Ct.); Regina v. Smith (1972), 8 C.C.C. (2d) 291 (B.C. Sup.Ct.); Regina v. Moses (1970), 7 C.R.N.S. 277 (N.W. Terr. Ct.). The range of issues, however, is more clearly seen where preventive detention is in issue.
3. Report of the Canadian Committee on Corrections (Ouimet Committee, 1969), Ch. 13.
4. See e.g., Mental Health Act, R.S.O. 1970, C-269, ss. 8-10, 15 and 28.
5. See Pooler v. The Queen, [1968] S.C.R. 381; Mendick v. The Queen, [1969] 2 S.C.R. 865; Hatchwell v. The Queen (1975), 3 N.R. 571 (S.C.C.).
6. See note 1, supra.
7. See "Psychiatry, Criminal-Law Reform and the 'Mythophilic' Impulse...." supra note 1 at pp. 53-57, and notes 111-113 and 137.
8. Public General Laws of Maryland, 5.5, art. 31B. A "defective delinquent" is defined as "an individual who, by the demonstration of persistent aggravated antisocial or criminal behaviour, evidences a propensity to criminal activity, and who is found to have either such intellectual

deficiency or emotional unbalance, or both, as to clearly demonstrate an actual danger to society so as to require such confinement and treatment, when appropriate, as may make it reasonably safe for society to terminate the confinement and treatment.

9. Model Sentencing Act, (1972) 18 Crime and Delinquency 329, s.5(a). The Act authorizes a "special term" where the convicted person "is being sentenced for a felony in which he inflicted or attempted to inflict serious bodily harm, and the court finds that he is suffering from a severe personality disorder indicating a propensity toward criminal activity."
10. Model Penal Code, art. 7.03, which defines a "dangerous mentally abnormal person" as one who "has been subjected to a psychiatric examination resulting in the conclusion that his mental condition is gravely abnormal; that his criminal conduct has been characterized by a pattern of repetitive or compulsive behaviour with heedless indifference to consequences; and that such condition makes him a serious danger to others."
11. "Dangerous offender means an offender who has been convicted of an offence specified in this Part [of the Criminal Code] who by reason of character disorder, emotional disorder, mental disorder or defect constitutes a continuing danger and who is likely to kill, inflict serious bodily injury, endanger life, inflict severe psychological damage or otherwise seriously endanger the personal safety of others." Report of the Canadian Committee on Corrections (1969), p. 258.
12. Schreiber, "Indeterminate Therapeutic Incarceration of Dangerous Criminals: Perspectives and Problems", (1970) 56 Virginia Law Review, p. 602 at 616. Schreiber served on the Board of Review and on the Advisory Board for Patuxent Institution.
13. "Legal Controls for the Dangerous Offender", supra note 2. The quoted references are two respectively, Gold, "The Dangerous Sexual Offender" "How Safe is Your Daughter? Revisited" (unpublished student paper, Queen's University, 1969), and Blocker v. United States (1961) 288 F. 2d 853 (D.C.Cir.), at p. 861.
14. American Bar Association Project on Minimum Standards for Criminal Justice, Sentencing Alternatives and Procedures (1967), p. 98.
15. Working Papers of the National Commission on Reform of Federal Criminal Laws (1970), Vol. II, pp. 1317-1318.
16. See "Psychiatry, Criminal-Law Reform and the 'Mythophilic' Impulse....", supra note 1, at pp. 35-37 with accompanying footnotes. See also Kozul et al., "The Diagnosis and Treatment of Dangerousness", (1972) 18 Crime and Delinquency, p. 371 at 379-382, and read with Beyer, "A Critique of the Confinement Process Under the Massachusetts Sexually Dangerous Persons Law" (unpublished student paper, Harvard University, 1973).

17. See "Psychiatry, Criminal-Law Reform and the 'Mythophilic' Impulse....", supra note 1, at pp. 38-42 with accompanying notes; Wenk et al., "Can Violence be Predicted?", (1972) 18 Crime and Delinquency, p. 393.
18. Kozul et al., supra note 16 at pp. 377-378.
19. Beyer, supra note 16, at pp. 26-28.
20. Dershowitz, "Psychiatry and the Legal Process: A Knife that Cuts Both Ways", (1969) 2 Psychology Today 43, at p. 47.
21. See "Psychiatry, Criminal-Law Reform and the 'Mythophilic' Impulse....", supra note 1, at pp. 42-43; Beyer, supra note 16; Wenk et al., supra note 17; Von Hirsch, "Prediction of Criminal Conduct and Preventive Confinement of Convicted Persons", (1972) 21 Buffalo Law Review 717, at pp. 730-744. See also Schreiber, supra note 12, at pp. 629-630.
22. Silving, "'Rule of Law' in Criminal Justice", in Mueller (ed.) Essays in Criminal Science (1961), p. 77 at 147.
23. Project, "Parole Release Decision-Making and the Sentencing Process", (1975) 84 Yale Law Journal p. 810-902.
24. Id., at pp. 823-824.
25. Id., at pp. 833-835.
26. Id., at pp. 835-837.
27. Id., at p. 838.
28. Id., at pp. 830, 834 n. 109, and 839.
29. See "Psychiatry, Criminal-Law Reform and the 'Mythophilic' Impulse....", supra note 1, at pp. 31-32; Law Reform Commission of Canada, The Principles of Sentencing and Dispositions (Working Paper, 1974).
30. See Ryan, "Principles of Sentencing and Disposition", (1975) 7 Ottawa Law Review, p. 271.
31. See "Psychiatry, Criminal-Law Reform and the 'Mythophilic' Impulse....", supra note 1, at pp. 46-47 with accompanying footnotes.
32. Id., at note 133 and accompanying text, and np. 44-46.
33. Id., at pp. 50-51. See also McNeil v. Director of Patuxent Institution, (1972) 407 U.S. 245.
34. See "Psychiatry, Criminal-Law Reform and the 'Mythophilic' Impulse....", supra note 1, at pp. 40-41 and 51-53, with accompanying footnotes.

