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Criminology and the “Essence” of Crime: The Views of Garofalo, Durkheim, and Bonger

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Abstract

The first and perhaps most fundamental problem of criminology, when practiced as a science, is the challenge of defining crime, of identifying a stable, empirical “essence” of crime that can guide data collection. In this article, an early stage in the history of this problem—represented by the competing views of Raffaele Garofalo, Émile Durkheim, and Willem Bonger—is examined to illustrate its complexity and its seemingly unavoidable ideological dimension. All three of these scholars embraced inductive scientific research and, to a degree, attempted to construct an empirically grounded definition of crime. Nonetheless, they “discovered” three very different essences of crime. These essences represent contradictory reality claims concerning human/social evolution, imply significantly different images of criminals, and serve as important historical reference points for several ideological currents that continue to flow through the field of criminology.

Keywords

crime, criminals, Garofalo, Durkheim, Bonger

What is crime? What quality makes a given act a criminal act? This arguably is the first and most basic question that must be addressed in all careful research in criminology. Without a definition of crime (explicit or implicit), criminal acts cannot be differentiated from noncriminal acts; crime rates cannot be studied because they cannot be calculated; criminals, people who commit crimes, cannot be examined because they cannot be identified; and criminal punishment cannot be effectively analyzed because it cannot be separated from other types of punishment (e.g., the disciplining of children). In short, without a definition of crime, criminology lacks a clearly discernable subject matter.

Many criminologists, often passively and implicitly, have favored the application of a legal definition of crime.¹ One of the most notable efforts to defend such a definition was provided by Paul W. Tappan during the first half of the 20th century. In part in opposition to Edwin Sutherland’s

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concept of white-collar crime, Tappan (1947/2001, pp. 31–32) advocated “the juristic view”—the idea that it is sufficient for criminologists to view crime simply as “an intentional act in violation of the criminal law (statutory and case law) . . . ” (see also Michael & Adler, 1933/2001). This definition, or one very similar, appears to be commonly accepted by default. It is the foundation for the construction of most large-scale data sets on crime (e.g., state-generated data sets) and can be used to support their analysis.

However, legal definitions are problematic in at least a few critical ways. First, when viewed cross-nationally and historically, they do not provide a stable reference point for distinguishing criminal acts from noncriminal acts because laws change from one society to another and across time in the same society. Moreover, criminal laws do not vary only in small degrees; they can vary dramatically across societies. A criminal act in one society may even be part of an obligatory behavior pattern in another. How many religious rituals required by one society have been prosecuted as crimes (e.g., acts of heresy) by another society? Tappan was willing to accept this element of relativism, yet it deviates markedly from the ideal of a stable scientific concept. Second, the instability of the concept of crime, when defined in legal terms, begs the question, what determines the content of criminal law? Why do different societies have different laws and why do laws change over time? To adequately understand crime as a legal concept, these questions must be answered. Finally, the acceptance of a legal definition of crime without a careful examination of the possible determinants of criminal law results in uninformed support for the ideology on which the law is based.² As critical criminologists frequently point out, such definitions tend to make criminology “an extension of the political state” (Michalowski, 2013, p. 4; see also Kramer, 2013; Schwendinger & Schwendinger, 1977; Tiftt & Sullivan, 1980).

Not surprisingly, there is a long history of opposition to the use of legal definitions of crime by criminologists, and this opposition comes from scholars who have very different worldviews. For instance, over a century ago, Raffaele Garofalo (1905/1914, p. 60), an Italian positivist whose standpoint today would be regarded as quite conservative, concluded that “the legal notion of crime must be laid aside as valueless” for scientific purposes. More recently, and from a very different theoretical standpoint, Herman and Julia Schwendinger (1970/2001, p. 73), two prominent American critical criminologists, drew a similar conclusion on this matter, stating: “. . . legal definitions do not meet standards of scientific inquiry.”

Since at least the mid-18th century, scholars have suggested alternatives to a legal definition of crime. Yet, there still is considerable disagreement as to how crime should be defined, as to what property or set of properties distinguishes criminal from noncriminal behavior. In this article, an important stage in the history of this problem is examined—specifically, the late 19th-century and early 20th-century proposals of Raffaele Garofalo, Émile Durkheim, and Willem Bonger. These scholars were writing at a time when criminology was first becoming established as a distinct field of inquiry.³ All three embraced science, and all three left an indelible mark on the history of criminology. Garofalo was one of the most influential figures of the late 19th-century Italian school of criminology (“The Positive School”), a multidisciplinary tradition remembered today primarily for its efforts to identify biological causes of crime; Durkheim was a prominent French sociologist who made several contributions to criminological thought that found their way into contemporary mainstream discourse on crime and punishment; and Bonger, a Dutch scholar, was a pivotal figure in the history of Marxist criminology and, more generally, critical criminology. Not only are the efforts of these scholars to identify an “essence” of crime of historical interest, their struggles and conflicting conclusions illustrate the complexity of this issue and the intimate connection between crime definitions and ideological standpoints.⁴

The primary purpose of this article is to provide a careful examination of this often overlooked and poorly understood stage in the history of crime definitions. For criminologists who are interested in the history of their field, the limits of criminology as a science, and the competing ideological

currents that run through criminology, this is a topic that warrants attention. The inquiry begins by framing the general approach to this problem that appears to have been favored by Garofalo, Durkheim, and Bonger. Unlike most efforts to define crime, each of them seemingly attempted to discover a grounded conception based on an analysis of actions that had been treated as crime in different societies. The remainder of the article describes the different essences of crime “discovered” by these scholars, their implied images of criminals, and the ideological status of these essences and images. Although Garofalo, Durkheim, and Bonger also drew conclusions regarding the causes of crime, those conclusions are left largely beyond the scope of this article.

Ungrounded Versus Grounded Definitions of Crime

Definitions of crime can be placed into two broad categories—empirically ungrounded and empirically grounded. Empirically ungrounded definitions center on the question, what *should* be treated as crime? Such definitions may be grounded in logic (reason), but they are not the product of inductive empirical inquiry. They do not represent a systematic inference from observations of actions that have been treated as crime in different societies. Rather, they are assertions as to the kinds of acts that should be classified as crime; such assertions, of course, may be supported by a theological, metaphysical, or some other form of nonempirical argument. Historically, most definitions of crime presented by criminologists have been ungrounded in this sense, a fact that is very apparent in the harm-based definitions that have been proposed. Consider a few examples.

During the Enlightenment, Cesare Beccaria (1764/1819, p. 33) suggested that “injury done to society” should be used as the key defining property of crime.⁵ This property was proposed (in part) to exclude considerations of the “sinfulness” of an act when constructing criminal law and prescribing punishment.⁶ Thus, Beccaria’s definition of crime omits acts of heresy that do not harm society and opposes an increase in the severity of punishment for socially harmful acts that include an aggravating element of sinfulness. He made a proposal for what should be classified as crime and what would be a just punishment. He did not attempt to infer a conception of crime from actions that had been treated as crime.

Remaining in the tradition of the classical school but following the logic of Jeremy Bentham (1789/1948), one may define crime as actions that cause substantially more pain than pleasure for the members of a society. In this connection, an act that causes a net increase in pleasure should not be punished as a crime; and a punishment that causes a net increase in pain is unacceptable, if not criminal. Developing a plausible empirical measure of pleasure and pain at a societal level certainly would be a challenge, but that is not the present issue. The main point is that the definition of crime suggested by Bentham is not based on observations of actions that had been treated as crime. In fact, like Beccaria’s definition (and, in general, most harm-based definitions), it opposes many of the criminal laws and criminal justice practices of the 18th century, and of today as well.

Contemporary criminologists also have constructed several empirically ungrounded definitions that embrace some conception of harm as an essence of crime. Critical criminologists have been especially busy in this area (see Henry & Milovanovic, 1996; Pepinsky, 1988; Quinney, 1991; Reiman & Leighton, 2010; Schwendinger & Schwendinger, 1970/2001; Tifft, 1995). The Schwendingers (1970/2001, pp. 88–89), for instance, suggest that crime should be defined as a violation of basic human rights (e.g., “security to one’s person”) and, therefore, should include individual actions and social arrangements that support “imperialism, racism, sexism, and poverty.” Consider also the “constitutive definition” proposed by Henry and Milovanovic (1996). They argue that crime “must be redefined in terms of the power to create harm (pain) in any context” (p. 118). This harm may involve degrading someone’s current standing (“harms of reduction”) or preventing someone from securing a desired standing (“harms of repression”; p. 103). Henry and Milovanovic (1996, p. 119, also see p. 116) ultimately define crime as “the exercise of the power to deny others

their own humanity.”⁷ This definition, like the human rights definition of the Schwendingers, would encompass many actions and arrangements that are not prohibited by existing criminal laws.

In addition, there are ungrounded “integrated definitions” of crime that incorporate, if not emphasize, harm as a key reference point (see Hagan, 1985; Henry & Lanier, 1998; Agnew, 2011). Henry and Lanier (1998), for example, identify five kinds of definitions (legal, moral consensus, rule-relativist, conflict/power, and social harm) and construct a “prism of crime” that entails several dimensions derived from these definitions. Henry and Lanier’s integrated definition, like most contemporary harm-based definitions, emphasizes what should be classified as crime, at least by criminologists in the course of their research. In short, these contemporary harm-based definitions are not (and were not intended to be) inductive inferences from descriptions of actions that had been treated as crime in different societies.

A complete review of empirically ungrounded definitions of crime that have been proposed goes well beyond the scope of this article. The key point is that although most efforts to define crime are explicitly ungrounded, Garofalo, Durkheim, and Bonger favored the pursuit of a grounded definition based on what *has been* treated as crime. They tried to identify an essence of crime through research processes that were more empirical and inductive in their design. Although they made assertions as to what should be and will be treated as crime in the future, they nonetheless implied that their starting point involved an attempt to infer a definition of crime from accounts of acts that have been dealt with as crime in different societies.⁸ Do all acts that have been treated as crime have something in common (beyond the label and the social response) that is not shared by other acts? Are there behaviors that have been treated as crime in all known societies? If so, do those behaviors have a unique attribute that distinguishes them from other behaviors? These were among the questions they addressed in their efforts to discover an essence of crime.

The ideal of an inductive scientific research process calls for empirically based concepts, concepts grounded in careful observations of the segments of reality they are held to represent. Even though their definitions of crime are far from completely grounded, this is an ideal that appears to have been embraced by Garofalo, Durkheim, and Bonger. Indeed, Durkheim (1893/1984, p. 60) explicitly claimed that he had identified the essence of crime “inductively,” and Bonger (1936, p. 1) described criminology as an “inductive science.” The remainder of this article provides a close look at their research on the essence of crime, beginning with Garofalo since his work appeared first and was a reference point for the inquiries of Durkheim and Bonger.

Garofalo: Natural Crime

In the late 1800s, Baron Raffaele Garofalo, one of the most visible advocates of positivism in criminology, emphasized the importance of establishing a scientifically acceptable conception of crime and attempted to construct one, an effort that led to his proposal of “the natural crime.” In *Criminology (Criminologia)*, which was first published in 1885, he noted that although criminologists who embrace the natural sciences “speak of the *criminal*, they have omitted to tell us what they understand by the word *crime*” (Garofalo, 1905/1914, p. 4—emphasis in original). One critical problem with this omission, as Garofalo persuasively maintained, is that “before we can speak of a criminal, we must have the notion of crime” (p. 51). How can researchers identify criminals and describe their characteristics without a clear conception of crime? If criminals are defined as individuals who have a high propensity for crime, they simply cannot be scientifically classified without first having a definition of crime that conforms to scientific standards. Garofalo acknowledged this gap in the literature of early positivist criminology and tried to fill it through the development of his concept of natural crime.

To maintain an empirical standpoint and to work around the extensive intersocietal variations in criminal law, Garofalo (1905/1914) chose to limit his concept of natural crime to offenses that are

characteristic of “civilized” societies. In his efforts to discover the definitive properties of natural crime, he did not pursue the possibility of identifying a unique essence shared by all acts that have been treated as crime in all places and at all times. Moreover, he noted that not one act forbidden by the laws of civilized societies has been forbidden in all societies—not even “parricide,” “murder from sheer brutality,” or “murder for the sake of robbery” (pp. 5–6).⁹ Garofalo (1905/1914) described his concept of natural crime as a “sociologic notion” (p. 4), yet it is better described as a biosocial notion in that it is based on a 19th-century biosocial theory of human evolution. He held that true criminal acts are not only “harmful to society” but also wound certain common sentiments that constitute part of the “moral sense” of a society (p. 6). Accordingly, he explored variations in sentiments across societies and “the evolution of the moral sense.” Acknowledging the work of Charles Darwin (*The Descent of Man*) and Herbert Spencer (*The Principles of Psychology*), Garofalo concluded, “it is certain that every race today possesses a sum of moral instincts which are not due to individual reasoning, but are the inheritance of the individual quite as much as is the physical type of his race” (pp. 7–8). He viewed the moral sense of a society as something that developed through an evolutionary process and as something that is transmitted by both heredity and learning:

We must take as established . . . the existence of the moral sense of a race of people, created, like all the other sentiments, by evolution, and transmitted from generation to generation, either as the effect of psychologic heredity alone, or as the effect of such heredity combined with the imitative faculties of the child, and the influence of family traditions. (p. 9; see also Garofalo, 1905/1914, pp. 30–32)

Garofalo (1905/1914) placed sentiments of the moral sense into two classes: “Non-elementary” and “elementary.” The former include “national sentiment” (“love of country”), “religious sentiment,” “chastity” (and “modesty”), and, to a lesser degree, the “sentiment of honor” (pp. 15–19). Although the violation of one or more of these sentiments occasionally is punished as a crime in civilized societies, such a violation, alone, does not constitute a natural crime. On the other hand, elementary sentiments, according to Garofalo, include the altruistic feelings of “benevolence” and “justice” (pp. 19–33). Benevolence entails “the sentiment of pity or humanity,” which in its rudimentary form is the “repugnance to cruelty” that “grows out of sympathy for suffering” (pp. 21–23). Justice entails “the sentiment of probity,” a general feeling of “respect for all that which belongs to others” (pp. 30–31). It is around these elementary sentiments that Garofalo constructed his concept of natural crime.

Garofalo (1905/1914) argued that human evolution entails a decline in the strength of non-elementary sentiments and growth of the elementary altruistic sentiments of pity and probity:

the present-day morality is based on altruism, whereas the morality of other peoples and other ages was based on sentiments of a different nature—patriotism, religion, loyalty to the sovereign, the respect due to caste, the point of honor, and the like. (p. 43)

Through a process of “natural heredity,” the altruistic sentiments are said to become stronger and increasingly instinctive, although the sentiment of pity is viewed as significantly more instinctive and more intense than that of probity (p. 32).¹⁰ In civilized societies, repugnance to voluntary acts that cause suffering, and some degree of respect for the property of others, extend to most humans (pp. 22–23, 26–27, 31, 35–36).¹¹ Conversely, Garofalo concluded that the “embryonic” development of these sentiments among members of very “primitive” societies rarely allows them to be extended to people outside the family or tribal unit.

On this basis, Garofalo (1905/1914) developed a conception of natural crime that has the following properties. He maintained that a natural crime is an act that is *harmful to society* (p. 51—emphasis in original).¹² But as suggested above, for Garofalo, it includes an additional property. For

an act to be a natural crime, it also must offend “one or the other of the elementary altruistic sentiments of *pity* and *probity*” (pp. 33–34—emphasis in original). What is more, it must offend them at a fundamental level, rather than “in their superior and finer degrees.” Natural crimes thus include “attacks upon human life and all manner of acts tending to produce physical harm to human beings,” “physical acts which produce suffering at once physical and moral,” “acts which directly produce moral suffering,” “attacks upon property involving violence,” “attacks (upon property) unaccompanied by violence, but involving breach of trust,” and “all indirect injuries to a person’s property or civil rights occasioned by false statements or entries made in some formal or solemn manner” (pp. 40–41). According to Garofalo, these are acts that “no civilized society can refuse to recognize as criminal and repress by means of punishment” (p. 5). He maintained that they represent “the true crimes of contemporary society” (p. 43) and are the primary subject matter of a “true science” (p. 45). Criminologists who aspire to be scientific thus are directed to focus on explaining natural crimes and describing the kinds of people who commit them, the true criminals of civilized societies.

By incorporating the property of harm to society, Garofalo (1905/1914, pp. 28–29, 38, 51–53) was able to exclude many acts of cruelty from his list of natural crimes. Violent acts that are perceived as useful to a community—such as various acts of self-defense, military operations during a war, and punishment of criminals—are not on his list. “Taking life upon the battle-field is the nation’s defense against external enemies; taking life upon the scaffold is its defense against internal enemies” (p. 51). Moreover, Garofalo concluded that such acts generally do not wound the sentiment of pity, because enemy soldiers and criminals tend to be objects of dehumanization. Regarding the latter, he states: “So, when we are shown a criminal totally destitute of moral instincts and therefore totally differing from us morally, we cannot see in him our fellow-being, and consequently cannot feel for him that sympathy which renders pity possible” (p. 52). Garofalo provided a similar line of reasoning to explain the lack of sympathy people express for enemy soldiers in times of war.

In addition, the priority given to elementary sentiments allowed Garofalo (1905/1914) to disregard many actions that have been prohibited by criminal laws of premodern societies—for example, offenses that concern *only* the state, religion, chastity/modesty, or the family (see pp. 34–42). Offenses that involve the violation of only nonelementary sentiments are not natural crimes.¹³ However, this limitation, the exclusion of transgressions against nonelementary sentiments, places Garofalo’s concept of natural crime outside of the ideal of an empirically grounded scientific concept. On this matter, Durkheim (1893/1984, p. 64) concluded that Garofalo’s “notion of crime is singularly incomplete.” He maintained that Garofalo denied “the character of crime to acts that have been universally acknowledged to be criminal among certain social species, and in consequence is led to limit artificially the bounds of criminality” (p. 64).

Durkheim: Crime as Threats to the Collective Consciousness

In 1893, eight years after Garofalo had first presented his concept of natural crime, Émile Durkheim, working in the sociological tradition of the French “environmental school,” offered his views on the essence of crime. Durkheim (1893/1984), like Garofalo, acknowledged extensive intersocietal variation in criminal laws. In his words, “. . . if there are acts that have been universally regarded as criminal, these constitute a tiny minority” (p. 32). Durkheim also agreed that the evolution of human societies has been accompanied by an important transformation in collective sentiments, a shift that parallels the change described by Garofalo. This is very apparent in Durkheim’s (1900/1969) description of the historical decline of “religious criminality” and the rise of “human criminality,” a shift that represents a weakening of sentiments related to “collective things” (e.g., respect for family, church, and state) and growth in the strength of sentiments related to “the individual” (e.g., respect for the lives, property, and freedom of individuals).¹⁴ Yet, despite

these similarities, Durkheim's theory of evolution and his conception of crime differ markedly from those of Garofalo.

As stated above, Durkheim was critical of Garofalo's failure to develop a conception of crime that entails all actions that have been treated as crime in all types of society—that is, a definition that can account for the criminal laws of every “social species,” not just those of civilized societies.¹⁵ Remaining true to his sociological paradigm, Durkheim (1893/1984, 1900/1958, 1900/1969) also discounted the conclusion that strong sentiments of pity and probity among civilized people are in large part a product of biological evolution. Although he perceived a similar historical change in the content of collective sentiments, the source of the change, for Durkheim, was rooted in social factors (e.g., developments in the division of labor), not changes in human instincts brought about by a process of natural heredity. He held that increasing specialization (diversity) has left the members of modern societies “with no essential characteristics in common except those they get from their intrinsic quality of human nature. It is this quality that quite naturally becomes the supreme object of collective sensibility” (Durkheim, 1900/1958, p. 112). In other words, human nature has not changed in some fundamental way; rather, the arrangements of modern societies simply have made sentiments of pity and probity more important and visible. Moreover, Durkheim (1893/1984) explicitly rejected the contention that all true crimes, by their nature, constitute “a danger to society”: “There are a whole host of acts which have been, and still are, regarded as criminal, without in themselves being harmful to society” (p. 32).¹⁶ Conversely, he noted that “an act can be disastrous for society without suffering the slightest repression” (p. 33).¹⁷

In *The Division of Labor in Society*, Durkheim (1893/1984) presented his conception of crime and the reasoning behind it. Crime, in this work, was a secondary interest for Durkheim. He held that it is important to identify “what in essence . . . crime consists of” to develop an adequate understanding of “mechanical solidarity” (p. 31), a social bond based on similarities among the members of a society. Durkheim's primary interest was to investigate a historical shift in social structure and sources of social solidarity; his effort to identify the essence of crime was just one part of that investigation.

