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Criminological Encounters: Setting the Stage

It is our great pleasure to introduce the inaugural issue of Criminological Encounters, a new international, interdisciplinary, double blind peer-reviewed, digital, and open-access journal in the field of criminology. With this new venue for discussion, we aim to facilitate critical dialogue between scholars of criminology and interlocutors from related domains. For our debates, we invite fellow academics, practitioners, policy-makers, journalists as well as anybody else with an interest in any aspect of criminology. The potential conversations will include, but are not limited to, contemporary issues of crime and conflict, supplemented by interconnected matters such as harm, risk, violence, (in)justice, security, ethics and law.

The fundamental idea behind this journal is that of “encountering”. An “encounter” evokes the idea of solidary gatherings, moments to get together and build common projects as well as moments of confrontation. In academia, these gatherings, get-togethers, projects, and confrontations are at times intellectual in nature and at others are more explicitly political. The reference to these heated encounters is an acknowledgement of the historical roots of criminology as a “rendezvous” field, situated at the intersection where academic disciplines such as law, sociology, psychology – but also other less obvious disciplines like geography, biology, and mathematics – meet to discuss (the causes and consequences of) crime.

Our ambition is to revitalize this interdisciplinary debate by setting the stage for researchers from social sciences, humanities, and natural sciences to encounter each other and discuss contemporary issues of crime and conflict in a broad perspective. Yet “encounter” involves also an element of surprise. To “encounter”, as the Oxford Dictionary of English defines it, is to “unexpectedly be faced with or experience (something hostile or difficult)” or to “meet (someone) unexpectedly”. And it is precisely this unexpected nature of an “encounter” that, we aim, will define this journal. The encounters we intend to foment here are not limited to interdisciplinary dialogues but also include conversations around different methods (e.g. qualitative versus quantitative) and theoretical schools of thought (e.g. Foucauldian versus Marxist). We also want to stimulate debates between academics and practitioners (e.g. criminology scholars and law enforcement agents), two groups that are often assumed to speak “different languages” and to be living in different spheres that very rarely overlap. Instead of being a journal that focuses only on one of these two aspects – science or practice –, this will be a venue in which these spheres intersect, dialogue with and, when necessary, confront each other. Finally, we want this journal to present new ideas, no matter how brave or provocative they might be. We aim for Criminological Encounters to become a venue in which those interested in criminology would meet and in which new, serendipitous knowledges would be produced. We are convinced that the format we have chosen – a digital, open-access, and rigorously peer-reviewed journal – will facilitate the realization of these goals.

Criminological Encounters also aims to foster more encounters between academics from the so-called Global North and Global South. This journal is from its beginning engaged with initiatives to decolonize academia. We intend to make it a venue for theoretical and empirical voices typically obscured by Anglo- and Eurocentric
academia to be heard. We are aware, however, of the challenges and limitations posed by choosing English as the *lingua franca*. As a compensation for such limitation, the forthcoming issues will contain a section called “Language Encounters”, in which we will potentially publish one extra article in one of the different languages spoken by the members of our editorial board (Dutch, French, Spanish, and Portuguese). We are also open to hosting full special issues in Dutch and French. With these initiatives, we aspire to make this journal a welcoming venue for comparative criminological research around the globe.

**Why a New Journal in Criminology?**

Contemporary researchers are spoiled with a wide range of excellent journals in criminology. However, we do believe this new publishing forum will be a great contribution to academia for multiple reasons. First of all, Criminological Encounters is an independent and open-access journal. Our content does not hide behind expensive, and at many times inaccessible, pay-walls. Secondly, this journal has a policy of equality that takes into account not only issues of gender, religion, or racial/ethnic background, but also makes an effort to counter as much as possible colonialist approaches in academia. As mentioned, contributions from outside the “Global North” are particularly welcome. Thirdly, this is a journal that openly adheres to the “slow science” movement. Our focus will never be on the quantity of papers published but on their quality. In the same vein, this journal will not obsessively care about metrics, rankings, and indicators. We want the so-called “impact” of our journal to be “measured” in an purpose-driven way, not based so much on how many times our articles are cited in other journals or books, but rather on the “why” they are cited. Having said that, our aim is to become a well-cited, leading interdisciplinary journal that publishes cutting-edge research. Lastly, being a new journal will allow us to experiment freely with new topics, methods and formats less common in mainstream criminology. We aim to keep such an exploratory verve even when the journal reaches its maturity.

**The Inaugural Issue**

The inaugural issue of Criminological Encounters opens with an analysis by Jeffrey Monaghan and Kevin Walby of an undercover police technique called “hobocops”, in which police officers disguise themselves as homeless in an attempt to issue tickets to distracted drivers. Entitled “‘Hobocops’: Undercover Policing’s Deceptive Encounter”, the first article discusses the convergence between the increasingly prevalent activities of covert policing, urban governance, and a sociological account of police engaging in identity co-optation. It is a critical contribution and an engaged invitation to discuss the ethics of covert policing practices.

Corey Shdaimah and Chrysanthe Leon make a similar point, but extend the scope to include the unintended consequences of current policies and scientific practices that address street-based prostitution. Their article “Whose Knowledges? Moving Beyond Damage-Centred Research in Studies of Women in Street-Based Sex Work” explores the implications for scholarship and policy when researchers allow their studies to be guided by the voices of study participants, rather than by their own assumptions and hypotheses.

Taking the lived experience of people as the point of departure is a recurring approach to tackle one of the key challenges for criminology: the definition of its object of study. While the essentially contested notion of crime is what brings scholars together, it is not a self-contained concept. Crime is not a fixed category. It is understood through social norms and values, and is consequently intimately tied to questions of power. In “Understanding Fear and Unease in Open Domains: Toward a Typology for Deviant Behaviour in Public Space”, Sunniva Frislid Meyer promotes an encounter between criminology and urban studies by presenting a comprehensive classification of categories of crime and deviance in public spaces. Her typology is a reminder that the encounter between social reality and scientific practice is not without problems. There is no such thing as an unambiguous uniform classification system, but such categorizations can be crucial to making sense of the complex social reality.

Questioning the established wisdom and dominant approaches is an important quality of a criminological encounter and the contribution of James Oleson is exactly devoted thereto. While crimes of the powerful may be much more harmful from a financial point of view than crimes of vulnerable populations, conventional criminology tends to focus on the latter ones. One of the reasons for such preference is the fact that it is difficult to get access to the activities of the powerful. In his contribution “Access Denied: Studying Up in the Criminological Encounter”, Oleson presents the advantages of working with self-report surveys with perpetrators of white-collar offences.
In “Stabbing to Get to Prison: Biography as an Encounter with the Criminal Mind”, Frank van Gemert focuses on the added value of authorized biographies for criminology. Authorized biographies are, in his words, a quite underused methodology to explore ‘what is going on in the criminal mind’. In this instigating article, he uses the unexpected case of an offender who turned himself in as an example of how writing a biography can be used as a tool for criminologists to deeply immerse in the rationale of perpetrators.

In the book review section, An Nuyltiens and An-Sofie Vanhoucke propose an encounter between traditional criminology and popular culture. In their review of “Orange is the New Black: My Year in a Women’s Prison” (Kerman, 2010), the book that inspired the TV series, they promote a dialogue between such a biography and criminological research on female imprisonment. While the series “Orange is the New Black” is discussed in several scholarly publications, far fewer publications have focused on the book. However, as the review shows, such books have great merit for criminology, as they succeed in bringing to life abstract theoretical concepts.

Finally, Criminological Encounters intends to close each issue with an interview with a prominent scholar on their encounters with(in) criminology. For our inaugural issue, we are pleased to have interviewed Sonja Snacken, who shares with us an inspiring reflection on the multiplicity of encounters she has experienced in her longstanding career in criminology. Her interview highlights not only the interdisciplinary aspect of criminology but also how it is a field that closely dialogues with policy and politics.

This inaugural issue is a great exercise on the types of encounters we intend to promote with the journal. For the future issues, we intend to bring together even more diversity, with authors from yet other continents and with more contributions from practitioners, or even artists. For the same reason, we will not only be working with standard full scientific articles, book reviews and interviews, as we did this time, but will also accept other formats such as shorter opinion pieces.

**Who is Behind Criminological Encounters?**

Criminological Encounters is by definition a collective venture. Our editorial team is composed of academics from all corners of the world and includes both criminologists as well as scholars of other social sciences like sociology, law, education, and geography. The idea to create such a journal emerged from the debates that took place in the Crime and Society Research Group (CRiS) of the Vrije Universiteit Brussel as part of a former research project “Crossing Borders: Crime, Culture and Control”. This idea of crossing borders in and within criminology led to a broader reflection on the idea of encounters.

The editorial team of Criminological Encounters would like to express their sincere gratitude to all those who contributed to the materialization of this project and to the launch of this inaugural list. Among a long list of contributors, we would like to expressly thank: LaFem for the care and creativity she invested in the design of the journal logo and cover; Dariusz Kloza for his contribution to the design of the layout and for his legal advice; Irina Baralic for her advice on copyright; Iris Steenhout for her crucial support with the setting of the open access platform (Open Journal Systems; OJS) that hosts the journal; Hanneke Vanhellemont for proofreading; all the anonymous peer-reviewers who carefully revised the articles presented in this inaugural issue; and, last but foremost, the direction and members of CRiS/VUB for believing in this bold project and for providing all the necessary support for its birth.

**Call for our Second Issue and Other Invitations**

As a collective project, we would like to invite you, the reader of this journal, to join us in this challenging but exciting venture. There are many ways possible. First of all, we would like to invite authors to submit articles to our forthcoming issues. Our second issue is scheduled to appear by December 2018. We accept both theoretical reflections and empirical contributions that are in line with, but not limited to, the following themes:

- Dialogues between criminology and given disciplines: e.g. criminology and geography, criminology and law, criminology and political science, criminology and philosophy;
- Dialogues between criminology scholars and practitioners: e.g. criminology and law enforcement agents, criminology and policy-makers;
- The encounter between competing research methods: e.g. qualitative versus quantitative approaches in criminology;
The encounter between competing theories or between different schools of thought: e.g. critical versus positivistic criminology; American versus European criminology; criminology from the “Global South” and criminology from the “Global North”;

The essence of criminology as a standalone discipline amid its different multidisciplinary influences;

Criminology as the science for the study of conflicts;

Other “criminological encounters”: authors are invited to present other possibilities of interpretation of such encounters.

The deadline for submitting an article for our second issue is July 15, 2018.

Secondly, we would like to invite editors to submit proposals for special issues that clearly deal with the ideas of “encountering” mentioned above. Our special issues will focus on thematic topics and will feature competing and complementary perspectives. These could be, for example, encounters between: criminology and sports studies on the topic of “sports in detention contexts”; criminologists and nutritionists on the topic of “food in prison;” policing studies scholars and gender and feminist scholars on “institutionalized sexism within the police”; criminologists, geographers and urban studies scholars on topics like “conflict in public spaces”, “border control and crimmigration”, “electronic monitoring”, “youth crime” and so on. Many different encounters are thus possible.

Thirdly, the quality of such a project is directly related to the capacity of having competent peer reviewers to help us with this endeavour. We already have a great network of very skilled reviewers who have gladly accepted our invitation to take part as a reviewer for the articles of this inaugural issue. However, there is no such a thing as too many reviewers. If you would like to become a reviewer in any of the potential topics treated by this journal and if you consider you have the necessary expertise for such, please contact us.

Given our ambition to be a welcoming venue for comparative criminological research around the globe, we are actively reaching out to practitioners and scholars from the “Global South” to join our editorial team. If you think you fit the profile and if you have time and energy to dedicate to this voluntary project, please express you interest and motivation by sending us an email.

Finally, and most importantly, we would like to invite you to become a regular reader of our journal. If you would like to receive a notification of our future issues, please subscribe through our website www.criminologicalencounters.org. You can also follow us on Twitter (@crimencounters). We are looking forward to future encounters, and hope you are able to join us!

Brussels, March 2018

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“Hobocops”: Undercover Policing’s Deceptive Encounters

Jeffrey Monaghan* and Kevin Walby**

* Carleton University, Canada; jeffreymonaghan@carleton.ca
** University of Winnipeg, Canada; k.walby@uwinnipeg.ca

ABSTRACT

Policing cultures have reflected a conservative mindedness, particularly when directed toward street-involved, unhoused persons. Yet alongside an increase in urban poverty across Canada, public police today have taken up a puzzling, disturbing affinity with the identity of homelessness. We explore public police use of an undercover technique called “hobocops”. As part of these operations, public police disguise themselves as homeless people holding cardboard signs at busy motor traffic intersections as a way of regulating distracted driving. We explore these practices as encounters between the increasingly everyday activities of covert policing, urban governance, and a sociological account of police engaging in identity co-optation. Detailing how hobocop operations have unfolded in Canada, we contribute to the literature on covert policing by focusing on the operatives of these deceptive encounters rather than the targets. Drawing on the results of freedom of information requests and media reporting, we suggest that hobocop operations are undertaken in part because of police officer enjoyment of enacting the hobo identity. Applying literature on deception in policing and on the degradation of homeless persons, we reflect on the implications of these deceptive encounters for public policing and literature on criminal justice practices.

KEYWORDS

police investigations, deception, homelessness, cities, distracted driving

1 Introduction

Contemporary capitalism has extended the logics of exclusion and impoverishment to larger scales (Sassen, 2014), overlapping with systems of criminal justice aimed at controlling the growing underclass (Feeley & Simon, 1992; Rose, 2000). Part of the management of these excluded populations is a culture of vindictiveness and punitiveness toward the racialized, stigmatized, and homeless urban poor. Today, homelessness is commonly visible in Canadian cities (O’Grady, Gaetz, & Buccieri, 2013), though it is a scandal that homelessness shocks hardly anyone at all. The lack of affordable housing, declining wages, as well as reduced social welfare benefits and social assistance have all contributed to the increased presence of homeless persons on street corners, sidewalks, meridians, and in other city spaces (Gaetz, Gulliver, & Richter, 2014). Usually encountered with suspicion, less often with sympathy, the homeless person is perceived as “a threat that appears from elsewhere” (Kawash, 1998, p. 320–321), yet homelessness is a deeply urban condition produced by socio-economic patterns of exclusion and segregation. Public police have many encounters with homeless persons.
Existing literature has examined the monitoring, arrest, and abuse of homeless persons in multiple countries (Amster, 2003; Eick, 2003; Mosher, 2002; Sylvestre, 2010; Von Mahs, 2005). Public police can also be seen to prey on the homeless person in a new and different way that we explore below.

A number of Canadian municipal policing agencies have recently used what have come to be described as “hobocops”. As part of these undercover operations, police officers disguise themselves as homeless men holding signs at busy motor traffic intersections. Instead of solicitations for money, the cardboard signs carried by the officers inform drivers that texting is illegal. Some variations of the hobocops tactic have been aimed at enforcing seat belt usage. At least a dozen Canadian cities have used “hobocops” for cracking down on texting or minor regulatory issues in the past five years. Despite reproducing the notion that homeless persons eke out marginal lives not worth public attention (Fiske, 1999), in cases where the public has raised criticisms about the tactic, the police have responded by claiming that it is an effective tool against rogue texting, and that they mean no ill intent against homeless people.

In this article, we explore the encounter between poverty and policing, demonstrating how police undercover work, poverty, and identities intersect within hobocops tactics. Sociologies of deception have investigated why individuals or groups with power try to emulate, take up, or dress as members of oppressed or marginalized communities, or otherwise try to deceive others as a way of enforcing order (see Bubandt & Willerslev, 2015; Gibson, 2014; Meltzer, 2003). A common mantra when people of privilege dress like Indigenous peoples, wear blackface, or pretend to be homeless is that the gestures are harmless. For public police, not only is their voyeuristic costuming as poor people harmless; it is undertaken in the name of public safety. Though policing agencies have characterized the operations as effective tools for public safety, they prey on stereotypes that depict unhoused persons as mere dim-witted drifters (Forte, 2015; Kramer & Lee, 1999) to be ignored and avoided. Contributing to literature on covert policing (e.g. Brodeur, 1995, 1992; Loftus & Goold, 2011; Marx, 1988; Skolnick, 1982), we focus on the operatives of deceptive police operations rather than the targets. Drawing on the results of freedom of information requests and media reporting, we also suggest that hobocop operations are reproduced by another rationality: police officer enjoyment of enacting the hobo identity.

This article is organized in four parts. First, we review literature on covert policing and deceptive police operations. After a note on method, we provide our analysis of media data and freedom of information disclosures. We argue that these encounters comprise a form of “deniable degradation” (Murray, 2000), involving police taking pleasure in embodying symbols of homelessness. We conclude with a discussion of how hobocop operations can be explored as an interdisciplinary encounter involving criminological literature on public policing and sociologies of deception.

2 Hobocops and Undercover Policing

Public police have targeted homeless persons for a long time as scapegoats for social problems and community malaise, construed variously as elements of social disorganization and broken windows (Bittner, 1967; Wakin, 2008; Wardhaugh, 1996; Williams, 2005; Wilson & Kelling, 1982). Yet police operatives posing as homeless persons is less common, and until recently has primarily been used in Canada and elsewhere as a part of buy-and-bust undercover drug stings. Deceptive encounters in hobocop policing operate in a similar manner to buy-and-bust operations (see Jacobs, 1993; Kruijsbergen, de Jong, & Kleemans, 2011), though the major distinction is that buy-and-busts are directly related to criminal code violations, and hobocop operations in Canada have only targeted regulatory offences. Given the non-criminal orientation of the hobocop tactic, it entails a unique expansion of covert practices since they fall outside traditional notions of preventative operations (see Marx, 1988, pp. 63–65) in which targets are used for intelligence, or perhaps steered away or “softened” as an aspect of a criminal investigation.

Though the precise emergence of hobocop tactics remains unknown, Canadian police are not unique in using homeless identities for increasingly mundane covert work. Similar cases of police dressing as homeless people have been catalogued. For example, in spring 2003, police officers in Kissimmee, Florida dressed in tattered clothing and wore fake teeth while pushing a shopping cart to target traffic violators (see Mcavoy, 2004). Police officers in Oregon, California, and elsewhere have been using the hobocop tactic for several years. Although we do not have space to document it here, it may be the case that Canadian policing agencies are involved in policy transfer with police in the United States, and it might be that Canadian police have borrowed this tactic from their US counterparts.

1 “Hobos” is an English-language term that has historically been used as a slur against homeless or poor populations. Police and media have developed the term “hobocops”.

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Jeffrey MONAGHAN and Kevin WALBY

"Hobos" is an English-language term that has historically been used as a slur against homeless or poor populations. Police and media have developed the term “hobocops”. 

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Handbooks on police investigations occasionally include material about what are referred to as non-conventional investigations, which would include the hobocop tactic. In such handbooks, for example in that of Girod (2014, pp. 39–40), police officers undertaking non-conventional investigations are instructed “to NOT stand out, be different, be out of place” but rather to “blend in”. As previously mentioned, poverty and homelessness are common in Canada’s urban centres. The instructions go on to advise police officers to invest time in disguise preparation and impersonation “by watching characters in movies, on TV, or in person” (ibid.). Thus, not only is this deception based on a physical projection of a false image or what, following Bubandt and Willerslev (2015), we call a dehumanizing mimesis, but in this way the hobocop tactic may be based on stereotypical representations of homeless persons found in media depictions, which tend to characterize the homeless as middle-aged alcoholics lacking dignity and worth, immoral, hooked on drugs, and deviant (Best, 2010; Calder, Richter, Burns & Mao, 2011; Forte, 2015; Parnaby, 2003; Shields, 2001).

Deception in law enforcement has long been a concern of policing scholars (Brodeur, 1995, 1992; Skolnick, 1982). Covert investigation is the focus of most existing literature on deception. Recent scholarship on covert investigations has suggested that these surveillance tactics are not confined to serious threats, but rather increasingly directed toward mundane activities (O’Neill & Loftus, 2013; Wilson & McCulloch, 2012). Loftus and Goold (2011, p. 278) have noted that, despite the increase in both police undercover tactics and academic attention to these developments, there remains “a pressing need for empirical research into the day-to-day practices of covert police surveillance”. While an expansion of undercover operations to a broadening spectrum of activities represents a trend toward the withering of traditional criminal law practices (Ericson, 2007; Wilson & McCulloch, 2012), it also signifies an increase in a substantive domain of police work – a growing field of policing operations that represents a potential shift in policing culture research. As Loftus, Goold & Mac Giollabhui (2016, p. 633) have suggested, scholars should attempt to re-engage with covert policing practices by theorizing these expanding domains as a distinct subculture (also see Marx, 1980). Based on research in the UK, Loftus, Goold & Mac Giollabhui (2016, p. 634) argue that the subculture of covert policing is “characterized by a set of attributes and norms that reflect the particular institutional arrangements and daily realities of covert policing and undercover life”. A significant dimension of this subculture stems from an inversion of “the logics of a uniformed and visible policing presence”.

Given that much of the scholarship on policing culture has focused on uniformed officers, a central trait in the theorization of police work has been the visibility – and disciplinary power – of the uniform (Goldsmith, 2010; Paperman, 2003). Undercover operations rupture the see/being seen dyad of policing public spaces and the communication of police presence. With an increasing focus on mundane “criminal” activities – of which texting in Canada is a mere regulatory offence – the proliferation of covert tactics has meant that poor people are subjected to ever more intrusive surveillance. O’Neill and Loftus (2013, p. 439) warn that these trends mean that “the least powerful members of society are falling into a widening net of social control, subject to an intensifying gaze of the state, but with an increasingly receding exit”.