Discussion

Opening the discussion, Mr. Chris Nuttall remarked that research he did for the British Home Office in connection with the Butler Committee on Abnormal Offenders, raised the question: "How easy is it to predict violence?" Although violent first offenders would seem most likely to perpetrate further crimes of violence upon release, his own research revealed that the greatest percentage of violent offences committed by released prisoners was committed by those not previously incarcerated for violence. Professor Price agreed with the comment, adding that other research substantiated the view that most violence is not committed by those in the predictive group.

Turning to the issue of prisoner review, Mr. Keith Couse asked Professor Price if, in his recommendations about abnormal offenders, he had addressed the problem of fresh review and removal of old assessments of prisoners. Professor Price replied that the question of using old assessments to make new ones was crucial and suggested that there should be minimum qualifications for people assessing prisoners, as in California, and also the establishment of boards to monitor prisoner review.

Professor Willett then asked for comments on the problem of releasing prisoners who had no record of violence on the outside but who were very violent and dangerous to others while imprisoned. Professor Price confessed he had been unable to resolve that issue satisfactorily, although statutes allowing post-sentence surveillance might be a possibility.

Discussion concluded with Professor McNaught who said that in considering the problems of individual violence and recidivism, he was reminded of Mackenzie and Papineau who were hounded out of Canada but later returned to sit in the Legislature.



Open Discussion on Proceedings

The open discussion period was initiated by Professor Giffen who asked Professor McClintock if there has in fact been an increase in violence in Canada and if so, what forms it has taken? How does one go beyond official records to get at incidents of violence? In reply Professor McClintock suggested that it is wrong to assume that the increase over the decades or years reflects the actual increase. While some increase is indicated we need more victim and hidden delinquency studies and much better basic data for such, i.e., the questions of the nature and meaning of hidden delinquency and the meaning of violence which is recorded by the police, must be tackled.

It was suggested by Professor Fattah that it was important to make a distinction between objective instances of violence and subjective beliefs about violence. In the former, official crime rates and victimization studies done in Scandinavia and the United States show a large discrepancy. In attempting to explain increases in crime in Canada it is necessary to undertake more research. While official statistics show a tremendous increase it is difficult to know if it is an actual increase by reduced tolerance levels in the general population toward crime or better reporting, processing and effectiveness of police. Regional variations, i.e. incidence of violence in various provinces, police practice, etc., may be able to offer some explanations to aid in determining how much is real and how much is due to other factors.

A discussion of the meaning of the term "violence" was engaged in by Ms. Jeffries, Professor Colvin and Professor Watson. It was agreed that much of the difficulty of definition involved the utilization of a value-laden term which is used to categorize behaviour in moral terms. Too many splinters exist in the concept of violence to make it possible to arrive at an universally acceptable definition.

Professor Ericson asked Professor McClintock if he would explain how the data he has collected could be used to study the operations of social control agencies.

In reply, it was clarified by Professor McClintock that in his paper he was concerned with looking at the phenomenon of violence using the term "criminal violence" and therefore was selecting crimes as legally determined. His research was concerned with the whole pro-

cess of processing, convicting, sentencing, etc. If a typology of violence and other social facts relating to violence are taken it is possible to ascertain the extent to which there is discrimination to socially under-privileged groups and the extent to which there are continuing problems in economically depressed areas in which the criminal justice system is not working. Sentencing can be looked at to see how it is imposed and how it is or is not taking into account the social reality of criminal violence. Table 13 in his handout indicated that of the number of people who were recidivists who had at least one previous conviction for violence only a small proportion of known recidivism of known violence is related to violent conduct - the vast majority of those convicted have offences against property as well and yet we tend to assume violent criminality from conviction to conviction and this assumption is perhaps erroneous. The violent offender now incarcerated is more likely to be convicted again of instrumental violence rather than that involving inter-personal relationships and yet the system is not recognizing this and issues should be dealt with in a more rational way. More understanding of situations and the social context of violence both in relation to the act, to victim involvement and to the background of the offender, should be developed.