Durkheim (1893/1984) began his inquiry by noting that all crimes, at least under normal conditions, are “acts repressed by prescribed punishments” (p. 31). He then proceeded to look for a characteristic that was common to all such acts. In this way, he tried to establish a definitive conception of crime through an empirical research process. His objective was to find a unique property shared by all acts that have been treated as crime:

... if we wish to learn in what crime essentially consists, we must distinguish those traits identical in all the varieties of crime in different types of society. Not a single one of these types may be omitted. Legal conceptions in the lowest forms of society are as worthy of consideration as those in the highest forms. (Durkheim, 1893/1984, p. 31)

Noting extensive intersocietal variations in criminal law, Durkheim (1893/1984) concluded that the defining property of crime will not be found in the “intrinsic properties” of the acts prohibited by such law (p. 32), nor will it be found in the relationship between such acts and particular human instincts. Instead, he argued that the defining property exists in the relationship between an act and the “collective consciousness” (*conscience collective*) of a society. The collective consciousness refers to “(t)he totality of beliefs and sentiments common to the average members of a society . . . ” (Durkheim, 1893/1984, pp. 38–39). For Durkheim, it is “a determinate system with a life of its own” (p. 39).¹⁸

Within Durkheim's (1893/1984) paradigm, the collective consciousness establishes crime in two senses: “From it, directly or indirectly, all criminality flows” (p. 43). On the one hand, criminality flows “directly” from the collective consciousness in that “an act is criminal when it offends the

strong, well-defined states (sentiments) of the collective consciousness” (p. 39). For instance, a very intense collective feeling of respect for the institution of the traditional family may prompt the death penalty for a son or daughter who curses his or her parents;¹⁹ likewise, an intense collective feeling of respect for human life may prompt a severe punishment for those who seriously injure or kill another person. On the other hand, criminality flows “indirectly” from the collective consciousness where an act threatens a governmental “organ” that defends and symbolizes the collective consciousness.²⁰ In such cases, the act is often treated as a crime even though it does not directly offend a strong state of the collective consciousness (see Durkheim, 1893/1984, pp. 41–43, 60–61). In short, for Durkheim, the essence of crime is a significant direct or indirect threat to the collective consciousness of a society. If an act poses such a threat, it is a crime, and it is normally treated as such by society.²¹

Because the collective consciousness is shaped by the unique history and structure of a society, it varies from one society to another.²² Different societies, therefore, experience different behaviors as crimes and construct different criminal laws. This line of reasoning allowed Durkheim to apply his conception of crime to all types of societies, not just to civilized societies. He believed that his definition subsumed virtually all actions that have been responded to as crimes. “However numerous its varieties, crime is essentially the same everywhere . . . ” (p. 42). From one society to the next, crime remains a significant direct or indirect threat to the collective consciousness. Accordingly, understanding crime in a given society requires an understanding of the origin and content of its collective consciousness, particularly the strong and precise sentiments that comprise its core.

Although Durkheim’s definition avoids using criminal law as the defining property of crime, such law remains a convenient indicator of crime in his conceptual framework. Criminal law, for Durkheim, is perhaps the best index of actions that pose a significant threat to the collective consciousness of a society. However, the correlation between criminal law and crime is not perfect. Given Durkheim’s general social theory, if a society is experiencing an abnormal condition, the criminal law may classify some acts as crimes even though they pose neither a direct or indirect threat to the collective consciousness. These acts would not be true crimes, given Durkheim’s definition. Conversely, the criminal law may fail to prohibit some true crimes, acts that do pose a significant threat to the collective consciousness. Durkheim occasionally alluded to this imperfect correlation between criminal law and crime. For example, he writes,

... if by chance a penal rule persists for some time although disputed by everyone (indicating that the forbidden act is not a significant threat to the collective consciousness), it is because of a conjunction of exceptional circumstances, which are consequently abnormal—and such a state of affairs can never endure. (Durkheim, 1893/1984, p. 34)

In Durkheim’s social theory, when societies are undergoing a rapid transformation (e.g., rapid industrialization), they commonly will be in an abnormal state and criminal law will be a problematic indicator of crime. During such a transformation, society may suffer from “anomie,” a condition in which there is insufficient regulation of social interactions and human desires (Durkheim, 1893/1984, 1897/1951). Anomie entails weakening in the intensity and scope of the core sentiments of the collective consciousness and, thus, creates confusion regarding the distinction between acceptable and unacceptable actions, including those that should be prohibited by criminal law.²³ During a period of rapid social change, a society may experience other abnormal conditions as well. For instance, the law, for a time, may lag behind the transformations that are occurring and may rigidly reinforce an antiquated collective consciousness. The issue, in this case, is not a lack of regulation, but rather misplaced regulation. This can be seen in Durkheim’s discussion of “the forced division of labor” and his opposition to inherited wealth in modern societies.

The forced division of labor, for Durkheim (1893/1984, pp. 293, 309n, 310–322), is a social condition in which well-established regulations prevent people “from occupying within the ranks of society a position commensurate to their abilities” (p. 313). As an example of such a condition, he refers to the legal institution of inheritance, an arrangement that “gives to some the benefit of advantages that do not necessarily correspond to their personal value” (p. 314). According to Durkheim, “external inequalities” such as this are “unjust,”²⁴ pose a threat to social solidarity in modern societies, and can even result in “class war.” He thus concluded that modern societies should attempt “to eliminate external inequalities as much as possible” (pp. 315–316, 321). It is clear that Durkheim viewed the law on this matter as lagging behind developments that were occurring in the structure and collective consciousness of modern societies.

This imperfect correlation between Durkheim’s definition of crime and criminal law is one way to separate his definition from a legal definition. The other important distinction is that Durkheim’s definition has more depth than a legal definition. It entails an answer to the question, what determines the content of criminal law? It rests on a theory that offers an explanation of why different societies have different laws and why laws change over time. In this sense, it is superior to a legal definition. Nevertheless, his proposed essence of crime does not escape the most apparent limitation of a legal definition—instability. Durkheim’s definition embodies cultural relativism. In every society, a significant threat to the collective consciousness may be a crime, but the collective consciousness, as noted, varies from one society to another, which, in turn, causes variations in the specific acts that are dealt with as crime. Whereas Garofalo’s concept of natural crime sacrifices breadth for greater (but not complete) stability, Durkheim sacrifices stability for breadth.

At the beginning of the 20th century, Bonger offered another definition of crime and, like Durkheim, chose breadth over stability. But unlike Durkheim, Bonger was more attentive to uneven distributions of power and more critical of the ideology that he believed is expressed in the criminal law of modern capitalist societies.

Bonger: Crime as Threats to Group/Class Interests

In the early 1900s, about a decade after Durkheim presented his definition of crime, Willem Adriaan Bonger, a Dutch criminologist, constructed an alternative definition from within a Marxist framework. Like Garofalo and Durkheim, Bonger (1905/1916) noted the existence of significant intersocietal differences in criminal law and did not use criminal law as the defining property of crime. And much like Durkheim (but unlike Garofalo), he chose to develop a conception of crime that would subsume these differences; in other words, his conception of crime was not limited to civilized societies. Moreover, Bonger (1936, p. 3) maintained, “A priori, one cannot speak of any action as being either immoral or criminal per se; there is, in fact, no such thing as a ‘natural’ offence. It all depends upon social conditions.”

Although one can find a few similarities with Durkheim’s inquiry, Bonger (1905/1916) situates his conception of crime within a different theory of social evolution. Whereas both Garofalo and Durkheim held that respect for human life and property is significantly more developed among modern people, Bonger questioned this assessment, maintaining that such sentiments are commonly underestimated among premodern people. He argued that there is a substantial body of anthropological evidence indicating that “primitive peoples” have strong “altruistic traits of character.”²⁵ In view of this evidence, Bonger wrote “I am of the opinion that no one, taking the above facts into consideration, will maintain that man has always and everywhere shown the same egoistic traits, or that there has been a gradual evolution from egoism towards altruism” (p. 388). Moreover, he goes on to state, “. . . it is impossible that egoism should be innate in man” (p. 390); rather, “. . . it is certain that man is born with social instincts . . . ” (p. 402).²⁶ Bonger then suggested that egoism is largely a product of the mode of production of a society;²⁷ our innate quality of altruism, on the other

hand, is either “suppressed” or enhanced by a given mode of production. For instance, capitalism is said to generate “egoism and at the expense of altruism” (p. 401), whereas the mode of production of many primitive peoples, an early form of communism, can at times generate “excessive egoism” toward outsiders but also enhances innate altruistic feelings toward group members (pp. 397–398).²⁸

Working in a different theoretical framework and drawing on different empirical evidence, Bonger (1905/1916), not surprisingly, came to embrace a different definition of crime. In *Criminality and Economic Conditions*, he provided his definition and the rationale behind it. Bonger began his analysis by separating “punishable acts” that are criminal from those that are not criminal. In this connection, he excluded acts that prompt only “personal vengeance” or “group vengeance” as well as acts resulting in “moral disapprobation” alone (pp. 377–378). The punishable acts that remained were regarded as crimes, and Bonger proceeded to look for their essence.

In this inquiry, Bonger (1905/1916) rejected the idea that crime is an “abnormal act” from “a biological point of view,” a rejection of Garofalo’s concept of natural crime (p. 378). Bonger maintained that it is the “social environment” that determines which killings, beatings, and deprivations of property are classified as criminal homicide, assault, and theft, respectively. He then argued that a crime, nonetheless, is an “immoral act,” an act that is “harmful to the interests of a group of persons united by the same interests” (p. 379).²⁹ Sounding much like Durkheim, Bonger continues, “Since the social structure is changing continually, the ideas of what is immoral (and consequently of what is or is not criminal) change with these modifications” (p. 379). However, Bonger quickly separated his viewpoint from that of Durkheim and even further from that of Garofalo by emphasizing that an immoral act, to be classified as criminal, “must be prejudicial to the interests of those who have the power at their command” (p. 379).

Crime, Bonger (1905/1916) concluded, is “an act committed within a group of persons forming a social unit,” and which “prejudices the interests of all, or of those of the group who are powerful . . . ” (p. 381).³⁰ With this definition, he was able to accommodate variations in criminal laws across societies, since different societies and different groups within a society often have different interests. What is more, he has an explanation for the common observation that some criminal laws protect the interests of a small subpopulation in a society at the expense of the majority:

Power . . . is the necessary condition for those who wish to class a certain act as a crime . . . It follows that in every society which is divided into a ruling class and a class ruled penal law has been principally constituted according to the will of the former. (pp. 379–380)³¹

Working within a Marxist framework, Bonger (1905/1916) focused considerable attention on power differentials and conflicts between different classes. His definition of crime implies that these things need to be studied to understand crime.³² However, he moderated his position by commenting that in the early 20th-century Dutch penal code (and perhaps the statutes of other capitalist societies of that era), most laws “are directed against acts that are prejudicial to the interests of both classes equally (for example, homicide, rape, etc.)” (p. 381). Bonger, seemingly, attempted to limit the critical potential of his conception of crime, perhaps with the intent of making it more palatable for mainstream criminologists. This appears to be the case elsewhere in his work. In *An Introduction to Criminology*, which was written about three decades after *Criminality and Economic Conditions*, Bonger (1936, p. 5) embraced a rather conventional definition of crime, describing it simply as “. . . a serious anti-social action to which the State re-acts consciously, by inflicting pain (either punishment or corrective measures).”³³ This definition not only excludes serious antisocial acts that are overlooked by the State, it also excludes the contention that reactions of the State, where there is private ownership of the means of production, are principally shaped by the ruling class, a contention that was included in his earlier definition. Nevertheless, despite this apparent step toward the mainstream, his earlier conception of crime is of primary interest.

Before proceeding, three characteristics of Bonger's initial definition of crime warrant emphasis. First, like both the legal definition and that of Durkheim, Bonger's definition lacks the stability of an ideal scientific concept. It contains an element of relativism. His essence of crime, a significant threat to the interests of those who control the criminal law, is a property that varies across societies with different modes of production. The acts treated as crime change, as a society moves from a slave economy, to feudalism, and on to capitalism because the social environment changes and the interests of slave owners, feudal lords, and the bourgeoisie are different. Likewise, these acts change again where a society makes a transition to socialism. In short, Bonger sacrificed stability for breadth.³⁴ Second, Bonger's definition, also like Durkheim's, has more depth than a legal definition, since it is based on a theory that offers an explanation of intersocietal variations in criminal law. Finally, Bonger's definition of crime is sensitive to differential distributions of power. Thus, it encourages a critical examination of the rationale behind particular laws and critical inquiries into the ways in which particular laws support the interests of some groups/classes more than others.

The Essence of Crime and Images of Criminals

As noted above, Garofalo (1905/1914, p. 51), quite understandably, maintained that "before we can speak of a criminal, we must have the notion of crime." Garofalo, Durkheim, and Bonger provided three different notions of crime and, accordingly, imply three different images of criminals. Their conceptions of crime and images of criminals represent useful historical reference points for distinguishing ideological currents in criminology that range from the "far right" to the "far left," although some noteworthy, if not intriguing, areas of overlap exist across their viewpoints.

To begin, it is important to clarify what is meant by a far right and a far left viewpoint in this article. A far right viewpoint is one that reinforces an uneven distribution of opportunities and valued resources (e.g., wealth and power) across the members of a society. It maintains that some people are superior to others and are entitled to far more opportunities and far more resources from the moment they are born. A far left viewpoint supports an even distribution of opportunities and little disparity in the distribution of valued resources. It stresses that people are more or less the same in their essential qualities and that large disparities in opportunities and resources are unjust. Between the far right and the far left, various "mixed" viewpoints also exist, perhaps the most notable of which supports an even distribution of opportunities but accepts large disparities in the distribution of valued resources. This mixed viewpoint opposes disparities in educational opportunities and the institution of inherited wealth, yet it tolerates large inequalities in "earned" wealth and power. Along this ideological continuum, Garofalo's definition of crime falls on the far right, Durkheim's definition is mixed and falls somewhere in the middle, and Bonger's definition falls on the far left.

Garofalo's (1905/1914) concept of natural crime includes several centrist (if not left of center) elements. For instance, he suggested that the following were natural crimes or may be acknowledged as such in the future: "the maltreatment of the weak and infirm," "the imposition upon children of excessive labor or such work as tends to injure their health or stunt their physical development," "the failure on the part of parents properly to care for their children," and "cruelty to animals" (pp. 40–41, 44).³⁵ Yet, despite these contentions, his concept of natural crime ultimately reinforces the far right position that true criminals, people who commit natural crimes, are abnormal and inferior to noncriminals. He stated, "... not only is it impossible for a normal man to be a murderer, but it is equally impossible for him to be an incendiary, forger, swindler, or thief" (p. 50). Consistent with the atavist theory of Cesare Lombroso (1895–96/2012), Garofalo implied that true criminals generally are less evolved in that their instincts of pity and probity lack the intensity and scope of truly civilized people. He concluded,

Since crime consists in an act which is at once harmful to society and violative of one or both of the most elementary sentiments of pity and probity, the criminal is necessarily a man in whom there is an absence, eclipse or weakness of these sentiments, one or both. This is evident, because if he had possessed the elementary altruistic sentiments in a sufficient degree, any *real* violation of them on his part would have been impossible. (p. 61—emphasis in original)³⁶

At least one contemporary criminologist has proposed a definition of crime primarily rooted in human biology without implying that true criminals are biological throwbacks. Anthony Walsh (2002, p. 18) has suggested that *mala in se* crimes are “universally condemned” acts that no one wants to experience as a victim, “except in the most bizarre of circumstances.” He asserts that they “... violate the core of human nature because they most threatened the survival and reproductive success of our ancestors in evolutionary environments ...” (p. 18). His examples of such crimes include “murder, rape, and the theft of resources” (p. 101).³⁷ Like Garofalo, Walsh seemingly accepts that human biology can be used as a relatively stable reference point for differentiating criminal from noncriminal acts. However, unlike Garofalo, Walsh appears to have constructed his conception of crime without a careful examination of the available empirical information on acts that have been punished as crime in different societies. Walsh’s conception fits best with the empirically ungrounded definitions. For instance, he maintains that *mala in se* crimes are universally condemned, but as both Garofalo and Durkheim emphasized, few acts (if any) are universally condemned as crimes, even if we exclude bizarre circumstances. If the subject matter of criminology were reduced to universally condemned acts, there would be little (if anything) to study.³⁸ On the other hand, Walsh is careful to avoid the suggestion that criminals have biological traits that are somehow less evolved.

Unlike the image of criminals implied by Garofalo’s concept of natural crime, Durkheim (1893/1984) argued that criminals, although still deviants, are not necessarily biologically inferior.³⁹ For instance, Durkheim (1895/1982) suggested that Socrates was both a criminal and someone who was more advanced than his peers. Such progressive criminals were not presented as typical criminals, but they were acknowledged. For Durkheim (1895/1983, p. 95), “It can happen that the criminal is a genius, as he can be below average.” He goes on to note, “At all times, the great moral reformers have condemned the reigning morality and have been condemned by it” (p. 97). In short, given Durkheim’s essence of crime, a criminal is simply someone who directly or indirectly threatens the core states of the reigning morality. If the reigning morality is “bad” (e.g., oppressive), its violation can be “good” (e.g., liberating) and the criminal may secure a place in history as a hero, an innovator who helped usher in a more suitable collective consciousness. Durkheim’s viewpoint thus resides to the left of Garofalo’s, outside the bounds of far right ideology.⁴⁰

Durkheim (1900/1958) further distanced himself from Garofalo with another line of argument. He maintained that compared to civilized people, primitive people are not more violent because of their instincts; rather, they are more violent because of the different content of their collective consciousness, which is a “social fact” and primarily a product of social factors. In other words, although Durkheim agreed with Garofalo that civilized people generally have lower homicidal tendencies than primitive people, he rejected Garofalo’s claim that this is due to increments in the intensity and scope of altruistic instincts that have evolved through a process of natural selection. Referring to “the uncouth harsh temperament ... of the lower societies,” Durkheim stated (1900/1958, p. 116): “It has often been held that this uncouthness is a remaining vestige of brutishness, a survival of the tooth-and-claw instincts of animal nature. In reality it is the product of a well-defined moral culture.”

Finally, in view of Bonger’s (1905/1916) definition of crime, a criminal is someone who significantly threatens the interests of all members of society or *of those members who are powerful*. Compared to the image of criminals implied by Garofalo and Durkheim, this image encourages a

larger proportion of criminals (but not all criminals) to be seen as victims of inequitable social arrangements and laws that support the interests of a relatively small but powerful segment of society. Bonger argued that capitalism generates egoism in all classes. Among the proletariat and lower proletariat, it does so in large part by forcing them into unacceptable working and living conditions. “. . . (T)he egoistic side of the human character,” Bonger asserted, “is developed by the fact that the individual is dependent, that he lives in a subordinate position, and that he feels himself poor and deprived of everything” (p. 423). Accordingly, their victimization in this sense drives them to victimize others, typically other members of proletariat and lower proletariat. The penal system then adds another round of abuse in that “. . . society punishes severely those who commit the crime which she has herself prepared” (p. 672).

However, Bonger also maintained that *some* criminals are not egoistic. Some political criminals “risk their most sacred interests, their liberty and their life, for the benefit of society; they injure the ruling class only to aid the oppressed classes, and consequently all humanity” (p. 649). They remain criminals given Bonger’s (1905/1916) definition of crime, but they are portrayed as altruistic rather than egoistic. Bonger viewed many “active anarchists” as “ignorant” and “impulsive,” but he also concluded that “they are born with pronounced altruistic tendencies,” which persisted despite the egoistic currents that prevailed in their economic environment (p. 653). In short, just as Durkheim viewed Socrates and other “heretical philosophers” as criminals who ushered in a more advanced collective consciousness, Bonger viewed some political criminals as ushering in a more advanced economic system, or at least rebelling against the oppressive nature of the existing system.