That police are impersonating homeless people to crack down on minor regulatory infractions is a bleak irony in that the urban poor have been subjected to more vindictive, exclusive policing practices. Stuart (2015, p. 941) suggests that “police aggression toward the down-and-out has grown more formalized and normalized as it proliferates across America and the globe”. The urban poor are the primary targets for “hot spot”, “zero tolerance” and “broken windows” strategies, much of which attempts to disrupt the lives of poor people, who are considered barriers to economic development, gentrification, and tourism (Walby & Lippert, 2012; also see Eick, 2003). Numerous Canadian cities have adopted these policing strategies of gentrification, and the appropriation of homeless identities as a tool for covert policing reflects the way in which policing dehumanizes the people on whom their practices have dire effects. It may also be illustrative of the micro-aggressions that play out in policing cultures toward marginalized groups (Harkin, 2015).

Scholars of policing culture have accounted for how marginalized groups are maligned as “assholes” (Van Maanen, 1990), or in the Canadian context, “pukes” (Ericson, 1982), or as Fassin (2013) has noted in regard to the racialized poor in France, “bastards”. Much of the scholarship on police cultures has shown how law enforcement officers circulate strong self-conceptualizations of themselves as idealized citizens, as the front line against right and wrong, and as possessing an enhanced moral authority within society. This translates into an intuitive, or experiential, knowledge of how to suppress the bad guys, or, as Van Maanen (1990) details in forms of extra-legal practices, the need for “asshole control”. Intimately bound to the production of identities are the affective dynamics that are sustained by this moral order. This is illustrated most forcefully by the affective reactions that are bound to the communication of a police officer’s moral authority. When officers are challenged, reactions are often described in their affective dimensions: embarrassment, anger, vengefulness, and punitiveness (see Fassin, 2013; Reiner, 1992, pp. 107–137; Van Maanen, 1990). Manning (1997) has described how officers face “dramatic dilemmas” when police encounter difficulties in maintaining their
symbolic supremacy over moral order. The moral entrepreneurialism of police work has produced strong identities for insiders and outsiders, with the homeless typically serving as a symbolic outsider – the “first broken window”, as described by Wilson and Kelling (1982) – in the police imaginings of social problems.

In practice, these affective cultures of police work have produced stereotypes of poverty and deviance that function to legitimate revanchist policies aimed at removing unhoused persons from urban spaces (Belina & Helms, 2003; Berti & Sommers, 2010; Forte, 2015). With the enforcement of zero tolerance policing in urban centres, scholars have noted that accounts of gratuitous violence often have retaliatory and vengeful intonations (Fassin, 2013; Johnsen & Fitzpatrick, 2010; Smith, 1998, 1996). In the violence that is directed toward the urban poor and homeless populations there is something to be said about Bittner’s (1970, p. 7) warning that, though the police were created in the ideal of advancing non-violent social norms, there “is something of the dragon in the dragon-slayer”. These patterns of violence and antipathy are emblematic of not only a repressive function of brutality, but of an affective function of enjoyment. It is not merely the physical retaliation against the poor as nuisances, or as a form of collective punishment, but an outlet for the hypermasculinities of police subcultures to physically enjoy the violence directed toward those whose humanity is exceptionalized and rendered unintelligible.

In a different context, Kraska (1996, p. 407) has explored the transformative experience of ethnography where researchers enjoy activities that, in their “real” life, they would have found “morally or ideologically reprehensible”. In Kraska’s case, as one of the foremost critics of police militarization, his ethnography of what is euphemistically called a “training session” with police officers and military soldiers (it was more like an informal shooting range get-together) resulted in his (surprising) enjoyment of hypermasculinity, the sense of legal immunity, and the power of military-esque playfulness. A sense of power from the technologies, as well as an acceptance within the milieu of violence, was an affective pull on Kraska, who grappled with how his ethic against militarization was undone by the cultural affects of his encounter. In taking on the identity of a criminologist-as-gun-enthusiast, Kraska’s ethnographic account depicts how antipathies can be subsumed through a voyeuristic enjoyment of taking on alter – and opposite – identities. Following this, the affective dimension of a policing subculture can be explored in the ways in which violence is directed toward the homeless, as well as how the identity of homelessness is taken up as a playful tactic of covert policing. Similarly, as Loftus and Goold (2011, p. 282) note, “covert policing can be described as a form of street theatre. Officers use props, design scripts, and ‘act out’ in order to do their surveillance work and gather information”.

We conceptualize hobocop policing not only as a form of deception (see Bubandt & Willerslev, 2015; Gibson, 2014; Meltzer, 2003) that police enjoy but also as “deniable degradation” (Murray, 2000). This concept refers to “bureaucratic procedures that are justified in purely instrumental terms” but that are “inimical to human dignity” (Murray, 2000, p. 40). Deniable degradation does not involve public denunciation or verbal labelling. Rather, it involves a subtle humiliation embedded in a technical operation, and it evokes symbols reproducing dominant understandings of legitimate versus illegitimate human practices (ibid.). As we argue below, hobocop policing is a deniable degradation that police officers in Canada seem to take pleasure in. It involves subtle humiliation embedded in a public yet covert police operation. Below we detail the rise of hobocop tactics in Canada – with a focus on how police agents have demonstrated enjoyment of their appropriation of the hobo identity. Though the operations are justified as effective practices, we demonstrate that it is also affective practices that characterize policing agencies and agents who perform as hobocops.

3 Note on Method

Our exploration into hobocop tactics in Canada combines an analysis of media reports and the use of access to information and freedom of information legislation to produce textual records from the policing agencies that engage in these operations. We have conducted an extensive search of Canadian media for accounts of hobocop operations. After identifying these municipalities, we subsequently sent access to information (ATI) and freedom of information (FOI) requests for documents related to the operations. ATI/FOI law gives citizens the right to request government records. For all sites, we requested operation plans, post ops, reports, briefings, and media/communications materials. All departments responded, with varying compliance and levels of disclosure, which is typical of using FOI to produce data sets.

Our data set only represents operations that have garnered media attention. In fact, a noteworthy element of the hobocop tactic – and an illustration that reflects its enjoyability – is that police departments have taken an active

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2 Access to information (ATI) requests were used to ask the RCMP for records. Freedom of information (FOI) requests were used to task municipal police services. For more on ATI and FOI requests, see Monaghan (2015) as well as Walby and Larsen (2012).
role in playfully publicizing hobocop stings. Police departments have taken to Twitter, issued press releases, and supported hobocop stings with media roll-outs. Given the media and public prominence of hobocops, we have collected materials on 14 stings from March 2012 to June 2015. At the same time as the events were publicized, the police were aware of the potential contentious nature and possibility of a certain degree of public criticism. Some police agencies have responded to our requests for documentation by stating that no records were produced in relation to the tactics. For example, in a letter response to our FOI request, Ottawa police argued that no records existed or were produced as part of the operation:

This “operation” was a proactive police trial exercise only by the Traffic Enforcement Unit stemming from prior knowledge of similar exercises done by other police services in the United States. No formal plan was put into place and no media release was completed, though our media section was advised in the case that they received calls from media outlets. No post-operation reports and briefs were completed. The only records created were Provincial Offence Notices that were issued to the involved offenders (OPS, 2016-178, p. 1).

In a similar rejection by the Victoria Police Department, the response indicated that “it should be noted that in circumstances such as those noted above, operational plans and post-operation reports are not required” (VPD, 2016-0139, p. 1). As a response to our request for records, the Ottawa and Victoria police demonstrate that deception is not only a matter of co-opting the hobo identity, but also managing access to records that may elicit further negative public reaction to these petty operations. Their response both downplays the decision-making process undertaken to enact the hobocop sting, and suggests that no collaboration with media occurred ahead of the sting. Given that the conservative Sun Media news chain had a camera crew deployed (visibly) with officers during the covert operation (Spears, 2012), there are reasons to be highly sceptical toward these post facto attempts at communications management.

By characterizing the operation as a trial exercise or pilot, Ottawa and Victoria police downplay any organizational decisions that transpire in authorizing covert policing, while legitimating the lack of recording keeping and documentation. This suggests covert policing is becoming more commonplace, without an accompanying increase in paperwork or oversight accounting for police actions. As other scholars have noted (e.g. Hier & Walby, 2014), police services often legitimate the deployment of new forms of surveillance and investigation by characterizing them as mere pilot projects. The explicit lack of documentation in this case adds weight to claims regarding practices of covert operations trending toward increasingly mundane and petty activities. Though Ottawa and Victoria police have attempted to characterize their foray as hobocops as spontaneous or as pilot projects, this claim contradicts the publicized rise of hobocop tactics across Canada, which we detail in the subsequent section below.

4 Hobocop Operations in Canada

The beginning of hobocop stings corresponds with a number of provinces passing legislation that penalizes texting while driving. As an infraction under highway or traffic acts, the penalization is not a criminal code offence but monetary fines or potential non-criminal penalties on individual driving records. Though distracted driving can contribute to accidents, deaths, and unnecessary costs for several levels of government (White, Eiser, & Harris, 2004), regulatory infractions are comparable to jaywalking, not wearing seat belts, or riding a bike without a bell.

Texting stings by undercover police officers originated in other jurisdictions and involved dressing like construction workers or city workers (in Calgary), a big Easter bunny (Hutchins, 2013), or commuters. All of these practices involve forms of what Skolnick (1982, p. 43) called “investigative deception”. In May 2012, the National Post newspaper reported that “Across Canada over the past several weeks, police officers have been dressing as panhandlers and clutching cardboard signs to mimic the curbside come-ons in order to get close enough to see drivers using handheld phones while driving” (Humphreys, 2012). As the National Post reported, “The tactic is dubbed Hobo Cops”. Almost immediately following the national media coverage of the hobocop tactic, policing agencies engaged in what Luscombe and Lufty (2015) call a “monkey see, monkey do” exercise where the practices (and prominence) of one agency rationalize mimicry by other agencies. Subsequent to the media coverage, the acceptability of engaging in hobocops – and reporting on the operations in cooperation with the media – spread across the country.

As an aspect of the enjoyment of appropriating homeless identities, police officers took deliberate actions to impersonate the poor. This deceptive fabrication (Meltzer, 2003) is undertaken to lure potential targets of the

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In attempting to represent the authenticity of poverty, the police are reported to have been highly successful in their “gotcha” efforts. In Scarborough during March 2014, Toronto police laid 150 distracted driving charges in five days (Gallant, 2014). Their success was also reported in numerous press reports where individuals trapped by the hobo tactic acknowledged the effectiveness of the ruse. Police officers also commented on their authenticity. For example, RCMP Constable Bryan Martell said: “One guy tried to give me McDonald’s,” adding that he had to politely turn down the offer (Hutchins, 2013). The Ottawa hobocop, Officer Jesty, was reported as saying: “I’ve had money thrown at me. I’ve been offered fruits and vegetables, all kinds of ridiculous things” (LaFlamme, 2012). As a demonstration of contempt toward the homeless, Jesty refers to gifts that panhandlers would receive from the public as “ridiculous things”.

Hobocops are illustrative of a latent conflict with the poor, but also the police enjoyment of appropriating their identity. In addition to the careful, impish grooming of well-paid police officers to appear as authentic panhandlers, the hobocop tactic has worked as a media/communications tool for police agencies. In describing how the Toronto police adopted the idea of using hobocop tactics, Constable Randall Arsenault said: “It was an idea that came out of the platoon and I didn’t even know they [other agencies] were doing it.” Then Arsenault adds: “I saw the guy dressed like that and I thought that’s cool. So I took his picture” (Warnington, 2014). Arsenault, a media and community relations officer, then posted the picture on Twitter.

The police enjoyment of voyeuristic panhandling is evident in records from the RCMP pertaining to a hobocop operation undertaken in June 2015 in Vernon, British Colombia. Depicted in Figure 1 that was released on Twitter, RCMP Corporal Mark Taylor dressed in plain clothes and stood on a Vernon, BC, street holding a folded cardboard sign that read, in the top half, “I am not homeless”. When Taylor unfolded his sign, it revealed him to be an “RCMPolice looking for seat belts/cellphones”.

Email exchanges between Taylor and his colleagues are illustrative of an affective dimension evident in hobocop operations. At the conclusion of the operation, Taylor wrote an email to his boss, Terry Mcclachlan, that said: “Sir: We thought we would try something a little different to combat seat belts and cellphone compliance. It worked very well with 11 stats in a little over an hour!!” (RCMP, 2016–2199, p. 3). The effusiveness becomes even more pronounced when media relations officers join the conversation and shift from the discussion of “stats” to their promotion of the hobocop operation. Immediately after the relatively short one-hour sting, media relations officer Gord Molendyk sent pictures of Taylor (above) accompanying a press release to media agencies. The media release warned: “Be aware you will likely see our friendly sign man again in and around the city” (RCMP, 2016–2199, p. 9). Emails related to the media release between Molendyk, another media relations officer named Corporal Ronda Rempel, and Taylor illustrate some of the enjoyment that the hobocops operations – as well as the media promotion – engender in police.

Rempel writes: “Hello Gents, Am I ok to tweet this pic out? Great initiative ... Let me know.”
Taylor responds: “Good with me ... does this make me a star??”
Mcclachlan, the supervising officer, replies: “Hollywood may be calling by the end of the week.”
Taylor signs off the conversation with: “Sounds good” (RCMP, 2016–2199, p. 15).
Upon distribution of the press release, news agencies (including the Washington Post) respond with queries. One journalist with infotelnews.ca asks to “tag along with our friendly neighbourhood sign man next time he hits the street” (RCMP, 2016–2199, p. 30). Molendyk forwards the request to a redacted officer with the lines: “Here is a not [sic] from one of your fans. Enjoy” (RCMP, 2016–2199, p. 30 – emphasis added).

In a separate news report related to the June 2015 hobocop operation in Vernon BC, Molendyk suggested to the media “there’s no law saying we can’t do it” (Seymour, 2015). As a demonstration of how policing agencies can flout legal grey zones in a manner that would put other denizens at risk of criminalization, the police deceptively conceal their identity and deploy visibility strategically. It is a power that homeless persons lack – they are both undervisualized and hyper-visualized depending on the context. When not being overlooked, government officials (particularly the police) scrutinize the identity of homeless people in routine but degrading ways (Murray, 2000). Not only does the hobocop tactic flout legal ambiguities and the public police capacity to impose non-negotiated solutions with the implicit threat of state sanctions, but hobocop practices illustrate an element of enjoyment and a self-generated belief that these tactics are harmless – or even humourous. In a March 2012 hobocop operation in Chilliwack BC, an RCMP constable, Bryan Martell, reported to media that “giving people tickets, people usually aren’t happy about it in any case, but in this, I think people found the humour in it partly, so they were less angry than they usually are getting a ticket” (Oleson, 2012). Not all were as pleased to receive the tickets as the police were to dispense them, and police who have engaged in hobo tactics have met a degree of criticism. Stemming from the Ottawa 2012 hobocop sting, one woman who received a ticket told media she would fight it in court (LaFlamme, 2012). Some from the conservative media have considered the operations a new form of covert taxation, and homeless people were not pleased with these operations either. One homeless man thought the operation was a “sneaky trick” because the police often ticketed homeless people with panhandling or interfering with traffic at the very spot police used to lure distracted drivers (Mackey, 2012). Concerns were also raised as to whether undercover police posing as panhandlers would have a negative chilling effect on trust factors, which are integral for the circulation of curbside economies. Similarly, in Regina in the summer of 2016, one man claimed he took off his seat belt to...
reach into his pocket to grab some change to give to a man he believed was homeless. Moments later he was being pulled over by the police and given a ticket for not wearing a seat belt (Global News, 2016), an example of what Ericson (1981) referred to as the way policing agents “make crime”.

It is worth pointing out that some police agencies have distanced themselves from the tactic. For example, after public criticism in Toronto in 2014, the Toronto Police Service became defensive when a conservative columnist criticized the tactic as a “money grab” (Warmington, 2014). In a news report printed the following day, spokesperson Constable Clinton Stibbe took a pusillanimous tack by suggesting that the undercover officer – who carried the cardboard sign with the Frank Sinatra quote, baggy jeans, and a hoody – had no intention of impersonating a homeless person or a panhandler. Stibbe claimed: “At no point did the individual put himself up to be a panhandler or asked for money or pretend to be a homeless individual, so the phrase (‘hobocop’), you have to wonder if it’s really accurate?” (Yuen, 2014). After officers dressed as hobocops in Montreal and the public voiced strong criticisms, police spokesperson Ian Lafreniere claimed the officers were acting on their own initiative, simply mimicking other jurisdictions. Though the Montreal case nonetheless represents the enjoyment had by front-line officers, the management are attuned to the optics of impersonating panhandlers. The spokesperson iterated this concern, noting that “The initiative [to seek] out people committing that bad habit was good — but the way of doing it was inappropriate...That’s not going to happen again” (Rukavina, 2015). In cases of criticism against the hobocop tactic, police agencies have reiterated that the performance is effective at combating texting.

Despite the rapid replication of hobocop tactics across Canada, some police agencies have recognized problems with the hobocop practice. Documents from one police force relay the claims of effectiveness. In April 2015, Hamilton police decided to combat texting. An operation plan for the sting outlined how heightened enforcement of cellphone regulations has “led drivers to begin holding their phones lower on the lap, below the normal view of other vehicles” (HP, 2016–0222, p. 2). Noting the “unique problem for police and many jurisdictions”, the plan details how police services in Halton, Ottawa, Toronto, Manitoba, and British Columbia have “used plain clothes officers standing at intersections to monitor traffic for cellphone violations”. However, the plan outlines a principled distinction from the other agencies. It states: “Although in other jurisdictions officers would often dress up as homeless persons, the same effect could be achieved wearing normal plain clothes and standing near bus stops” (ibid. – emphasis added). Moreover, the plan concludes: “This would also fall into compliance with Policy & Procedure 1.23 A1(1): All members while on duty shall project a professional image.” In other words, the Hamilton police note that the hobocop tactic is not based on a sense of professional, impartial policing and, like Montreal, have distanced themselves from the tactic.

Whether these police agencies distanced themselves for professional/technical reasons (Hamilton) or ethical reasons (Montreal), they are nonetheless outliers. In Toronto and Ottawa, police agencies have attempted to justify the tactics on the grounds of their efficacy. Notably, Canada’s largest police service, the RCMP, have accelerated their use of hobocop tactics. At the conclusion of a recent 2016 hobocop sting in Steinbach (a town in Manitoba) publicized through Twitter, RCMP Sgt Bert Paquet said the tactic was “fair game”, adding a threat that he could soon be visiting other neighbourhoods (Lunney, 2016). Speaking again to the conservative Sun newspaper chain, the interview concluded by asking Paquet if he had received any change from motorists. The report ends by claiming: “‘No, I don’t think there were any cash donations,’ [Paquet] said with a chuckle” (Lunney, 2016 – emphasis added).

5 Discussion and Conclusions

Given that the regulation of texting is a low-level regulatory offence and that other interventions may be just as (or more) effective as hobocops, why do the police undertake such a dramatic and derogatory form of undercover policing? Emphasizing the affective dimension of hobocop operations can help explain why these tactics have proliferated. In terms of a conceptual contribution, we have staged an interdisciplinary encounter involving criminological literature on public policing and sociologies of deception. We have argued that such operations involve pleasure and enjoyment for individual police officers, and that these operations can be theorized as a form of deniable degradation. Overall, these deceptive encounters are predicated on the reproduction of demeaning stereotypes in relation to homelessness. Though homelessness is a multifaceted lived experience (Borchard, 2010; Gibson, 2004; Lee & Farrell, 2003; Wright, 2009), such stereotypes reduce homelessness to danger and risk (also see Calder, Richter, Burns & Mao, 2011), while simultaneously revealing the submerged antipathies toward the poor that remain entrenched in policing culture. Hobocop practices are a deniable degradation because police deny that the operations have anything to do with demeaning the homeless, yet their performances are based on disgracing tropes and a dehumanization of the lived experiences of poverty.
Those experiences of poverty are nothing more than “ridiculous things” that are treated by public police as peripheral to the emergent problem of texting at stop lights.

In terms of an empirical contribution, we have shown that use of the hobocop tactic has become common across police services in Canada. As acts of deniable degradation, policing agencies – well versed in liberal communication strategies of inclusion – do not acknowledge the petty enjoyment of dressing up as the homeless. Although our methods of analysing declassified and unofficial accounts cannot provide a quantifiable knowledge of hobocop activity, we do underline how these police practices reveal undertheorized affective dimensions of police culture. Contributing to studies of deception that have examined why people in power try to emulate, take up, or dress up as members of oppressed or marginalized communities (see Gibson, 2014), we have shown that public police take pleasure in mocking homeless persons. Meanwhile, despite high levels of tickets during the operations, whether there is any intervention in distracted driving because of this tactic remains doubtful. As noted, there appears to be a concerted effort to continue (if not expand) the use of hobocops. The recent use by RCMP in small towns is a case in point. Carson (2007) suggests the price tag of a type of investigation is a major determinant of whether an investigative technique will be used by public police. Obviously hobocop operations are not as costly as deeper covert operations – and the likelihood of high-cost legal challenges is small. Given the regulatory nature of the intervention, the practices of hobocops will operate outside of significant court challenges, or even the oversight of police boards or elected officials. There are few, very remote, avenues for legal remedies against the use of such tactics on technical or principled grounds. Yet the hobocop tactic is injurious in circulating stereotypes about homeless persons. The fact that public police take pleasure in enacting these stereotypes suggests that the hobocop tactic reveals that these actions are not based on a sense of professional, impartial policing. Given the crude planning that goes into hobocop operations and the twisted enjoyment derived from it by individual officers and office staff, these consequences are “desirable and intended” (Brodeur, 1995, p. 86). Our argument has been that this tactic acts as a shield (Brodeur, 1995, p. 93) allowing public police to take pleasure in portraying crime scapegoats and perpetual targets for police discrimination and abuse. In the same vein, John Clarke of the Ontario Coalition Against Poverty similarly argued that the tactic could “lead to greater public distrust of the homeless” (Gallant, 2014). This, among other reasons (see Marx, 1988, p. 159; Nathan, 2017), is why undercover policing and covert policing operations should be subjected to greater scrutiny and critique. Harkin (2015) argues that stigmatization should be thought of as one of the pains inflicted by public police. Though the police deny it, hobocop policing and the deceptive encounters it entails is yet another plank in the police stigmatization of homelessness in Canada today.