Pessimism was expressed by Professor Willett as to the likelihood of the incidence of violence falling away. He suggested violence frequently means coercive forces and it (a) seems to work, and (b) has an enormous attraction for the general public. All evidence suggests that on the international scene the use of force by military means is the ultimate factor in the achievement of goals, and the means to control such force is not yet available. A degree of hypocrisy must therefore exist in countries where the governments have rejected capital punishment and yet retain nuclear weapons or utilize its military resources with even a partial degree of its death dealing force. This certainly goes against subjective impulses for a more humane world.

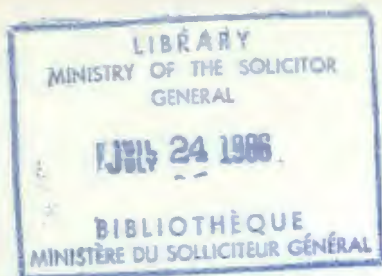
An exchange between Dr. Common and Professor Price on the role of the psychiatrist and his possible effectiveness in the treatment of violent offenders resulted in Professor Price suggesting that studies have been produced but a lack of consistency in findings makes it difficult to draw any firm conclusions.

The discussion then moved to the issue of capital punishment. Ms. Gibson stated that, contrary to the opinion stated by Professor Willett, no governments have ever said that capital punishment is no deterrent but rather have stated that it is no greater deterrent than life imprisonment. Professor Ericson questioned the continuance of the capital punishment debate in Canada stating that many other countries

in the Western world are instead debating alternatives to imprisonment and/or the closing down of prisons. If the issue is long past in other countries why are we in Canada, still debating this issue? In reply Professor Turk suggested that in the United States the question may be dormant but it has by no means been laid to rest. Professor McClintock suggested that in the United Kingdom there is a move back to capital punishment particularly for acts of terrorism. Professor Watson suggested that in the context of violence alone, an execution may not be seen by some people as an act of violence.

The problem of prediction was introduced again by Professor Greenland. He suggested that as administrators of institutions have legal responsibility, they must exercise the very best judgement they can and cannot wait for psychiatrists and sociologists to find the perfect formula. Little progress is made by going through the process of finding data that suits a particular purpose and then whacking the opponent with it. Perhaps there has been a tendency to pick out cases of real hardship and ignore cases where it would be pure stupidity to release individuals where prediction is very possible, for example, young sexual offenders (under 25) who have a fairly long record of offences involving sadistic behaviour. What else can be done except continued incarceration for a very long time? Professor Greenland felt that the fact of age is a pretty potent predictor of future behaviour. He suggested that for offenders over the age of 25 at the time of the first offence the likelihood of repetition was nil; if under 25 and with a history of repeated offences whether violent or property offences, in 90 per cent of the cases there was a high degree of some repetition of delinquent behaviour.

Professor McClintock disagreed with the taking of things such as age as a predictor and working out a formula as he felt that one is then pushed back into a position of repression in relation to control. If age is to be used as a predictor for example then what must be done is to ask why and how age is such an important predictor. In this way, one goes back into the legal, medical, biological and sociological environmental factor which leads to greater understanding of the problem. The age and the rate of known violence in the neighbourhood from which the individual comes (when looking at young violent offenders from closed institutions) washes out everything else to do with the criminal justice system. This raises questions about the notion of justice, i.e. should we be using our resources in terms of social justice rather than criminal justice such as long term incarceration. Professor McClintock further felt that we must be cautious about using immediate practical indicators such as age for determining policy as this may blind us to what they mean in terms of social interaction. Professor Watson supported such a view by suggesting that more exhaustive case studies will lead to the elimination of generalizations.



Professor Greenland noted that in studying a large number of homicide cases the thing that impressed him was the extraordinary length that people went to not to commit homicides, particularly those involving women, i.e. women who before the event went to Children's Aid Societies or doctors asking for help and stating that they were going to kill children. Men exhibit such behaviour less frequently but may exhibit "warning" behaviour, i.e. behaviour before the episode may be so outrageous that the victim should have ample opportunity to escape but doesn't. Professor Greenland found such behaviour intriguing and asked for comment on it. Mr. Couse related a recent incident where ten days before the event all sorts of warning signals were present.

The question of how often danger signals are present without the homicide being committed was raised by Professor McClintock. He suggested that control groups would be necessary in order to determine this. Despite having noticed that kind of phenomena in reading homicide cases, Professor McClintock speculated that perhaps these signals are coming out in cases that don't produce that result as well. He further suggested that it raised the old problem of retrospective as distinct from predictive research.

The discussion was concluded with Professor Ericson thanking those involved for their participation. He expressed a desire to hear from individuals working in research and hoped that it would be possible to engage in some systematic pieces of research in this area in a relatively short period of time. He further suggested that such research could involve the social perspectives and types of definitions discussed during the conference.



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