Although Bonger (1905/1916) maintained that economic conditions have the greatest effect on crime, he also accepted the idea that individual factors explain some criminal acts and viewed “degeneracy both as a direct and as an indirect cause of crime” (p. 658). He even held that heredity plays a part in degeneracy and suggested some openness to eugenics (see pp. 659–660 and pp. 671–672). However, Bonger did not stray far from his focus on economic factors. He implied that many “pathological individuals” are victims in that degeneracy commonly results from environmental conditions (e.g., inadequate food, clothing, shelter, sanitation, and health care), and societies often have the capacity to improve those conditions. Socialist societies, by improving economic conditions, are predicted to have far less crime than capitalist societies. Nonetheless, in the former, “There will be crimes committed by pathological individuals, but this will come rather within the sphere of the physician than that of the judge” (pp. 671–672).

Overall, the essences of crime proposed by Garofalo, Durkheim, and Bonger support three different images of criminals and three different ideological standpoints. Given Garofalo’s concept of natural crime, all true criminals, or nearly all, are biological throwbacks to an earlier stage of human evolution, a viewpoint that fits neatly into a far right ideology. For Durkheim and Bonger, some true criminals may be significantly below average on particular biological traits and some may be significantly above average; but most criminals appear to be more or less biologically average people who have been exposed to problematic social conditions, such as anomie, a forced division of labor, or the environment of the proletariat or lower proletariat under capitalism. Of the three theorists, Bonger, at least in his early work, was most inclined to view criminals as victims, especially those criminals who emerge among the working classes. This outlook, while acknowledging the suffering caused by crime, moderates the social response and conforms to an ideology that resides significantly left of center.

Conclusion

The main purpose of this article was to provide a close examination of a neglected stage in the history of crime definitions. During the late 1800s and early 1900s, criminology became a distinct field of inquiry, and Garofalo, Durkheim, and Bonger were among its most important contributors.

These scholars embraced the scientific movement of their era and seemingly favored efforts to develop definitions through inductive research processes. Yet, despite their empirical commitments, they arrived at three different definitions of crime.⁴¹ Their proposed essences of crime represent contradictory views on human/social evolution and imply conflicting images of criminals. Moreover, they serve as important historical markers for inquiries into the ideological currents that flow through the field of criminology—with Garofalo’s definition of crime representing the far right, Durkheim’s definition representing a mixed ideology, and Bonger’s definition representing the far left.

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Notes

1. Friedrichs (2013) notes that some criminologists also embrace “ . . . a ‘taken-for-granted’ approach to the meaning of crime: i.e. it is assumed that if one invokes the term one’s audience knows exactly what one is talking about . . . ” (pp. 5, 8).
2. As used here, an ideology is simply a system of ideas (true or false) that supports a particular distribution of opportunities and valued resources (e.g., wealth and power).
3. Criminological theory and research certainly existed long before the late 1800s (see Beirne, 1993; DiCristina, 2012; Rafter, 2009), but criminology, as a field of study, remained fragmented across several disciplines and indistinct until this time.
4. Different meanings of the term, “essence,” can be found in the works of Plato, Aristotle, John Locke, Gottfried Leibniz, and other philosophers. As used here, an essence is simply the definitive property of something (e.g., crime). Both Durkheim (1893/1984, p. 31) and Bonger (1905/1916, pp. 378–379) expressed an explicit interest in identifying an essence of crime; although, to the best of my knowledge, they did not state precisely what they meant by essence.
5. A nominal definition, like Beccaria’s, is far from perfect. It immediately prompts additional questions—most notably, “What constitutes an ‘injury?’” and “What is meant by ‘society?’” Answers to these questions, in turn, are likely to prompt similar questions. Elaborating a definition through a series of such questions can be helpful, but it has limitations. As Carl Hempel (1952, p. 15) points out, theorists need to be wary of “definitional circles” and the “infinite definitional regress” when constructing nominal definitions, two problems that are difficult to resolve. “Primitive terms” or operational definitions may be used in an effort to avoid these problems, but they hardly are a cure-all. Primitive terms, undefined terms that provide a foundation for defining all the other terms in a theory, seemingly conceal the original problem without resolving it. On the other hand, operational definitions, when actually viewed as definitions (which commonly is not the case in the social sciences), create a new dilemma that is equally (if not more) problematic. They suggest that any change in the procedures used to measure a variable, no matter how small, implies a different variable. “Thus, the operationist maxim under discussion would oblige us to countenance a proliferation of . . . scientific concepts that would not only be practically unmanageable, but theoretically endless” (Hempel, 1966, p. 94).
6. “The degree of sin depends on the malignity of the heart, which is impenetrable to finite beings. How then can the degree of sin serve as a standard to determine the degree of crimes?” (Beccaria, 1764/1819, pp. 34–35).

7. Henry and Milovanovic (1996, p. 119) describe their constitutive definition of crime as “postmodern,” “non-essentialist,” and “provisional.” Therefore, even though harm is central to their definition, they, of course, would not refer to it as an essence of crime.
8. Each of these theorists advocated a particular evolutionary theory—whether of human evolution (Garofalo) or social/economic evolution (Durkheim and Bonger). Therefore, by discovering the essence of crime and presupposing a particular evolutionary trajectory, they could deduce the future of crime. But again, their suggested starting point was the examination of acts that have been treated as crime.
9. In a comment on the idea that “every man has his price” (and more broadly, that the pain of punishment must outweigh the pleasure of crime), Bentham (1789/1948, pp. 179–180n5) provided an interesting illustration of the extent to which murder has been acceptable in some societies. He noted that Anglo-Saxon laws, for a time, allowed one to more or less purchase the privilege to murder not only a peasant but even a king. For 200 shillings you could kill a peasant; for 7,200 shillings, a king. Thus, an impatient heir to the throne could “kill the king with one hand, and pay himself with the other, and all was right.” Historically, this kind of law is not unique. Robert Redfield (1964/1967, p. 9) reported that the Yurok Indians of Northern California, for example, had a similar rule: “For killing a man of social standing the indemnity was fifteen strings of dentalium, with perhaps a red obsidian, and a woodpecker scalp headband, besides handing over a daughter. A common man was worth only ten strings of dentalium.” Also see Pollock and Maitland (1959), especially their discussions of *wergild*, and *bót* and *wíte*.
10. Garofalo (1905/1914, pp. 43–45) maintained that the sentiment of pity, with few exceptions, has always existed among human societies, but its intensity and scope have increased with human evolution.
11. “The circle of fellow-beings at first embraces those of the same tribe, then those of the same country and tongue, next all men of the same race and color, and in the end, comprises all mankind irrespective of race” (Garofalo, 1905/1914, p. 19). Garofalo continues, “Only by slow degrees is man able to reach the point at which he looks upon the men of all countries and races as his fellow creatures. Lastly, sympathy for animals is a moral acquisition of tardy growth” (p. 20; also see Garofalo, 1905/1914, pp. 26–27, 35–36, 44–45).
12. In his discussion of natural crime, Garofalo (1905/1914) did not specify the property (or set of properties) that makes an act harmful to society.
13. If an act that is harmful to society offends both a nonelementary sentiment and an elementary sentiment of pity or probity (at a fundamental level), it is a natural crime.
14. Durkheim used the term “altruism” in a way that differs significantly from Garofalo. For Durkheim (1897/1951), altruism is represented by the strength of sentiments related to collective things and, thus, is stronger in premodern societies. In a society characterized by strong currents of altruism, the life, property, and freedom of any given individual means little when compared to the interests of the society, unless that individual is viewed as godlike by the members of the society. On the other hand, Durkheim’s concept of “moral individualism,” the “religion of humanity,” is represented by the strength of sentiments related to “the individual.” It is stronger in modern societies and corresponds to Garofalo’s conception of altruism. Bonger’s use of the term altruism, described below, has more in common with Garofalo’s conception than Durkheim’s.
15. As suggested below, Durkheim’s “inductive” approach seemingly would be limited to the “normal” societies of each “species” and, accordingly, would exclude consideration of “abnormal” societies.
16. Later in this same work, Durkheim noted that there is one sense in which all criminal acts, under normal conditions, are potentially harmful to the society: By threatening the “collective consciousness” of a society, they threaten an important source of solidarity. Nevertheless, a given criminal act, in itself, is not necessarily harmful; in other societies, the act could be beneficial and even honored. See Durkheim (1893/1984, pp. 61–63).
17. In “Crime and Social Health,” a reply to a critique by Gabriel Tarde, Durkheim (1895/1983) further dismissed the idea of developing an objective, universal harm-based conception of crime. In his words, “. . . there is nothing which is not injurious from some viewpoint” (p. 96).

18. Because the collective consciousness is the basis of Durkheim's definition of crime, his definition has been classified as a "moral consensus" definition (Henry & Lanier, 1998, p. 612).
19. For an example of this kind of law, see *The Second Book of Moses (Exodus)*.
20. "... (W)herever an authority with power to govern is established its first and foremost function is to ensure respect for beliefs, traditions and collective practices—namely, to defend the common consciousness from all its enemies, from within as well as without. It thus becomes the symbol of that consciousness, in everybody's eyes its living expression" (Durkheim, 1893/1984, p. 42).
21. Most of Durkheim's criminological discourse focused on crime in the form of a direct threat to the collective consciousness. Crime as an indirect threat received relatively little attention.
22. The collective consciousness of a society "... has been fashioned under the influence of very diverse causes, and even of random events. A product of historical development, it bears the mark of those circumstances of every kind through which society has lived during its history. It would therefore be a miracle if everything to be found in it were geared to some useful end" (Durkheim, 1893/1984, p. 62).
23. In fact, Durkheim's reasoning suggests that anomie, at least in its more extreme forms, results in a reduction in the number of acts that are classified as crime (see DiCristina, 2004, 2016).
24. "In other words, there can be no rich and poor by birth without there being unjust contracts" (Durkheim, 1893/1984, p. 319).
25. Bonger (1905/1916, pp. 388–389, 391–392) acknowledged that "primitive" societies are not entirely altruistic. Currents of egoism are found among their members, and they can be cruel to outsiders "who attack their independence or their hunting ground."
26. Bonger (1905/1916, p. 404) also accepted that humans have an "imitative instinct." This helps to explain the decisive influence of the environment on human behavior, from his viewpoint.
27. Earlier in this same work, Bonger (1905/1916, p. 99) noted, "... cupidity is not an innate quality of man, present everywhere and always, but is awakened only under certain economic conditions."
28. "The same act, killing an enemy for example, is the most egoistic act possible from the point of view of the enemy but a very altruistic act from the point of view of the slayer, since he has increased the security of his group" (Bonger, 1905/1916, p. 398). Interestingly, Garofalo, it may be recalled, used a similar line of reasoning to rationalize the use of the death penalty and the killing of enemy soldiers by the supposedly altruistically superior people of civilized societies.
29. In a later work, Bonger (1936, p. 2) commented, "... admittedly there are instances (i.e., under despotic rule) where an action stamped as criminal is not felt to be immoral by anybody. In that case we have to do with actions which are merely formally criminal." Durkheim's definition of crime implies a similar conclusion; such actions would not be true crimes, unless the despot was a symbol and defender of the collective consciousness.
30. In the first two propositions of his theory of "the social reality of crime," Richard Quinney offered a comparable conception of crime: "Crime is a definition of human conduct that is created by authorized agents in a politically organized society ... Criminal definitions describe behaviors that conflict with the interests of the segments of society that have the power to shape public policy" (Quinney, 1970, pp. 15–16—italics removed).
31. For example, referring to bourgeois economic crimes, Bonger (1905/1916, p. 607) commented, "... it is interesting to note, first, that the penalties prescribed for these crimes are relatively light as compared with those for ordinary economic crimes, like theft, for example, especially when we reflect that the harm done by them is much greater; second, that the number of punishable acts is very limited as compared with those which really deserve punishment."
32. Marxist scholars have made this point since the mid-1800s. For instance, Frederick Engels, in his description of "social murder," suggested that laws prohibiting homicide are written and interpreted in a way that serves the interests of one class over another:
... when society (the class which ... holds social and political control) places hundreds of proletarians in such a position that they inevitably meet a too early and an unnatural death, one which is quite as much a

- death by violence as that by the sword or bullet; when it deprives thousands of the necessities of life, places them under conditions in which they *cannot* live; forces them, through the strong arm of the law to remain in such conditions until that death ensues which is the inevitable consequence; knows that these thousands of victims must perish and yet permits these conditions to remain, its deed is murder just as surely as the deed of the single individual . . . (Engels, 1845/1887, pp. 63–64—emphasis in original).
33. In *Race and Crime*, Bonger (1943/1969, p. 27) reaffirmed his acceptance of this definition.
 34. Garofalo, Durkheim, and Bonger agree that the definitive property of crime does not reside entirely in the criminal act itself. Rather, for them, the essence of crime exists primarily in the relationship between an act and something external to the act—modern human instincts of pity and probity, the collective consciousness of a society, or group/class interests, respectively. All three of these external things can vary across time, but the first, in theory, appears to be more stable than the latter two.
 35. Garofalo (1905/1914, pp. 41–42) also excluded several offenses against the state “from the field of criminality.”
 36. Evidence of Garofalo’s (1905/1914) far right orientation also may be seen in his comments on another matter: “Beyond question, every disobedience to law should be attended with a penal sanction, whether such disobedience does or does not wound the altruistic sentiments” (p. 34).
 37. Walsh (2014, p. 20) has recently reaffirmed his conception of *mala in se* crimes: “*Mala in se* crimes produce *real* palpable physiological responses in people victimized by them in all places and in all times because, except in the most bizarre of circumstances, nobody wants to be victimized by murderers, rapists, robbers, and thieves . . . *Mala in se* acts engage our emotions because they hammer at our deepest primordial instincts.”
 38. To empirically ground his conception of crime, Walsh would have to address other common observations as well—such as (1) the fact that conceptions of murder, rape, and theft vary greatly across societies and (2) the finding that in primitive societies ordinary murder and theft are often treated as torts, whereas offenses such as sacrilege and witchcraft are often treated as crimes (see Redfield, 1964/1967, p. 23). The definitions of Garofalo, Durkheim, and Bonger work around or otherwise accommodate these empirical findings.
 39. When Durkheim (1895/1982, 1895/1983) argued that crime was a normal social phenomenon, his point was that it is normal (i.e., inevitable and healthy) for crime to occur in all societies. However, he did *not* conclude that all criminals were normal or that it is normal for each individual to engage in crime at some point over the course of his or her life. These are separate issues.
 40. This conclusion also is supported by Durkheim’s opposition to the forced division of labor in modern societies.
 41. In this connection, Friedrichs (2013, p. 23) commented, “It is an illusion, surely, that the term ‘crime’ can be defined in only one way, and that any such definition would be universally acknowledged and adopted. At the end of the day we have definitions of crime that are more or less useful within a specific context.”

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Gender and Capital Punishment Views Among Japanese and U.S. College Students

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Abstract

Gender is a strong predictor of death penalty support and views in the United States, with men being more supportive and punitive than women. This exploratory study was undertaken to determine whether these same differences would be present in Japan, a nation that also imposes the death penalty. Students at a Japanese university and a U.S. university were surveyed. While the proportion of students supporting the death penalty in the United States and Japan were similar, U.S. women were less supportive and less punitive than U.S. men, while Japanese women were more likely to support the death penalty and hold more punitive views than Japanese men.

Keywords

capital punishment views, gender, Japan, United States, death penalty support

The death penalty, a controversial criminal sanction that often provokes passionate debate between death penalty proponents and abolitionists, can quite literally and truthfully be described as a matter of life and death. Support for the death penalty and views of it vary among different segments of U.S. society. Gender has been one of the most consistent predictors of death penalty support in the United States (Applegate, Cullen, & Fisher, 2002; Lambert et al., 2014; Robbers, 2006). Bohm (1991) found that death penalty support was much higher among men than women in the vast majority of public polls. Lester (1998) reported that men were generally more supportive of the death penalty than women in 31 of the 41 U.S. studies. Cochran and Sanders (2009) pointed out

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that “among the various known correlates of death penalty support, one of the strongest and most persistent predictors has been respondent’s gender” (p. 525). This gender gap is thought to be the result of gendered socialization (Cochran & Sanders, 2009; Lambert et al., 2014). If this is the case, it implies that culture plays a role in shaping a person’s death penalty views, which means that the consistent differences in death penalty support and views observed in the United States may or may not occur in other nations.

Roberts and Stalans (1997) contended that public attitudes toward the death penalty have received more attention from researchers and pollsters than any other single issue in the area of criminal justice; however, the vast majority of this research has focused on the level of support and the reasons for or against support in Western nations, especially the United States (Hood, 2001; Hood & Hoyle, 2015; Lambert et al., 2014). The United States and Japan are 2 of the 58 nations that retain the death penalty (Amnesty International, 2015a; Kita & Johnson, 2014; Lane, 2015). While both Japan and the United States are industrialized democracies, there has been very little research on death penalty views of Japanese individuals, including whether there is a gender difference (Jiang, Pilot, & Saito, 2010; Kita & Johnson, 2014; Schmidt, 2002).

This preliminary study was undertaken to determine whether a gender difference in death penalty views among Japanese residents existed and, if one is found, whether the difference would be in the same direction as found among U.S. citizens. Further, this study also examined whether Japanese and U.S. women and men differed in their rationales in support for and opposition to capital punishment. In light of the limited financial resources and the study’s preliminary nature, we used data from a survey of college students from the Tohoku region of Japan and from Ohio, a state in U.S. Midwest. Japan has capital punishment, and the State of Ohio is a death penalty retentionist state (Death Penalty Information Center, 2015). While much has been written about capital punishment in the United States, exploring how death penalty views differ by gender and nation has theoretical and practical implications for abolitionists, proponents, politicians, and social scientists; it also provides a more comprehensive picture of death penalty views from a global perspective.

Brief Literature Review

Correlates of Death Penalty Support

Empirical research has linked some personal characteristics, such as age, gender, and educational level, to death penalty views (Ellsworth & Gross, 1994). More recently, research has expanded to include rationales to support or oppose the death penalty. Major reasons to oppose the death penalty include rehabilitation, innocence, life without parole (LWOP), and morality. Major reasons to support the death penalty include retribution, deterrence, and incapacitation (Lambert, Clarke, & Lambert, 2004; Jiang, Pilot, et al., 2010).

Rehabilitation is an ideology that future crimes can be prevented through intervention and treatment. Some death penalty opponents believe that offenders should be rehabilitated rather than executed (Jiang, Lambert, Wang, Saito, & Pilot, 2010; Lambert et al., 2004). According to Miethe and Lu (2005), “we [society] punish for the treatment and reform of offenders. . . . The ultimate goal of rehabilitation is to restore a convicted offender to a constructive place in society through some combination of treatment, education, and training” (p. 22).

The issue of innocence/wrongful conviction is also provided as a reason to oppose the death penalty (Lambert et al., 2004; Radelet & Borg, 2000). For example, in the United States, 156 individuals have been released from death row since the reinstatement of the death penalty in 1976 due to issues involving innocence (Death Penalty Information Center, 2015). Unnever and Cullen (2005) note “that ‘innocents being executed’ is given by the public as a consideration that would make them more likely to oppose the death penalty or favor its suspension” (p. 7).

There is also the argument that the sentence of LWOP is an appropriate sanction for murder because it is actually less costly than execution and is argued to be an effective deterrent (Ellsworth & Gross, 1994; Lambert et al., 2004).

Morality is also provided as a rationale to oppose the death penalty (Bohm, 1987; Lambert et al., 2004). Opponents contend that the death penalty is cruel, uncivilized, and immoral, and that it responds to violence with violence. Further, it may result in greater violence, often referred to as the “brutalization effect” (Ellsworth & Gross, 1994). Additionally, the opposite of the desire for revenge is the desire for mercy, and some opponents are saddened by the use of death penalty (Lambert et al., 2004).

Retribution is a very common reason for supporting capital punishment, at least in the United States (Ellsworth & Gross, 1994; Jiang, Lambert, & Wang, 2007; Lambert et al., 2004). It is based on the idea that the punishment should be proportionate to the harm committed and is illustrated by the statement of “let the punishment fit the crime” (Radelet & Borg, 2000). The ideology of retribution is also illustrated in the principle of *lex talionis* or “an eye for an eye” (Bohm, 1987; Jiang, Lambert, et al., 2010). Retribution also encompasses an emotional desire for revenge (Ellsworth & Gross, 1994).