References


Jeffrey Monaghan is an Assistant Professor at the Institute of Criminology and Criminal Justice, Carleton University. He is the author of Security Aid: Canada’s Development Regime of Security, co-author with Andrew Crosby of Policing Indigenous Movements: Dissent and the Security State, and co-editor with Lucas Melgaço of Protests in the Information Age: Social Movements, Digital Practices and Surveillance.


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Whose Knowledges? Moving Beyond Damage-Centred Research in Studies of Women in Street-Based Sex Work

Corey Shdaimah* and Chrysanthi S. Leon**

* University of Maryland, Baltimore, United States; cshdaimah@ssw.umaryland.edu
** University of Delaware, United States; santhi@udel.edu

ABSTRACT

Recent scholarship across disciplines reflects renewed interest in making social science relevant to social and policy change (Burawoy, 2005; Flyvbjerg, 2001). At the same time, professional organizations have struggled to articulate ethical obligations towards research participants. In this article we draw on our own research with street-based sex workers to explore the implications for scholarship and policy when researchers allow their studies to be guided by the voices of study participants rather than their own assumptions and hypotheses (Capous-Desyllas & Forro, 2014). We describe how our interpretation evolved upon adopting a feminist, qualitative stance that recognizes the agency and authority of respondents to guide the analysis. We join a growing group of scholars who draw attention to the multidimensionality of sex workers’ identities, goals, and daily lives to provide a fuller picture of their lives and experiences (Cheng, 2013; Hail-Jares, Shdaimah, & Leon, 2017). Such a picture inevitably shifts from the options of repair, rescue, or repression as women talk back. Intentional engagement also works against the tendency to “other” the objects of our research and illuminates the systemic factors that shape women’s choices and lives. Our insights apply to research with vulnerable or stigmatized populations across criminological and socio-legal contexts and to criminal justice policy.

KEYWORDS

prostitution, sex work, research ethics, qualitative research, participant-informed policy

“If there is a dominant theme in feminist qualitative research, it is the issue of knowledges. Whose knowledges? Where and how obtained, by whom, from whom, and for what purposes?” (Olesen, 2011, p. 129)

1 Introduction

Recent scholarship across disciplines reflects renewed interest in social science as a driver of change (Burawoy, 2005; Flyvbjerg, 2001). If social science can “matter”, this means that social scientists should take seriously our potential for harm as well as for good. We have an obligation to pay attention to the consequences of our work, however well intended (Fine, Weis, Weseen, & Wong, 2000; O’Connor, 2002). This obligation is also a tenet of feminist inquiry and critical scholarship more generally, according to which no human activity or arena is devoid of politics and power (Hawkesworth, 2006). In recognition of these ideals, professional organizations have struggled with articulating these obligations as concrete guidelines for practice. Most recently, the
American Society of Criminology (ASC, 2016) adopted a code of ethics\(^4\) that includes a section specifically focused on researcher/participant relationships entitled “ASC Members Should Respect the Rights of Research Populations” (Section 17). In this article we draw on our own research with US street-based sex workers\(^5\) to illustrate the continuing importance of foregrounding the voices of study participants who are directly impacted by policy (Capous-Desyllas & Forro, 2014). Our insights apply to research with vulnerable or stigmatized populations across criminological and socio-legal contexts.

We began our respective research trajectories in response to requests from court-affiliated work groups that were in the process of creating alternative criminal justice responses to prostitution. These work groups did not challenge the fundamental status of sex work, which remains illegal. Instead, they were drawn to problem-solving approaches, which seek to infuse criminal justice with therapeutic interventions (Leon & Shdaimah, 2012; Nolan, 2001; Wolf, 2007). Specifically, court-affiliated prostitution programmes existed in two of the jurisdictions in our sample while another was under consideration in the third. Such programmes divert defendants from the consequences of their criminal charge at different stages of the process (i.e. point-of-arrest; plea stage; sentencing). If defendants comply with programmes, which often include therapy, heightened monitoring, and other components, they receive benefits (such as removal of charges, waiver of sanction, or expungement). Those who fail face a variety of consequences (such as revival of plea, incarceration, or fines) (Shdaimah, in press; Wolf, 2007).

While neither author had a background in prostitution or sex work research, both had experience working with community stakeholders and government agencies on policy initiatives. This work led to (separate) invitations to bring our social science expertise to alternative responses to the sale of sex (see below for our methods). Being approached by agencies that were actively formulating policy and programming caused us to reflect more deeply on how our work can affect others. As we designed our respective data collection and engaged in analysis, we revisited the ethical foundations of our scholarship. Praxis-oriented scholarship within and outside of criminology problematized and enriched our own approaches to research. We believe that the reflections we bring to this inaugural issue of *Criminological Encounters* provide a timely extension of current scholarship.

In the next section, we discuss two harmful facets of the prevailing approaches to policymaking and the scholarship and literature on sex work: viewing people as a means to an end and, relatedly, an overemphasis on sex. We then contrast our findings, which highlight women in sex work as rational actors and sources of mutual support and mentoring. We draw on the voices of our study participants to examine the implications of policymaking and practice that neglect whole persons.

## 2 Predominant Approaches to Research on Sex Work

Research with women who engage in street-based sex work, criminalized in most of the United States and many other countries, is often guided by an ethos of harm and damage (Dworkin, 1997). With notable exceptions (Anderson, 2002), much of this literature looks to repair, rehabilitate, or regulate sex workers. Portrayals and interventions construct sex workers as targets of sympathy or intervention; rarely do they solicit their opinions for decision-making purposes. In the US and elsewhere, research and policy regarding sex work tend to consider sex workers and sex work primarily as a nuisance and a danger to public health and safety (Laing & Cook, 2014; Shdaimah, Kaufman, Bright, & Flower, 2014). In sum, initiatives that collect information about sex workers, or aim to change their conduct, seek to regulate or eliminate sex work to enhance public morality, neighbourhood conditions, and public health (Brewis & Linstead, 2000; Ross, 2010; Weitzer, 2009). Sex workers and sex workers’ rights groups have long challenged such perspectives as moralistic (D’Adamo, 2017; Jello, 2015) and unrelated to the concerns faced by sex workers such as conditions of work and safety (Willman & Levy, 2010).

The focus on harm and damage in sex work research has become particularly prominent through the heightened public discourse about trafficking in the US, UK and in the context of international diplomacy around human rights (Corado, 2017; Hill, 2014; Kinney, 2017). Although some researchers and policymakers recognize that sex work may not be related to trafficking, regulations to combat sex trafficking typically fail to consider (unintended harm to sex workers (Kinney, 2014; Skilbrei & Holmström, 2013). The efforts regularly

\(^4\) While many academic disciplines have had codes of ethics for some time, the ASC adopted its code in March of 2016. The ASC code is heavily influenced by the code of the American Sociological Association.

\(^5\) In this article we use the broader term “sex work” while in previous work we have used “prostitute women”. We use prostitution when referencing the criminalized legal status in which our US study respondents work. We similarly use the terms the scholars we cite employ, rather than imposing our choices.
circumscribe the choices of sex workers, leading to ineffective policies and further endangering sex workers (Hill, 2014; Kinney, 2014). In contrast, a handful of studies have examined collaborative efforts that resulted in policies that benefit both sex workers and the communities in which they live and work (Gilbert & Settles, 2007; O’Neill, Campbell, Hubbard, Pitcher, & Scoular, 2008).

As Cheng (2013) points out, with rare exceptions studies of sex workers focus almost exclusively on sex. This has the effect of making sex workers appear one-dimensional. While sex workers occupy many roles (e.g. colleagues, mothers, daughters, friends, business owners), rarely are these roles considered except through the lens of sex and sex work. An exclusive focus that ignores relationships and contexts is bound to provide only a partial picture of sex workers’ decision-making processes. But a growing number of researchers and activists who discuss sex workers use a more robust and complex framework (e.g.; Showden & Majic, 2014; Willman & Levy, 2010). This trend allows sex workers to be understood as relational, ethical, agentic, and rational people, rather than solely as targets for change, vectors of disease, or victims whose goals and desires should be shaped by others. Part of this agentic focus stems from ideological commitments to placing the people under study at the centre.

3 Qualitative and Feminist Research as Multidimensional, Humanizing, and Collaborative

Both authors identify with feminist scholarship that directs us to look at policies that disproportionately affect women and gender minorities (Hawkesworth, 2003). As feminist scholars, we are committed to standpoint theory, which prioritizes those who are primarily impacted by policies in order to critically analyse such policies from their perspective (Harding, 2004, p. 7). To this end, we also engage in a series of practices that promote reflexivity in order to monitor the impact of our subject positions as researchers on the data (Nilan, 2002, p. 363).

Our feminist stance informs our selection of primarily qualitative research methods, which invites participants to have a fuller role in directing the findings. As qualitative researchers we spend a great deal of time with the “subjects” of our studies during interviews, focus groups, and observations. These practices include engagement with our potential biases during the data collection process, for example in the form of memos and peer debriefing intended to avoid “cherry-picking” (e.g. using only confirmatory data) (Patton, 2002). Such rigorous critical approaches may be a corrective to reductionist and incomplete scholarship that contributes to what some criminal justice scholars and community groups view as ineffective policy (Leon, 2011; Shdaimah, 2010; Wolf, 2001).

Our research studies provided confidentiality and employed pseudonyms in an effort to encourage candour and enhance participant safety. The studies were approved by the authors’ Institutional Review Boards. The studies took place at three sites (Baltimore Maryland, Philadelphia, PA, and Peterson County) and included a total of 76 respondents (28, 18, and 30 from each site, respectively). Shdaimah studied court-affiliated intervention programmes for women charged with prostitution (Philadelphia’s Project Dawn Court [PDC] and Baltimore’s Specialized Prostitution Diversion Program [SPD]). She focused on programme participants’ motivation for engaging in prostitution and their experience of the programme as they moved through it, and how the programme impacted on current and future involvement in prostitution. Leon investigated the open-ended research question: “Is prostitution a problem in our community, and if so, what kinds of services, interventions, or other solutions would help?” Her exploratory study was commissioned in advance of a statewide effort to assist people involved in prostitution in the urban jurisdiction of Peterson County. Across the studies, data collection included individual semi-structured interviews and focus groups with women in sex work, as well as observations in the courts, probation offices, and women’s correctional facilities. Due to the nature of the data collection, including focus groups that did not always include sociodemographic questions, not all respondents provided demographic information. We include age and race/ethnicity whenever we have this information, we do not impute such information where we did not collect it explicitly.

As noted above, our respective research on court-affiliated prostitution diversion programmes was related to criminal justice diversion programmes, driven by penal and rehabilitative agendas with the goal of curtailing sex work. This meant that the criminal justice and therapeutic personnel who initiated our research were more likely to view prostitution as a nuisance and harmful (Capous-Desyllas & Forro, 2014; Leon & Shdaimah, 2012). As a result, the people with whom we conducted our research were frequently targets of criminal prosecution. They were therefore more likely to be engaged in the sale of sex for survival purposes and were

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6 Peterson County is a pseudonym since the Institutional Review Board (IRB) overseeing research at this site required that the site should not be identified. Baltimore SPD and Project Dawn are identified.
perhaps different from sex workers who are less likely to be arrested in terms of their ability to make choices about their work venues and clientele. Weitzer (2009), a scholar notable for his call for empirically rather than ideologically driven prostitution research, distinguishes among call girls, escorts, brother workers, massage parlour workers, bar or casino workers, and streetwalkers, along several dimensions including exploitation, risk of victimization, and visibility (p. 217). Our sample is biased towards the group Weitzer would classify as streetwalkers, though some women in our sample described variation in types and locations of sex work. The sample is also biased in that it includes only cisgender women due to the fact that the proposed programmes either exclusively (in the case of Philadelphia) or primarily (in Baltimore and Peterson County) addressed this population.

In order to ensure that our research would forefront the perspectives of our respondents, whether or not these reinforced what agencies believed, we employed open-ended interview and focus group guides. These allowed our respondents to lead the conversation based on their concerns, goals, and priorities. We also used observational methods that enabled informal interactions between researchers and respondents. Observations allowed us to witness interactions between sex workers and between sex workers and criminal justice personnel in a variety of settings. In Peterson County, participants were intentionally solicited both within and outside of established programmes, to further enable views to be heard that might contrast with those of the programme personnel. In Philadelphia, interviews were also conducted with participants who had finished or been removed from the programme in order to broaden the perspective beyond programme participants.

4 Telling a Different Story: The Meaning of Mismatch

Given our methodological commitments and our approach to research on “alternative” criminal justice responses to prostitution as quasi-outsiders to the field, it is not surprising that our findings are often at odds with dominant accounts of the sex workers who are the targets of such policies. Both authors are well-established socio-legal researchers who examine law in action using ethnographic methods and work in close collaboration with courts, criminal justice agencies, and community groups. It was in this capacity that we were each approached by stakeholders involved with the creation of court-affiliated prostitution diversion programmes. In the framework of these collaborations, we both recognized that the voices of sex workers, the proposed targets of these programmes, were largely absent from stakeholder groups and we each used our research skills to forefront such perspectives in the policymaking process (Leon & Shdaimah, 2012; Shdaimah & Leon, 2015).

In peer consultations with each other (a common qualitative technique [Padgett, 2008]), we discovered similar themes across our respective studies. After recognizing the significance of these themes, we engaged in secondary data analysis to systematically identify them in our data (Sands, 2003). Although initially we conceived of our findings as anomalous, we have come to question whether these findings are anomalous or whether the prevailing wisdom and research are skewed. In this section, we describe the ways in which our findings challenge prevailing research and corroborate recent research that takes an emic perspective on sex work (e.g. D’Adamo, 2017; Kinney, 2014; Oselin, 2014; Toquinto, 2017).

5 Findings

5.1 Sex Workers as Rational and Moral Agents Acting Within Constrained Circumstances

Nearly all of our respondents discussed choices that they made, often referencing moral codes (Shdaimah & Leon, 2015). They draw on their knowledge, experiences, and ethical compasses to make decisions often within severely constrained circumstances and the limited options available through the criminal justice system (Monto, 2004, p. 162). Many of the women, even those who no longer sold sex in order to support a drug habit,
or who never traded sex for drugs, saw prostitution as what CJ described as “quick, fast money”: the most convenient and easy way to access much-needed income (Rosen & Vanketesh, 2008; Sanders & Hardy, 2014).

One Peterson County focus group participant viewed her sex work as a means of meeting her parental responsibilities and actively resisted the persistent stigma she felt. As Gabby explained:

Before like, I would feel like shit like when I would just be trickin’ for like crack, or something. But now that I don’t get high, I don’t feel bad because I’m doing it to put clothes on my kid and pay my bills. And I don’t feel bad for doing that now, like, you know what I mean? I feel bad when I did it for drugs, know what I mean? I don’t feel bad at all for doing it to feed my kids. I don’t. I don’t. I don’t feel like nothing wrong with it when I’m feeding my kids. I don’t. But getting high I do.

Gabby’s efforts to distinguish between unethical and morally defensible justifications of prostitution are evidence of moral reasoning and stigma management (Shdaimah & Leon, 2016). She reframes her contaminated identity by linking with mainstream values: in this case, the need to feed our children.

Sharon, a triracial Project Dawn Court graduate in her 40s, managed stigma by completely rejecting external moral characterizations of sex work. Sharon’s motivation for participating in PDC was a strictly practical calculus to enable her to return to legal employment.

And I knew at that point, it was time for me to come out of that life. It was an experience for me, but I couldn’t stay like that forever. I had hit bottom and it wasn’t fun anymore. So I decided to go ahead and take [the diversion programme] offer, because...if I was making a conscious decision to come out of it, [I knew] that I would need my record expunged because of my work history and me having to return back to work and possibly college... because I have never had a record prior to this and as much as I loved to smoke crack, and I’m not gonna deny, I love it, you know what I mean, it was good. I liked the high, it was fun, and the life experience for the prostitution and the solicitation and all of that... So ultimately I decided just, “Okay; I’ll take the deal”.

Sharon displays her knowledge of the legal system, risks and benefits of participating in the programme, and her own feelings about sex work as juxtaposed with societal and programme norms.

Our findings demonstrate that women engaged in street-based sex in the US often experience the limited choices and stigmatization noted in the predominant literature (Koken, 2012; Sallmann, 2010). However, our findings also conflict by emphasizing women’s agency in navigating constraints and challenging stigma (but see Bowen & Bungay, 2016). We also contribute to the literature by noting the benefits that women identify from sex work through calculated decision-making processes that balance financial, moral, and logistical factors.

5.2 Mentoring and Support/Helping and Hope

In our research we also found that women help each other (Shdaimah & Leon, 2016). They established boundaries, offering what they were able while limiting risk to themselves. Women mentored each other and served as role models when they were entering, working in, and exiting prostitution. For example, Amy, a white PDC participant, explained how women routinely offered guidance on the finances, health, and safety of selling sex:

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8 In Peterson County, participants in the focus groups held at neighbourhood locations (3/6 focus groups) – who were NOT part of diversion programmes or substance abuse treatment – emphasized that their sex work was independent of drug use and, among these, several described total abstinence from controlled substances. This serves as a reminder that sampling frames influence findings and that assumptions (for example, about drug use) require empirical exploration.

9 The names of study participants are pseudonyms to protect confidentiality. The respondents in Shdaimah’s study chose their pseudonyms and the pseudonyms in Leon’s study were assigned. Since we mined several sources of data, for some participants (often those who were interviewed), we have information about age and racial or ethnic identity. For others (often from focus groups or interview participants who declined to provide demographic data) we do not, and we believe it would be ethically and academically inappropriate to impute that information.

10 Stigma is a pervasive and well-documented feature of street-based sex work. As Sallmann writes of her respondents: Several aspects of living with stigma are evident in the participants’ narratives, reflecting everyday experiences of living with labeling, violence, and discrimination. Noted perpetrators included family members, lovers, friends, male clients, and employees of the criminal justice system. The women did not tell stories of isolated incidents; rather, what these narratives reveal is the pervasiveness of such experiences. Labeling, violence, and discrimination were, to them, normal and expected conditions. Therefore, the women were living with stigma as part of their day-to-day lives. Many women also mentioned that their self-perceptions were permanently altered by their prostitution and substance use. Despite these experiences, the women also told stories of resisting the messages that were directed at them. (Sallmann, 2010, p. 150)
One girl in Camden told me what to do, how to do it. How much money to charge, and where to stand, and the kind of person to go with. I got $100 for 10 minutes... Only a white guy. Only over 40. She told me what to do and what not to do. Always carry condoms. What corners to stand on that cops didn’t pass by a lot. How to look like you weren’t doing anything when you really were...she told me how to do it. Yeah. Sometimes I wish she wouldn’t have. But...I probably would have ended up doing it anyway. So it is kind of a good thing that she told me because I saved myself a lot of trouble...I wouldn’t want to see a little 17-year-old get raped and so I would tell them if you go with someone over 50 that’s not going to happen.

This kind of advice and sharing was echoed by other respondents in all three locations, and can be commonly found on the websites of sex worker organizations (e.g. Sex Workers Outreach Project, n.d.; St. James Infirmary, n.d.; The English Collective of Prostitutes, n.d.). However, practical concerns such as health and finances are all but ignored in the academic literature or in terms of policy considerations (Willman & Levy, 2010).

In addition to offering support to other women, during several focus groups in Peterson County, which asked about the kind of programming that would be helpful to women in prostitution, many participants offered to volunteer at a new kind of programme that placed sex workers at the centre. The desire to give (and get) peer mentoring was notable at all three research sites. Lauren was one of a chorus who was eager to help:

Me too, I will help volunteer too. That is so true, that young men and women don’t even know what they are headed for. That is why ... I want to be helping young people get their self together because that is where I think it starts. You don’t have to get in trouble to learn something, you know what I mean? Take it from me.

The women we spoke with echoed the growing recognition among scholars and service programmes that peer support is a crucial aspect of mental health and recovery (Repper & Carter, 2011). Our respondents particularly noted that women with similar experiences share a mutual understanding. They valued their peers as uniquely qualified to provide encouragement and serve as role models. One Project Dawn Court focus group participant explained:

We’ve been out there; we know what goes on. It’s that quiet understanding that you have with somebody that you can just see it in their face. .we do have that understanding, we do love each other for that...Seeing their strength it bounces off of me. When they relapse it’s like I relapse because we know we have that understanding. It’s like [we are] going through this together, it’s like our emotions are all attached. When one person goes back to jail, we feel that inside ‘cause we know that. But we cheer for each other and we keep each other strong, and that’s why it was really good that this programme brought us all together. Because a lot of us have seen each other either on the streets, if not in jail. [multiple yeps, yeah]. And maybe we’ve come across each other’s paths... Maybe we talked sitting in a sheriff’s van or something or shackled together somewhere. Maybe we seen each other... we’ve gotten to know each other intimately, you know what I mean? And just that thing in your eyes, that thing that says, “I know”, and I understand that. And it hits you right here [gestures]. And I love you guys.

Many PDC participants viewed the monthly court meetings for providing an opportunity to regularly meet with peers as a crucial strength of the programme. While they did not necessarily support these required meetings wholesale, they lamented losing the built-in peer group upon completing the programme; many wished that they could continue a peer support group after graduation. In the absence of an organized group, some stayed in touch with a few participants and graduates, or found support from family members who had travelled a similar path. Ariella, a Latina PDC participant, relies on a family member who also struggled with addiction to help her when she is feeling alone and discouraged:

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11 It is important to note that Amy explicitly disclaimed: “It wasn’t like I was pimping anybody but I would help out because on the streets that’s what you do for the next person.” There is some evidence that crackdowns on sex work in order to curb trafficking may have the unintended consequence of removing some of these basic precautionary measures that street-based sex workers can offer, if these precautions may be construed as facilitating sex work (Kinney, 2014).

