Preface

Violence is globally pervasive and represents ethnic, racial, religious, and geopolitical disparities. History is replete with mass murders, genocides, and ethnic cleansings, all holocausts in their own right. Indeed, there are universal explanations for murder that are expressed through cultural filters. In general terms, people kill others as a result of greed, alcohol consumption, ethnic and racial issues, religion, sexual property, social status, mental illness, and a need for power and control. Often, these explanations overlap and cannot be clearly separated when ascribing causality. For example, in cultures that prohibit women from partaking in civil life activities such as voting, socializing, and working, men create the laws and violently punish women for disobedience. The same men who use their culture and/or religion to subjugate women for their own good also use their religion/culture to justify killing them. In Lebanon, for example, "honor killings" are sometimes carried out against women who dishonor the family.

In rural areas of India, girls are sometimes killed for refusing to participate in arranged marriages. Endogamous societies maintain strict standards of conduct toward its members, and deviation from those expectations often elicits swift and violent community reactions. In China, another endogamous society, population is controlled by government sanctions. Families are encouraged to have but one child. Additional children mean that a family will be punished financially and limited as to where they are allowed to live. The quest to control family size in the world's most populous society directly conflicts with the cultural expectation of passing down the family name. Because males alone pass on the family name, a newborn male is welcomed with opened arms. In rural China, however, where cultural tradition remains unchallenged, female babies are often drowned. Although killing a child in China is not legally allowed, cultural norms and needs often supercede the law.

The United States has long been viewed as a violent and dangerous nation in comparison with other countries. There are, however, problems in attempting direct comparisons. Cross-national crime comparisons involve an array of methodological limitations. Crime is defined differently in many countries, as well as how agencies collect data and store and analyze and report findings. In the global scheme, the United States has far more violent crime when compared with countries similar in socioeconomic development. For example, the United States has a murder rate approximately twice that of Argentina and Romania, 5 times that of Australia and Canada, 10 times that of France, 17 times that of Japan and Ireland, and 25 times that of Iceland. In countries that are less socially and politically stable, the opposite appears to be true. Mexico has a murder rate nearly double that of the United States; El Salvador and the Russian Federation about 3 times the U.S. rate; and Colombia, 9 times that in America. American culture is not only the most murderous of Western societies, but we also export our violence to other nations in the form of entertainment.

AMERICAN MURDER AND OTHER VIOLENT BEHAVIOR

Over a 350-year period, approximately 12 million slaves were transported from Africa to nations wanting cheap labor. Although several million went to Brazil and other countries, the United States received approximately 700,000 men, women, and children. Many others died en route as a result of starvation, disease, and brutal treatment. The accepted violence against blacks, such as beatings and lynching, by parts of American society persisted until the civil rights movement and desegregation of the 1960s.

Killing and violent behavior has permeated the historical development of America. Colonial America

was established at the demise of millions of Native Americans who were dehumanized and massacred at the hands of expansionists. Colonization of America was a violent and deadly process, not merely a broken treaty. Asians endured severe persecutions as they came to America looking for jobs and a future. Many died while building railroads as a result of bigotry, ethnocentrism, and racism. The American melting pot pitted Catholics against Protestants, white against color, and the haves against the have-nots. The struggle brought with it the inevitable clash of capitalism with the demands of the working class. Unions sprang up across America to champion the cause of the poor. With the labor movement, strikes were organized, and with strikes, violence often erupted. To add to the tension of our foundling nation, moral entrepreneurs fervently tried to eradicate the social ills of drinking and prostitution.

American violent culture was further molded by the advent of the Civil War, which left tens of thousands of mutilated and dead young men on cannon-scarred battlefields. Many of these Americans had just arrived from native homelands in Europe, hoping to start new lives. The enmity created from the bloodiest conflict in American history lasted for many generations. Blood feuds spawned acts of violence that kept families, towns, and states in upheaval. Ethnicity, race, and country of origin became dividing lines for newcomers to America and resulted in assaults, assassinations, and riots in several U.S. cities.

The United States is well versed in city riots that have resulted in massive damage, injury, and loss of life. Both the Watts riots of Los Angeles of 1965 and the Detroit riot in 1967 resulted in dozens of deaths. Along the way, America experienced several wars and conflicts that have helped frame our social conscience about the necessity and legality of violence. Each conflict, World War I, World War II, Korea, Vietnam, Kosovo, Desert Storm, Afghanistan, and Iraq, has created its own version of violence.