Deterrence is another reason to support the death penalty. One premise of this ideology is that harsh punishments, including the death penalty, can discourage others from committing crimes (Ellsworth & Gross, 1994; Jiang, Pilot, et al., 2010). In addition, there is a belief that the death penalty is necessary to maintain law and order (Lambert et al., 2004). As noted by Radelet and Borg (2000), those who advocate the death penalty for deterrence reasons contend that society “must punish offenders to discourage others from committing similar offenses; we punish past offenders to send a message to potential offenders” (p. 44).

Incapacitation (or prevention) is another reason provided for the need for the death penalty (Ellsworth & Gross, 1994). Under this ideology, offenders are kept under tight state control so as to minimize their ability to commit future criminal acts (Meithe & Lu, 2005). The execution of offenders is the ultimate form of curtailment (Bohm, 1987). Among some death penalty advocates, there is a belief (generally unsupported by empirical evidence) that many murderers will kill again if given a chance (Lambert et al., 2004).

The Death Penalty in Japan

Up to the fourth century, the death penalty was used in Japan. From 810 to 1156, during the Heian period, the death penalty was suspended, and offenders were given other forms of punishment or exiled (International Federation for Human Rights, 2008; Schmidt, 2002). From 1156 to present, capital punishment has been used (Jiang, Pilot, et al., 2010). While there are seven crimes eligible for the death penalty, as a matter of practice, the death penalty in Japan is only imposed for murder (The Death Penalty Project, 2013). Currently, hanging is the method of execution in Japan (Lane, 2015; The Death Penalty Project, 2013). Executions in Japan are carried out with greater secrecy than in the United States (Kita & Johnson, 2014). Condemned inmates are held in solitary confinement until executed. The sentenced offender is not told of the date of the execution until the morning of the execution, and his or her family is told only after the execution (Johnson, 2002, 2005, 2006; Lane, 2015; The Death Penalty Project, 2013). The Japanese government has argued that shrouding executions in secrecy is done to protect the privacy of family members who would be shamed by the criminal acts of the sentenced person and to spare the sentenced offender psychological distress from knowing his or her last day in advance (Johnson, 2005, 2006).

Critics of the death penalty argue that the lack of public knowledge of executions stifles debate on capital punishment (International Federation for Human Rights, 2008; Lane, 2015; The Death Penalty Project, 2013). Until 2007, only the number of people executed was publicly provided. In

2007, the Ministry of Justice began to publicly release the names of the executed and the crime committed. The number of people sentenced to death as per the number of murders is similar to that of the United States, with a rate of 1.7% for Japan and 2.0% for the United States (Lane, 2015). Since 1993, 76 individuals have been executed in Japan, and there are slightly more than 100 individuals awaiting death (International Federation for Human Rights, 2008).

As is the case in the United States, Japanese politicians argue that the death penalty is supported by the majority of voters, and as such, it is a lawful punishment (Kita & Johnson, 2014; The Death Penalty Project, 2013). The claim that the majority support the death penalty is based on government polls (Johnson, 2006); however, critics argue the wording of the question is leading (International Federation for Human Rights, 2008). Residents are asked if they think (1) “the death penalty should be abolished under all circumstances; (2) the death penalty is unavoidable in some cases; or (3) do not know/difficult to say” (The Death Penalty Project, 2013, p. 32). This measure does not fully tap the degree that Japanese residents support or oppose the death penalty. The survey is done every 5 or so years, and the last available survey from 2009 indicated that 86% of respondents indicated the penalty of death is unavoidable in some cases (The Death Penalty Project, 2013). In a 2010 non-government survey, 65% supported the death penalty to some degree, but most of the support was weak to moderate (The Death Penalty Project, 2013). Similar to the United States, younger Japanese residents are generally less supportive of the death penalty than are older residents (Schmidt, 2002; The Death Penalty Project, 2013). In a more in-depth analysis of public polls, International Federation for Human Rights (2008) concluded that death penalty support in Japan is about 62%.

Deterrence is a major reason given for why Japanese residents support the death penalty, despite a lack of empirical evidence to support that it deters (Jiang, Pilot, et al., 2010; Kita & Johnson, 2014; Schmidt, 2002; The Death Penalty Project, 2013). There is support for deterrence in general to combat crime. Even though victimization rates declined in the late 1990s and early 2000s, the prison population in Japan dramatically increased from 1996 to 2006 (Hamai & Ellis, 2008). Deterrence was one of the major reasons given for the increase in incarceration (Jiang, Lambert, et al., 2010). Retribution is the second most common reason given for why Japanese residents support the death penalty (International Federation for Human Rights, 2008; Jiang, Pilot, et al., 2010; The Death Penalty Project, 2013). In a study of Japanese college students, deterrence was the strongest predictor of death penalty support, followed by retribution (Jiang, Pilot, et al., 2010). In a review of Japanese public polls, Schmidt (2002) concluded that deterrence was the number one ideology for supporting the death penalty, followed by retribution, and demographic characteristics (e.g., age and religion) played little role in shaping capital punishment support. Incapacitation is a reason given by some for supporting the death penalty because offenders sentenced to life in Japan are eligible for parole after 20 years and could at some point become a future threat to society (The Death Penalty Project, 2013).

Both the issues of innocence and morality are provided as reasons to oppose the death penalty (Kita & Johnson, 2014; Schmidt, 2002; The Death Penalty Project, 2013). There have been a handful of cases where people sentenced to death have been later exonerated, leading to some in Japan to call for the end of capital punishment (Schmidt, 2002). Nevertheless, Japanese residents tend to be more trusting and supportive of their government than those in the United States (Jiang, Pilot, et al., 2010; Schmidt, 2002). In addition, in a survey of Japanese citizens, the view that it was wrong for the government to take a life was the strongest predictor for those opposing the death penalty, followed by concern over innocent people being executed (Jiang, Pilot, et al., 2010). The belief that offenders can be rehabilitated is strong in Japan, and a belief that offenders could be rehabilitated is a reason to oppose capital punishment (Jiang, Lambert, et al., 2010; Johnson, 2002). Japan has no sentence of LWOP; however, abolitionists have argued for it in light that it would reduce the use of the death penalty as has been the case in the United States (International Federation for Human Rights, 2008; The Death Penalty Project, 2013). Japan does have a life sentence in which the convicted offender

can be paroled or not (i.e., a case by case decision), with the average life sentence being 30 years (Sato, 2013).

The Death Penalty in the United States

Since colonial times, more than 15,000 people are estimated to have been executed in the United States (Durham, Elrod, & Kinkade, 1996). In 1972, in *Furman v. Georgia*, the U.S. Supreme Court declared capital punishment, as it was being administered at the time, to be unconstitutional. In 1976, in *Gregg v. Georgia*, the U.S. Supreme Court reinstated the death penalty. Currently, 32 of the 50 states and the federal government have the death penalty as a criminal sanction (Death Penalty Information Center, 2015). Approximately 1,400 individuals have been put to death in the United States since 1976, and the United States is one of the top five nations in terms of number of executions (Amnesty International, 2015b; Death Penalty Information Center, 2015). Of the five execution methods in the United States, lethal injection is by far the most common; electrocution, gas chamber, hanging, and firing squad are not often used (Death Penalty Information Center, 2015; Dieter, 2008). From 2010 to 2014, 206 individuals were executed, and there are more than 3,000 individuals on death row (Death Penalty Information Center, 2015). Some politicians contend that the majority of U.S. citizens support the death penalty. This support is why the death penalty is law in some jurisdictions and is one of the reasons the U.S. Supreme Court has upheld the use the death penalty (Unnever & Cullen, 2007). About 60% of the U.S. public supports the death penalty to some degree (Death Penalty Information Center, 2015). While deterrence was once a major reason for supporting the death penalty in the past, retribution has been the major reason provided since the 1990s (Bohm, 2012; Jiang, Lambert, et al., 2010; Lambert et al., 2004); nevertheless, deterrence and incapacitation are also provided by some as reasons for supporting the death penalty (Radelet & Borg, 2000). The most common reasons to oppose the death penalty in the United States are rehabilitation, innocence, LWOP as a deterrent, and morality (Bohm, 2012; Lambert et al., 2004).

Research Focus

The current study had three research focuses. The first was to explore whether the gender gap for *death penalty support* could be found among Japanese and U.S. participants. The gender gap in death penalty support may only exist in the U.S. or Western nations. The second focus was to explore if there was a gender gap in the *reasons to support or oppose capital punishment* between Japanese and U.S. college students. There has been limited research to date if there are gender differences in the views of the major reasons to support or oppose capital punishment. The third focus was to explore whether the *reasons to support or oppose the death penalty* were significant predictors of death penalty support or opposition among Japanese women, Japanese men, U.S. women, and U.S. men.

These research focuses will hopefully help shed light on the role of gender and nationality in shaping the death penalty views among citizens. Death penalty issues are important areas of study across the globe because the United States is not the only nation which executes offenders (Hood & Hoyle, 2015). As previously noted, Japan is a democratic nation which also imposes the death penalty. Conducting international research allows scholars to determine if the reasons to support or oppose capital punishment are universal (i.e., similar across cultures) or contextual (vary between cultures) and what role gender plays. Cultural forces in each nation are likely to affect how women and men view the death penalty and the reasons to support and oppose it.

In the past 50 years, U.S. women have become more independent, particularly economically (Harris & Firestone, 1998; Manza & Brooks, 1998). Having financial resources allows women to reject male-dominated policies and become more autonomous, which allows them to express values and goals that might differ from those espoused by men (Schlesinger & Heldman, 2001). In addition,

because of social changes, such as women's liberation and the rise of feminism, women in the United States are socialized to express their own views (Cochran & Sanders, 2009; Klein, 1984; Lambert et al., 2014; Manza & Brooks, 1998). One reason the gender gap is theorized to occur is because of gendered socialization and gender roles that result in different values and social expectations (Cochran & Sanders, 2009; Lambert et al., 2014). One difference in value orientation is how women and men view justice. In 1982, Gilligan contended that women and men, at least in the United States, differ on their moral reasoning and views of what is fair because of differences in social orientations and expectations. Women tend to support the ethic of care. Under the ethic of care, women value compassion and want to protect others by either removing or changing offenders so the group benefits. Under the ethic of care, empathy is valued. Hurwitz and Smithey (1998) contended that U.S. women are concerned about crime prevention because of "a larger concern for protecting the vulnerable and making sure no one is hurt" (p. 107). Conversely, Gilligan (1982) postulated that men have a justice ethic, which includes punishing those who break the law, including the use of capital punishment. Hurwitz and Smithey (1998) noted that under the justice ethic, men hold offenders accountable for their actions and approve of government using force to ensure compliance and punishment for those who break the law. Applegate, Cullen, and Fisher (2002) argued that "women, more so than men, seem to hold a general view that the government should not simply be an instrument of punishment and accountability but also should provide assistance to people with needs" (p. 98). In terms of the United States, Cochran and Sanders (2009) pointed out that the "ethic of care may be the strongest and most well developed theoretical basis for accounting for the gender gap in death penalty support via differences in socialization and value orientations" (p. 526). As previously presented, the research to date supports Gilligan's two moral reasoning models (i.e., the ethic of care and the ethic of rights and justice) in the United States, as illustrated by gender differences in punishment views.

Whether the gender gap in death penalty views exists in Japan is not clear. Gendered socialization and gender roles in Japan differ from those in the United States. Although it is changing, the current overall Japanese culture is more patriarchal than the overall U.S. culture (Huen, 2007; Tsutomi, Bui, Ueda, & Farrington, 2013). Recently, Japan was ranked 101 of the 145 nations on gender equality (The Japan Times, 2015). Japanese children are socialized into gender roles at an early age, with young girls learning about being cute, loveable, nurturing, and empathic (*kawaii*) and young boys to be "cool" and strong (*kakkoii*; Burdelski & Mitsuhasi, 2010). Tsutomi, Bui, Ueda, and Farrington (2013) contended that

The two reasons why Japan is patriarchal are (1) traditional gender roles are supported through general socialization processes where the majority of the Japanese have adapted these social values and (2) the division of home and work as distinct female and male domains encourages housewives and discourages life-time employment for females . . . (p. 130)

Furthermore, Confucianism played a salient role in the history of Japanese culture, with Confucianism advocating respect to a hierarchical authority structure, including a patriarchal culture. Currently, harmony and loyalty to the group are important values in Japan, and gendered division of labor is common (Sugihara & Katsurada, 2002). The Japanese tax code encourages patriarchal families and most women in Japan either work part time or seek noncareer track types of jobs (Orlansky, 2004; Ueno, 1994).

Gender role changes, the rise of feminism, and greater economic freedom for women have occurred during the recent history of Japan (Sugihara & Katsurada, 2002; Takemura, 2010; Ueno, 2004). As noted by Orlansky (2004), "Japan has come a long way from the *ryosaki kenbo*, or 'good wives, wise mothers' national ideal set forth in the pre-war period" (p. 68). Although the post-World War II Japanese constitution holds all people are equal and there should be no discrimination

including for gender, equal rights for women have yet to be fully realized (Orlansky, 2004; Take-mura, 2010). The Allied powers forced the postwar constitution on Japan for the purpose of demilitarization rather than gender equality (Liddle & Sachiko, 2000; Orlansky, 2004). Women's gender roles, however, are changing in Japan. Ueno (2004) argued that, while Japanese culture has gender inequality because of a patriarchal and masculinist culture, feminism needs to address this inequality rather than push for masculine models of Japanese citizenship for women. Western feminist goals are not what is being sought by Japanese women. While there is change afoot, equality is not a major social policy in Japan at this time. For many Japanese women, power at home matters more than public power (Ueno, 1988). Politics in Japan tends to be male dominated (LeBlanc, 1999). This does not mean that Japanese women are powerless. Women have a great deal of control and power in the local and familial spheres (Ueno, 1988).

In her study of the role of Japanese women and politics, LeBlanc (1999) reported that there are different gender roles, with men being concerned with power and economic gains and women concerned with helping others. Japanese women bear a far greater burden of housework and child-rearing as compared to U.S. women (Orlansky, 2004). LeBlanc (1999) further noted that Japanese housewives were not limited to domestic responsibilities but were also involved in the community. Although not usually formally involved in Japanese politics, the women studied by LeBlanc were civically engaged but more so in the community. Men, on the other hand, were concerned about power and the status derived from their jobs. This does not suggest that Japanese women are subjugated by the male dominated culture. LeBlanc contended that

the ambivalence with which women accept a housewife identity, however, suggests that they do not feel bound to housewifery over politics as a matter of acting in accordance with popular opinion. As either a housewife or a politician, women would encounter a negative social image. The difference is that, even taking its most negative images into account, women are convinced that their housewifery has value in the human spheres close to them. Politics, on the contrary, seems like an ineffective tool for operating in the housewife's world of person-to-person ties. (p. 199)

LeBlanc noted that the informal political power of Japanese women tends to come from the bottom up from their volunteerism and social welfare efforts to help others with grass roots efforts.

A more patriarchal culture could suggest that a gender gap in death penalty views could be less significant compared to the United States. There may be social pressure for Japanese women to express views similar to men. On the other hand, in the past several decades, there has been a change in Japanese culture to increase gender equality. Moreover, the work by LeBlanc (1999), which found greater involvement by women in community and social grassroots efforts to help others, suggests that Gilligan's ethic of care (1982) may apply to Japanese women. If this is the case, a similar gender gap as observed among U.S. women would be expected among Japanese women. It was postulated that U.S. women would have lower death penalty support, would be lower in their views on the major reasons to support capital punishment, and would be higher in their views on the major reasons to oppose capital punishment as compared to U.S. men. It was also postulated that Japanese women would have lower death penalty support, would be lower in their views on the major reasons to support capital punishment, and would be higher in their views on the major reasons to oppose capital punishment as compared to Japanese men.

Method

Participants

A convenience sample of students at a Japanese university and a U.S. university was surveyed. The Japanese university was a metropolitan university in a major city in the Tohoku region of Japan

that had an enrollment of approximately 18,000 students from across Japan. The U.S. university was a public institution located in the Midwest of the United States, with an enrollment of approximately 20,000 students. The U.S. university was in a state with the death penalty and which carried out several executions a year. At both universities, the survey was completed during class time. It was emphasized that the survey was voluntary, and the results would be anonymous. In order to avoid duplication, students were asked not to complete the survey if they had done so in another class. At both universities, a wide array of undergraduate classes taken by students majoring in a variety of subjects was selected. At the Japanese institution, 300 surveys were distributed; and a total of 267 students returned the completed survey (i.e., a response rate of 89%). At the U.S. institution, 510 surveys were distributed, and 484 students returned a completed survey (i.e., a 95% response rate). For the current study, a total of 751 surveys were used, of which 453 were women and 298 were men. For the Japanese participants, 181 were women and 86 were men. The median age was 20 and ranged from 18 to 25. Approximately 42% were first-year students, 12% were second-year students, 30% were third-year students, and 16% were fourth-year students. For the U.S. participants, 272 were women and 212 were men. The median age was 21 and ranged from 18 to 63. Approximately 19% were first-year students, 20% were second-year students, 33% were third-year students, and 28% were fourth-year students.

Variables

Death penalty support was measured by asking participants the degree to which they supported the death penalty on a 7-point scale and was coded as 1 = *very strongly opposed*, 2 = *strongly opposed*, 3 = *somewhat opposed*, 4 = *uncertain*, 5 = *somewhat support*, 6 = *strongly support*, and 7 = *very strongly support*. This approach measured general support for the death penalty, rather than support or opposition in specific cases, such as a murder of a child or mass shooting. A measure of general support for capital punishment has been used in past studies (Lambert et al., 2004, 2014; Robbers, 2006).

Additionally, the participants were also asked a series of statements on reasons often provided to support or to oppose capital punishment, and all these statements were answered using a 5-point Likert-type response scale ranging from *strongly disagree* (coded 1) to *strongly agree* (coded 5). For reasons to oppose, areas measured were the belief that offenders should be rehabilitated, issues regarding sentencing innocent people to death, LWOP as an effective deterrent, and morality. For reasons to support, areas measured were retribution, deterrence, and incapacitation. All the items used for the variables to oppose or support the death penalty are presented in the Appendix.

Following the work of past cross-national studies on predicting death penalty support, factor analysis was conducted on the reasons to support or oppose measures because the latent concepts are measured by 2 or more items (Bohm, 1992; Jiang, Lambert, et al., 2010; Jiang, Pilot, et al., 2010; Lambert et al., 2014). Ensuring that items measuring the same concept load on the same factor helps demonstrate unidimensionality of the proposed indexes. All the items loaded on the predicted factor in the factor analysis, and all the factor loading scores were above .40, the proposed cutoff point for factor loading scores (Kim & Mueller, 1978). Specifically, the 2 rehabilitation items loaded on a single factor in the factor analysis, the 2 innocence items loaded on a single factor, the 2 LWOP items on a single factor, the 4 morality items on a single factor, the 5 retribution items on a single factor, the 5 deterrence items on a single factor, and the 2 incapacitation items on a single factor. Index measures were created by summing together the responses to the items for particular variable. For example, the responses to the 5 retribution items were summed to form an index measuring retribution.

The personal characteristics of gender, age, and academic level were included in the analyses. Gender was included because it was the primary focus of the current study. Age and academic level were included as control variables. Research suggests that age and educational level are associated

Table 1. Death Penalty Support Between Women and Men by Nation (Percentages Reported).

Level of Support	Japan		United States	
	Women (%)	Men (%)	Women (%)	Men (%)
Very strongly opposed	7	4	15	7
Strongly opposed	5	8	8	5
Somewhat opposed	6	19	14	8
Uncertain	7	22	7	6
Somewhat favor	25	30	30	32
Strongly favor	35	15	16	19
Very strongly favor	14	2	10	22
χ^2	34.10**, <i>df</i> = 6		25.69**, <i>df</i> = 6	

Note. The percentage may not total 100% due to rounding. *df* stands for degrees of freedom. There were 267 Japanese respondents of whom 181 were women. There were 484 U.S. respondents of whom 272 were women.