12 For the importance of peer support, see also the public statements of groups like Mental Health America: http://www.mentalhealthamerica.net/peer-services; the National Alliance on Mental Illness: https://www.nami.org/Find-Support/NAMI-Programs/NAMI-Peer-to-Peer; and the US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration: https://store.samhsa.gov/shin/content/SMA09-4454/SMA09-4454.pdf.
When I’m alone with myself...I have racing thoughts and I get depressed or I get discouraged...I’ll start doubting myself...When you got somebody there to help you talk it through, you kind of grasp that you don’t have to give up.

These connections were sometimes severed when participants found them to be a liability, such as when a peer relapsed and they feared “going down” with them. Respondents remained non-judgemental, and indicated a willingness to reconnect and help when and if their friends were at “the same place”. Gina had been in touch with three other PDC participants upon graduation, but recently cut her ties to one friend who “started drinking”. Gina hoped that her disconnection would be a “wake-up call” to her friend: “Speaking to me on the phone should be enough to let you know, ‘Hey, like, Gina’s not a joke’. If I’m not letting you hang out with me, or if I’m not meeting you at a meeting, something’s wrong with that picture.”

5.3 Policy Governing Sex Workers

We have emphasized to this point the ways in which dominant approaches to prostitution often neglect the totality of human beings (i.e. as financial providers, caretakers, members of a support network) who make tough decisions each day. In this section we draw attention to the specific problems that arise from policies that rely on simplistic or damage-centred views about sex work and sex workers, as well as to policy recommendations made by the sex workers who spoke with us. Sex workers in our studies described current policies as ineffective in providing viable alternatives to sex work. They also condemned (un)intended consequences that limit their opportunities for legal employment and heighten public and personal health risks. Similar concerns have been reported in other studies (Rosen & Vanketesh, 2008; Sanders & Hardy, 2014).

Perhaps the most obvious barrier that current policies create is the effect of a criminal record, particularly one that includes the stigmatized charge of prostitution, on the ability to obtain legal employment or benefits. Even women who have relatively strong employment and educational records prior to their conviction for prostitution may face difficulties in this regard. As Sharon, quoted above, explained, one of her prime motivations for opting into PDC, despite its onerous requirements, was the chance of having prostitution charges expunged from her record. Unlike most of the women in our samples, Sharon had robust sources of social capital on which to fall back. In contrast, the majority of our respondents lacked the formal resources that accrue with class status or educational and professional experience. Most women faced much more dire consequences related to the crippling effects of their records. Jasmine, a Peterson County respondent, for example, had no vision of alternative legal employment by which she could support herself and her family.

But now that I got my mind a little clearer, I want to change. You know, but like it seems hopeless because I ruined my criminal background when I was out there trickin’ and everything that came with prostitution. You know, and I think a lot of ladies want to change, but what do they got to look forward to? Because they done ruined their crap.

Despite her professed desire to exit prostitution, Jasmine felt trapped by her criminal background, which she saw as the prime obstacle to change.

Jasmine’s situation illustrates the importance of attending to policy consequences as they are experienced by sex workers. In all three jurisdictions, there is some assistance toward the expungement of some charges for some defendants. In Peterson County, one non-profit organization serving all former offenders in the entire state (including but not focused on prostitution) can provide support for people to try to clear their records of all charges. In Philadelphia, the SPD will help participants who have remained drug- and prostitution-free for a year to expunge their current prostitution charges. In the SPD, the court often provides technical and financial assistance for expungement of prostitution charges. However, in none of the locations is there assistance for all defendants or for expunging the general criminal record (not just prostitution), which many of our respondents described as disabling their exit efforts. This leaves even the select group of offenders whose programme cleared some of their charges with significant barriers to employment and government benefits. Policymakers who listen to sex workers would better understand the significant barrier that criminal records pose for them in engaging in legal employment, thereby leading to policies that better address this problem. For example, policymakers could broaden legal aid programming (and expand its funding) to facilitate increased access to expungement and pardons of general criminal records.

13 In these cases it is not clear what constitutes evidence of compliance with these requirements and it may be onerous for participants to return to court to make a formal request a year after completion.
Our respondents noted the high familial and social costs of incarceration and the collateral consequences that characterize current prostitution policy. Ciera, in Peterson County, noted the failure to recognize the role that prostitution may play in economically sustaining families:

[Incarceration] affects women negatively because women usually are caretakers for the family, like the head of household... Being away for a violation of probation, which might take two weeks to go to court and then maybe another 120 days... it basically interferes with the upkeep and maintaining my family. And I just think the system doesn’t look to females as the head of household and that they, you know, play a major part in their family and they need to be there. And if it’s something minute like a misdemeanor or something of that nature that can be resolved in an hour or two or a day, then it would be more feasible than locking us up and taking forever to resolve.

While not all respondents sought legalization of prostitution, like Ciera many sought a more proportionate response. They also pointed to the illogic of responses that created what they saw as unnecessary social costs such as the break-up of families. Many of these costs do not flow from the legal sanctions for prostitution, but rather the attendant consequences of violation of probation, court costs, and an inability to post bail (Beckett & Harris, 2011). Renewed efforts to reform pre-trial detention, to continue educating judges and decision-makers about the impact of this constellation of costs, and the reduction or elimination of criminal fines and costs, particularly for low-income defendants, could lessen the impact (Harris, 2016).

Emphasis on what our participants viewed as an ineffective and unfair focus on women who sell sex as the sole target for intervention constituted another thematic strand common across our studies. Abby, a Peterson County focus group participant, shared her experience:

I was in court, and I was on the elevator with a [lawyer]... and I wind up in the parking garage giving him oral sex for $30, leaving court. So I’m saying, it’s like, a lot of people do it. The higher ups do it and everything else... people that’s in the closet, doctors, lawyers, the public defenders, police officers, judges...

Abby was not the only one who described criminal justice professionals who paid for or extorted illegal sexual services. These underscored the perceived hypocrisy of the criminal justice system that has ramifications for the legitimacy of the system and the rule of law (Tyler, 1988). Our respondents complained about the unfairly one-sided nature of policy that focuses on the people who sell sex and not purchasers, which has also been highlighted by some scholars and advocates (Monto, 2004; Sanders, 2013). While we do not necessarily advocate demand-reduction policies, nor do our respondents, targeting only the women who sell sex perpetuates stigma and gender norms (Carpenter, 1998).

Many of our respondents who felt stigmatized by their engagement in sex work distinguished between what they saw as morally acceptable and unacceptable reasons for selling sex. Like Gabby, the Peterson County focus group participant quoted above, (“I don’t feel like nothing wrong with it when I’m feeding my kids”), many insisted on their own morality.

Gabby’s assertion of morality reveals her continued discomfort (e.g. repeated assertions of “I don’t”), which itself may hamper her exit from prostitution as she might be less likely to seek assistance or to apply for legal employment. Reducing stigma, which can be accomplished by institutionalizing trauma-informed care, for example, can improve access to support services and can increase the success of those seeking assistance.

The women we spoke with clearly identified an unintended consequence of current practices that address street-based prostitution. They explain how criminalization and accompanying interventions based on a coercive approach ruin job prospects and ignore public health risks as well as the underlying problems that lead to prostitution. Women in our studies suggested more effective alternatives that would take into account the demand side of prostitution and the obstacles current policies create.

As part of Leon’s research, participants were explicitly asked to reflect on what kinds of programmes, services, and policies would make a difference. Even when not asked directly, women across the studies made policy recommendations that grew from their experiences. Specifically, they asked for the removal of collateral consequences and for programmes and practices that meet needs that contribute to sex work and prevent exit: systemic reform such as living wage jobs and affordable housing, transportation and child care. As Grace explained, “the problems are deeper rooted than us just walking up the street to pull a date”.

Respondents such as Kerry from Peterson County pointed to the danger of viewing sex workers merely as a source of disease to be surveilled and punished. Such approaches that stigmatize sex work and drive it further underground heighten public health risks.
I mean, how many men out there have I given HIV to? ...because of my risky behaviours. And when I was first diagnosed, the doctor said I was HIV positive... That makes me wonder how many families that I gave this disease to. You know, the men, they bring it back home to their wives. There’s so many men out there that don’t even know that they’re positive… I’m not going to go out and tell them all.

Sex workers in our study, such as Christina from Peterson County, wanted to be partners in reducing harm: “If it was legalized, it wouldn’t be a problem because at least you’d know that the person you’re picking up is affected by HIV and you can make the choice whether to meet with them or not.” In contrast to the literature and policy that essentializes sex workers as vectors of disease to be managed, Christina sought recognition as an active participant in improving public health.

6 Conclusion

This article articulates our concerns with the prevailing ethos in prostitution research. Using a feminist stance of open inquiry we revised our understanding of street-based prostitution. The initial frame, shaped by our collaboration with court personnel and government reformers, focused on saving women from harm. However, we came to view harm as a result of exclusion and marginalization, even if these are the result of good intent. Cynthia Tuck sees such problems as commonplace due to what she calls “damage-centered” research that is the primary way in which researchers and policymakers understand that marginalized populations, though visible in the literature, are invariably portrayed as either victims or perpetrators. These characterizations frame our communities as sites of disinvestment and dispossession; our communities become spaces in which under-resourced health and economic infrastructures are endemic. They become spaces saturated in the fantasies of outsiders (Tuck, 2009, p. 412).

Although Tuck refers to research on urban youth engaged in street life, she uses the example to illustrate a broader trend encompassing research on racial and ethnic minorities, low-income communities, and other oppressed groups and individuals.

In a related way, moving from a specific empirical case to a larger area of scholarship, our own research findings add complexity to, and often counteract, prevailing characterizations of women engaged in street-based prostitution. We join a growing group of scholars who draw attention to the multidimensionality of sex workers’ identities, goals, and daily lives to provide a fuller picture of their lives and experiences (Cheng, 2013). Such a picture inevitably shifts from the options of repair, rescue, or repression as women talk back. It shines a light on the systemic factors that shape women’s choices and lives, and connects “those women” who are the objects of study to us as researchers and to all women. This point has broader application; policymaking should always include the voices of all those who are likely to be impacted (including, for example, clients of sex workers, and neighbourhood residents).

Since we began our research with women in sex work, we have contributed to the emerging knowledge base that places women at the centre (Leon & Shdaimah, 2012; Shdaimah & Leon, 2015; Shdaimah & Leon, 2016). We have reflected on the consequences of the mismatch between our data and dominant paradigms, as well as our role as researchers in perpetuating and challenging these current research trends. It is clear from our data that damage-centred research and policy lead to (un)intended ineffective and harmful policy. How do we acknowledge harm where it exists without allowing it to become a focus that obscures all else? We apply these lessons of critical analysis and responsibility not just to others’ scholarship but to our own. How have we unwittingly contributed to damage-centred sex work research by focusing on what are often considered the most marginal of sex workers? We would like to continue to explore such questions together with our fellow scholars and activists to enable us to engage in research that is both ethical and comprehensive in its portrayal of sex workers.

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Corey Shdaimah, LL.M., PhD, is Associate Professor and Academic Coordinator of the JD/MSW Dual Degree at University of Maryland, School of Social Work. She uses primarily qualitative methods to understand how people who are targeted by policies or charged with their implementation adapt and respond to what they perceive as ineffective or unjust mandates. She has ongoing projects exploring criminal justice responses to sex work, court-affiliated prostitution diversion programs, dependency court reform, and child care. Among other books and articles, she is co-editor, with Katie Hail-Jares and Chrysanthi Leon, of Challenging Perspectives on Street-Based Sex Work (2017).

Chrysanthi Leon, JD, PhD, is associate professor of Sociology & Criminal Justice, Women & Gender Studies, and Legal Studies at the University of Delaware. Leon received her graduate degrees from UC Berkeley. She is an interdisciplinary scholar in the area of law and society with particular emphasis on the justice system. Her book, Sex Fiends, Perverts and Pedophiles: Understanding Sex Crime Policy in America is available from NYU Press. Leon is co-editor, with Katie Hail-Jares and Corey Shdaimah, of Challenging Perspectives on Street-Based Sex Work (Temple University Press).


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Understanding Fear and Unease in Open Domains: Toward a Typology for Deviant Behaviour in Public Space

Sunniva Frislid MEYER
Institute of Transport Economics, Norway; sfm@toi.no

ABSTRACT

The aim of the study described in this paper is to construct a typology for deviant behaviour that causes unpleasant incidents in public space. To investigate what sort of unpleasant incidents people might encounter, the study used a qualitative survey methodology whereby Norwegian respondents were asked to describe unpleasant incidents. Other studies often use data on criminal incidents that have been extracted from official records and thus ignore incidents that may cause fear without being serious enough to be reported. This study has demonstrated that to understand what makes people uncomfortable in public space we must study incidents that are deviant without breaking the law, as well as criminal behaviour. All types of deviance make people change their behaviour, but deviance motivated by sexual gratification seemingly makes people change their behaviour more frequently. Hence, policymakers should focus not only on preventing crime, but also on preventing deviant acts that create fear and thus restrict individual freedom.

KEYWORDS
deviance; public space; typology; signal crime; signal disorder

1 Introduction

People’s welfare depends on their ability to carry out daily activities without having to worry about their own security. Many of these daily activities involve travelling through public space, whether travelling back and forth to work, to the shops, or to social occasions. Perceived risk of being the victim of criminal offences, violence, or threats influences people’s behaviour, whether they choose an alternative walking route, avoid public transport in the evening, or end up staying behind locked doors (Fyhri, Hof, Simonova, & de Jong, 2010; Loukaitou-Sideris, 2006; Stangeby & Nossum, 2004). Innes (2004) argues that signal crimes and signal disorders influence this perceived risk. He defines such incidents as “acts that breach either the criminal law or situated conventions of social order and in the process function as warning signals about the presence of a risk to security to people” (Innes, 2005, p. 1206).

To better understand how signal crimes and signal disorders create fear and unease in open domains, and with that restrict people’s behaviour, this study aims to construct a typology for deviant behaviour that causes unpleasant incidents in public space. To map such incidents, a qualitative survey was created. It asked respondents to describe unpleasant incidents that they have encountered in public space. The interpretation of what constitutes an unpleasant incident is, however, highly subjective. In this paper the term “unpleasant incident” refers to any incident that makes a stay in public space less agreeable by causing negative emotions, such as discomfort, unhappiness, or revulsion, in the victim/witness.

Section 2 examines relevant literature, and Section 3 presents this study’s objective. Section 4 discusses the method employed in the study. Section 5 presents a typology based on the survey results, describes gender and age differences in reported incidents, and explains which types of incidents cause behavioural change. Section
6 discusses how the results relate to the literature and whether the typology fits the criteria for an efficient typology. Finally, Section 7 summarizes the results and infers some implications.

2 Literature

2.1 Fear of Crime

Wilson and Kelling’s Broken Windows theory claims that small, nuisance crimes that are left unpunished breed more serious crimes (Hagan, 2013, p. 32). Untended disorderly behaviour can signal that nobody cares about the community and lead to more serious disorder and crime. Such signals both create fear in citizens and attract predators (Hagan, 2013, p. 406). Innes (2004, 2005) develops this argument further in his “signal crimes” perspective. Major crimes such as homicide can and do function as signals, but for most people, most of the time, less serious incidents influence their risk perception (Innes, 2005). Hence, when studying incidents that might influence people’s risk perception we need to include all types of unpleasant incidents, not only the incidents that violate criminal law.

Studies of what makes people feel insecure in public space point to features of the physical environment, people, and actions (Meyer, 2016). Unknown people and persons that are perceived as being deviant may create insecurity among public-space users (Johansson, 1997). Actions that may create insecurity include sexual harassment (Gustafson, 1998; Johansson, LaFlamme, & Eliasson, 2012; Mehta, 1999), robbery (Van der Burgt, 2006), assault (Sundhage, 2005), graffiti (Doran & Lees, 2005), selling drugs (Brattbakk et al., 2015), drug abuse (Lewis & Maxfield, 1980), men that make sexual advances at inappropriate times and/or places (Sundhage, 2005), and many other forms of socially unacceptable behaviour (Sreetheran & van den Bosch, 2014).

However, fear in public space depends on many dimensions beyond the simple existence, possibility, or experience of unpleasant incidents. Koskela and Pain (2000) show how rumours and expectations influence women’s interpretation of the physical environment experience of fear in different urban environments, and Tulumello (2015) shows how fear in the urban environment depends on a district’s image outwards, which again depends on media discourses. Thus, the prevention of these events is not, per se, a guarantee that fears and anxieties will be overcome.

Personality is an important predictor of fear of crime. Research shows that the more emotionally stable a person is, the less that person thinks about the possibility of experiencing an accident or an unpleasant incident (Fyhri & Backer-Grondahl, 2012; Sjöberg, 2003). Some population groups – either because of their physical inability to defend themselves or their social and economic position – may feel less safe than others (Pantazis, 2000). Pain (2010) shows that in the current geopolitical climate marginalized minority groups are most affected by fear. Women and the elderly tend to be more afraid of criminal victimization (Mark, 1984; Snedker, 2015). Gender is, furthermore, a significant predictor of behavioural adaptations, with women adapting their behaviour more than men. Women are more likely to avoid travelling at certain times, avoid travelling altogether, or choose another route et cetera due to fear than men (Fyhri & Backer-Grondahl, 2012).

2.2 Deviance

Social norms specify what is acceptable and what is not in a society or group, defining both appropriate and non-appropriate behaviour (Becker, 1991; Bicchieri & Muldoon, 2011; Schiefloe, 2011). Deviance is “non-conformity to generally accepted rules and norms” (Giddens, 2010, p. 269), and thus relative to the norm. Social groups “create deviance by making the rules whose infraction constitutes deviance” (Becker, 1991, p. 9). Categorization of behaviours as deviant is a social, political, and cultural process depending on values, hegemonic beliefs, and power relationships among groups in a society (Bertrand, Mosher, & Brockman, 2010; Gusfield, 1984; Melossi, 2003). Some norms are, however, universal. The best-known universal norm is the taboo against incest (Schiefloe, 2011); parents are banned from having sexual relations with their children and siblings should not have sex with each other either. Other norms are culture-specific. Most norms about with whom and when one is allowed to have sex vary significantly between different cultures.

2.3 Typologies

Classification is in group entities by similarity (Bailey, 1994, p. 4). Event analysis, for example, can be conducted by classifying events according to types that share a specified combination of factors (George & Bennett, 2005, pp. 237–238). A typology is a classification that is multidimensional and conceptual (Bailey, 1994, p. 4). Criminal typologies attempt to classify types of crimes and criminals. Such typologies can provide
a useful, illustrative device that enables us to simplify and make sense of complex realities (Hagan, 2013, p. 201).

Becker (1991) has created a typology that focuses on the social context of an act, but encompasses all types of deviant behaviour, whether defined as illegal or not. He first distinguishes between obedient behaviour and rule-breaking behaviour, and then discusses whether either of those behaviours is perceived as deviant. He ends up with four categories: falsely accused, conforming, pure deviant, and secret deviant. This typology adds depth to the understanding of the causes of deviant behaviour, but does not build on any empirical data (Becker, 1991). For this study, we need a more detailed typology, and to ensure that it still encompasses all types of deviant behaviour, it should build on empirical data.

The British Research Development and Statistics has created a typology of antisocial behaviour, drawing on the experiences of antisocial behaviour identified by respondents in the British Crime Survey (BCS). Antisocial behaviour is defined as acting “in a manner that cause[s] or [is] likely to cause harassment, alarm or distress to one or more persons not of the same household as (the defendant)” (Harradine, Kodz, Lemetti, & Jones, 2004). The typology distinguishes between misuse of public space (such as drug/substance misuse and dealing, begging, and sexual acts), disregard for community/personal well-being (such as noise and rowdy behaviour), acts directed at people (intimidation/harassment), and environmental damage (vandalism and littering) (Harradine et al., 2004). The typology is comprehensive, but excludes more serious crimes (such as rapes, violent fights, and robberies) that, even if rare, will cause fear in victims and/or witnesses.

An efficient typology is exhaustive, mutually exclusive, fertile, and pragmatic (Gundel, 2005). A typology is exhaustive (or comprehensive) if all units belong to at least one class, and it is mutually exclusive if none of the units fall into more than one class. Hence, for the typology to be mutually exclusive the distinctions between the various categories need to be so clear that it is reasonably easy to place each unit in one and only one category. A typology is fertile if it has practical utility, and it is pragmatic if it does not contain so many classes that it becomes difficult to use.

A typology of unpleasant incidents should ideally have similar properties. In addition to the above criteria, Meyer (2008) introduces the criterion comprehensible. Descriptions of dimensions, types, and classes must be understandable, so that other users (than the author) of the typology can also decide which class of unpleasant incidents an actual incident best fits.

### 3 Objective

The aim of this paper is to create a typology that encompasses all behaviour (both criminal and non-criminal) that might cause unpleasant incidents in public space. To ensure that the typology is comprehensive, it will build on empirical data collected about unpleasant incidents in public space. The purpose of the typology is to demonstrate the range of behaviour that can cause unpleasant incidents.