Violent conflict has been glamorized by Hollywood. Crime and its inherent violence are big business. Criminal homicide constitutes a sinister but fascinating portion of the dark side of most societal landscapes. We talk about it, watch movies depicting it, read about it in newspapers, and listen to radio, television and Internet news reports about it. Murder sells as entertainment irrespective of the fact that killing brings so much suffering to families, relatives, and friends of the victims. The pattern of gender-specific killing is constant in American society: Men kill men most commonly, followed by men killing women. Next, women kill men, and least likely, women kill women. Men talk more violence, they watch more violence, and they do more violence than women.

The taking of a human life is a homicide, but not all homicides are murders. In the United States, there are three forms of homicide: *justifiable* (occurs in the defense of property or life), *excusable* (accidental or unintentional killing), and *criminal* (illegal killings). Criminal homicides, the most common form of homicides, are further subdivided into *manslaughter* and *murder.* Manslaughter can be classified as either voluntary (a highly emotional or passionate killing) or involuntary (death resulting from recklessness or carelessness). Murder is classified into three subcategories: felony (occurs during the commission of another felony), first degree (includes premeditation and deliberation), and second degree (without premeditation or deliberation but also without concern for the safety of a victim and with intent to do serious bodily injury).

Some killings are state sanctioned, as in the application of capital punishment. In California, the cause of death listed on a death certificate of a person executed by the state is "Homicide." Indeed, murder is the illegal killing of another human being that usually carries with it severe penalties: prison time and in some cases, even death. Most people who kill do so but once. In the United States, with the exception of the 300 to 400 victims per year killed by serial murderers and gang members who kill more than once, most other killings are thought to be crimes of passion. Although many murders are crimes of passion, the variation in motivation for murder can extend from obvious to complex and multifaceted. Motivation-based homicides, all of which are illegal, have been categorized in the *Crime Classification Manual* into four groups:

1. Criminal enterprise homicide: contract (third-party killing); gang motivated; criminal competition; kidnap; drug; product tampering; insurance/inheritance-related (individual or commercial profit); and felony murder and situational felony
2. Personal cause homicide: erotomania; domestic (spontaneous or staged); argument/conflict (argument or conflict); authority; revenge; nonspecific motive; extremist (political, religious, socioeconomic); mercy/hero (mercy or hero); and hostage

3. Sexual homicide: organized; disorganized; mixed; and sadistic
4. Group cause homicide: cult; extremist (paramilitary or hostage); and group excitement.

SOURCE: John Douglas, Ann Burgess, Allen Burgess, Robert Ressler, *Crime Classification Manual: A Standard System for Investigating and Classifying Violent Crimes,* 1992, Lexington Books.

Classifying homicides can be problematic as we account for the multitude of variations for killing. Homicides are classified principally by moral and legal concepts that take into account community standards, attitudes, and specific legal standards to be adhered to in determining intent, culpability, and sentencing. Special circumstances are required in California for a murderer to receive the death penalty. Typical special circumstances include poisoning, lying in wait, and previous killings. Special circumstances may vary from state to state depending on issues that are peculiar to that state. California includes armor-piercing bullets and drive-by shootings as two special circumstances. Thus, new variations in murder classification can develop with time, technology, and social evolution. Murders and violent acts in Western societies are judged by their perceived gravity, the ability of courts to prosecute acts of murder, and a host of mitigating facts and social variables.

Historically, the killing of a stranger in the United States has generally been more likely to draw harsher penalties than killing a member of one's family, especially if the victim is a baby and the mother is the perpetrator. There are exceptions, such as in the case of Andrea Yates, a woman in Texas who drowned her five children. Her case received enormous media attention. During that same time period, a man killed his five children using carbon monoxide and received very little media response. Why do some offenders receive such enormous media coverage and others disappear quickly? Much of our assessment of killing involves contextual causality. The way we explain murder tends to be linked with how we perceive and assess the offenders and victims, and victim-offender relationships, including their histories and the circumstances under which the killings occurred. In many societies, women who kill their children or intimate partners rarely receive death sentences, whereas women who kill when involved in drug deals or gang activity are more likely to find themselves on death row. Even then, women in the United States seldom receive the death penalty for murder. California has more than 600 male inmates on death row in San Quentin State prison. By contrast, 14 women are confined to death row in California's Chowchilla State prison.

California has more people incarcerated and on death row than any other place in the entire world. As someone once said, "The level of civilization in a society can be judged by observing its prisoners." Many of those we incarcerate are doomed to become repeat offenders. The cycle of violence perpetrated on American society continues to be the purview of a limited number of habitual offenders who for myriad reasons do not rehabilitate. We remain as ambivalent about who and how to incarcerate offenders as we do about the efficacy of punishments, including the death penalty.