***p* ≤ .01.

with death penalty support and reasons to support or oppose capital punishment and have been included in past studies as control variables (Bohm, 1992, 2012; Durham et al., 1996; Ellsworth & Gross, 1994; Grasmick, Cochran, Bursik, & Kimpel, 1993; Jiang, Lambert, et al., 2010; Jiang, Pilot, et al., 2010; Lambert et al., 2004, 2014; Robbers, 2006). Gender was measured as a dichotomous variable with *women* = 1 and *men* = 0. Age was measured in continuous years. As all the students in the current study were college students, it was decided to measure educational level by academic level. Academic level was measured as 1 = *first year*, 2 = *second year*, 3 = *third year*, and 4 = *fourth year*.

Results

The level of death penalty support was compared between women and men by nation, and the results are reported in Table 1. Overall, a majority (64%) of combined Japanese and U.S. respondents supported to some degree the death penalty. About the same percentage of Japanese students supported the death penalty in some manner as U.S. students (65% and 64%, respectively). Among the Japanese participants, women were more likely to support the death penalty to some degree (74%) than compared to their male counterparts (47%), and the difference was statistically significant based on the χ^2 test (see Table 1). For the U.S. participants, men were more likely to express support for the death penalty (73%) than were their female counterparts (55%), and the difference was statistically significant (see Table 1). Gender appeared to play a role in death penalty support for both groups.

Next, the independent *t*-test was conducted to determine whether women and men differed in the level of support and the reasons to oppose or support the death penalty in each nation. The results are presented in Table 2. Japanese women and U.S. men were less likely to agree with reasons to oppose the death penalty and more likely to agree with reasons to support it. There was a difference between Japanese women and Japanese men on five of the reasons to oppose or support the death penalty. Specifically, Japanese men were more likely to feel innocence was a greater concern, and men were also higher on the morality variable. Women were more likely to support the retribution, deterrence, and incapacitation arguments. There was no difference between Japanese women and men on their level of support for rehabilitation and a belief that LWOP is an effective deterrent. There was a difference between U.S. women and U.S. men on six of the reasons to oppose or support the death penalty. Specifically, women were more likely to support rehabilitation, feel that innocent people could be executed, and agree with the morality argument against the death penalty. Men were more

Table 2. Differences in Death Penalty Views Between Women and Men by Nation.

Variable	Japan						United States					
	Women		Men		t-Value	Regr.	Women		Men		t-Value	Regr.
	Mean	SD	Mean	SD			Mean	SD	Mean	SD		
Death penalty support	5.00	1.70	4.16	1.39	-3.61**	-.23**	4.14	1.91	4.98	1.75	4.96**	.20**
Reasons to oppose												
Rehabilitation	7.67	1.02	7.64	1.34	-0.18	-.01	7.58	1.53	6.75	1.77	-5.54**	-.24**
Innocence	6.22	1.55	7.00	1.06	3.83**	.24**	7.45	1.78	6.40	1.77	-6.49**	-.26**
LWOP	3.61	0.92	3.46	0.92	-1.12	-.07	3.18	1.04	3.09	1.07	-0.85	-.04
Morality	10.85	2.59	11.54	2.40	1.99*	.13*	12.47	3.29	10.66	3.20	-6.08**	-.25**
Reasons to support												
Retribution	11.00	3.46	10.12	2.75	-2.10*	-.13*	10.21	3.81	12.15	3.92	5.54**	.24**
Deterrence	16.76	4.26	14.71	4.16	-3.43**	-.22**	12.99	4.42	14.35	4.81	3.23**	.15**
Incapacitation	5.52	1.57	2.07	1.65	-1.97*	-.13*	6.06	1.66	6.64	1.60	3.87**	.17**

Note. The independent *t*-test was used, and gender was coded as 0 = female and 1 = male. In the last column, the standardized regression slope coefficient of the effect of gender on the dependent variable is reported, while controlling age (measured in continuous years) and academic standing (1 = first year/freshman, 2 = second year/sophomore, 3 = third year/junior, 4 = fourth year/senior) using ordinary least squares regression. The value reported in the regression column is the standardized regression coefficient. The number of Japanese participants was 267, of whom 181 were women. The number of U.S. participants was 484, of whom 272 were women. SD = standard deviation; Regr. = regression; LWOP = life without parole. * $p \leq .05$. ** $p \leq .01$.

likely to support the retribution, deterrence, and incapacitation arguments for the death penalty. There was no difference among U.S. respondents on whether LWOP is an effective deterrent.

To determine whether the women and men in the Japanese and U.S. groups of students were significantly different in their death penalty views, independent of the effects of age and academic standing, ordinary least squares (OLS) regression was conducted. The level of death penalty support and the reasons to oppose or support capital punishment were the predicted variables, and gender, age, and academic level were the predictor variables. The regression results are also reported in Table 2. The regression results mirrored the *t*-test results.

Independent *t*-tests were conducted to examine whether there were differences in death penalty support and views by nationality while taking gender into account. The results are reported in Table 3. Except for rehabilitation, there was a statistically significant difference between Japanese and U.S. women on their death penalty views. Japanese women tended to have higher support for the death penalty and were higher on the LWOP, retribution, and deterrence measures. U.S. women on average were higher on the innocence, morality, and incapacitation measures. There was no significant difference between the two groups of women on the rehabilitation variable. Except deterrence, there was a significant difference in death penalty views of Japanese and U.S. men. U.S. men tended to be more supportive of the death penalty and were higher on the retribution and incapacitation variables. Conversely, Japanese men were higher in general on support for rehabilitation, were more concerned about executing an innocent person, were more likely to believe that LWOP was a deterrent, and were more likely to agree with the morality arguments against capital punishment. In addition, OLS regression (with the level of support and the reasons to oppose or support death penalty as the predicted variables, and age, academic level, and nationality of the participant as the predictor variables) are also reported in Table 3. The regression results mirrored the *t*-test results.

Sixteen regression equations were estimated with the dependent variables being level of support for the death penalty, the three reasons to support capital punishment (i.e., retribution, deterrence,

Table 3. Differences in Death Penalty Views by Nation Controlling for Gender.

Variable	Women						Men					
	Japan		United States.		t-Value	Regr.	Japan		Unites States		t-Value	Regr.
	Mean	SD	Mean	SD			Mean	SD	Mean	SD		
Death penalty support	5.00	1.69	4.14	1.91	4.86**	.22**	4.16	1.39	4.98	1.75	-3.49**	-.19**
Reasons to oppose												
Rehabilitation	7.63	1.34	7.58	1.53	0.09	.02	7.67	1.02	6.75	1.77	4.09**	.22**
Innocence	6.22	1.55	7.45	1.78	-7.55**	-.32**	7.00	1.06	6.40	1.77	2.68**	.15**
LWOP	3.61	0.92	3.18	1.04	4.51**	.18**	3.46	0.92	3.09	1.07	2.57**	.14*
Morality	10.85	2.58	12.47	3.29	-5.55**	-.24**	11.54	2.40	10.66	3.20	2.10*	.13*
Reasons to support												
Retribution	10.99	3.46	10.21	3.81	2.22*	.10*	10.12	2.75	12.15	3.92	-4.00**	-.24**
Deterrence	16.76	4.25	12.99	4.42	9.03**	.39**	14.71	4.16	14.35	4.81	0.56	.04
Incapacitation	5.52	1.57	6.06	1.66	-3.49**	-.16**	5.07	1.65	6.64	1.60	-7.03**	-.35**

Note. The independent t-test was used, and nationality was coded as 0 = United States and 1 = Japan. In the last column, the standardized regression slope coefficient of the effect of nationality on the dependent variable is reported, while controlling age (measured in continuous years) and academic standing (1 = first year/freshman, 2 = second year/sophomore, 3 = third year/junior, 4 = fourth year/senior) using ordinary least square regression. The number of Japanese respondents was 267, of whom 181 were women. The number of U.S. respondents was 484, of whom 272 were women. SD = standard deviation; Regr. = regression; LWOP = life without parole.

* $p \leq .05$. ** $p \leq .01$.

and incapacitation) and the four reasons to oppose capital punishment (rehabilitation, innocence, LWOP, and morality). In all the 16 regression equations, age, academic level, gender, and nationality were the independent variables. In eight regression models, the interaction (cross variable—Gender \times Nationality) between gender and nationality was added to the model for each of the dependent variables. The interaction variable represented whether a participant was a Japanese woman. These regression results were estimated to show how gender and nationality not only are linked to death penalty support but also the reasons to support and oppose capital punishment, while controlling for age and academic level. Moreover, the interaction variable was included to show how gender and nationality interact with one another and to illustrate knowing both the gender and the nationality of a participant is important. The results are reported in Table 4. Although there are many conclusions which can be drawn from these results, a major one is that the interaction term was statistically significant for all eight dependent variables. Furthermore, the interaction term had a larger effect than the other variables (the standardized regression coefficients are reported in Table 4, and within a regression model, these coefficients can be ranked from smallest to largest sized effect on the dependent variable). Knowing that the participant was a Japanese woman was important; it had the largest sized effect in seven of the eight equations. In the current multivariate analyses, as compared to the other participants, Japanese female participants tended on average to be higher in the level of death penalty support, retribution support, deterrence support, incapacitation support, and LWOP support and were lower in their level of support for rehabilitation, innocence, and morality. Both nationality and gender were significant predictors in the vast majority of regression models. On the other hand, age and academic level, once the shared effects of gender and nationality were taken into account, were significant predictors in only four models. Age had a positive relationship with the innocence variable only when the interaction variable was not included. Academic level had a negative association with both the innocence and morality variables.

Table 4. Regression Results of How Gender and Nationality are Associated With Level of Death Penalty Support and Reasons to Support or Oppose Capital Punishment While Controlling for Age and Academic Level (Standardized Regression Coefficients Reported).

Variable	Death Penalty Support		Retribution		Deterrence		Incapacitation	
	Mod 1	Mod 2	Mod 1	Mod 2	Mod 1	Mod 2	Mod 1	Mod 2
Age	-.07	-.06	-.02	-.01	-.01	.01	-.01	.00
Academic level	.07	.06	-.01	-.02	-.02	-.02	.06	.06
Gender	-.09*	-.22**	-.16**	-.26**	-.04	-.14**	-.11**	-.24**
Nationality	-.09*	-.20**	.01	-.22**	.26**	.04	-.20**	-.48**
Gender × Nationality		.38**		.31**		.31**		.37**
R ²	.03*	.06**	.03**	.05**	.07**	.10**	.07**	.11**

Variables	Rehabilitation		Innocence		LWOP		Morality	
	Mod 1	Mod 2	Mod 1	Mod 2	Mod 1	Mod 2	Mod 1	Mod 2
Age	.01	.01	.08*	.06	-.04	-.04	.05	.04
Academic level	-.06	-.06	-.10**	-.10**	.05	.04	-.08*	-.08*
Gender	.18**	.26**	.14**	.28**	.01	-.04	.16**	.26**
Nationality	.09*	.26**	-.17**	.13*	.09*	-.03	-.10**	-.12*
Gender × Nationality		-.32**		-.40**		.16*		-.30**
R ²	.05**	.07**	.05**	.09**	.01	.02*	.04**	.06**

Note. Model 1 presents the regression results without the cross-product variable of gender by nationality (i.e., gender times nationality) in the equation. Model 2 presents the regression results with the cross-product variable of gender by nationality in the equation. Age was measured in continuous years. Academic level coded as 1 = first year, 2 = second year, 3 = third year, and 4 = fourth year. Gender was coded as 0 = male and 1 = female. Nationality was coded as 0 = United States and 1 = Japan. Gender × Nationality was created by multiplying gender by nationality and a value of 1 represents being a Japanese female. The regression equations contained responding participants from Japan and the United States, and the total number of respondents was 751, of which 267 were from Japan and 484 were from the United States. Mod = model; LWOP = life without parole.

*p ≤ .05. **p ≤ .01.

Finally, it is important to note that the amount of variance explained (i.e., R² value) among the eight dependent variables was low, ranging from 1% to 11%, which means variables other than age, academic level, gender, nationality, and the interaction variable for gender and nationality account for the observed variance in the dependent variables. It should also be noted that the R² for each dependent variable increased once the interaction variable was included, again indicating that knowing if the participant is a Japanese women is important in predicting each of the outcome variables.

Two multivariate regression equations were estimated to determine if there was a difference in the predictors of death penalty support between Japanese and U.S. participants. The dependent variable was death penalty support measured on the 7-point response scale, and the independent variables were the reasons to support or oppose capital punishment, gender, age, and academic level. The results are reported in Table 5. Among the Japanese students, rehabilitation, innocence, morality, retribution, and deterrence had significant associations with the level of support for capital punishment, with rehabilitation, innocence, and morality having negative effects and retribution and deterrence having positive effects. LWOP, incapacitation, age, academic level, and gender had nonsignificant associations with the dependent variable. Among U.S. participants, innocence, morality, retribution, and deterrence had significant relationships with death penalty support, with the first three having negative effects and the last two variables having positive effects. For both

Table 5. Predictors of Death Penalty Support by Nation.

Variable	Japan		United States		z
	B	β	B	β	
Reasons to oppose					
Rehabilitation	-.11	-.08*	-.01	-.01	-1.60
Innocence	-.29	-.29**	-.23	-.22**	-1.04
LWOP	.001	.001	-.02	-.02	0.42
Morality	-.06	-.10*	-.14	-.26**	2.64**
Reasons to support					
Retribution	.09	.22**	.14	.36**	-1.77
Deterrence	.15	.40**	.07	.15**	3.48**
Incapacitation	.03	.04	.01	.01	0.67
Gender	.19	.05	.12	.03	0.60
Age	-.01	-.03	-.01	-.02	0.30
Academic level	.004	.003	.07	.04	-1.00
F-Value	54.77**		156.87**		
R ²	.70**		.77		

Note. Gender was coded as 0 = males and 1 = females. Age was measured in continuous years. Academic standing was measured as 1 = first year/freshman, 2 = second year/sophomore, 3 = third year/junior, 4 = fourth year/senior. The number of Japanese respondents was 267, of whom 181 were women. The number of U.S. participants was 484, of whom 272 were women. B = unstandardized regression coefficient; β = standardized regression coefficient; z = z score value from the Clogg's test for equality of regression coefficients.

* $p \leq .05$. ** $p \leq .01$.

Japanese and U.S. students, gender had nonsignificant effects, and this finding was expected. Once the reasons for support or opposing capital punishment were taken into account, gender is no longer a significant predictor. Based on the results presented in Tables 2–4, Japanese and U.S. women and men differed in their levels of the reasons to support or oppose the death penalty. The results presented in Table 5 further confirm this point. In order to determine whether the effects of the independent variables significantly differed between Japanese and U.S. participants (i.e., differed by nationality), the equality of regression coefficients (Clogg) test was computed (Paternoster, Brame, Mazerolle, & Piquero, 1998). The null hypothesis for this test is that the difference between the regression coefficients is 0, and any observed differences were the result of random chance. The alternative hypothesis is that there was a significant difference between the regression coefficients of a particular variable between Japanese and U.S. students. The results of the equality of regression coefficients test are reported in Table 5 as well (see columns labeled z). There was a significant difference for two variables. Although significant for both groups, morality was a stronger predictor of death penalty support for U.S. students. Conversely, although significant for both groups, deterrence was a stronger predictor of support for capital punishment for Japanese participants.

Finally, four regression equations were estimated to determine if the predictors of death penalty support varied between Japanese women and men and between U.S. women and men. The dependent variable was death penalty support measured on the 7-point response scale, and the independent variables were the reasons to support or oppose capital punishment, age, and academic level. The results are reported in Table 6. Among Japanese women, innocence, morality, retribution, and deterrence were significant predictors of death penalty support. Increases in the innocence and morality variables were associated with decreased support for capital punishment, and increases in the retribution and deterrence variables were associated with increased support. Among Japanese men, the innocence, retribution, and deterrence variables were significant predictors; innocence had a negative effect on death penalty support, while retribution and deterrence had a positive effect.

Table 6. Predictors of Death Penalty Support for Women and Men by Nation (Multivariate Regression Results).

Variable	Japan					United States				
	Women		Men		z	Women		Men		z
	B	β	B	β		B	β	B	β	
Reasons to oppose										
Rehabilitation	-.08	-.06	-.08	-.06	-0.04	.00	.00	-.01	-0.01	0.17
Innocence	-.35	-.32**	-.37	-.28*	0.23	-.27	-.25**	-.27	-0.23**	0.07
LWOP	-.15	-.08	.10	.06	0.17	.03	.01	-.05	-0.03	-0.05
Morality	-.11	-.17**	-.10	-.17	0.07	-.19	-.32**	-.06	-0.12	2.89**
Reasons to support										
Retribution	.11	.22**	.16	.32**	-0.42	.20	.39**	.20	.44**	0.28
Deterrence	.17	.42**	.07	.20*	1.98*	.04	.10*	.07	.19**	-1.34
Incapacitation	-.04	-.04	-.02	-.02	-0.23	-.08	-.07	.02	.02	-0.27
Age	.09	.07	.10	.09	-0.78	-.01	-.01	.01	.01	-0.51
Academic level	-.07	-.05	-.12	-.10	0.72	.07	.04	.07	.04	0.02
F-value	55.43**		12.61**			94.54**		83.95**		
R ²	.75		.67			.76		.79		

Note. Age was measured in continuous years, and academic standing was measured as 1 = first year/freshman, 2 = second year/sophomore, 3 = third year/junior, 4 = fourth year/senior. The number of Japanese respondents was 267, of whom 181 were women. The number of U.S. participants was 484, of whom 272 were women. B = unstandardized regression coefficient; β = standardized regression coefficient; z = z score value from the Clogg's test for equality of regression coefficients.

* $p \leq .05$. ** $p \leq .01$.

Among U.S. women, innocence and morality had significant negative associations, while retribution and deterrence had significant positive associations. Among U.S. men, innocence had a significant negative association, while retribution and deterrence had significant positive associations with death penalty support. In order to determine whether the effects of the independent variables significantly differed between Japanese women and men and between U.S. women and men, the equality of regression coefficients (Clogg) test was computed (Paternoster et al., 1998). The results of the equality of regression coefficients test are also reported in Table 6 (see columns labeled z). Among the Japanese participants, only one z score reached statistical significance, deterrence. Deterrence had a greater effect on death penalty support for Japanese women than it did for Japanese men. Among U.S. students, only one z score reached statistical significance, morality. Morality had a larger sized effect on death penalty support for U.S. women than it did for men, where this variable failed to reach statistical significance.

Discussion and Conclusion

The results of the current study suggest that gender plays a role in death penalty views of the Japanese and U.S. students, but the effects of gender appear to be contextual rather than universal. There is a gender difference for both groups, but, contrary to our postulation, it differs in its direction. As previously indicated, in the United States, women tend to have lower support for capital punishment than men (Cochran & Sanders, 2009; Lester, 1998). The results of the current study confirm that the U.S. women were less supportive of the death penalty and were also less likely to agree with the major reasons for supporting capital punishment when compared to U.S. men. Conversely, the Japanese women in the current study were more supportive of capital punishment and more likely to agree with the major reasons to support the death penalty as compared to Japanese

men. This finding suggests that the effects of gender may vary by nation. The current finding has support from a previous study. In a survey of college students, Lambert et al. (2014) reported that gender was a significant predictor of death penalty support for U.S. women but not students from Bangladesh, China, and Nigeria. They attributed the difference in death penalty views among U.S. women to socialization, women's social independence, and women having greater economic control of their lives. They further argued the lack of gender differences on death penalty views in Bangladesh, China, and Nigeria was because of familial control, patriarchal culture, collective pressures, and less economic independence for women. The study by Lambert et al. and this current study suggest that differences in death penalty views may differ between nations, both in terms if there is such a difference and the direction of the difference.

The argument by Lambert et al. (2014) that collective pressures, less economic independence, and a patriarchal culture explain the lack of a gender gap in other nations does not appear to hold true for the surveyed Japanese students. As previously indicated, Japan has a more patriarchal culture than does the United States, and Japanese women have less economic independence and general autonomy as compared to U.S. women. Nevertheless, the surveyed Japanese women in general were more punitive in their views as compared to their male counterparts. Japan is often viewed as a highly collective society where people feel pressure to conform and hold socially accepted views (Jiang, Pilot, et al., 2010; Schmidt, 2002). This view, however, is not accurate. While Japan is somewhat of a collectivist culture, it is lower on collective measures than most other Asian nations. Further, it tends to be more collective toward the outside world than internally, and collectivism is oriented more toward the family and the local community than the overall society (The Hofstede Centre, 2015). In light of the fact that Japanese women were generally more punitive than their male counterparts and U.S. men were generally more punitive than U.S. female counterparts in this study suggests forces in each culture result in these gender differences.