### 4 Method

#### 4.1 Survey

To collect information about the types of deviant behaviour that cause unpleasant incidents in public space, a qualitative web survey with the purpose of catching the diversity of deviant behaviour was created. The survey starts by explaining the term unpleasant incident: “An unpleasant incident can be many things: serious crimes, unpleasant behaviour, annoying fundraisers, distress, etc. It is you who decides what is uncomfortable for you!” Next, respondents were asked to describe an incident: “Think of the most recent unpleasant incident you’ve experienced in public space. Can you, in your own words, describe this incident? Write as much detail as possible.” In addition, the survey asked about:

- date and time of the incident
- place of the incident (open-ended)
- offenders (number of offenders, gender, age, description (open-ended))
- whether the incident was reported to the police
- whether the respondent changed behaviour because of the incident, and if so, how (open-ended)
- personal characteristics of the respondent (gender, year of birth, work situation, residence (post code))

All quotes in this paper have been translated by the author from Norwegian into English.
4.2 Sampling
Since the goal of this study was to catch diversity to build a typology (rather than test it), it was not considered strictly necessary to provide a representative sample and a non-random sampling strategy was chosen for practical reasons. Accordingly, a combination of accidental sampling and self-selection was employed (Mordal, 2000). Respondents were recruited by (1) handing out flyers with a link to the survey on buses, trams, and metro carriages in Oslo city centre, (2) advertising the survey through Facebook, (3) promoting the survey through media coverage (web and newspaper), and (4) promoting the link through Institute of Transport Economics’s web page. This wide-ranging promotion was employed to reach out to an extensive audience. The survey received 179 replies and a small majority (around 55%) of the respondents were women. The respondents varied in age from 18 to 68 years old, where the mean age was 36 and the median age 34. The survey covered neither minors nor seniors. As the survey was in Norwegian, immigrants are probably under-represented. Most respondents reported that they either worked (around 71%) or studied (around 21%). About 80% lived in either Oslo or Akershus, the county surrounding Oslo.

Three respondents submitted nonsensical descriptions (“fssgs”, “x”, and “a”) and two incidents evidently did not occur in public space. Hence, the data set contains 174 incidents out of 179 replies.

4.3 Limitations and Generalizability
Employing a survey methodology to map behaviour will always suffer from limitations. Although the survey asked explicitly about the last unpleasant incident the respondents had experienced, 38 respondents described incidents that reportedly occurred more than one year earlier and these incidents tended to be more “serious” in scope than the more recent incidents. The respondents might have remembered these older and more “serious” incidents better than more recent and less “serious” incidents. We must therefore expect there to be a certain over-representation of the more salient incidents in the data set.

Recollection is a further challenge. When asking people about experiences that might have happened several years ago, we cannot expect their recollection to be accurate. The actual experience of an event fades over time, and each time we recall some event we must reconstruct it (Stone, Bachrach, Jobe, Kurtzman, & Cain, 1999). With each reconstruction we ask ourselves what happened and how the event transpired, and our answer depends partly on memory and partly on our sense of what is plausible (Stone et al., 1999). Hence, for each reconstruction our memory can change to make the memory more plausible for the current self. The events reported in the survey will thus be biased towards what respondents currently think is a logical sequence of actions, and this bias increases the further back in time the respondent had the experience.

This bias can also have influenced replies to other questions, such as the “behavioural change” question. There exist, for example, many reasons why people might change their travel pattern, and these reasons might not always be so easy to remember later on. Responding to such a survey might make respondents believe that the incident made them change their behaviour, while other reasons actually prompted the behavioural change.

4.4 Analysis
To analyse the data collected, the researcher has read through descriptions of the incidents (at least) four times: first, with the purpose of getting to know the unpleasant incidents and looking for common themes; second, to distinguish between motivations behind the acts of the “offender(s)”; third, to distinguish between levels of deviance; and finally, after constructing the typology, the researcher read through descriptions of the incidents and classified them according to the typology.

The researcher was, of course, influenced by her pre-understanding as a scholar. With some background in environmental criminology and situational crime prevention, any feature relevant to preventing the incidents would be noticed more easily. In addition, the researcher could not avoid being influenced by her values, and, accordingly, her cultural context, when categorizing incidents. The researcher was born in Norway of Norwegian parents, is a city dweller, and culturally belongs to the majority group in Norway.

5 Results
5.1 A Typology of Unpleasant Incidents in Public Space
After carefully reading descriptions of the incidents, two dimensions that can be used to distinguish between the incidents were identified: the type of deviance and motivation for behaviour. The first type of deviance is
the violation of formally enacted laws and can be referred to as formal deviance. The second type of deviant behaviour is violation of informal norms, norms that have not been coded into law, and is referred to as informal deviance. In this typology, informal deviance is, furthermore, divided into deliberate informal deviance and inadvertent informal deviance. The first is characterized by the perpetrator’s awareness of the norm and his or her deliberately choosing to deviate from this norm in his or her behaviour, and the second is characterized by the perpetrator’s not being aware of breaking any norm. The fourth type of behaviour is non-deviant behaviour.

A young woman describes a case of formal deviance:

I was standing and waiting for the tram at Holberg’s Place at 10 pm on a Sunday evening. I had just been to the store and therefore my bag with contents was open with wallet facing up, which I was fully aware of. There were few people at the bus stop and I reacted when I noticed that somebody touched me. Just as I turned around, two men of Eastern European origin also turned, still remaining in place. I looked into my handbag, saw that my wallet was gone, and grabbed hold of the nearest of the men. He turned around and started grinning at my face with my wallet in his hands. I grabbed my wallet and looked sternly at him while he continued to grin before he started to laugh (…) straight to my face! He stood like that for perhaps 20–30 seconds. I was lucky that I got the wallet back without any problem, even if it was because they understood that they had been caught in the act. The most unpleasant thing was that I was forced to stand by the thieves for several minutes afterwards at the bus stop, unable to do anything. It felt incredibly provocative that they continued to stand there after I had caught them in the act.

The above incident happened in the evening while it was probably quite dark, but the tram stop she mentions is very busy and she was probably not alone with the thieves while she was there. Not being alone with the thieves may have contributed to her description of the incident as unpleasant rather than frightening.

Many incident descriptions exhibit deviant behaviour that does not violate any formal rule. Begging, for example, is mentioned by 34 respondents, often because they feel that beggars behave aggressively or ask for money when the respondent cannot leave, such as when waiting for a bus. A man has described an incident where a money collector deliberately tried to play on his conscience:

I was stopped by a money collector, who worked for a humanitarian organization, on the way home from the store. It happens from time to time, but this was extra uncomfortable because he did not stop even though I said clearly that I was not interested. Instead he went on to ask how old my daughter was and tried to connect her age to the cause he collected money for, in a kind of attempt to give me a bad conscience. Because I’m far too polite, I answered his questions, and then we were really underway. I found it uncomfortable because of the seller’s assertiveness and rudeness (it’s rude to ask personal questions on public streets with the intention of selling people something, as I see it).

The above incident happened in the morning and the target seems to have experienced it as a disagreeable incident rather than an intimidating one.

In the above incidents, the “offenders” know or should know that they are acting against public norms. Sometimes people might behave deviantly and create anxiety without even knowing it. A young woman describes such a situation:

I was going to a concert and went from Stockfleths café in Schweigaardsgate to Grønland metro station. (…) After a little while I heard someone singing “Hello, is it me you’re looking for?” on the other side of the road. First, I thought it was a funny way of getting in touch, but (…) [was unsure about whether it was me he was addressing]. I gave him a smile and he responded by expressing that my body was pleasing to him and that he wanted contact. The man did not speak Norwegian, so it was mostly in pointing and sounds. Therefore, it is somewhat unclear what he really meant, but I experienced his body language as uncomfortable. I became nervous because of his audacity and decided to go further in my direction with my eyes fixed forward. Then the man crossed the road and followed me while he sang. I walked very fast until I did not hear him behind me anymore.

This man was evidently quite new to Norwegian society (since he spoke neither Norwegian nor English) and might have believed that he was hitting on someone in an appropriate way, while the young woman experienced his behaviour as unnatural and worried that he might be willing to hurt her. She became anxious despite of her probably being in a busy area early on a Saturday evening (before sunset).

Finally, a few respondents describe incidents where no one has violated any norm – non-deviant behaviour – but even then the behaviour creates an unpleasant incident. A few respondents mentioned incidents with cramped public transportation.
The second dimension is the motivation behind the deviant behaviour: monetary gain, sexual gratification, need for aggressive outlet, and personal expression.

The data set consists of many incidents that seemingly are motivated by the possibility of monetary gain. Harassment by prostitutes and drug dealers has been mentioned by several respondents. Here is a young man’s account:

I work at one of the pubs in Karl Johan’s gate. When I work nights, I finish work around 4:00/4:30 am, depending on how much tidying is needed before we close the pub. When I go up towards (...) to take the night bus home, (...) many prostitutes of African origin (...) walk up and down the main street and offer themselves to all who pass by. They are very pushy and annoying and if you try to ignore them or reply “no”, … they often get aggressive and reply with offensive comments. I have also sometimes been offered to buy drugs (marijuana or hashish) by African men walking down the main street. I rarely feel safe when I walk up the main street at night. I am often afraid of being robbed. Fortunately, it is usually pretty quiet at the bus stop.

Although selling sex is not illegal per se, this young man is explicit that both prostitution and drug dealing make him worry about being robbed. Prostitution and drug dealing thus function as signal crimes and disorders.

Many reported incidents are motivated by sexual gratification. A young woman provided one example from Oslo city centre on a weekend night below:

At Oslo City [Norway’s most visited shopping centre] I sit down on a low window sill to find the bus stop on my mobile phone ... In my peripheral vision, I suddenly see a shoe on each side of my own. I look up at a guy who just stands astride me and grins as he asks if I have a boyfriend. I lie and say yes while I look back at my mobile. The guy bends down over me, still with a leg on each side, and asks if my boyfriend is strong and then I say yes. Then the guy asks whether my boyfriend is stronger than he is. “Yes, my boyfriend is stronger. Go away.” He then stares at me and says, almost a little aggressively: “You must understand that I just want to tell you how pretty you are.” I was very tired of hearing how damn pretty I am [sic] and I raise myself halfway up, succeed in creeping out between his legs and hurry off as he shouts after me: “I can be a much better boyfriend than the one you already have.”

A later extract from the same description:

After much searching, I find the bus stop just too late to catch the bus. Twenty minutes to the next, I think as I discover a drunk guy ... that comes reeling toward me. He is together with what looks like a group of friends. The gang is left in the background while he sets himself up in front of me, blocking the way. He keeps his balance by waving in the air as he looks at me with blurry eyes, grinning, drooling a little, and asks me how old I think he is. The next second he becomes very indignant because (1) I do not think he is more than 18−19 years and (2) I do not want to have a chat with a “so alright and charming guy” who he claims he is. He takes hold of me and starts to hump me, probably convinced that we are both really enjoying ourselves. I push him away, yell out some expletives ... and proceed along the pavement in front of the bus stops.

In addition, the data set includes incidents that seemingly are motivated by the need for an aggressive outlet and personal expression. A young woman describes what seems to be an incident motivated by the need for an aggressive outlet:

I sat on the tram with some classmates when a lady who seemed highly intoxicated suddenly entered. She managed to overhear a conversation between me and my classmate that ultimately triggered something in her; she scolded me loudly on the tram. She chose to attack only me and she called me everything from “foreigner” to “black negro bitch”. She said that even if I was adopted (which I am), I was no better than other immigrants here in Norway. She believed that a foreign pharmacist had tried to drug her and believed that this also was my fault. (...) This [scene] lasted approximately 10 minutes before she left. Many reacted with disgust and yelled that she should leave. For my part, I was so shocked that I could not react during the incident. Consequently, I have become too scared to take the tram, bus, and rail. I do not like it when I see drunken people who look a bit unstable…

This incident of aggressive expression of racist opinions occurred during the afternoon and frightened the young woman despite it happening in daytime with many people around.

An older woman has described some daytime incidents motivated by personal expression:

I live at (...) in the first area that has green spaces in the street between the houses. This is a pleasure and I try to make nice flower beds on the lawn for communal enjoyment. (...) there are many dogs at
Taking the dog for a walk. I like dogs, but I find that many dog owners have an attitude about this fine area that is incomprehensible to me. This [area] is seen as a public pee place for their dogs, and daily the dog owners allow their dogs to defecate and urinate at the entrance. When I politely address them and inform them that you can just walk across the street where there is a lawn and no nice landscaped garden so no one will care, they don’t understand. I’m trying to say it is not as pleasant to make this area nice when all the dogs are going to use it as a toilet. We have a low fence that suits the building and the original design of modernistic architecture. Now we are considering making a hedge to end this behaviour. I think it’s a pity and wonder why they don’t see that we tend gardens and flowers as they tend their dogs. Why don’t they appreciate more thoughtfully the urban space we create? This is not a one-time event, but happens very often, if not daily. The last time this happened, I was yelled at and given a clear message that this is a public space and he let the dog dig up the lawn while I stood there and watched.

Combining these two dimensions, the typology ends up with 16 classes of unpleasant incidents. Table 1 illustrates this typology.

<table>
<thead>
<tr>
<th>Type of deviance</th>
<th>Formal deviance</th>
<th>Deliberate informal deviance</th>
<th>Inadvertent informal deviance</th>
<th>Non-deviant behaviour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monetary gain</td>
<td>Profit-seeking crime</td>
<td>Overstepping boundaries for monetary gain</td>
<td>Inappropriate profit-seeking behaviour</td>
<td>Appropriate profit-seeking behaviour</td>
</tr>
<tr>
<td>Sexual gratification</td>
<td>Sexual crime</td>
<td>Inappropriate sexual attention</td>
<td>Awkward sexual attention</td>
<td>Appropriate sexual attention</td>
</tr>
<tr>
<td>Aggressive outlet</td>
<td>Aggression crime</td>
<td>Abuse</td>
<td>Inappropriate demonstration of aggression</td>
<td>Appropriate demonstration of aggression</td>
</tr>
<tr>
<td>Personal expression</td>
<td>Victimless crime</td>
<td>Egoistic deviance</td>
<td>Ignorant deviance</td>
<td>Appropriate self-centred behaviour</td>
</tr>
</tbody>
</table>

Table 1: A typology of unpleasant incidents

Profit-seeking crime is the violation of formally enacted laws to obtain monetary profit. Examples include robbery and pickpocketing. Overstepping boundaries for monetary gain is deliberate violation of informal norms to obtain monetary profit, such as aggressive panhandling and prostitution. Inappropriate profit-seeking behaviour is violation of informal norms to gain profit without being aware of breaking any norm. One example is some forms of proactive street trading. Appropriate profit-seeking behaviour is profit-seeking behaviour without violating any norm, such as most street trading and money collection.

Sexual crime is the violation of formally enacted laws to obtain sexual gratification, such as sexual harassment. Inappropriate sexual attention is deliberate violation of informal norms to obtain sexual gratification, such as hitting on someone in a degrading way (degrading compliments et cetera). Awkward sexual attention is violation of informal norms to obtain sexual gratification without being aware of breaking any norm. One example is hitting on lone women in desolate streets after dark. Appropriate sexual attention is any act motivated by sexual gratification without violating any norm, such as asking a stranger to join you for a coffee in broad daylight.

Aggression crime is expressing aggression in a way that violates formally enacted laws, such as violent assault. Abuse is the expression of aggression in a way that the perpetrator knows is violating informal norms. Many types of verbal abuse are not serious enough to be considered a violation of formally enacted laws, but are still violation of informal norms of behaviour in public space. Inappropriate demonstration of aggression is expressing anger in a way that violates the informal norms for behaviour in public space without being aware of breaking the norms. One example is a noisy quarrel in public. Appropriate demonstration of aggression is any expression of aggression that is a reaction to some immediate transgression and is proportionate to the transgression. Parents that reprimand their children will usually fit into appropriate demonstration of aggression.

Victimless crime is self-centred behaviour that violates formally enacted laws. Taking drugs in public and painting graffiti are examples of victimless crime. Egoistic deviance is self-centred behaviour where the perpetrator deliberately violates informal norms, such as putting one’s feet on passenger seats. Ignorant deviance is self-centred behaviour where the perpetrator is unaware of violating a norm. Groups of people, particularly groups of drunken people, can often create serious amounts of noise without being aware that they
are bothering bystanders. *Appropriate self-centred behaviour* is self-centred behaviour that does not violate any norm. Too many people in a small space might cause discomfort even if none of the people has violated any norm.

All classes in the typology of unpleasant incidents are (as evaluated by the researcher in light of her cultural background) covered by data collected through the survey (even though one class only contains one incident: appropriate sexual attention). Incidents motivated by monetary gain or the need for an aggressive outlet are, furthermore, much more common in the data set than incidents motivated by sexual gratification or personal expression. Fifty-five incidents can be coded as motivated by monetary gain, 29 as motivated by sexual gratification, 56 as motivated by the need for an aggressive outlet, and 34 as motivated by personal expression.

The data collected through this study were used to build the above typology and further analysis should therefore ideally use new and independent data. The typology could, however, be useful for conducting quantitative analyses, for example when investigating further what sorts of incidents frighten people and/or make them change behaviour.

Table 2 shows the number of incidents from the data set that match each class in the typology and Table 3 provides examples for each class of unpleasant incident.

### Table 2: The number of incidents from the data set that match each class

<table>
<thead>
<tr>
<th>Type of deviance</th>
<th>Formal deviance</th>
<th>Deliberate informal deviance</th>
<th>Inadvertent informal deviance</th>
<th>Non-deviant behaviour</th>
<th>Sum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monetary gain</td>
<td>17</td>
<td>17</td>
<td>18</td>
<td>3</td>
<td>55</td>
</tr>
<tr>
<td>Sexual gratification</td>
<td>10</td>
<td>12</td>
<td>6</td>
<td>1</td>
<td>29</td>
</tr>
<tr>
<td>Aggressive outlet</td>
<td>29</td>
<td>18</td>
<td>5</td>
<td>4</td>
<td>56</td>
</tr>
<tr>
<td>Personal expression</td>
<td>8</td>
<td>8</td>
<td>11</td>
<td>7</td>
<td>34</td>
</tr>
<tr>
<td><strong>Sum</strong></td>
<td><strong>64</strong></td>
<td><strong>55</strong></td>
<td><strong>40</strong></td>
<td><strong>15</strong></td>
<td><strong>174</strong></td>
</tr>
</tbody>
</table>

### Table 3: Examples of incidents for each class of unpleasant incident

<table>
<thead>
<tr>
<th>Type of deviance</th>
<th>Formal deviance</th>
<th>Deliberate informal deviance</th>
<th>Inadvertent informal deviance</th>
<th>Non-deviant behaviour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monetary gain</td>
<td>Robbery</td>
<td>Aggressive panhandling</td>
<td>Proactive street trading</td>
<td>Ticket inspection</td>
</tr>
<tr>
<td>Sexual gratification</td>
<td>Sexual harassment</td>
<td>Hitting on someone in a degrading way</td>
<td>Hitting on someone in an untimely way</td>
<td>Flirting</td>
</tr>
<tr>
<td>Aggressive outlet</td>
<td>Violent assault</td>
<td>Harassment</td>
<td>Loudly arguing in public space</td>
<td>Speaking out about a grievance</td>
</tr>
<tr>
<td>Personal expression</td>
<td>Taking drugs in public</td>
<td>Putting feet on the passenger seat</td>
<td>Group of drunken people talking loudly in a bus</td>
<td>Crowding</td>
</tr>
</tbody>
</table>

### 5.2 Gender and Age Differences

The differences between the sorts of incidents women and men report are small with one major exception: 23 out of 24 incidents motivated by sexual gratification are reported by women. There is also a small majority of men reporting incidents motivated by personal expression. For types of deviance there seem to be no significant differences between the genders.

The relationship between age and incidents motivated by sexual gratification is strong. Among the youngest respondents (up to 24) the rate of incidents reported that are motivated by sexual gratification is 26% (among younger female respondents, 39% of report incidents are motivated by sexual gratification). A high rate of such incidents, 23%, is also reported by 25- to 34-year-olds, while among 35- to 44-year-olds only 13% of report
incidents are motivated by sexual gratification. A 47-year-old woman is the oldest respondent reporting an incident motivated by sexual gratification.

There is also a relationship between age and the rate of incidents motivated by aggression. Among the youngest respondents (up to 24), the rate of reported incidents motivated by aggression is 40%. This rate decreases to around 30% among respondents between 25 and 54 years old and around 20% among respondents aged 55 years and older.

Finally, there is a tendency for respondents of older ages to report a higher rate of incidents motivated by personal expression.

The youngest respondents (up to 24) report a higher rate of incidents of formal deviance. Some 59% of the incidents they report are cases of formal deviance, while 39% of the incidents reported by respondents aged between 25- and 34 are cases of formal deviance. For older age groups the rate of formal deviance is lower.

5.3 Behavioural Change

More than half of the respondents, 51.7%, replied positively to the question “Has this unpleasant incident led you to change behaviour to avoid ending up in similar situations?” The young woman in the “sexual gratification” example says that she has “become more aware of being clear in language and behaviour if I end up in similar situations – not allowing for misunderstandings or misinterpretation when it comes to drunk people – be crystal clear”. Many respondents say that they avoid being outside at certain hours, avoid certain areas, or avoid public transport altogether. Women report behavioural change more often than men: 60% versus 49%. Age, however, does not seem to influence the rate of behavioural change.

Furthermore, a relationship between behavioural change and type of motivation seems to exist: among respondents reporting incidents motivated by sexual gratification, 69% also reported that they had changed their behaviour, while incidents motivated by monetary gain and personal expression allegedly resulted in changed behaviour in 53% and 56% of cases, respectively. For incidents motivated by an aggressive outlet, only 39% of respondents reported any change in behaviour.

There might also be a relationship between type of deviance and behavioural change: respondents describing incidents of formal deviance report a higher rate of behavioural change than respondents describing incidents of informal deviance – 55% versus 47% and 45%. Respondents describing incidents caused by non-deviant behaviour actually report an even higher rate of behavioural change, 73%, but the small number of incidents (15) makes it difficult to interpret the high percentage.

Table 4 shows the percentage of respondents reporting behavioural change for each class of incidents. The percentages should, however, be interpreted with care. The number of incidents in each class is small as can be seen in the N’s in the parentheses after the percentages.