Murder and violent acts are part of the American landscape. The perception of violence and killing in America is that murders are increasing. The reality of homicidal acts is affected by many societal factors that include poverty, unemployment, education, social class, gender, race and ethnicity, income, geographic location, age, and other social indices. The Federal Bureau of Investigation's Uniform Crime Report (UCR) provides information on index crimes that include murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny theft, motor vehicle theft, and arson. These crimes are used to measure crime trends by state and as a nation. Murder information is contained in the Supplementary Homicide Report (SHR) of the UCR. Although efforts are made to gather accurate data, there are continuing problems, including lack of reporting by some agencies, inadequate record keeping, inconsistency in classifying crimes, overreporting, and political agendas. Despite these problems and the ever present "dark figure of crime" (unreported crime), the UCR provides a window view of criminal activity that is used to guide public policies involving crime control.

In 2001, current or former spouses or other intimate partners constituted 20% of the nonfatal violence against female victims age 12 and older. In recent years, most intimate partner violence has involved female victims. Of the 588,490 acts of violence in 2001 against women and girls by intimate partners, aggravated and simple assault were the most common. This included 502,690 threats, attempted

attacks, and attacks without weapons that resulted in minor injuries. By contrast, there were 103,220 non-fatal violent offenses committed by intimates against men and boys that year. The Department of Justice also reported for 2001 that more than 44,000 robberies and nearly 42,000 rapes were committed against women and girls by domestic or intimate acquaintances. Although these numbers may be difficult to put into context, consider that the total number of such acts has fallen by nearly 50% in recent years. In 1993, for example, there were more than 1.1 million such crimes against women and almost 163,000 against men. In 2000, the most recent year available for homicide data, the Federal Bureau of Investigation reported that 1,247 women and 440 men were killed by intimate partners. Again, these figures constitute a decline beginning in 1976. In that year, about 1,600 women and nearly 1,400 men were murdered by intimate partners.

Murder in America represents less than .02% of all violent crime, and homicide rates in comparison with the past 20 years are relatively low. American perception is generally that homicide rates are high and violence is pervasive. Much of this is fueled by frequent media reports of serial and mass murder. Serial murder is a rare phenomenon but elicits community fears of strangers preying on women and children. Ted Bundy, John Wayne Gacy, and Albert DeSalvo, the Boston Strangler, have become infamous celebrities. Mass murders now occur every 6 days in America. More than half of them are intrafamilial, and the others occur in public by strangers making their final angry statements to the world. However, all the mass murders and all the serial killings combined in most years do not constitute more than 1 out of 20 homicides in the United States.

Our perceptions about violence and killing are perpetuated enormously by media portrayals of murder. The fear of criminal victimization is primarily a fear of violence, not a fear of property loss. Most Americans are more concerned for their physical safety than property protection. Nearly half of American citizens are afraid to walk alone at night and believe that crime is a major issue in our society. Although risk of violent victimization has decreased dramatically since the late 1980s, the fear of violent crime remains high. In the 2000 presidential elections, crime was the number one concern for many voters.

The school shootings at Columbine and the 7-year string of postal shootings fueled public perception that violent crime was and is out of control. The outcome is that we demand that more and more crime bills be passed by the government. Three strikes laws continue to be upheld in our courts as more get-tough-on-crime legislation is passed. It is not, however, just the fear of violent crime that makes citizens want more crime and prison reform. The victims' movement has been growing for several years. Along with civil rights advocates who champion women's and minority rights, conservative coalitions that include religious groups, American Association of Retired Persons (AARP), the National Rifle Association (NRA), and an increasingly vocal group of crime victims, the response to actual and perceived violent crime mounts steadily. California State University, Fresno, was the first academic institution to offer a 4-year bachelor's program in victimology and victim services. Several schools now offer courses in victimology and victim services, as well as summer institutes. Crime reform is expensive, but so is crime. Both need close scrutiny in order to better understand the nature, extent, and prognosis of violent crime.

As Stephanie Roper, a young Maryland college student, penned in her journal shortly before she was abducted, raped, tortured, and murdered by two violent offenders, "Every person can make a difference, and every person should try." Indeed, our focus is so often on the societal anomalies of violent crime that we ignore other more pervasive forms of violence and killing. Domestic violence, child abuse, drunken-driving crashes, and sexual assaults all have horrific costs. The toll is devastating to the social fabric of American life. Acts of violence cannot be accurately counted, they can only be estimated, but understanding and addressing violence and murder is our societal mandate.