As postulated, U.S. women were less punitive as compared to U.S. men, which is likely the result of gendered socialization. As previously indicated, Gilligan (1982) theorized socialization and social forces in the United States resulted in different perceptions of justice for women and men. Specifically, women tend to be more concerned with the well-being of others (i.e., ethic of care). Men, on the other hand, are more concerned with rights and punishing those who violate the law (i.e., ethic of justice). The current results support Gilligan's postulations on punishment views among U.S. women and men. Gilligan's postulation does not seem to apply for findings among the Japanese students, even though the research by LeBlanc (1999) indicated that Japanese women are involved in their communities and use grass root political power to help institute change to help others. It could be that social and economic freedom plays a role. U.S. women in general have far greater economic control of their lives and more social freedoms than compared to Japanese women. This could allow U.S. women greater freedom in expressing their own independent views, including on capital punishment (Lambert et al., 2014). While Japan is viewed as a developed nation, it is not a nation that adheres to all Western views on gender. While there has been an increase in the number of Japanese women in the workplace, it is different than found in the United States. As previously indicated, many Japanese women work part time or seek noncareer track types of jobs (Orlansky, 2004; Ueno, 1994). Further, Japanese women also make up a far lower percentage of supervisors and managers as compared to the United States (Kumar, 2011). Japanese culture is hierarchical, including in terms of gender where women are seen to be subservient to men (The Hofstede Centre, 2015). The punitiveness of Japanese women could be a reaction to this inequality. This, of course, is an untested explanation.

The more punitive death penalty views could also be a fear of victimization, particularly sexual ones, by Japanese women. While the official rate for women being victims of sexual assault is very low in Japan, the actual rate of victimization is estimated to be much higher because of a lack of reporting to the police (Fujioka, 2007). Lack of training among police on how to respond to sexual

assaults and victims, a desire to keep official crime levels low, evidentiary approaches, blaming the victim, shame on the part of the victim, and a lack of social push for change are reasons provided for why many female victims feel frustrated in Japan (Burns, 2005; Fujioka, 2007; Konishi, 2000). In fact, Konishi (2000) reported that the rate of reporting of sexual assaults by female victims to the police in the United States was vastly higher than that in Japan. It is argued by some that sexual assault is not taken as seriously as it should be in Japan (Burns, 2005). For example, even though the minimum sentence for aggregated sexual assaults was raised to 3 years, it is less than the minimum sentence of 5 years for robbery (Fujioka, 2007). The impact of being a victim of sexual assault is great. Support provided to Japanese female victims, especially for sexual assault, is seen as “lagging 20 years behind Western countries” (Konishi, 2000, p. 1810). The lack of victim support can result in posttraumatic stress disorder, including a feeling of loss of control (Konishi, 2000). For example, in a survey of Tokyo women, 60% reported being a victim of sexual molestation by a *chikan* (i.e., groper) on the subway, with many reporting feeling psychologically distressed by the assault (Konishi, 2000). In addition to sexual assault, sexual harassment (known as *sekuhara*) can be a concern for some Japanese women (Huen, 2007). Approximately 50% of working 20- to 30-year-old Japanese women reported experiencing sexual harassment in the Japanese Survey of Working Women’s Consciousness (Shinohara & Uggen, 2009). While sexual harassment occurs in the United States, it has been a social issue longer than it has been in Japan (Shinohara & Uggen, 2009). The Japanese term for sexual harassment, *sekuhara*, only entered the Japanese language in the late 1980s (Burns, 2005). Overall, the current findings could be a result of fear of sexual victimization and a less than fully supportive formal system that resulted in the views of Japanese women observed in this study. Ferraro (1996) reported that fear of sexual assault was important in explaining concern of being victimized, including for property crimes. Fear of crime in general has been linked with higher support of the death penalty (Keil & Vito, 1991). This is another untested explanation. There were no measures for fear of sexual assault or crime in general in the current study.

A third explanation is that Japanese women are more punitive because in their eyes those offenders who are sentenced to death represent a greater threat to the community and the family, especially children. Family and the community are important to many Japanese women (LeBlanc, 1999; Ueno, 1988). Offenders sentenced to death could be viewed as a threat to those areas Japanese women hold important, and, as such, capital punishment could be viewed as a way to protect others. In a survey of U.S. college students, no gender gap was found on the punishment views among U.S. women and men for terrorists, with both being harsh in their views. One explanation given for this finding was that terrorists threatened the well-being of innocent individuals, particularly children, and women were more likely to support harsh punishments because of this (Lambert, 2003). A similar occurrence could be occurring for the Japanese female students in this study but in terms of criminal offenders.

A fourth explanation for the current results is random chance. It could be that in general Japanese women are not more punitive and that the results observed are due to random chances. It is clear that additional research is needed to determine if there is a gender difference in death penalty views in Japan, and if so, why. Future research is needed to explain what forces account for the death penalty views of men and women in both Japan and the United States. There is likely a multitude of forces that shape death penalty support and views of women and men which vary across nations. Some of these socialization and social forces can lead to gender gaps in death penalty views and others lead to common views across different cultures.

As with most research, the current study has limitations. This was a single exploratory study of a limited number of college students attending two universities, one in Japan and the other in the United States. Additional research is needed to determine whether the results can be replicated. The students in the current study were selected using a convenience sample, and the results cannot be generalized to the overall population in either nation. Research on death penalty views of the general

public, particularly in Japan, is needed. It is possible that the views of college students differ from the general population, particularly in terms of the Japanese citizens. As previously indicated, there has been far less published research on the death penalty views of Japanese residents as compared to the United States. In the current study, limited measures of reasons to support or oppose capital punishment were used, particularly for LWOP, innocence, and incapacitation. It is suggested that additional and more detailed measures be developed and tested. Research is needed to explore the forces that lead to differences among women and men in reasons to support and oppose the death penalty. Additionally, while the items used in this study were pilot tested, there is the issue of whether they fully measured the death penalty views of the students. This is a recurring issue with research that is based on measures using perceptions and needs to be further studied. Furthermore, it is important to note that a general level of death penalty support (i.e., the question of on a scale of 1–7, what level do you support capital punishment) was used in the current study. Although this is a common method of measuring general support for the death penalty, it is not the only method. Some studies have asked about specific circumstances. For example, Harris (1986) found that support for capital punishment was not universal for all cases of murder but varied by the specific circumstances of crime, with support being higher if the crime was extremely brutal, was for profit, or the victim was a child. Using 17 different scenarios, Durham, Elrod, and Kinkade (1996) found that the level of death penalty support among the several hundred surveyed residents of a U.S. city varied across scenarios, with greater support when aggravating circumstances (e.g., a brutal killing) were presented and lower support when mitigating circumstances were provided. Although it was beyond the scope of this preliminary study, future research should include not only a general support of death penalty measure but specific scenarios to determine whether the gender gap continues, is reduced, or is enhanced.

Research is needed to explore the variables which explain the difference in views of the reasons to support or oppose (e.g., retribution, rehabilitation, etc.) observed in Table 4. As previously noted, 11% or less of the variance in the variances was accounted for by age, academic level, gender, nationality, and the interaction term (i.e., being a Japanese women). This means the vast majority of the variance in the reasons to support or oppose capital punishment are accounted for by other variables. Future studies need to explore and identify the variables which play a role in helping shape capital punishment views. For example, future research should explore if prior crime victimization and fear of crime are associated with the reasons to support or oppose capital punishment among women and men (Selter & McCormick, 1987). Moreover, additional research is needed to explore why women and men in both nations differed in their levels of the major reasons to support or oppose capital punishment. The analyses in this study indicated the reason for the gender gap in death penalty support in the two nations is partially due to the level of views of reasons to support and oppose capital punishment. What is not clear is why women and men in each country differ in these views. Research is needed to explore what variables may mediate or moderate the views on reasons to support and oppose capital punishment, as well as death penalty support, by gender. Identifying these moderating forces is critical for understanding the gender gap in death penalty views in both Japan and the United States. It is also important to note that LWOP as a sanction is not a possibility in Japan at this time, but there has been a push by death penalty opponents to have it as a possible sentence to reduce the use of the death penalty (Lane, 2015). Views could change if this sanction was available in Japan. Furthermore, the data used in the current study were cross sectional. In order to demonstrate causality, longitudinal studies are required.

Additional research is needed on the social, economic, and political forces, which contribute to Japan and the United States retaining capital punishment, while the majority of nations in the world has abolished the use of the death penalty. The variables identified by this research could be used to explore what role they play in the gender gap in capital punishment views. Although beyond the scope of the current exploratory study, research is needed to explore why some nations still retain

capital punishment and other nations do not. The basic cultural values of retentionist nations as compared to abolitionist countries need to be studied. This information may partially explain why or why not there may be a gender gap in death penalty views in a particular nation. Finally, there were several explanations postulated to explain the current findings. These possible explanations need to be empirically tested.

The current results indicate that gender and culture intersect on death penalty support and views. A gender gap was found among participants in both nations, but it differed between each nation. Japanese women were generally more supportive of the penalty and were more likely to express support for retribution and deterrence rationales for capital punishment than Japanese men. Conversely, U.S. women were less supportive of the death penalty and more likely to endorse the rehabilitation and innocence to oppose capital punishment than compared to their male U.S. counterparts. Further studies are needed to determine whether these findings can be replicated, and if so, why Japanese women are more punitive. These findings, if replicated, may have profound implications for politics and governmental policy across different nations. At the very least, it is hoped that this study calls attention to the urgency of additional research on death penalty views of women and men across a multitude of nations. Capital punishment is one of the most punitive sanctions available. In a very real sense, understanding why men and women differ in their death penalty views is a matter of life and death.

Appendix

All the items were measured using a 5-point Likert-type response scale ranging from *strongly disagree* (coded 1) to *strongly agree* (coded 5). *Rehabilitation* (2 items): (1) The main goals for dealing with criminals should be to treat and rehabilitate them and (2) we need more educational and vocational programs to effectively deal with crime and offenders. *Innocence* (2 items): (1) I do not support the death penalty because there is a chance an innocent person will be executed and (2) innocent people are sometimes sentenced to death. *LWOP* (2 items): (1) Incarceration is a powerful deterrent to crime and (2) LWOP will deter people from committing murder. *Morality* (4 items): (1) It saddens me when a person is executed, regardless of the crime they committed, (2) executions set a violent example that leads to further violence in society, (3) the death penalty serves little purpose other than to show society's cruelty, and (4) when society executes an individual for a violent crime, it is responding to violence with violence. *Retribution* (5 items): (1) I become angry when a convicted murderer does not receive the death penalty, (2) I believe in the idea of an eye for an eye and a life for a life, (3) society has a right to seek revenge on violent criminals, (4) 16 year olds convicted of first-degree murder deserve the death penalty, and (5) murderers deserve the death penalty since they took a life. *Deterrence* (5 items): (1) The death penalty is a more effective deterrent than life imprisonment, (2) the death penalty is necessary to maintain law and order, (3) I feel that the death penalty deters others from committing crimes, (4) without the death penalty, violent crime would increase, and (5) the death penalty is a powerful deterrent to crime. *Incapacitation* (2 items): (1) Most convicted murderers would kill again if given the opportunity and (2) death is the ultimate incapacitation of a violent criminal.

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Terror on Repeat: Criminal Social Capital and Participation in Multiple Attacks

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Abstract

Criminal and terrorist organizations often depend on repeat offenders to maintain the group's longevity, especially after repeated law enforcement interventions. Yet, little is known about the offenders who perpetrate multiple incidents on behalf of a group. Relying on data for 118 terrorist offenders involved across eight attacks from 2000 to 2005, this study examines the correlates of repeat offending within a terrorist organization. Our main predictor, criminal social capital, is measured by the number and structure of co-offending ties. Poisson regression results demonstrate that offenders with a higher number of connections are more likely to be involved in multiple attacks; while offenders positioned as brokers—bridging otherwise unconnected others—are less likely to reoffend. In addition, being a leader and graduate education was associated with repeat offending. These findings suggest that selection is based on more than an offender's skill set but also on their embeddedness within the group.

Keywords

repeat offenders, co-offending, criminal social capital, terrorism, social network analysis

An offender's illicit network has been identified as an important factor for understanding offending patterns across the criminal career. Offenders with higher numbers of co-offenders tend to reoffend more and persist for longer in their individual offending career, a finding that has been demonstrated across crime types (Piquero, Farrington, & Blumstein, 2007) and among older age groups (Lantz & Hutchison, 2015). However, studies have yet to examine how co-offending ties impact offenders' continued involvement with a criminal organization. Social ties are not distributed equally across group members. Some offenders are more embedded within an organization, having a greater number of ties to other group members, while others are located on the periphery, having few connections to the overall group. Previous research has suggested that individuals who occupy more peripheral positions in illicit groups may be at a greater likelihood of desistance (e.g., McGloin,

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2005). While individuals embedded in the group have been suggested to be more likely to remain, having greater exposure to criminal norms and access to illicit opportunities embedded in social ties (McCarthy & Hagan, 1995). In this sense, the group context matters, because offenders are dependent on not simply their *willingness* to be involved in future offenses but also on the opportunity to be *recruited* for a future offense. Although research has advanced our understanding of the structure of criminal network on offending pathways, the extent to which a person's structural position influences their likelihood of committing multiple offenses on behalf of the group is unknown. An examination of the factors that allow members to be selected to commit offenses over time can provide additional insight into group processes, while also informing the potential for strategic interventions of the most prolific offenders.

To examine repeat offending in a group context, we turn to a terrorist organization—Jemaah Islamiyah (JI)—who conducted eight consecutive attacks over a 6-year period. Our focus on JI extends from the extensive network data available on the organization, but also the unique opportunity it provides to study reoffending across multiple attacks. As an enduring organization, JI was formally established in 1993 in Southeast Asia and has survived for over two decades. The group's primary ambition has been to create an Islamic State within Indonesia, eventually encompassing all of Southeast Asia. Seizing an opening, after the fall of the Suharto regime, JI increased their presence in Indonesia, perpetrating a series of attacks in the early to mid-2000s. Continuity in members across eight attacks from 2000 to 2005 form the cornerstone of our analysis, allowing us to capture repeat involvement across stages in the group's evolution and under intense government interdictions.

Building on previous co-offending research, we focus on variation in offenders' co-offending ties and their structural position within the organization as predictors of repeat offending. The question at the heart of the study is whether individuals who come into their first attack already more socially embedded into the organization end up being the repeat offenders that help sustain future attacks. This approach is consistent with earlier studies that have demonstrated highly connected terrorist offenders are better able to access resources (Pedahzur & Perliger, 2006) and are more likely to remain committed to collective objectives (Stevenson & Crossley, 2014) both factors in a group's sustained operations.

Factors Associated With Participation in Terrorist Attacks

What could be the factors involved in the selection of specific individuals to carry out an attack? As is the case with the successful coordination of many high stakes crimes (Bouchard & Nguyen, 2011; Cornish & Clarke, 2002; Lacoste & Tremblay, 2003; Malm & Bichler, 2011; McCuish, Bouchard, & Corrado, 2015; Morselli, 2005, 2009; Steffensmeier & Ulmer, 2005), we would look for a combination of trust factors and specific types of skills needed to carry out the attack. While previous research has primarily examined the selection of suitable co-offenders for a criminal event; for the purposes of this study, an important distinction needs to be made between an individual's selection into their first participation in a terrorist attack and the possibility of being selected again for one or more attacks. The factors that are associated with first participation may differ from those associated with the second attack, after the individual had a chance to prove herself or himself. In other words, one's performance during the first attack would be a key predictor of being provided with additional opportunities within a terrorist organization. Prior to the first attack, however, we posit that opportunities and resources provided through an offender's social ties to an organization—who you know—and the *perception* of competence to carry out one's role in the attack are some of the building blocks predicting participation.

Perception of competence has been shown to be an important factor in criminology to characterize offenders' self-efficacy (e.g., Brezina & Topalli, 2012), but not necessarily in the context of recruitment of co-offenders, the way we intend to use it here. Perception of competence is important in a terrorism context because organizing attacks and maintaining operations over time require a range of skills and competencies for all the steps required in the crime commission process (Newman & Clarke, 2006; Shapiro, 2013). Terrorist attacks require skilled offenders not only at the time of the attack but also a range of actors beyond the incident, from those involved pre-event (e.g., bomb makers) to those that are required postevent (e.g., providers of safe houses; Koschade, 2006). Perception of competence may be appraised within informal arenas that provide an opportunity to demonstrate or acquire these skills, such as training camps. The typically longer preparation prior to terrorist attacks of the type conducted by organizations like JI may provide an opportunity to project one's abilities to perform their roles.

However, performance during the actual offense provides for more accurate assessments of these factors. From this perspective, an offender's first attack provides a legitimate forum to display their skill level and ability to contribute to an organization's aims. An offender's ability to perform under high-risk, high-stress contexts may weigh heavily in whether they are recruited for future attacks. Performing a task successfully highlights competency and trust, both highly valued in illicit contexts (Tremblay, 1993). Further, being selected multiple times also reflects an offender's ability to avoid being detected and detained by law enforcement. Demonstration of these skills allows groups to organize themselves more effectively, recruiting or excluding members based on demonstrated experience or lack thereof. These crime-specific skills are generally transmitted through social ties, as formal mechanisms to improve criminal skills are not available (McCarthy & Hagan, 2001; Steffensmeier & Ulmer, 2005; Tremblay, 1993; Tremblay & Morselli, 2000). Thus, we would expect repeat offenders to be strategically positioned in their network to acquire this knowledge through fellow offenders. Connections may also serve a dual purpose, providing access to additional opportunities and connecting offenders to the individuals responsible for organizing future attacks. In a terrorism context, trusted ties provide both security and resilience, allowing groups to minimize the number of interactions between members while still maintaining cohesiveness (Krebs, 2002; Roberts & Everton, 2011; Sageman, 2004; Shapiro, 2013). Criminal social capital—the ability to use one's social network for criminal outcomes—is expected to be a key predictor of selection in terrorist attacks. Below, we further develop on criminal social capital as a predictor of participation in multiple attacks.

Repeat Offenders and Criminal Social Capital

The repeat terrorist offenders considered in this study do not have perfect comparison points in more traditional criminological research. Yet, research on career criminals and the factors associated with persistence provide a useful guide in approaching this type of inquiry. Individuals who have been recruited to a terrorist organization, become a member, and participate in multiple attacks across many years as adults qualify under the terrorist career umbrella (e.g., Amirault & Bouchard, 2015). Previous research on repeat offenders and career criminals has identified co-offending ties as important factors in explaining offending patterns. Piquero, Farrington, and Blumstein (2007) identified a high number of criminal contacts as being associated with increases in both the frequency and duration of offending. Criminal contacts serve as a proxy measure of an offender's criminal social capital. The number of available co-offenders may increase the number of illicit opportunities, providing a larger pool of accomplices to select or be selected from. Further, these same contacts may increase proficiency at crime, serving as social resources to transmit and receive criminal knowledge (Bouchard & Nguyen, 2011; Lantz & Ruback, 2015; McCarthy & Hagan, 1995; Morselli, Tremblay, & McCarthy, 2006).

Previous co-offending research has found that it is rare for offenders to reuse criminal contacts for future offenses. In the few instances where offenders do develop stable co-offending patterns (i.e., reuse the same contacts), these patterns have been argued to be associated with an offender's skill set, including access to resources or opportunities that make them a valued asset (McGloin et al., 2008; Morselli, 2001). Lantz and Ruback (2015) recently demonstrated this tendency for co-offending contacts to share opportunities, finding that repeated targeting of the same burglary location, when not involving the same offender, often involved their connected co-offenders. Moreover, research has also demonstrated that access to more nonredundant criminal contacts (individuals who are not all directly connected) also increases one's crime repertoire (McGloin & Piquero, 2010). The finding that individuals tend to be more diversified in their crime types when they co-offend has also been observed across aggregate data (Andresen & Felson, 2012a, 2012b).