<table>
<thead>
<tr>
<th>Type of deviance Motivation</th>
<th>Formal deviance</th>
<th>Deliberate informal deviance</th>
<th>Inadvertent informal deviance</th>
<th>Non-deviant behaviour</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monetary gain</td>
<td>59% (17)</td>
<td>47% (17)</td>
<td>50% (18)</td>
<td>67% (3)</td>
<td>53% (55)</td>
</tr>
<tr>
<td>Sexual gratification</td>
<td>90% (10)</td>
<td>50% (12)</td>
<td>67% (6)</td>
<td>100% (1)</td>
<td>69% (29)</td>
</tr>
<tr>
<td>Aggressive outlet</td>
<td>41% (29)</td>
<td>33% (18)</td>
<td>20% (5)</td>
<td>75% (4)</td>
<td>39% (56)</td>
</tr>
<tr>
<td>Personal expression</td>
<td>50% (8)</td>
<td>75% (8)</td>
<td>36% (11)</td>
<td>71% (7)</td>
<td>56% (34)</td>
</tr>
<tr>
<td>All</td>
<td>55% (64)</td>
<td>47% (55)</td>
<td>45% (40)</td>
<td>73% (15)</td>
<td>52% (174)</td>
</tr>
</tbody>
</table>

Table 4: Percentage of respondents reporting behavioural change for each class of incidents (with number of respondents per class in parenthesis)

6 Discussion

6.1 Fear in Public Space

Innes (2004, 2005) defines signal crimes and signal disorders as “acts that breach either the criminal law or situated conventions of social order and in the process function as warning signals about the presence of a risk to security to people” (Innes, 2005, p. 1206). Major crimes such as homicide can and do function as signals, but
for most people, most of the time, less serious incidents influence their risk perception (Innes, 2005). This study supports Innes’s assumption about less serious incidents influencing people’s risk perception. The respondents mention incidents of informal deviance more often than incidents of formal deviance (95 versus 64 incidents), and they report change in behaviour nearly as often when faced with informal deviance as when faced with formal deviance (45–47% versus 55%). Furthermore, of the 64 incidents of formal deviance only seven had been reported to police. Hence, when studying incidents that might influence people’s risk perception, we should include all types of unpleasant incidents, not only the incidents that violate criminal law.

It is nearly only women who report incidents motivated by sexual gratification. These incidents are predominately reported by younger women and nearly 70% of incidents cause the respondent to change behaviour. Previous studies have already shown that unwanted sexual attention (whether it is a criminal offence or not) causes worry among women (Gustafson, 1998; Johansson et al., 2012; Mehta, 1999; Sundhage, 2005), and how young women develop coping strategies for handling such threats (Johansson et al., 2012; Sundhage, 2005). Behavioural change to prevent unpleasant incidents need not be negative, but this extremely high rate of behaviour change is an indication that young women have less freedom than their counterparts, which should be a worry for a modern Western society (or any society).

Young people also experience more incidents motivated by an aggressive outlet. Such incidents are only to a limited extent covered by the literature, and then the incidents are nearly always so serious that they can be categorized as criminal offences. In this survey, respondents have reported many unpleasant incidents motivated by an aggressive outlet that cannot be characterized as formal deviance. Fortunately, these incidents do not provoke behavioural change as often as other types of incidents (only 39%). Even then, incidents motivated by an aggressive outlet should not be ignored when studying or preventing incidents that create fear in public space.

Norway is a relatively safe society. Furthermore, the amount of emotions that it is appropriate to show in public space is more restricted than in many other societies. Public displays of aggression are particularly frowned upon in Norwegian society. Incidents that are considered to be deviant in Norway may therefore not be considered deviant in other societies. Equally, other societies may consider what is considered non-deviant behaviour in Norway to be unacceptable. One such example is the acceptance of public drunkenness in Western countries.

6.2 The Typology

Does the typology for deviant behaviour in public space fit the criteria for an efficient typology (Gundel, 2005, 2008)? Comparing the typology’s categories with the literature on what makes people feel insecure in public space shows that the typology covers deviant behaviour that creates insecurity: sexual crime covers sexual harassment (Gustafson, 1998; Johansson et al., 2012; Mehta, 1999), Profit-seeking crime covers robbery (Van Burt, 2006) and selling drugs (Bratbak et al., 2015). Aggression crime covers assault (Sundhage, 2005). Victimless crime covers graffiti (Doran & Lees, 2005) and drug abuse (Lewis & Maxfield, 1980). Moreover, Inappropriate sexual attention and awkward sexual attention cover men that hit on women at the wrong time and place (Sundhage, 2005). Furthermore, as judged by the researcher, all the incidents collected through the survey fit at least one type of unpleasant incident. Hence, the typology seems to be exhaustive.

Sometimes, however, it is difficult to determine which class each type of unpleasant incident best fits. For some incidents the motivation behind the act can be mixed, e.g. sexual harassment might be motivated by both the desire for sexual gratification and the need for an aggressive outlet. In addition, in many situations, whether the perpetrator knows that he or she is violating a norm might be very unclear. Hence, the typology is not strictly mutually exclusive. However, most unpleasant incidents fit one class better than the others, so the typology is probably mutually exclusive enough.

The typology demonstrates the comprehensiveness of incidents that may cause unpleasant incidents in public space and, thus, provoke behavioural change. If the police and other public guardians want to reduce fear, they should therefore also concentrate on preventing informal deviance. Examples of possible prevention strategies include asking people to calm down, being present where they discover deviant behaviour, contacting potential victims and asking them how they are doing et cetera.

This typology also shows that differences in awareness about norms for behaviour in public space can create fear. The incidents reported in the above survey are mostly reported by members of the majority group in Norway and thus mention inappropriate behaviour by minorities, often newly arrived in Norway. They may, therefore, not be aware of breaking any norms. Studies show, however, that members of minority groups tend to experience more fear than majority groups (Pain, 2010). The lack of incidents where newly arrived people
report deviant behaviour therefore probably only reflects the fact that most of the respondents represent the majority group in Norway. One way to alleviate this problem is to educate newly arrived people about the behaviour norms in public space. This can help them both avoid creating fear and make them less afraid when faced with behaviour that they experience as deviant. By demonstrating to practitioners the need to prevent informal deviant behaviour, this typology can be considered fertile (has practical utility).

The typology contains 16 classes, which is more than many other typologies (many typologies have only four classes), but is still a manageable number. Merging the categories in the motivation dimension would, however, make the typology too crude. But merging the two types of informal deviance would be possible and would reduce the number of classes to 12. The benefit of reducing the number of classes to 12 has, however, been judged to be less than the disadvantage with a cruder typology. Hence, the typology is pragmatic enough. The above descriptions of the dimensions and the categories are hopefully so clear that the typology can be called comprehensible.

Is this typology better than the alternative typologies described in the literature section? Which typology is best depends on the study’s purpose. Most typologies cover either criminal acts or less serious disorder. This typology is more comprehensive and thus better at showing the wide variety of motivations that can cause unpleasant incidents among victims and witnesses. It also demonstrates that to reduce fear and unpleasantness in public space we cannot rely only on law enforcement. However, more specific typologies can be more useful depending on the purpose of the study.

Becker’s (1991) typology is at least as comprehensive as this study’s typology, but it has a different purpose; it adds depth to the understanding of the causes of deviant behaviour. This study’s typology is more practical in the sense that it demonstrates the wide array of incidents we need to prevent to reduce fear and limitations on people’s movements in public space.

7 Conclusion

The study survey asked Norwegian respondents to describe unpleasant incidents that they have encountered in public space. Other studies of criminal incidents often use data extracted from official records and thus ignore incidents that may cause fear without being serious enough to be reported. The study attempted to bridge this gap by asking respondents to describe all types of unpleasant incidents. In the data set, of the 64 incidents of formal deviance only seven had been reported to police.

The study concludes with a new typology consisting of two dimensions: the type of deviance and the motivation behind the act. The type of deviance can be either formal deviance, deliberate informal deviance, inadvertent informal deviance, or non-deviant behaviour. The motivation can be either monetary gain, sexual satisfaction, an aggressive outlet, or personal expression. The study ended up with 16 classes with all classes being covered by the survey.

An important implication of the study is that to understand what makes people uncomfortable in public space we must study incidents that are deviant without breaking the law, as well as criminal behaviour. All types of deviance make people change their behaviour to avoid experiencing another incident, but deviance motivated by sexual gratification seemingly makes people change their behaviour more frequently. Hence, policymakers should focus not only on preventing crime, but also on preventing deviant acts that create fear and thus restrict individual freedom.

Since the study has used non-probability sampling, the incidents should not be interpreted as a representative sample of unpleasant incidents in public space in Norway. The results thus have limited generalizability and are probably also heavily influenced by the fact that the unpleasant incidents have been reported from a relatively safe society and respondents therefore have a lower level of tolerance towards unpleasant behaviour than people living in tougher societies do.

References


Sunniva Frislid Meyer is Senior Research Political Scientist at the Department of Safety, Security and Environment at Institute of Transport Economics, Norway. She holds a PhD degree in Political Science from University of Oslo in Norway (2012). Sunniva’s research concentrates on security, safety and well-being in public space. It addresses many themes and topics, including mapping of crime and disorder, perceived security, confidence-building measures, well-being in public space and tradeoffs between security and other urban values such as accessibility, aesthetics and conservation.


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Access Denied: Studying Up in the Criminological Encounter

James C. Oleson
University of Auckland, New Zealand; j.oleson@auckland.ac.nz

ABSTRACT

Criminology, like other social sciences, tends to focus on vulnerable populations. Criminologists know a great deal about the crimes of the poor, prisoners, and young people, but little about the offences of those possessing education, wealth, and power. This is unfortunate, as in terms of both financial and physical harm, the crimes of the powerful dwarf those committed by the vulnerable. Criminologists know so little about the crimes of the powerful, partly because research access is denied, and this disparate research access reproduces particular forms of knowledge within criminology. For example, although self-report survey items about petty offences reveal a negative relationship between IQ and prevalence rates – a finding that is consistent with most IQ-crime research – survey items about white-collar offences reveal a positive relationship between IQ and prevalence. Yet because white-collar crimes are not typically included in self-report research, this relationship goes unreported. These correlates of petty and white-collar offences suggest that the self-report methodology, if employed with new populations, has the potential to reveal new features within the dark figure of crime.

KEYWORDS

access, dark figure, self-report, white-collar crime, street crime, epistemology, IQ

1 Introduction

Criminology gazes down. It is not the only social science to do so (Gusterson, 1997; Nader, 1972), but the discipline is blinkered by it. In most cases, social research is conducted within a power relationship where the scientist (by virtue of education, wealth, and status) is afforded a dominant role and the research “subject” is subordinated (Wax, 1980). Within criminology, conducting research is straightforward when researchers study prisoners and institutionalized delinquents, but it can be extraordinarily difficult – sometimes impossible – when criminologists seek to study up, examining corporations and/or individuals who possess real wealth and power. Although the collective damage wrought by white-collar crime dwarfs all aggregated street crime, in terms of physical injuries and wrongful deaths as well as financial harm (Coleman, 2006), relevant research access in this arena is frequently blocked. Consequently, criminologists know even less about the dark figure (Skogan, 1977) – crimes unknown to the police – of white-collar crime than they do about the dark figure of street crime (Burdis & Tombs, 2012).

Criminology’s focus on the crimes of delinquents, prisoners, and the poor reproduces particular forms of knowledge. For example, familiar correlates of crime such as age (e.g. Farrington, 1986), class (e.g. Parker & Mowen, 2015), and ethnicity (e.g. Tonry, 1997) are associated with crime because relationships between these characteristics and offending have long been observed over time. But this body of research draws – disproportionately – upon vulnerable populations and it generally overlooks those who possess the power to
obstruct research. In light of criminology’s focus on street crime, this article makes four related claims. First, it suggests that disparate levels of research access have produced a wealth of information about petty offending and street crime, and a relative paucity of information about white-collar, organizational, and state crime. Second, this article notes that self-report research can, as a unique form of the criminological encounter, reveal the contours of the dark figure of crime in a way that official statistics and victim surveys cannot, although self-report’s reliance on juvenile delinquents as subjects and petty offending as subject matter has reified knowledge about a particular form of crime. Third, this article suggests that administering a self-report instrument to a different population (e.g. adults who possess education, wealth, and power) and asking different kinds of questions (e.g. about white-collar offences) might produce a very different understanding of the relationship between crime and its correlates. Fourth, the article examines the relationship between offence prevalence and intelligence quotient (IQ) for six petty offences and six white-collar offences, comparing them across a range of IQ scores. Although prevalence goes down as IQ goes up when petty offending is measured (as predicted by much of the existing literature), the opposite is true when white-collar offences are measured, raising provocative implications about dark figure offending.

2 Criminology and Research Access

The crimes of the poor, of ethnic minorities, and the powerless have been studied for more than a century, at least since the publication of Lombroso’s pioneering book, Criminal Man (1876/2006). On the other hand, the concept of white-collar crime, a “crime committed by a person of respectability and high social status in the course of his occupation” (Sutherland, 1983, p. 7), is of relatively recent vintage, first described in Sutherland’s 1939 American Sociological Association address (Sutherland, 1940). Although many legislators, policymakers, and criminologists continue to treat white-collar crime as less serious and less important than street crime (Benson & Simpson, 2009), today it is recognized that the aggregate harm of white-collar crime dwarfs that of street crime (Coleman, 2006). The savings and loan scandal of the late 1980s alone imposed a $153 billion price tag (Curry & Shibut, 2000). Curiously, even after the global financial crisis of 2008 (Sorkin, 2009), little attention was paid to the criminal behaviour of Wall Street firms or financial services executives (Pontell & Black, 2012; Taibbi, 2014). When McGurrin and her colleagues analysed criminology and criminal justice articles published between 2001 and 2010, they found that a mere 6.3% of them focused on white-collar crime. Moreover, the number of pages dedicated to white-collar crime in leading textbooks was even lower: just 5.7% (McGurrin, Jarrell, Jahn, & Cochrane, 2013). There are numerous reasons why financial crimes have not been studied more carefully: the belief that financial fraud is not truly crime (or, if it is, that it is neither serious nor as worthy of criminological study as street crime), its lack of obvious victims, its lack of systematic data collection, the relative infrequency of criminal punishments imposed for its commission, and the sheer complexity of many financial offences. But another explanation is the lack of scholarship on white-collar crime: the absence of meaningful research access (Cipollone & Stich, 2012).

Many criminologists would indeed be interested in studying white-collar crime within Wall Street firms (cf. Ho, 2012), but the gatekeepers for these companies tend to minimize institutional exposure and risk – very prudentially – by denying access. As Broadhead and Rist explain, many researchers want to study the “dark side” of bureaucracies, but “in negotiating for entry, these interests are more than likely to be at odds with the gatekeeper. The common result, therefore, is for the gatekeeper either to reject the investigator’s bid to do research, or for the researcher to reformulate the research problem within boundaries that are acceptable” (1976, p. 328). Organizations, increasingly managerialist and protectionist in their orientations (Palys & Lowman, 2010; Roesch-Marsh, Gaddy, & Smith, 2012), often react to requests for access in the manner of an immune response (Wolff, 2004), shutting down the threat. Individuals possessing wealth, power, and influence can block research overtures as well (Moyser, 1988). Writing about America’s ultra-rich, Fussell states, “[T]op-out-of-sights are removed from scrutiny. Their very class tends to escape the down-to-earth calculations of sociologists and poll-takers and consumer researchers. It’s not studied because it’s literally out of sight, and a questionnaire proffered to a top-out-of-sight person will very likely be hurled to the floor with disdain” (1983, p. 20).

Criminologists know a great deal about the offences of vulnerable groups: young people (e.g. Burt, 1944), the poor (e.g. Nader, 1972; Wacquant, 2009), and those ensnared within the criminal justice system (e.g. Feeley, 1979; Sykes, 1958). These are all convenient objects of study for the curious criminologist. Unfortunately, the individuals who are positioned to engage in the most egregious of crimes (e.g. serious fraud, espionage, safety violations, and war crimes), offences that can incur millions – or billions – of dollars in damages and/or cause hundreds – or thousands – of injuries or deaths, are the very same individuals who possess the ability to obstruct research. Accordingly, the dark figure of serious crime remains dark: undetected, unreported, and unresolved. The criminologists who study white-collar crime often attempt to overcome the barriers of research access by studying solved cases, but in so doing they exclude the overwhelming majority of offending. Indeed, Shapiro
(1985) reported that out of every 100 suspects investigated by the Securities and Exchange Commission, 93 committed violations carrying criminal penalties; but only 11 were selected for criminal treatment; only six were indicted; and only five were convicted. Ultimately, the net effect of disparate research access between rich and poor, powerful and powerless, means that most of what is known about crime has been gleaned from the study of vulnerable populations.

3 Self-Report Research in Criminology

Criminologists, in attempting to understand the aetiology and distribution of crime, are confronted with a profound methodological challenge: how to observe a phenomenon that invites moral opprobrium and can be punished by fine, incarceration, or death (Hart, 1968). In the past, the mere possession of knowledge about an unreported crime created criminal liability (Oleson, 1999). Although ethnographic fieldwork is conducted within criminology (Ferrell & Hamm, 1998; Pamell & Kane, 2003; Worley, Worley, & Wood, 2016), participant observation in ongoing criminal behaviour requires the researcher to negotiate unusual forms of access and raises serious moral and legal challenges. Ethnographers of crime have been subpoenaed, arrested, and jailed for contempt of court (Leo, 1995; Scarce, 1994, 1995, 1999, 2005; Sonenschein, 2001). Although many criminologists demur from doing research of this kind, either because they are afraid of danger (Lee, 1995) or because of moral qualms (Yablonsky, 1965), there is an uncomfortable kernel of truth in Polsky’s admonition that “[u]ntil the criminologist learns to suspend his personal distaste for the values and lifestyles of [criminals], he will be only a jailhouse or courthouse sociologist, unable to produce anything like a genuinely scientific picture of crime” (1967, p. 147). Ethical compromises might be unavoidable when researchers embrace the direct criminological encounter in the field (Klockars, 1979).

Yet to understand crime, the social researcher must engage in some form of criminological encounter, and the nature of that encounter will likely shape, and be shaped by, the researcher’s epistemological position. For example, an ethnographer of crime will likely possess a visceral, particularized, and phenomenological understanding of it (Katz, 1988), while the criminologist who studies official crime statistics will likely possess an abstract, desiccated, and mediated understanding of the subject.

Many criminologists do rely upon official crime statistics for their research. Although annual reports like the Uniform Crime Reports or Crimes Detected in England and Wales provide useful measures of crime, they might reveal more about police priorities and the exercise of discretion than about the actual volume or distribution of crime (Kitsuse & Cicourel, 1963). Many crimes go unreported (Skogan, 1977), and when offences are reported, 20% to 33% are omitted from the final statistics (Hough & Mayhew, 1985). Victimization reports like the National Crime Victimization Survey, the Crime Survey for England and Wales, and the International Crime Victim Survey provide useful alternatives to official statistics. Such reports reveal that crime is far more common than is suggested by official statistics – NCVS rates range between 60% and 500% greater than UCR rates (McDowall & Loftin, 2007). Yet victimization reports still have serious limitations: sexual and domestic violence crimes still go unreported, “victimless” crimes go unmeasured, and, for many white-collar crimes, victims do not realize they have been victimized (Coleman, 2006).

Self-report studies provide another means of measuring crime. Self-reporting is the most commonly employed methodology in criminology (Hagan, 1993; Junger–Tas & Marshall, 1999). Like victimization reports, self-report research indicates that crime is far more common than official statistics would suggest. But self-report studies also suffer from limitations of their own. Most employ adolescents – often boys – as subjects and they often focus on petty crime and status offences (behaviours that are not illegal when committed by an adult) (Wolfgang, 1976). Short and Nye’s (1957) self-report questionnaire on delinquency consisted of seven final items: (1) driven a car without a driver’s licence or permit; (2) skipped school without a legitimate excuse; (3) defied parents’ authority (to their face); (4) taken little things (worth less than $2.00); (5) bought or drank beer, wine, or spirits; (6) purposely damaged or destroyed public or private property; and (7) had sexual relations with a person of the opposite sex. While there is value in comparing self-reported prevalence rates against official delinquency figures, and while childhood delinquency may in fact predict adult criminality (e.g. Farrington, 1989), these seven offences are so minor that they scarcely constitute “offending”.

Fortunately, the self-report methodology is not limited to adolescent boys and petty crime. Wallerstein and Wyle (1947) surveyed 1,698 anonymous adults about their involvement with 49 offences, including larceny, automobile theft, burglary, robbery, perjury, conspiracy, and fraud, and found that 99% reported at least one listed offence. Men averaged 18 offences each, and women averaged 11. Almost two-thirds (64%) of the 1,020 men reported at least one felony, an offence that was grounds for the loss of citizenship rights under New York law; and almost one-third (29%) of the 678 women reported a felony. Wallerstein and Wyle characterized the
“principal conclusion to be drawn from this study... [as] the revelation of the prevalence of lawlessness among respectable people” (1947, p. 118).

Porterfield (1946) compared 200 male and 137 female university students to a group of 2,049 delinquents processed by a local juvenile court, measuring 55 offences ranging in seriousness from creating a disturbance in church or shooting staples to negligent homicide and murder. Porterfield even reported one homicide among the university sample, although his finding was rejected as straining credulity. Hindelang, Hirschi, and Weis wrote, “Subsequent self-report researchers have excluded the homicide item and have uncovered no murderers in their samples” (1979, p. 996). Their statement, however, is an inversion of Binet’s wry quip, “Tell me what you are looking for, and I will tell you what you will find” (in Wolf, 1973, p. 347). When Wolfgang, Figlio, and Sellin (1972) included a homicide item – “killed someone not accidentally” – in their self-report study of 10,000 boys between the ages of 10 and 18 who lived in Philadelphia, four of the participants in their study reported a criminal homicide. Oleson and Chappell (2012) also identified 13 homicides in their self-report study of high-IQ respondents: one of these respondents claimed to have committed 15 homicides (Oleson, 2004).

When Smithyman (1979) interviewed 50 men from the Los Angeles region who had committed rape (i.e. non-consensual penetration of the vagina, anus, or mouth) but had never been arrested, his findings painted a portrait of rapists that was very different to that painted by official statistics. Smithyman’s self-report subjects were better educated, more often and better employed, and far fewer of them were Black. The implications of his research, and the other self-report studies that have been conducted with adult populations, are clear: in the criminological encounter, who we ask, and what we ask them, shapes what we learn.