The idea that criminal social capital facilitates offending by providing access to criminal opportunities is rooted in social learning theories of crime, such as Sutherland's (1947) differential association theory. These theories align with Coleman's (1988) more general argument that an individual's structural position (i.e., how they are connected to others within their network) provides them with differential access to resources and opportunities embedded in social ties. While Coleman (1988) was referring to conventional social capital—licit opportunities embedded in social ties—criminal social capital refers to its illicit counterpart—illicit opportunities accessed through criminal contacts. The difference being conventional social capital inhibits offending (Sampson & Laub, 1993), and criminal social capital facilitates it (McCarthy & Hagan, 1995). Criminologists who tested the hypothesis that criminal social capital engenders beneficial criminal outcomes have focused either on access to lucrative crime opportunities (Descormiers, Bouchard, & Corrado, 2011; Morselli & Tremblay, 2004) or on detection avoidance (Bouchard & Nguyen, 2010). For instance, in market crimes, Morselli (2001) found that serving as a broker, bridging disconnected players along the illicit trafficking chain, provided access to more profitable transactions and hands-off roles that protected individuals from detection by law enforcement.

While brokerage can shape a criminal career, by providing access to lucrative opportunities, in high-risk violent crimes the sum of social ties may play an important factor in continuity. Making the decision to adopt violent measures to promote a political cause has been consistently linked to an individual's social ties (Della Porta, 1988; Sageman, 2004). Social ties not only provide access to additional opportunities but have also been suggested to reinforce radical views, diffuse accountability for violence, and increase the costs of not engaging in violent behavior through social exclusion (McCauley & Segal, 1987). Hence, ties to other offenders may play a salient role in offending, cementing radical beliefs, while providing additional opportunities for action. However, despite serving a number of practical purposes for terrorist organizations, high connectivity may also create risks for offenders. Previous studies have found that high connectivity within illicit networks increases an individual's exposure and risk of detection (Baker & Faulkner, 1993; Morselli, 2010). Individuals with a high number of connections to a group may have greater commitment and opportunities that could facilitate continued involvement; however, these same connections come at a cost, potentially increasing the risk of detection.

Current Study

To examine the role of criminal social capital in explaining variation across individual's selection for future attacks, this study analyzes 118 offenders across eight attacks perpetrated by JI in Indonesia. The series of attacks provide us with a unique opportunity to study patterns in selecting terrorist co-offenders. A majority of the JI members were only selected once, but some were involved in as many as six or seven attacks. The question at the heart of this study is whether there are clear differences between the single attack and the repeat terrorist offenders. We posit that

criminal social capital—here measured by an offender’s co-offending ties—is likely to be a predictor of participation in multiple attacks. The availability of network data allows us to systematically analyze the structural position of each terrorist offender in the overall network. The hypothesis that an offender’s network size facilitates selection and willingness to be involved in multiple attacks can be tested. The study also considers competence in the form of human capital—highest level of education—along with criminal capital—occupying a leadership position and experience as a militant—as potential confounders in predicting repeat terrorist offenders.

Data and Method

Terrorist Networks and Attributes

To measure the impact of criminal social capital on repeat offenders, data on 118 terrorists involved in at least one of the eight attacks were collected from open sources, including the John Jay and ARTIS Transnational Terrorism (JJATT) database (Atran et al., 2008). JJATT is a public online database that provides network and attribute data for offenders involved in over 20 al Qaeda-affiliated terrorist attacks.¹ For the current study, data on five of the eight attacks perpetrated by JI in Indonesia were available on the JJATT database, while the remaining three attacks were collected from open sources.² Data collected from JJATT relied not only on court transcripts, which has been cited as one of the most reliable methods of acquiring terrorist-related data (Freilich, Chermak, Belli, Gruenewald, & Parkin, 2014; Sageman, 2004) and national news reports, but was also supplemented by primary sources such as photos, letters, and interviews (Magouirk, Atran, & Sageman, 2008, p. 4) and has been used across numerous studies (e.g., Magouirk & Atran, 2008; Magouirk et al., 2008; Helfstein & Wright, 2011a, 2011b). Through these sources, JJATT mapped the network of every offender identified as being involved in the attack, with ties coded as present if offenders had been in contact, through phone calls, letters, or in-person meetings. Hence, the current definition of co-offending ties diverges from previous research, which defines a tie between two offenders according to their participation in the same crime event (e.g., Andresen & Felson, 2012a, 2012b; Lantz & Hutchison, 2015; McGloin & Piquero, 2009, 2010). Rather, the current study operationalizes a co-offending tie as a recorded interaction between two offenders *who also* participated in the same event (i.e., attack). Given the scale and scope of terrorist attacks, requiring a range of offenders directly involved in executing and attack, and others indirectly in its coordination, means that many of the individuals participating in the same event are not directly connected or even aware of other coparticipants. Thus, this definition allows us to capture variation in the structural position of individuals—and thus their criminal embeddedness—across participation in the eight attacks.

For the three additional attacks perpetrated by JI during this same period (2000–2005) in Indonesia, data were derived from open sources using two main strategies. First, reports familiar to the authors on JI, including two International Crisis Group reports, were consulted (International Crisis Group, 2002, 2006). Second, a systematic search of the literature using open sources was conducted. This search relied on the web-based search engines Google and Google Scholar using logical combinations of different key words such as JI, terrorism, attack, bombing, and key words related to each attack (e.g., Bali; Australian Embassy) to collect a wide range of sources, including books, journal articles, and media sources. To maintain consistency, coding procedures followed those described for the JJATT database. Only core members and those offenders that directly contributed to the attack network were included in the data. Lacking access to primary sources precluded us from directly modeling the data collection procedures used by JJATT. However, when actors in the additional three attacks had also been involved in the five attacks listed by JJATT, we relied on this latter source to code ties across the three additional attacks. For instance, if actors were

Table 1. Eight Attacks Perpetrated by Jemaah Islamiyah–Affiliated Offenders in Indonesia.^a

Attack	Year	Target	Killed	Injured	Source
1	2000	Diplomatic	2	21	JJATT
2	2000	Religious	19	118	JJATT
3	2001	Religious	0	59	Open
4	2001	Religious	0	6	Open
5	2002	Tourist	200	300	JJATT
6	2003	Tourist	14	149	Open
7	2004	Diplomatic	9	182	JJATT
8	2005	Tourist	25	100	JJATT

Note. JJATT = John Jay and ARTIS Transnational Terrorism.

^aAttack-specific information was obtained from the National Consortium for the Study of Terrorism and Responses to Terrorism's online Global Terrorism Database available at <http://www.start.umd.edu/gtd/>.

connected in previous attacks (according to the JJATT database), we also coded them as being present in the three subsequent attacks.²

Across the attacks, 118 offenders were involved in at least one of the eight incidents. In order to examine participation in multiple attacks, 23 individuals were excluded from the sample either because their first attack did not occur until the eighth attack ($n = 17$) or were involved in a suicide mission ($n = 6$). This created a final sample of 95 offenders who had an opportunity to participate in a subsequent attack.

The eight attacks in the sample were perpetrated from 2000 to 2005 (Table 1). The first three attacks occurred a few years after the fall of the Suharto regime, during the time JI was increasing their presence in Indonesia. These attacks were perpetrated in the early 2000s and focused on domestic targets, to put pressure on the Indonesian government (e.g., a 2000 Christmas Eve bombing involved 39 coordinated explosions at different religious institutions, a 2000 bombing of a Philippine Ambassador's residence in Indonesia, and two bombings in 2003 and 2004 at Christian places of worship). However, post-9/11, the group's focus turned to Western targets, which included the targeting of three tourist facilities. This includes the 2002 Bali bombing of a nightclub, a 2003 bombing of the Marriott Hotel in Jakarta, a bombing of the Australian Embassy in 2004, and a second bombing of the Bali tourist district in 2005. Although domestic pressure in the early 2000s initially hindered the government from implementing repressive countermeasures, the high fatalities caused by the 2002 Bali bombings created a backlash among the public, with authorities creating an antiterrorism task force that resulted in substantial arrests of suspected members and one of the core leaders (National Counterterrorism Center, 2013). These eight attacks form the cornerstone of our analysis, allowing us to capture repeat involvement across stages in the group's evolution and under intense government interdictions.

We use the co-offending ties across offenders involved in the eight attacks to construct a single network of the organization (Figure 1). Repeat offenders serve to bridge the eight attacks, with experienced offenders creating continuity in co-offending ties over time. These repeat offenders are represented by black nodes and onetime offenders by white nodes.³ The links that connect each offender represent the presence of a co-offending tie. Offenders' placement within the network is done using the multidimensional scaling feature in the ORA (Version number 3.0.9.9.36) software suite (Carley et al., 2013), which positions actors according to similar patterns of relations. That is, offenders who share the same set of co-offenders are placed in proximity to one another, while offenders who are different in terms of their set of relations are positioned at greater distances from one another. This network visualization shows that repeat offenders appear to be more central to the network, not only having a higher number of co-offending ties to other offenders, but specifically to

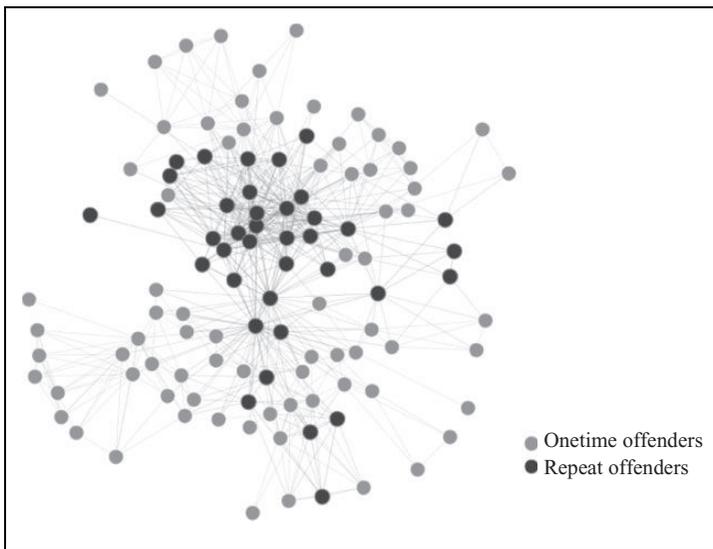


Figure 1. Co-offending ties across attacks (2000–2005).

Note. Actors are positioned using multidimensional scaling. The network visualization represents 115 actors, excluding three actors for which there was no network information.

repeat offenders. However, this does not appear to be consistent across all repeat offenders, with a few black nodes positioned on the periphery of the network reflecting few co-offending ties. In addition, the network visualization captures offenders' aggregate set of co-offending ties across attacks; hence, it should be emphasized that repeat offenders are likely to have acquired additional co-offending ties across subsequent attacks. Recognizing this, our analysis only uses measures of network features at time of first attack for all 95 offenders included in the sample. In this way, the potential bias arising from offenders building their network of contacts across multiple attacks is removed, creating a criminal social capital baseline that is comparable across offenders.

Measures

To assess factors associated with repeat offenders, a number of variables were constructed across the 95 offenders. A full list of these variables and their descriptive statistics are provided in Table 2.

Number of attacks. The number of attacks an individual participated in was used as the outcome variable in the analysis. While JJATT only supplied network information on five of the attacks included in this analysis, the dataset did provide information on whether individual offenders involved in one of these five attacks also participated in additional incidents beyond these attacks (e.g., attacks outside of Indonesia). Thus, if an offender within one of these five attacks also participated in another attack not included in the listed attacks it was included as one of their total attacks. This same procedure was used to collect data for offenders involved in the three additional attacks derived from open source searches. That is, the selected attacks were only the starting point for coding whether offenders were involved in multiple offenses. While all repeat offenders in the sample participated in at least two of the eight attacks, some had participated in an additional attack outside of the incident sample.

Table 2. Characteristics of Terrorist Offenders (Imputed Data).

	Percentage	Frequency (n)
Number of attacks	Mean: 1.8	SD: 1.3
Participation in first attack	16.8	16
Intervention	45.3	43
Human capital		
Graduate level	13.8	13.1
Bachelors	16.8	16
College/certificate	14.2	13.5
High school	23.3	22.2
No high school	31.8	30.2
Criminal capital		
Central staff	12	11.4
Militant experience	76	72.6
Criminal social capital		
Degree	Mean = .31	SD = .20
Betweenness	Mean = .02	SD = .04

Note. $N = 95$.

Independent Variables

Criminal social capital. To examine the effect of criminal social capital on repeat offending, two network measures reflecting this concept were examined: degree and betweenness centrality. The first, *degree centrality*, is a simple measure of the sum of direct connections a member has with other members within the network (Wasserman & Faust, 1994). This measure has been suggested to capture an individual's importance and influence in a network, reflecting their degree of activity and connectivity within the organization (Morselli, 2009; Sparrow, 1991), and more specifically, a greater ability to efficiently disseminate information across members of terrorist groups (Koschade, 2006; Pedahzur & Perliger, 2006). Thus, individuals with high degree centrality may not only have greater access to opportunities through their contacts but may also have a vested interest in maintaining the continuity of the organization. All measures of degree centrality were calculated at the time of first attack. For instance, using the network data on offender's co-offending ties, if an offender only knew 3 of the 15 other offenders in the first attack, they would have a degree centrality of 20%. Taking an offender's first offense allowed for a baseline measure across offenders, so as not to discriminate between measures of criminal social capital for those who only take part in one attack and those with criminal social capital acquired across multiple attacks. High degree centrality may increase an offender's likelihood of being selected for a second event, with connectivity suggesting not only embeddedness within a group right from the start but also greater access to opportunities.

Recognizing that mixed evidence has been found regarding the influence of the number of connections on an individual's frequency of offenses, with higher ties potentially leading to an increased likelihood of detection (Baker & Faulkner, 1993; Morselli, 2010), a second measure of criminal social capital, *betweenness centrality*, was also included. Providing a more refined measure of centrality, betweenness centrality, accounts for the fact that not all connections produce the same benefits—tapping into the quality of contacts rather than mere quantity of contacts. Providing a proxy for brokerage, betweenness centrality, measures the degree to which actors serve as bridges between unconnected others (Wasserman & Faust, 1994). Betweenness centrality is measured by calculating the degree to which an actor connects other actors through the shortest path (geodesic).

Actors located along many geodesics in the network have higher betweenness centrality scores (Freeman, 1977). Individuals high in brokerage are important in that they connect otherwise unconnected members, controlling the flow of connectivity and information in the group, thus increasing their value and potential selection for a second offense. Consistent with degree centrality, all measures were taken at the time of first offense.

Criminal capital. Sharing a complementary relationship with criminal social capital, criminal capital refers to the crime-specific skills and expertise an individual has acquired (Bouchard & Nguyen, 2010; Loughran, Nguyen, Piquero, & Fagan, 2013; Lussier, Bouchard, & Beaugard, 2011; McCarthy & Hagan, 2001). This measure accounts for the fact that offenders who have gained experience in committing attacks may be more proficient. Two variables reflecting this expertise were used: belonging to the group's *central staff* and previous *militant experience*. Importantly, none of these measures require that offenders show their skills and competence in the context of one of the eight JI attacks studied here. These measures capture the perception of competence we were looking for as a predictor of selection for a first attack.

A leadership position within a terrorist network may reflect a certain degree of competency that allowed them to attain this position. Leaders of terrorist organizations have been cited to be highly skilled actors, requiring a degree of knowledge to coordinate and maintain the illicit group (Hoffman, 2004; Stern, 2003). Thus, these members may not only have acquired the necessary specialized knowledge or experience to occupy this position but may also be among those who are most involved in coordinating attacks. The restricted nature of this position was highlighted within JI, with only a fraction of all offenders holding a position as central staff (12%; $n = 11$). The central staff position was static, with members assessed as holding this status for the entire duration of their involvement in the eight attacks. While few offenders held central staff positions, many of the offenders selected for one or more of the eight attacks had previous experience in participating in militant operations, which may have impacted their recruitment. Given the political environment in Indonesia, specifically, the degree of conflict during the 1990s and into the 2000s, it is not surprising that the majority of offenders had previous militant experience (76%).

Human capital. Human capital is criminal capital's conventional counterpart and refers to an individual's personal attributes derived from experience and training that contributes to career achievement (Becker, 1962). Despite the lack of support for human capital in profit-driven crimes (McCarthy & Hagan, 2001), this form of conventional capital found support in Lussier et al.'s (2011) examination of sexual offending. It may also be pertinent for terrorist offenses. For example, education has been positively associated with terrorist success, with Benmelech and Berrebi's (2007) finding that bombers with higher education had more success in committing suicide attacks. While it is evident that these actors are precluded from selection into future attacks, these findings suggest that education provides a specialized skill set to conduct successful operations, making these members more valuable to the overall group. This is consistent with studies that have found that suicide bombers are typically recruited as "cannon fodder," consisting of less educated members (e.g., Ganor, 2000; Pedahzur, Perliger, & Weinberg, 2003; Weinberg, Pedahzur, & Canetti, 2003). Lacking education, these individuals may be considered less valuable to the group and thus more disposable.

Offenders' highest *level of education* acquired, a proxy measure of human capital (e.g., Lussier et al., 2011), was included in the analysis. Due to low frequencies for three categories, "certificate" ($n = 1$), "some graduate" ($n = 3$), and "doctorate" ($n = 2$), these categories were merged with others. Certificate was merged with "some college" and doctorate with the "master's degree" and some graduate categories. This created five categories, with the majority of offenders having little education beyond high school, while a select few had attained graduate-level studies.

Control variables. Two control variables were included in the analysis: participation in first attack and participation following an intervention. *Participation in first attack* was included in the analysis to account for some individuals who were simply not on the radar until much later on in the time period. Given that attacks are being analyzed for a specific time frame, individuals who participated earlier on have a higher chance of participating in multiple attacks. An *intervention* variable controlled for the fact that the organization operated with relatively limited law enforcement interference from 2000 to 2002. During this period, the Muslim majority of the country were resistant and skeptical of government antiterrorism efforts. However, the 2002 Bali bombings served as a turning point for support of antiterrorism policies. In October 2002, JI suicide bombers detonated explosives in the densely populated tourist district of Bali causing 202 fatalities and approximately 300 injuries. The high number of casualties created a shift in antiterrorism interventions and in July 2003 detachment 88—an antiterrorism task force—was created with support from the United States and Australia. This Indonesian Police Unit conducted large-scale arrests and killings of terrorist offenders in the months and years that followed (Everton & Cunningham, 2015). To capture the effect of this unit, an intervention variable was created indicating offenders whose first attack occurred either directly before the implementation of this agency (capturing the high number of individuals who were arrested after the 2002 Bali bombings) or any time after its implementation (2002 and onward).

Analytic Strategy

Multiple imputation methods were used to account for missing values in five of the independent variables: education (21%; $n = 20$), militant experience (19%; $n = 18$), degree centrality (3%; $n = 3$), betweenness centrality (3%; $n = 3$), and central staff (1%; $n = 1$). Bivariate analyses demonstrated that missing values were distributed across cases, with most cases only having missing values for one variable. One exception was education and militant experience, with multiple cases having missing values for both variables. This may have implications for the imputation, potentially introducing systematic regularities in the imputation of these variables. However, given the random distribution of missing values across the full set of variables, imputing data allowed us to conserve all individuals and variables in the analysis, providing a more comprehensive assessment of repeat offenders and their predictors, as well as reducing the loss of power that occurs from excluding variables. Multiple imputation aims to restore error variance by reflecting the variability that would be found in the original data, minimizing bias in the estimation of parameters (Allison, 2000). The variables used to conduct the multiple imputation included all independent variables in the analysis and the outcome variable. A total of 10 imputations were conducted, and the pooled results are reported.

To examine the impact of criminal social capital on repeat offending, we ran two Poisson regression models. Poisson regression was used, given that the outcome variable (number of attacks) comprised counts of a rare event. As a baseline, the first model examined the control variables (participation in first attack and the impact of the intervention), human capital (educational achievement), and measures of criminal capital (central staff and militant experience). Model 2 added in the measures of criminal social capital (measures of degree and betweenness centrality) to examine its impact on repeat offenders. All analyses were run in SPSS version 22, and robust estimators were used to account for violations of underdispersion and independence of observations. First, the outcome variable suffered from underdispersion as indicated by a deviance/degrees of freedom ratio that deviated significantly under one. Second, our measures of criminal social capital—an offender's centrality within the network—violated the assumption of independence of observations. The robust estimator provided a means to account for covariance properties of the errors and observations, providing more consistent estimates of the standard errors when dependence is present.

Table 3. Distribution of Repeat Offenders Across Attacks.

Number of attacks	2×	3+
Involved in first attack	9%	68%
Joined after first attack	91%	32%
<i>N</i>	23	19

Note. *N* = 42.

Results

The repeat offenders in our sample counted for nearly half of all offenders involved across the eight attacks (44%; $n = 42$). These repeat offenders are not homogeneous, with some limiting their participation to two attacks and others involved in up to seven attacks. On average, the repeat offenders were involved in 2.9 attacks ($SD = 1.3$), with most involved in only two attacks (54%; $n = 23$). Fewer repeat offenders are involved in three attacks (21%; $n = 9$) and even fewer in four attacks (13%; $n = 6$). Lastly, only four offenders are involved in at least five attacks, with two offenders in six attacks, and a final offender in seven attacks.

In addition, repeat offenders are distributed according to when they first participated with the organization. Table 3 distinguishes between repeat offenders who were involved from the very first attack and those who didn't enter until later on in the organization's trajectory. Almost all offenders who were involved in three or more attacks were involved from the very beginning (68%). These offenders serve to link the eight attacks, with experienced offenders creating continuity in membership across attacks. In contrast, offenders who didn't enter until later on were typically only involved in two attacks (91%). These findings may suggest two scenarios. One, the possibility of a cohort effect, with the formation of a cohort of offenders who met at the beginning and follow each other across attacks. In contrast, the two-time offenders appear to have been brought in as needed—representing a pool of potential affiliates who were not consistently selected for attacks. This is supported by the fact that half of the offenders who were only involved in two attacks were brought in at different time points. Alternatively, offenders who are only involved in two attacks may reflect a lack of opportunity, having entered near the end of the group's trajectory, when the group was more heavily targeted by government antiterrorism forces.

To examine whether there were any differences between the repeat and onetime offenders in our sample, we first run a series of bivariate tests. Table 4 demonstrates the results of the bivariate analysis, finding that repeat offenders were significantly more likely to be involved in the first attack perpetrated by the organization ($p < .001$) and were less likely to consist of offenders whose first attack happened after the government increased their targeting of the group. In terms of education, repeat offenders were significantly more likely to have a graduate-level studies education as compared to onetime offenders ($p < .01$). In addition, offenders involved in multiple attacks primarily consisted of central staff members ($p < .001$). In contrast, individuals with militant experience were no more, no less likely to be involved in multiple attacks. Repeat offenders were also more likely to have a high number of connections to other offenders within the attack network ($p < .001$). Thus, repeat offenders were more likely, on average, to join the organization at the time of first attack, have a higher number of contacts within the attack network, be part of the group's central staff, and/or possess a higher level of education.

A series of Poisson regression models were conducted to examine the impact of these predictors on the number of attacks in which offenders were involved (Table 5). As a baseline, the first model examined the effect of all independent variables with the exception of criminal social capital. Consistent with the bivariate analysis participating in the first attack increased an offender's chance of being involved in subsequent attacks ($b = .44$; $SE = .15$; $p < .01$). In addition, the implementation

Table 4. Bivariate Analysis of Onetime and Repeat Offenders.

	Onetime Offenders	Repeat Offenders	Significance ^a
Participation in first attack	2%	36%	.000
Intervention	58%	29%	.001
Human capital			
Graduate-level	9%	19%	.001
Bachelors	17%	19%	.610
College/certificate	13%	14%	.501
High school	21%	26%	.559
No high school	40%	22%	
Criminal capital			
Central staff	2%	24%	.000
Militant experience	74%	79%	.378
Criminal social capital ^b			
Degree	.231	.346	.000
Betweenness	.002	.008	.163
<i>n</i>	53	42	

^aAll bivariate analyses were run using Mann–Whitney *U* tests or Spearman's ρ . ^bThe values represent the median degree and betweenness score.

Table 5. Poisson Regression of Number of Attacks.

	Model 1, <i>b</i> (SE)	Model 2, <i>b</i> (SE)
Intercept	.39 (.15)**	.34 (.13)*
Participation in first attack	.44 (.15)**	.07 (.19)
Intervention	-.29 (.14)*	-.38 (.13)**
Human capital ^a		
Graduate level	.54 (.23)*	.44 (.21)*
Bachelors	.34 (.16)*	.28 (.15)†
College/Certificate	.14 (.15)	.05 (.15)
High school	.29 (.13)*	.31 (.14)*
Criminal capital		
Central staff	.48 (.12)***	.44 (.12)***
Militant experience	-.11 (.15)	-.26 (.17)
Criminal social capital		
Degree	—	1.20 (.12)**
Betweenness	—	-3.09 (1.50)*
Log-likelihood ratio (-2LL)	39.92***	42.26***
Akaike Information Criterion (AIC)	270.70	272.35

Note. *N* = 95.

^a“No high school” represents the reference category for education level.

† $p < .10$. * $p < .05$. ** $p < .01$. *** $p < .001$.

of the antiterrorism task force—intervention—was negatively associated with the number of attacks ($b = -.29$; $SE = .14$; $p < .05$). Educational achievement also influenced the likelihood of being a repeat offender. Using no high school as the baseline category, results demonstrated that a graduate-level education ($b = .54$; $SE = .23$; $p < .05$), a bachelor's degree ($b = .34$; $SE = .16$; $p < .05$), and a high school diploma ($b = .29$; $SE = .13$; $p < .05$) were positively associated with the number of attacks in which offenders were involved. However, possessing a college education or a certificate failed to attain statistical significance relative to the reference category. In terms of criminal capital,

Table 6. Types of Co-offending Ties Across Onetime and Repeat Offenders.^a

	Onetime Offenders (%)	Repeat Offenders (%)	Significance
Connections to onetime offenders who would remain onetime offenders	53	24	.001
Connections to first-time offenders who would become repeat offenders	16	61	.001
Connections to repeat offenders who had been involved in previous attack(s)	30	29	.960

Note. ^aAll measures of co-offending ties were calculated at the time of first attack. Analyses were run in UCINET to account for the dependency between actors.

being a central staff member ($b = .48$; $SE = .12$; $p < .001$) was positively associated with the number of attacks in which offenders were involved, in contrast to militant experience which was not a significant factor.

Model 2 added in measures of criminal social capital to test whether the number or structure of co-offending ties were correlates of repeat offending. Results show that having a higher number of co-offending ties was associated with multiple attacks ($b = 1.20$; $SE = .12$; $p < .01$). In contrast, offenders who occupied brokerage positions—bridging unconnected offenders—were less likely to be involved in multiple attacks ($b = -3.09$; $SE = 1.5$; $p < .05$). Thus, controlling for other factors, offenders that had more connections to the network at the time of first participation were more likely to participate in subsequent attacks, while offenders who were brokers were less likely to be involved in future attacks. In addition, the variables from Model 1 maintained their significance, with intervention ($b = -.38$; $SE = .13$; $p < .01$), graduate-level studies ($b = .44$; $SE = .21$; $p < .05$), high school diploma ($b = .31$; $SE = .14$; $p < .05$), and central staff ($b = .44$; $SE = .12$; $p < .001$) all being associated with repeat offending. One exception was participated in first attack, which did not remain significant when measures of criminal social capital were included. In sum, Model 2 demonstrates that repeat offenders were more likely to have a higher number of connections to other members within the attack network, less likely to be brokers, more likely to occupy a central staff position, and to be better educated.

Ties That Repeat

The above analysis suggested that a high number of contacts at first participation was associated with repeat offending later on. But is it simply about *how many* people you know? Given the variety of offenders involved in any given attack, it may be that certain types of ties may facilitate involvement in multiple attacks.

Taking an offender's first attack, we classify the connections they made based on three possible types: (1) connections to experienced or "repeat" offenders at time of the attack, (2) connections to first-time offenders like themselves but who would remain onetime offenders, and (3) connections to first-time offenders who would eventually be recruited in subsequent attacks and become repeat offenders.

Making a distinction between ties to repeat offenders who have previously been involved in attacks and repeat offenders who will be involved in future attacks allows for the potential identification of a "cohort effect"—that is, whether these connections "followed" repeat offenders and were maintained in subsequent attacks. These additional analyses, presented in Table 6, examined the degree to which both onetime and repeat offenders were connected at the time of their first attacks.

The results suggest that participation in multiple attacks may be influenced by more than the sum of an offender's ties. Connections to other first-time offenders who would become repeat offenders was positively associated with involvement in multiple attacks. Table 6 demonstrates that repeat offenders were more likely to be connected to offenders who would be involved in subsequent attacks than to onetime offenders ($p < .001$). However, being connected to experienced repeat offenders—who were previously involved in attacks—did not distinguish between onetime and repeat offenders. In addition, onetime offenders were more likely to be connected to other onetime offenders (53%), while repeat offenders were less likely (24%; $p < .001$). These findings are consistent with the distribution of repeat offenders in our sample, which suggests that offenders involved at the beginning followed each other across subsequent attacks. The data do not allow us to discern whether our repeat offenders simply knew more of these future repeat offenders even prior to participation in their first attack. Yet, the findings do suggest the presence of clusters of offenders who participated across attacks as a cohort.

Discussion

This study examined the role of criminal social capital in explaining selection for future terrorist attacks. Results demonstrated that criminal social capital, measured by the number of terrorist members you know, predicted participation in multiple attacks. However, criminal social capital was not the only driver of repeat offenders, with central staff members and offenders with graduate-level education also more likely to participate in multiple attacks. This suggests that the selection is based on more than an offender's skill set but also their embeddedness within the group.

The results regarding criminal social capital and repeat offending in a terrorism context are interesting in part because the size of the network was measured at time of an offender's first attack, not based on a cumulative advantage that would emerge from repeat participation. Offenders appeared to come in with an advantage or to have been able to develop this criminal social capital leverage in the process of planning and undertaking the attack. Although applied to a new context, these results are consistent with extensive research that underscores the central role of peers in influencing offending patterns more generally (Akers, Krohn, Lonza-Kaduce, & Radosevich, 1979; Matsueda & Anderson, 1998; Piquero et al., 2007; McGloin & Piquero, 2009), but also within terrorist networks, where high connectivity has been shown to reflect high degrees of activity (Sangal, Martin, & Carley, 2012) and commitment (Stevenson & Crossley, 2014). This is reinforced by the finding that clusters of offenders participated with one another across attacks, suggesting that repeat involvement with the same co-offenders may have cemented relationships, and strengthened available opportunities for continued participation.

Yet, terrorist networks do not simply provide just another context. Diverging from profit-oriented crimes (see also Lussier et al., 2011), these offenders first and foremost share violent political ideologies, which provides an even more important role for the number of co-offending ties one has within the organization. A high number of ties to an organization may not only provide more opportunities but also assist in solidifying radical beliefs. Being connected to like-minded extremists may reinforce current views and maintain these radical ideologies over longer periods. In addition, these ties may amplify the costs of leaving, with highly connected desistors potentially facing higher social costs.

This may assist in explaining why offenders who were positioned as brokers within the network were less likely to continue participating in attacks. That particular finding contrasts with previous research on brokers. Using individuals high in betweenness centrality as a proxy for "instigators" of criminal events, Lantz and Hutchison (2015) demonstrated that offenders positioned as brokers start offending at an earlier age and conduct more offenses. The main argument being that brokers (or recruiters) are generally high-rate offenders who offend with low-rate offenders. In contrast to their

sample of burglars, individuals who occupied these positions within the terrorist network were found to be more low-rate offenders. This may be related to the unique context of terrorist offending. While brokers are valuable in profit-motivated offenses, bridging supply and demand chains or access to illicit opportunities, in a terrorist context embeddedness in a network may be more important to maintaining ideological orientations necessary to persist. This is consistent with major theories of terrorism that suggest transitions into terrorist groups require small densely, connected groups of offenders (e.g., Sageman, 2004; Nash & Bouchard, 2015), and empirical research that has found offenders who continue with a group over time are more likely to be central, and become more central over time (Stevenson & Crossley, 2014). Lastly, the current study's finding of a cohort effect supports the importance of embeddedness, showing stable sets of repeat offenders followed each other across attacks.

The results also showed that repeat offenders were more likely to occupy a position as a central staff member, one of our measures of criminal capital. Individuals who have acquired a leadership role not only have the decisional power to get involved in subsequent attacks but have clear incentives to do so to further advance their own cause. Leadership roles have been stated to reflect a commitment to the group (Crenshaw, 1981) and acquisition of a certain degree of experience and knowledge (Carley, Lee, & Krackhardt, 2002). Further, it is worth noting that central staff members involved in multiple attacks also had a higher number of co-offending ties (degree centrality: .50) relative to repeat offenders that did not hold this position (degree centrality: .41), providing the necessary social resources to initiate and organize attacks.⁴ This finding also indirectly reveals that central staff members were available for participation in multiple attacks, which suggests that they are also less likely to be involved in roles that physically expose them during the attack, such as bombers or foot soldiers, limiting their risks of detection.

It is worth noting that only one measure of criminal capital, occupying a role as a central staff member, emerged as significant while the second measure, militant experience, was not found to be associated with repeat offenders. While it is possible that experience plays no role in repeat terrorist offending, we feel that the value of experience is dependent on context. In the case of JI, most offenders had acquired some form of militant experience (76%) and thus, given its ubiquity, may not have been as important a criterion when selecting future recruits. In contrast, few offenders occupied a position as central staff (12%).⁵ The fact that most offenders had experience does in fact tell us that this appears to very important for selection purposes, so much so that it does not emerge as a key characteristic to predict inclusion in multiple attacks.

Finally, we found that human capital may play a key role within JI, as individuals with graduate-level studies were more likely to be involved in multiple attacks. This extension of human capital into terrorist activities may be attributed to the degree of organization required to conduct elaborate attacks or gain access to legal venues. This is consistent with research on 148 Palestinian suicide bombers by Benmelech and Berrebi (2007) that found university educated bombers were better able to evade detection prior to detonation and target more prized locations. While suicide bombers are typically not repeat offenders (by virtue of their task), this does suggest that they possess a valued skill set and is reinforced by the fact that suicide bombers are typically disposable members that lack education (Ganor, 2000; Pedahzur et al., 2003; Weinberg et al., 2003).

There are a few limitations that should be taken into account when assessing these findings. The analysis of repeat offenders only examined a case study of members of JI, which has been noted to have a distinct network structure that more closely resembles a hierarchy relative to other Islamic groups (Sageman, 2004). With many senior members having received military training in Afghanistan in the early 1980s and late 1990s, the organization has been stated to take on a more formal command structure. In addition, members have been recruited through Islamic school settings (International Crisis Group, 2003). This may not only impact findings on measures of network centrality measures but means findings should also be interpreted within the unique context of JI,

which operated in a distinct environment where recruits were often embedded in school environments and connected to others within a hierarchical organization. Thus, further analysis should be conducted across different organizations to examine generalizability. Related to this, this study only examined eight attacks for a specific time period from 2000 to 2005 and thus lacks information on terrorists that participated outside of these eight attacks. While the analysis attempted to be as comprehensive as possible, given the covert nature of attacks, members and some attacks themselves, may have been missed. Thus, individuals who were coded as being involved in the first attack may have been involved in earlier attacks. In addition, members that were coded as being involved in a single attack may have participated in further attacks at a later time period. The data precluded verification of these possibilities.

Further, in terms of analysis, our models only allowed us to capture how an individual's social embeddedness within an organization at the time of onset influenced the number of attacks an individual participated in but not their longevity with the group. Lacking data on an individual's end date with an organization, we were unable to properly model the duration for which members stayed. It is possible that individuals remained with the organization but did not involve themselves in future attacks. Future studies may look at members' continuity with a group and how variation in their structural position over time (e.g., become more or less embedded) influences their survival with the organization. Lastly, in terms of data, the sample size is worth noting. On one hand, it is large—there are few occasions to study the networks of terrorists across eight attacks, with LaFree, Dugan, and Miller (2015) finding that nearly half of all terrorist organizations perpetrate a single attack. On the other, it is quite small, with only 95 offenders representing a smaller sample than ideal for multivariate analyses.

Despite these limitations, the study is among the first to establish a potential set of predictors to assess multiple offenses among terrorists. The findings also have value when thinking about the targeting of terrorist groups and the characteristics of individual members. Distinguishing between repeat offenders and their onetime attack counterparts permits effective allocation of limited resources, while allowing for the creation of tailored strategies to dismantle these groups. This study suggests strategies that focus on offenders who may be the most embedded and thus committed to continuing and maintaining the group through multiple attacks may be the most effective. Focusing resources on individuals with high connectivity serves two purposes: It assists in dismantling the network by taking away those with the most social ties and may serve to reduce the potential lethality of future attacks by removing offenders that are more likely to have acquired experience and perpetrate future attacks. Adopting an approach that examines networks to identify the most connected aligns with research that demonstrates network approaches play an important role in desistance strategies for terrorists (Noricks, 2009). For terrorist offenses, mapping networks can assist in the identification of offenders whose removal would most effectively disrupt the organization. However, the most effective disruption strategies aim to take into account both an offender's network centrality and their value to the network, often measured as their role or resources they bring (Carley et al., 2003; Roberts & Everton, 2011). This idea has been referred to as "network capital" accounting for an offender's network importance in terms of both the intangible and tangible resources they bring to the network (Schwartz & Rouselle, 2009; Westlake, Bouchard, & Frank, 2011). Thus, an offender's structural position along with their skill set should be accounted for to develop the most effective targeting strategies.

Conclusion

In a terrorism context, ties to other offenders play a salient role in providing opportunities. Covert environments reduce the pool of potential accomplices, placing a high importance on criminal social capital. In addition, the skills offenders' bring to a group whether as central staff members or having

acquired advanced education demonstrate that an individual's value plays a role in selection to multiple attacks. Thus, not only an offender's network position but also the context of their connections may assist in explaining terrorists' trajectories and offending patterns.

While an individual's degree of connectivity to a group should not be underestimated, repeat offending should not be reduced to the sum of an offender's social ties. Being a repeat offender reflects two conditions: (1) selection for a future offense and (2) willingness to be involved in a future offense. The finding that connections, central staff and level of education are all drivers of repeat offenders, may satisfy both these conditions. Offenders who have a high number of connections and occupy positions of status within a group may be more willing to continue participating, as they face greater costs should they choose to leave the group: losing both these social ties and the associated benefits of status. Consideration of these findings collectively suggests that selection to a terrorist organization may be a rational process, with individuals and groups weighing the benefits and costs of selection to further attacks. This approach is consistent with recent studies that have emphasized the rational processes of terrorist attacks (e.g., Hsu & Apel, 2015; Perry & Hasisi, 2015). Under this framework, a high number of ties to an attack network may serve to alter the perceptions of costs of behavior. Individuals who would not otherwise engage in a behavior may be more likely to do so in the presence of a high number of co-offenders; diffusing responsibility and increasing the costs of leaving. In addition from a group perspective, recruiting central staff and educated offenders with experience and specialized skills, aims to increase group capacity. This potentially suggests for future studies to look at selection in a terrorist organization as a rational process to understand terrorists' trajectories and offending patterns. Informing us of the cost and benefit structuring of decision-making in terrorist offenses, this framework could provide crime-specific measures that decrease costs associated with desistance and target those most at risk of repeat offending.

Authors' Note

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Notes

1. The John Jay and ARTIS Transnational Terrorism (JJATT) database can be accessed at <http://doitapps.jjay.cuny.edu/jjatt/index.php>.
2. Only 10 offenders' first attacks occurred in one of the three attacks collected from open sources, with the other 25 offenders having previously participated in one of the JJATT attacks. For these 25 offenders, their information was collected from JJATT. Bivariate tests showed that few significant differences across measures used in the analysis emerged between offenders collected from JJATT and open sources. The

- only significant difference being that the 10 individuals collected from open sources were more likely to have a minimum of a college education than individuals obtained from the JJATT source.
3. The network visualization represents 115 actors, excluding actors for which there was no network information ($n = 3$).
 4. However, while an interaction between these two variables was created in the Poisson regression analysis, no significant effect was found.
 5. All central staff members in our sample also had previous militant experience.

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