4 Methodology

Even though self-report research has generally studied down, employing young people as subjects and focusing upon status crimes and petty offending (i.e. forms of crime that young people would typically possess the means to carry out), the self-report methodology is also surprisingly well suited to studying up (Nader, 1972). Indeed, it is curious that self-reporting has not been employed more frequently to examine the crimes of the powerful. Box (1981) writes:

[The obsession with juvenile self-reported delinquency and the limited number of items in the one adult self-reported crime study have resulted in rendering invisible the massive contribution to crime by government and corporate officials: this is ironic, considering that one purpose of such studies was to make good the deficiencies of the official statistics (p. 87)].

In the current research, a postal self-report questionnaire was administered to 465 adult index respondents and 756 adult controls, making it possible to examine a much greater range of offences than when self-reported surveys of delinquency are circulated to adolescents. The 465 index respondents were selected on the basis of average IQ scores, and were recruited from three samples: (1) an international high-IQ society with an IQ admission threshold of 150 (99.9%), (2) undergraduate and postgraduate students from prestigious universities around the world, and (3) prisoners from US and UK correctional facilities with IQ scores of 130 (98%) or more. The index group had a mean score of 148.7 (3.2 standard deviations above the population mean). Additional information about the samples is reported elsewhere (e.g. Oleson, 2002) and a methodological appendix is included in Criminal Genius: A Portrait of High-IQ Offenders (Oleson, 2016a).

Because the self-report questionnaire was administered to adults, including those with education, wealth, and status, a broad spectrum of 72 offences was included, ranging in seriousness from the abuse of work privileges up to homicide. The instrument tapped into nine different offence types: sex, violence, drug, property, white-collar, vehicular, justice system, miscellaneous, and professional misconduct. Each offence item was accompanied by five empty blocks. If respondents had never committed the listed offence, they were asked to
mark the left-most NVR block to so indicate. In the second to the fifth columns, they were asked to record (1) Lyr, the number of times they had committed the offence in the last year, (2) Evr, the number of times they had ever committed the offence, including those from the last year, (3) Arr, the number of times they had been arrested for the offence, and (4) Con, the number of times they had been convicted for the offence. This made it possible to calculate rates of prevalence (the percentage that reported committing the offence at any time), incidence (the total number of reported offences), recency (the percentage of total offences that were committed in the previous year), arrest, and conviction. For example, in Table 1, below, a section of the questionnaire is reproduced (Oleson, 2002).

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<tbody>
<tr>
<td>1</td>
<td>Gambled where it is illegal to do so.</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td>2</td>
<td>Made sexual comments or advances toward someone that you knew were unwanted.</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td>3</td>
<td>Had sexual relations in a public place.</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
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<tr>
<td>4</td>
<td>Been drunk in a public place.</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
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<tr>
<td>5</td>
<td>Driven a car at unsafe speeds or in a reckless manner.</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td>6</td>
<td>Been loud, rowdy, or unruly in a public place (disorderly conduct).</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
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</table>

Table 1: Self-report instrument to measure petty crimes. Adapted from Oleson (2002).

These six questions assess high-frequency forms of petty offending: illegal gambling, sexual harassment, public indecency, public intoxication, speeding/reckless driving, and disorderly conduct. These are the types of offences that appear most frequently on self-report questionnaires regarding delinquency.

Because this self-report questionnaire was distributed to adults with socio-economic status, however, a number of offence items that are rarely – if ever – included in self-report instruments were incorporated. Table 2, below, identifies six of the white-collar and professional misconduct offences from the survey: tax fraud, accounting fraud, insider trading, forgery, research fraud, and computer trespass.

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<tbody>
<tr>
<td>1</td>
<td>Intentionally misreported income information on your tax forms.</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td>2</td>
<td>Manipulated financial accounts in an illegal manner.</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td>3</td>
<td>Used privileged information in making investment decisions.</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td>4</td>
<td>Forged another person’s signature on an official document, prescription, or bank cheque.</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td>5</td>
<td>Invented or altered research data.</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td>6</td>
<td>Broken into another computer (hacked).</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
</tbody>
</table>

Table 2: Self-report instrument to measure white-collar crimes. Adapted from Oleson (2002).

Comparing the prevalence and incidence rates for the two different offence types – petty crime versus white-collar crime – has the potential to reveal unexplored measurement biases. For example, many researchers focus upon poverty as a causal explanation for crime (Ellis, Beaver, & Wright, 2009). Certainly, as Barnes and Teeters note, “we seldom arrest and convict criminals except the poor, inept, and friendless” (1959, p. 7). But, with an innovative series of experiments, Piff and his colleagues defied stereotypes and showed that the rich are more
likely to cheat and steal than the poor (Piff, Stancato, Côté, Mendoza-Denton, & Keltner, 2012). By comparing prevalence rates for petty and white-collar offences, it might be possible, similarly, to challenge assumptions about the relationship between IQ and the prevalence of crime. While a substantial body of work indicates that delinquency and crime are inversely correlated with IQ, decreasing as IQ goes up (Ellis & Walsh, 2003; Herrnstein & Murray, 1994; Hirschi & Hindelang, 1977; Wilson & Herrnstein, 1985), much of this work is based upon self-reporting with young people and prison populations. If self-report research was conducted with non-incarcerated adults who possess education, wealth, and status, it might reveal a different relationship between IQ and crime.

Accordingly, the prevalence and incidence rates for the 12 offences were calculated, and are reported below. Recency values, as well as arrest and conviction rates, were calculated but are not reported here, as the current analysis seeks only to explore the possibility that the questions posed by criminologists (which are, in turn, a function of their research access) determine their findings. The prevalence rates for the six petty offences and the six white-collar offences were also examined against IQ scores using linear regression (Berry, 1993).

5 Results

Participants from both the index and the control group committed both petty offences and white-collar offences. Table 1, below, describes their self-reported rates of prevalence and incidence.

<table>
<thead>
<tr>
<th>Petty Offences</th>
<th>Index (n = 465)</th>
<th>Control (n = 756)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Gambled where it is illegal to do so.</td>
<td>87 (18.8)</td>
<td>111 (14.9)</td>
</tr>
<tr>
<td>2. Made sexual comments or advances toward someone that you knew were unwanted.</td>
<td>73 (15.7)</td>
<td>71 (9.4)</td>
</tr>
<tr>
<td>3. Had sexual relations in a public place.</td>
<td>201 (43.2)</td>
<td>403 (53.7)</td>
</tr>
<tr>
<td>4. Been drunk in a public place.</td>
<td>299 (64.4)</td>
<td>472 (63.1)</td>
</tr>
<tr>
<td>5. Driven a car at unsafe speeds or in a reckless manner.</td>
<td>267 (57.4)</td>
<td>456 (61.2)</td>
</tr>
<tr>
<td>6. Been loud, rowdy, or unruly in a public place (disorderly conduct)</td>
<td>138 (29.8)</td>
<td>328 (44.2)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>White-Collar Offences</th>
<th>Index (n = 465)</th>
<th>Control (n = 756)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Intentionally misreported income information on your tax forms.</td>
<td>113 (24.4)</td>
<td>79 (10.5)</td>
</tr>
<tr>
<td>2. Manipulated financial accounts in an illegal manner.</td>
<td>38 (8.2)</td>
<td>19 (2.6)</td>
</tr>
<tr>
<td>3. Used privileged information in making investment decisions.</td>
<td>25 (5.4)</td>
<td>18 (2.4)</td>
</tr>
<tr>
<td>4. Forged another person's signature on an official document, prescription, or bank cheque.</td>
<td>110 (23.8)</td>
<td>139 (18.7)</td>
</tr>
<tr>
<td>5. Invented or altered research data.</td>
<td>41 (8.9)</td>
<td>33 (4.4)</td>
</tr>
<tr>
<td>6. Broken into another computer (hacked).</td>
<td>41 (8.9)</td>
<td>35 (4.7)</td>
</tr>
</tbody>
</table>

Table 3. Prevalence and incidence rates for petty and white-collar offences by index and control groups

Note. The value outside parentheses indicates the prevalence rate (number of sample that reported an offence) and the value within parentheses indicates the incidence rate (mean number of offences reported per offender).

Table 1 shows that 87 of the 465 (18.7%) index respondents reported committing one or more acts of illegal gambling, averaging 18.8 offences each, whereas 111 (14.7%) of the 756 control respondents reported illegal gambling, averaging 14.9 offences each. The high-IQ index group also reported higher prevalence rates than the control group for sexual harassment (15.7% versus 9.4%) and public intoxication (64.3% versus 62.4%). It also reported higher incidence rates for these three offences. On the other hand, the control group reported a higher prevalence rate than the index group for public indecency (53.5% versus 43.2%), speeding/reckless driving (60.3% versus 57.4%), and disorderly conduct (43.4% versus 29.7%). The control group also reported higher incidence rates for these three offences. Thus, for the six petty offences, the prevalence and incidence rates are mixed.

For all six of the white-collar offences, however, the prevalence rates were higher in the index group than in the control group: tax fraud (24.3% versus 10.4%), accounting fraud (8.2% versus 2.5%), insider trading (5.4% versus 2.4%), forgery (23.4% versus 18.4%), research fraud (8.8% versus 4.4%), and computer trespass (8.8% versus 4.6%). Incidence rates were also higher in the index group across all six white-collar crimes.
The examination of prevalence rates against IQ score makes plain what is implicit in Table 1. For each of the six petty offences and each of the six white-collar offences, a straight line can be drawn across the right side of the IQ distribution (i.e. IQ scores of 100+). If the slope of that straight line is negative, then the relationship between prevalence rates and IQ is inverse: prevalence decreases as IQ increases. This pattern is consistent with the inverse relationship between IQ and offending theorized by many criminologists (e.g. Bower, 1995; Herrnstein & Murray, 1994; Hirschi & Hindelang, 1977). On the other hand, if the slope is positive, then the relationship is positive: prevalence rates increase as IQ increases. The value of the $y$-intercept—the point at which the straight line crosses the $y$-axis—describes the percentage of the sample expected to report an offence at an IQ of 100, and the value of the slope describes the rate of change (positive or negative) in prevalence rates per unit of IQ. These values are reported in Table 2, below.

<table>
<thead>
<tr>
<th>Petty Offences</th>
<th>$y$-Intercept</th>
<th>Slope</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Gambled where it is illegal to do so.</td>
<td>$y = -0.0012x + 0.1573$</td>
<td></td>
</tr>
<tr>
<td>2. Made sexual comments or advances toward someone that you knew were unwanted.</td>
<td>$y = -0.0207x + 0.3165$</td>
<td></td>
</tr>
<tr>
<td>3. Had sexual relations in a public place.</td>
<td>$y = -0.0251x + 0.6059$</td>
<td></td>
</tr>
<tr>
<td>4. Been drunk in a public place.</td>
<td>$y = -0.0024x + 0.6191$</td>
<td></td>
</tr>
<tr>
<td>5. Driven a car at unsafe speeds or in a reckless manner.</td>
<td>$y = -0.0059x + 0.5853$</td>
<td></td>
</tr>
<tr>
<td>6. Been loud, rowdy, or unruly in a public place (disorderly conduct).</td>
<td>$y = -0.0349x + 0.5053$</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>White-Collar Offences</th>
<th>$y$-Intercept</th>
<th>Slope</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Intentionally misreported income information on your tax forms.</td>
<td>$y = +0.0188x + 0.0914$</td>
<td></td>
</tr>
<tr>
<td>2. Manipulated financial accounts in an illegal manner.</td>
<td>$y = +0.0052x + 0.0395$</td>
<td></td>
</tr>
<tr>
<td>3. Used privileged information in making investment decisions.</td>
<td>$y = +0.0004x + 0.0379$</td>
<td></td>
</tr>
<tr>
<td>4. Forged another person’s signature on an official document, prescription, or bank cheque.</td>
<td>$y = +0.00029x + 0.1899$</td>
<td></td>
</tr>
<tr>
<td>5. Invented or altered research data.</td>
<td>$y = +0.0042x + 0.0371$</td>
<td></td>
</tr>
<tr>
<td>6. Broken into another computer (hacked).</td>
<td>$y = +0.0005x + 0.0565$</td>
<td></td>
</tr>
</tbody>
</table>

Table 4. Slope and $y$-intercept values of petty and white-collar offences

Note. $y$-intercept indicates the percentage of the sample predicted to report an offence at an IQ of 100.

Table 4 indicates that, under a model that optimizes the data in a straight line, at an IQ of 100 (the $y$-axis), approximately 15.73% of the sample would report illegal gambling, and that for each 10-point unit of IQ increase, the percentage of subjects reporting illegal gambling would be expected to decrease by .12%. This is an almost flat slope, but the rate of decrease is greater for other petty offences. For example, for disorderly conduct, prevalence rates fall from 50.53% at an IQ of 100 by 3.49% per 10-point IQ increase. All six of the petty offences are described by an inverse relationship, as would be predicted by low-IQ models of crime.

For the white-collar offences, however, all of the slopes are positive: as IQ increases, so do prevalence rates. Some of these relationships are very weak—insider trading and hacking are almost flat lines (prevalence increases by only .04% and .05% per 10-point IQ gain, respectively). For tax fraud, however, the relationship between IQ and prevalence is more robust: for each 10-point gain in IQ, prevalence increases by 1.88%.

6 Discussion

The data are noteworthy in their own right. It is remarkable, for example, that prevalence and incidence rates are higher for high-IQ index respondents for half of the petty offences and all of the white-collar offences. It is intriguing that a negative relationship exists between IQ and prevalence rates for all six petty offences, and that a positive relationship exists for all six white-collar offences. The data, however, are also epistemologically important, as they reveal the fundamental importance of research access. If, for example, criminologists cannot negotiate research access to individuals who possess the opportunity, ability, and means to engage in white-collar offending, they might settle for measuring the self-reported offending of delinquents (e.g. Short & Nye, 1957). Working with such a population, these criminologists might (very reasonably) choose to measure petty offences. After all, most adolescents do not have the opportunity to engage in tax fraud and insider trading. Accordingly, these criminologists might, as in the current study, identify an inverse relationship between IQ and prevalence rates. However, if those same criminologists were able to negotiate research access to adults who enjoy wealth, power, and privilege, they might ask about different types of offending. They might, as in the current study, uncover a positive relationship between IQ and prevalence rates, drawing different conclusions about the linkages between intelligence and crime.
Even the most enthusiastic supporters of a link between crime and low IQ will agree that some offenders will be found to have high IQ scores. This is likely to be the case when we move away from street crimes to organized crime and corporate crime, both of which require considerable skills, of the kind likely to be associated with high verbal scores. Unfortunately, there appear to be no studies of intelligence within these two crime categories; as usual, research is largely confined to young offenders apprehended for street crimes (Feldman, 1993, p. 156).

Although the index participants from the current study were members of the cognitive elite, not all of them were genuine elites, in the sense that the word is often used. True, they were very educated (nearly 75% had a college degree and approximately 50% had one or more graduate degrees), they earned more money than controls, and they had more prestigious work than controls (Oleson, 2016a), but only a handful could be understood as belonging to the circles of the “power elite” (Mills, 1956). Many of the index participants were students (who, despite studying at selective universities, had not yet embarked upon their careers) or retired persons (who had often performed high-status work, but had concluded their careers). “[T]he study did not include a sample of high-IQ professionals who were not part of high-IQ societies. Thus, the study might reveal more about people who join high-IQ societies rather than provide a representative sample of all people with genius-level IQs” (Oleson, 2016a, p. 234). Therefore, it must be acknowledged that the study employed cognitive elites in lieu of true elites, and that the self-report data therefore likely diverge from what those with real wealth, power, status (and opportunity) might report.

The current study is also subject to other serious limitations. For example, even though self-report research, as a methodology, enjoys robust measures of validity and reliability (Junger-Tas & Marshall, 1999), even in terms of corroborating self-reported arrests (Pollock, Menard, Elliott, & Huizinga, 2015), the current research relied entirely upon self-reporting, without reference to an external criterion such as arrest records and without assessment of test-retest or split-half reliabilities. This means that offences were self-reported, but so were IQ and other demographic variables. The data must be understood in this light.

The study also relied, in part, upon imputed IQ scores. “[B]ecause many participants did not know their IQ, scores were imputed (on the basis of g-loaded achievement test scores, educational achievement, or occupation). Imputed scores were founded upon reliable data, but they operate only as estimates” (Oleson, 2016a, p. 235, citations omitted). There were a number of other weaknesses or limitations associated with the current research: 12 different methodological limitations are enumerated in Oleson (2016a).

But the core finding stands: in order to understand the crimes of the powerful (Simon, 2011), criminologists must study the powerful. They must forego their myopic focus on delinquency and street crime. They must study up (Nader, 1972). Although criminologists can learn about white-collar crime from the study of secondary data on prosecuted cases, they should – when and where they can – attempt to negotiate access into rarefied social circles that most people will never see. Participant observation, interviews, and survey research with elite offenders are criminological encounters that will confer an extraordinary perspective to the successful researcher.

Of course, studying individuals with power and privilege can be challenging (Ostrander, 1995). In research involving elites, researchers lack the advantages of education, wealth, class, and influence that they typically enjoy. The research setting is more likely to be a meeting of relative equals, or even one in which the researcher is cast in the role of subordinate. Trying to research elites is difficult, and trying to study criminal behaviour is difficult, but trying to study the criminal behaviour of elites presents an immense challenge. After all, there is little advantage for such individuals in participating in criminological research, and – potentially – much to be lost. Research of this kind, however, is tremendously important. Although self-report questionnaires administered to individuals are unlikely to capture all forms of corporate and state crime, they have the potential to further problematize the dark figure of crime. For example, many criminologists treat the IQ-crime relationship as if it is simple, linear, and inverse, yet the reality appears to be much more complicated. First, the relationship appears to be curvilinear, with sharp declines in crime at both ends of the IQ distribution (Mears & Cochran, 2013; Schwartz et al., 2015). Second, the often-noted 8-to-10 point IQ deficit of offenders obfuscates important IQ differences among offenders, where offenders differ from non-offenders by only about one IQ point, while serious persistent offenders differ from non-offenders by 17 points (Moffitt, Caspi, Silva, & Stouthamer-Loeber, 1995). And third, as noted in this study, the IQ-crime relationship varies by offence type. For petty crimes, the inverse relationship described in the criminological literature was replicated, but for white-collar crimes, the relationship between IQ and prevalence rates was positive.
7 Conclusion

Criminologists, like most other social scientists, study vulnerable populations: young people, prisoners, and the poor. Consequently, most of what criminologists know about crime has been derived from their knowledge of adolescents, the failures of the criminal world, and those who lack sufficient resources to effectively block the scientist’s gaze. But it is possible for criminologists to engage in a different kind of criminological encounter. Instead of studying down, the criminologist can attempt to “study up” (Nader, 1972), employing people with education, wealth, and power as the focus of study. Admittedly, it can be difficult – perhaps even impossible – for researchers to negotiate research access to these rarefied populations (Gagné, 2004). After all, even if the powerful can be contacted as a preliminary step, there is little incentive for them to participate in social research – especially in research on a topic that involves behaviour that, by definition, is against the law and subject to criminal prosecution; rather, for individuals with a stake in conventional behaviour, there is much to be lost. Furthermore, even if the researcher can persuade these individuals of the merits of the research, he/she must also persuade them that he/she can be trusted:

If one is effectively to study law-breaking deviants as they engage in their deviance in its natural setting, i.e. outside of jail, he must make the moral decision that in some ways he will break the law himself. He need not be a ‘participant observer’ and commit the deviant acts under study, yet he has to witness such acts or be taken into confidence about them and not blow the whistle. That is, the investigator has to decide that when necessary he will ‘obstruct justice’ or be an ‘accessory’ before or after the fact, in the full legal sense of those terms. He will not be enabled to discern some vital aspects of criminally deviant behavior and the structure of law-breaking subcultures unless he makes such a moral decision, makes the deviants believe him, and moreover convinces them of his ability to act in accord with his decision. The last-mentioned point can perhaps be neglected with juvenile delinquents, for they know that a professional studying them is almost always exempt from police pressure to inform; but adult criminals have no such assurance, and hence are concerned not only with the investigator’s intentions but with his sheer ability to remain a ‘stand-up guy’ under police questioning (Polsky, 1967, p. 138).

The negotiation of research access can be difficult within criminology, and researchers who pursue this form of criminological encounter must think about the danger of fieldwork (Lee, 1995), about ethical dilemmas (Israel & Hay, 2011; Worley et al., 2016), and about legal liability (Oleson, 1999; Teitelbaum, 1983). For a variety of reasons, many criminologists will decide against this approach, but for criminologists who are motivated to study the crimes of the powerful and who can negotiate research access, it is possible to glimpse dimensions of the dark figure of crime that are normally invisible. The current study used a self-report instrument, administered to cognitive elites and controls, in order to examine whether an IQ deficit in offenders persists when white-collar crimes – rather than petty offences – are measured. Although these findings are provisional, the study replicated the low IQ-crime relationship when it examined petty crimes, but found the opposite – a positive association between IQ and offence prevalence – when it examined white-collar crimes.

These findings have the potential to challenge stereotypes and assumptions about “the criminal type” (Sarbin, 1969). The criminal is all too often understood to be synonymous with the prisoner, which – at least in the United States – translates to signify, male, Black, and poor (Oleson, 2016b; Wacquant, 2009). The criminal also has a below-average IQ (Hermstein & Murray, 1994; Wilson & Herrnstein, 1985). However, if offenders are understood to be a heterogeneous class, consisting of white-collar offenders as well as property offenders, sex offenders, and violent offenders, then the qualities associated with “the criminal” might expand correspondingly, and “the criminal” might be recognized as potentially having an above-average IQ; as enjoying the socio-economic status of education, income, and occupation; and as being white. They might look like bankers, politicians, and corporate elites. The findings from the current research underscore the acute need for criminological scholarship that studies up, with new questions and new populations, seeking to shed additional light on the dark figure of crime.

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James Oleson is Associate Professor of Criminology at the University of Auckland. He earned his BA at St. Mary's College of California, his MPhil and PhD at the University of Cambridge, and his JD at the University of California Berkeley. He is interested in risk assessment, sentencing, punishment, and psychological criminology. In 2016 he published his first monograph, *Criminal Genius: A Portrait of High-IQ Offenders*, with the University of California Press.

Stabbing to Get to Prison: Biography as an Encounter with the Criminal Mind

Frank van Gemert*

* VU University Amsterdam, the Netherlands; f.h.m.van.gemert@vu.nl

Abstract

Stabbing someone because of a minor altercation and then turning yourself in, knowing that you will be convicted of a serious crime, doesn’t seem to make sense. One needs to know the perpetrator and the life he lived in order to understand the why and how of this offence. Doing research for writing an authorized biography enables such deep immersion, because of the quality of data gathered on the single person. While it is common in criminology, as well as for writing a biography, to use an approach with a focus on structure and stress context and background factors, in this study an interaction perspective is added to include what happens in the foreground. “An encounter with the criminal mind” can be understood as a personal meeting with a protagonist who commits crimes, but it can also refer to a close look at the criminal act and bring to the surface what the protagonist was thinking and feeling at that time.

Keywords

biography, structure and interaction

1 Introduction

Utrecht, the Netherlands, August 28, 2010. On his 54th birthday, Jan Hoolwerf visits a man he knows from the neighbourhood. He called in advance, and prior to leaving his home he packs a bag with some clothes and on top he puts a big knife that he bought a few days earlier. Then Jan walks over to the man’s apartment and is let in. The two have a chat, drink coffee and then Jan takes the knife from his bag, stands up, and takes a few steps in the direction of the surprised man. He stabs the man, and as they struggle, the man is hit seven times in his head, chest, belly, and right hand. As the man starts to shout, Jan leaves the house and walks over to the nearby police station to turn himself in. The victim survives the attack. Jan is convicted of attempted murder and sent to prison for five years, followed by an indefinite period of entrustment in a mental hospital.

A year earlier, I interviewed Jan for the first time. I had heard about this man who had been incarcerated in the US and had become a member of the Sureños, an infamous Latino prison gang. As a gang researcher, I was keen to hear more about this first-hand. I tried to get in contact with him and as I had heard he gave lectures, this turned out to be very easy. The foundation he worked for gave me his phone number, I called him and two days later we met at my university office. On that occasion, I heard parts of Jan’s intriguing life history. He had allowed me to record the conversation and I was thrilled by the idea of digging deeper. A few days later, I sent him an email and suggested that we work as a team in putting his life history on paper. Jan replied within the hour: “When do we start?”

The last interview took place on August 17, 2010. I was going to start writing the biography and we agreed that, if questions arose, we would be in contact again. A little more than a week later, he committed the capital offence. It was premeditated. In court, Jan described how he had planned the whole thing and the judge convicted him of attempted murder. I finished writing the biography and in November 2011 it was published...
(Van Gemert, 2011). Of course, this last violent act had to be included in the book. I was shocked and appalled when it happened but at the same time it raised questions. Jan had turned to violence before and we spoke about it at length, but once more, I realized I had had a close encounter with a person criminologists normally study from a distance. How could I ever understand what went on inside his criminal mind?

A biography is a case study based on just one person, an approach that is seldom used in current criminology. The vast majority of researchers in this discipline prefer to study a (much) larger number of people but there are still good reasons for including the biography in the criminological toolkit. In a special issue of *Theoretical Criminology*, dedicated to the famous study *The Jack-Roller* by Clifford Shaw (1930), the editors state that little is known about “what goes on inside the criminal mind” (Maruna & Matravers, 2007, p. 430). Quantitative studies use a deductive frame and zoom in on specific elements to be tested while the individual of flesh and blood is replaced by a “sort of ‘stick figure’ of the over-socialized individual or rational actor” (ibid., p. 430). This article discusses writing a biography as an opportunity for criminologists to encounter the criminal mind, and the case of Jan Hoolwerf will serve as an example.

When it comes to biography, it is evident that structure and history help to explain the relation between micro and macro. In *The Sociological Imagination*, Mills argues: “The individual can understand his own experience and gauge his own fate only by locating himself within his period” (Mills, 1959, p. 12). This applies to the individual but it is equally true for the sociologist. Likewise, in traditional criminology, background variables are important determinants of crime. Family (Bowlby, 1951), neighbourhood (Shaw & McKay, 1931), and/or class (Merton, 1957) have often been used to explain a person’s criminal behavior. Furthermore, biographies of criminals yield important case material for life course criminologists looking for turning points, life events, or various intergenerational phenomena (Farrington, 2003; Laub & Sampson, 2003). Biographers use the contexts of time and place, which provide both general and unique elements to help us understand what chances and obstacles the protagonist has come across in his life (Shanahan & Macmillan, 2008).

In this contribution, however, an element is added. Explaining the actions of the protagonist or understanding his motives is not only done by considering the wider context and background elements. On top of that, the here and now of crime, its foreground, is brought to the fore. This means the criminal event draws attention, and of course one would choose the protagonist to be the main source to supply the data. This is referred to as “instant ethnography” (Ferrell, 2009). As a consequence, an “encounter with the criminal mind” can be understood as a personal meeting with an individual who commits crimes, but it can also refer to a close look at the criminal act and bring to the surface what he was thinking and was feeling at that time.

Such encounters are rare and, certainly, not all biographies include one. The benefits of this approach depend on specific data that can only be gathered in collaboration with the protagonist. The next section sets out the variety of biographies in the field of criminology, in order to find out what category applies. The paragraphs that follow discuss the theoretical perspectives and methods that were used in the research for Jan’s biography, and the concept of “pose” is introduced. Subsequently, the life history of Jan Hoolwerf is described, and it stops at his last attempted murder. Finally, this last violent act will be unravelled as it presents an encounter with the criminal mind.

2 Biography Categories

Biographies have never been part of mainstream criminology. A relationship with life course criminology seems obvious, but the focus on a singular case (N = 1) makes it difficult to generalize findings. As previously mentioned, nowadays, most academics choose other approaches but this preference is not self-evident.

Because of their interest in the ethnography of urban street life, Chicago School sociologists have produced a number of biographies. Through the life history of the protagonist, one learns about the world he lives in and his criminal profession. It is no coincidence, that these publications refer to these professions: *The Hobo* (Anderson, 1923), *The Jack-Roller* (Shaw, 1930), and *The Professional Thief* (Sutherland, 1937). Later, *The Professional Fence* (Klockars, 1974) was added to the list.

More recently, the public attention given to other specific professional groups gave rise to the publication of biographies on other professions. Following gang wars, especially in Los Angeles, a number of biographies on gang members were published: *Always Running* (Rodriguez, 1993), *Monster* (Shakur, 1993), and *Inside the Crips* (Simpson & Pearlman, 2005). After they were caught, Antonio Calderone (Arlacchi, 1993), Sammy “the Bull” Gravano (Maas, 1999), and Giusy Vitale (Vitale & Costanzo, 2009) collaborated as *pentiti* with the justice system and brought new insight into the closed world of the mafia. Next, fuelled by the financial crisis, white-
collar criminals such as Nick Leeson (Leeson, 1996) and Bernard Madoff (Arvedlund, 2010; LeBor, 2009) became the focus of attention.

Cruel violence triggers the media. So when a serial killer is arrested, often a true crime biography follows. Such was the case with Ted Bundy (Rule, 1980), Jerry Brudos (Rule, 1983), Dennis Nilsen (Masters, 1985), John Wayne Gacy (Sullivan & Maiken, 1984), Henry Lee Lucas (Norris, 1991), Aileen Wuornos (Wuornos & Berry-Dee, 2006), and others. The same is true for cruel and extraordinary cases where children are involved. In Austria, Joseph Fritzl held his daughter Elisabeth in a secluded basement for 24 years. She gave birth to seven of his children in that basement (Hall, 2008). Marc Dutroux kidnapped, raped, and murdered six girls in Belgium (Coninck, 2004; Leurs, 2006). The protagonist of books like these can also be the victim, illustrated by the case of Natascha Kampusch, who was kidnapped and held in captivity for eight years (Kampusch, 2010). Margaux Fragozo (2011) and Ted van Lieshout (2012) wrote autobiographical life histories, both describing a paedosexual relationship with a much older man.

Many of the more recent books were published because of their commercial capacity. Crime sells and there is no denying the commodification of crime. The old Chicago School studies had different incentives. While the city was the stomping ground of gangsters like Al Capone, these researchers did not pick up the cases that made the headlines. Instead, they studied the more regular petty criminals that had not been in the focus of academic attention and about which there was still much to learn. Apart from commercial gains, there are other motives for writing a biography.

Looking at how and why biographies are produced makes it possible to categorize them. An important first category consists of autobiographies, often written by criminals who are incarcerated. American examples are Caryl Chessman (1954) and Jack Abbott (1981), whereas from the UK there are autobiographies by John McVicar (1974), Jimmy Boyle (1977), Walter Probyn (1977), and more recently by “Razor” Smith (2004). Among the motives to write these *prison biographies* is the author’s urge to attest to a humiliating and unjust prison system, to reopen his criminal case, and to escape the death penalty.

Criminals who roam freely or ex-criminals also write autobiographies; sometimes they collaborate with a team of ghostwriters. They may try to make some money but at the same time they look back and want to set things straight. These writings can be testimonies or diaries. Sometimes authors want to come clean and display remorse. More often, though, autobiographies have a resolute tone of perseverance. Examples can be found in the extensive bibliography on the British Kray twins and their siblings (R. & R. Kray, 1988; C. Kray, 1988; R. Kray, 1990; R. Kray, 1993; K. Kray, 2000; R. Kray, 2000), or in the first book of the hardened Australian “Chopper” Read (1991).

A second category is the authorized biography. The protagonist and the author work together to produce the life history. The Chicago School examples (Anderson, 1923; Shaw, 1930; Sutherland, 1937) belong to this category, as does *Confessions From a Dying Thief*, a study by Steffensmeier and Ulmer (2005) and three biographies from Dutch criminologists. Bovenkerk (1995) interviewed Bettien Martens, a Dutch go-between in Colombian and Italian drug networks, and Hagar Peeters (2002) studied the life of Gerrit de Stotteraar, an inveterate burglar with a very long criminal record. The last one is Jan Hoolwerf’s biography (Van Gemert, 2011).

In the third category of unauthorized biographies, the author is often a journalist, whose job it is to follow specific “hot” cases by doing desk research, talking to the police, and writing reports when cases come to court. In the end, the offender is sentenced and goes to prison, or his career may end because he is assassinated. That is the moment when the journalist wraps up his material and writes a book. Dutch examples are the books on Klaas Bruinsma (Middelburg, 1992), Charles Zwolsman (Hüsken, 2001), Mink Kok (Hüsken, 2007), Thea Moer (Korterink, 2008), and Willem Holleeder (Kok, 2011). The three categories make a large collection of biographies with many possible varieties. There neither is a standard for the literary quality of these books, nor is a designated form for describing and analyzing the protagonist’s life history. Obviously, this makes it difficult to discuss biographies in general terms and point out strengths and limitations, but the question of the relevance for criminology remains.

In *The Jack-Roller*, Shaw (1930) stresses the fact that the book contains “the boy’s own story”. This is where we see the Chicago School influence of urban ethnography. Shover (2010) acknowledges the relevance of the emic perspective, as he suggests, examining life histories as ethnographic data: “Documents or productions written or in other ways recorded and made available to others that consist largely or entirely of a first-person narrative about all or much of the subject’s life” (Shover, 2010, p. 14). After reading an estimated number of 200 of these texts, Shover comes to some interesting conclusions. For example, while policymakers like to claim there is a deterrent effect from increasing penalties, biographies provide little evidence of this. Quite the
opposite seems to be true, as Shover points to the spiteful or angry words of protagonists that attest to the
hardening effects of undergoing punishment.

As the books in the third category are written without the help and consent of the protagonist, they are different
from first-person narratives. It is the author who decides on what is written, and this can result in the protagonist
being discontent. Journalists say they don’t want the collaboration, because this means they have to reach
agreements all the time, taking away their freedom to write what they think is the truth (Middelburg, 1992, pp.
94–5; Van der Zee, 2006, pp. 293–5; see also Van Gemert, 2011, pp. 43–6; 2012b, pp. 23–4). Certainly, there
is some logic to this, especially if the key person has cases pending and would benefit from certain things being
written yes or no. On the other hand, the protagonist is, of course, the most important source of information and
this is an important reason to include in data collection what the number one expert has to say. However, many
journalists write unauthorized biographies.

Journalists are often interested in notorious criminals that are on the run, or whose case comes to court. These
are suspects that have not yet been found guilty. A lot of journalistic effort goes into checking facts and looking
into links that may point to guilt or innocence. Whodunnit? There is no denying the legal relevance of this
question, but for social scientists it is certainly not the only one or even the most important one to be raised.
Most biographers find this focus much too narrow because a biography is not only about facts. What the
protagonist does, his activities, can be described, but what he thinks and how he sees things is hard or maybe
even impossible to register without his cooperation. An unauthorized biography can tell a story about the
protagonist but it is not an emic approach and the result is not his story. Collaboration is crucial if one is inclined
to present that perspective.

3 Collaborating with the Protagonist

First-person narratives, being the first two of the above categories, are generally the most valuable for
 criminological analysis of what goes on in the criminal mind. Shover (2010) suggests these life histories should
be used as sources for data. Apart from that, biography can be the product of research (Van Gemert, 2016).
This means not just using data available in life histories but retrieving new data and writing a biography as the
outcome of criminological research based on collaboration with the protagonist. Three aspects linked to this
kind of research need some elaboration.

Firstly, can a relationship be established? Apart from the book on Jan Hoolwerf, I have written a second
biography on Said Bensellam, a kickboxer and bouncer of Moroccan descent, who became a very successful
youth worker (Van Gemert, 2015b). Before writing the book on Said, I was in contact with three other potential
protagonists, all male, with various criminal careers but none of this resulted in a collaboration. I met with two
of them; the third was incarcerated but he would soon be released from prison. Two men lost interest when I
made it clear that our work would, most likely, not be very profitable, while the third decided that he would
prefer to take on the task of writing the book himself. Intense teamwork on personal matters for a longer period
is not self-evident (Van Gemert, 2013).

Secondly, what is a good approach for interviewing? In retrieving a life history, the interviewer can impose an
outside order that doesn’t correspond with the stories of the protagonist. How to start? What elicitation to use?
Chronology is a simple and logical option. Make a timeline and start at the beginning (see below). Another
option is to follow the protagonist and focus on what he thinks is important. Denzin (1989) suggests specifically
asking the respondent for “epiphanies”, important moments in his life. Similarly, the FANI (free association
narrative interview) method uses open questions to encourage respondents to remember specific events that
bare emotional meanings (Hollway & Jefferson, 2000). During the research on the book about Said Bensellam,
I learned that plans made in advance do not always work. I hoped to use chronology but when Said and I sat
down for our weekly sessions, he would be so caught up in his daily struggles that this was what he mainly
talked about. Most of it was very relevant, but to me, at first, it was chaos. What evolved did not match the
structured research design I had in mind beforehand, and analyzing the transcripts was a complex task, but in
the end, it offered me splendid insight into what he does and what goes on in his mind.

Thirdly, how to go back in time? In criminology, it is normal procedure to interview imprisoned respondents
on what they did in the past. This can add to rationalizing and/or neutralizing, because what the researcher
generally finds out is what the respondent says when looking back (Copes & Hochstedler, 2010). Over time,
things are forgotten and new experience overwrites old meaning. It can be interesting to know what people now
think and feel, but when the goal is to get closer to the criminal mind, the researcher is more interested in
thoughts and emotions at the time of the crime. In a conversation, the difference may at first seem irrelevant to
the respondent and he may not feel the urge to go back in time. It can be uncomfortable or even painful, but it
is inevitable when writing this kind of biography. For the researcher, it is important to be explicit and help the respondent make the distinction. “This is what you think now. Let’s go back; what exactly happened at that time?”

4 Foreground

Apart from the structure perspective mentioned in the Introduction, which focuses on background variables, in a biography, one can also apply an interaction perspective. In his book Seductions of Crime, Katz (1988) tries to delicately unravel offences by looking at the here and now of crime. His focus is on the foreground.

Just like a portrait or sculpture, a biography can be seen as an image of a person made by an artist or a writer. The person is portrayed in a certain pose that is recognized by the audience. “Le penseur”, the famous sculpture of Auguste Rodin, is an image of a man plunged in thought. Rodin probably saw his model take on this pose, studied it, and created the sculpture. Likewise, a biographer writes about the protagonist and presents a specific pose, so the readers recognize a cruel villain, a caring father, or a shrewd con man (Van Gemert, 2012b, 2015a).

The pose should contain a clear message. Presenting a pose seems like playing a role. Goffman (1959) offers an analysis of interaction in everyday life by referring to dramaturgic concepts. In a specific situation a person uses specific behavior. He plays a role, because he wants others to make sense of his behaviour and he expects them to react in a certain way. Thus interaction becomes meaningful. Apart from cultural differences, roles are recognized because in society they are frequently recurring. We understand what a policeman, a teacher, or a father does, because we are familiar with these roles, complex as they may be and apart from who plays them.

Sometimes the picture is unclear, and to make it easier to recognize scripts can be used as templates. Robin Hood, who stole from the rich to give to the poor, is a good example. The monster offers another script. Someone did such cruel and gruesome things that he cannot be seen as human. Five biographies that have “monster” in their title are by Hall (2008), Horion (1981), Shakur (1993), Stickney (1996), and Wuornos and Berry-Dee (2006). Of course, a template may help the reader, but does it represent the protagonist?

Taking on a pose, like playing a role, means sending a message to the other. Via interaction, people practise “impression management” (Goffman, 1959). Symbolic interactionists say the individual, the self, sees who he/she is through the other (Blumer, 1969; Mead, 1934). This “looking-glass self” (Cooley, 1964) is created through reflexive relations between the individual and his/her social world. Background variables linked to a historical-sociological frame may point to class, family, or neighbourhood but it is the foreground where the protagonist presents himself/herself and where he/she is seen by the other.

Now, who decides on the pose? In a biography, it can be the author who makes this choice, or is it the criminal who takes on a pose on his own? Obviously, in autobiographies, it is the protagonist himself/herself who decides and in unauthorized biographies it is the author. In authorized biographies, the protagonist and the biographer work together in putting the life history on paper. Unlike an unauthorized biography, this is not so much a story about the main character, as it is a story by him. His story.

Following this approach, the following paragraphs offer a description and an analysis of the last offense by Jan Hoolwerf, the attempted murder as mentioned in the Introduction. The violent act was premeditated and rational, since he clearly planned it. Nevertheless, what he did is hard to understand, if not impossible, from an outside perspective. Two questions work as guidelines: How does the protagonist see himself? How does he want to be seen?

His act was not a secret; he wanted to be noticed. Thus, the foreground can reveal how he wants to be seen as he takes on a violent pose. Through the background of his life history, we learn why this is important and what this means to him.

5 Methods and Data

After the first contact, Jan and I soon decided to start working on the biography but we hardly knew each other. That certainly is a meagre basis for a serious endeavour with intense communication. I wrote a summary on paper of the tasks and things to come, in order to make clear what I thought we were going to do. I offered it to Jan, hoping to avoid unwelcome surprises. I was explicit about the long interviews that I anticipated and mentioned that they were going to be recorded and transcribed. I stressed that this would take several months, and it would be my task to start writing afterwards. If books were sold, we would split the revenues evenly. Jan read what I had written and agreed to it instantly. We could start.
In collaborating with Jan, a combination of methods resulted in a variety of data. Most important were the interviews with Jan himself. Besides Jan, I also interviewed his ex-wife, a befriended couple, his lawyer, a mentor of a rehabilitation programme, and a coordinator of a volunteer programme. A second source consisted of various documents, ranging from criminal records and psychological reports to newspaper clippings and a membership card of a football club. I would either get these documents directly from Jan or from his lawyer who supplied me with two large dossiers of attempted murder cases. I was also allowed to read and analyze 46 letters that Jan had written to the couple while he was incarcerated in America. Furthermore, I could observe Jan and I made a habit of writing field notes on all the occasions that I met him. Often these were just additions to the interview at hand, but towards the end of our collaboration, we spent more and more time together being away from the setting with the voice recorder.

The first of a series of 25 interviews took place in January 2010. We developed a routine for the Friday morning: at 10 am I would arrive at his apartment in the city of Utrecht, and we talked until we stopped at around 12 am. Jan has a good memory and talking about his life is easy for him. In the interviews with Jan, I used chronology as a self-evident tool to work systematically. This may seem an order that is imposed on the protagonist from the outside, but at the same time it is a very logical one that and easy to understand. In our first contact, Jan talked about his time in US prisons, and I had assured him that we would address this and all other issues in due course. I did not want to get lost in separate stories before getting the big picture. So, in the first two interviews, we broadly went through his life in general to create a visual overview. Using some pages that I taped together a very long horizontal axis was created with the years of his life, starting in 1956. On the vertical axis, we put thematic categories – such as home, family, school, work, drugs, crime, prison, and religion – that would turn up in Jan’s life history. During these first two interviews, I would use a pencil to write on the pages. Later, when we felt the big picture was more or less complete, I put all the data onto an Excel spreadsheet. During the interviews, we had a print-out right in front of us and every now and then I could look up “where we happened to be” in the overview. Sometimes we stumbled across an inconsistency, and I would adjust the file. This sheet can be compared to a life history calendar that is used by life course criminologists. Jan agreed to this, and he could see and understand why it was done.

Generally, a respondent is interviewed once and rapport has to be built on this one occasion. In 25 interviews there is a similar process but obviously, this goes on much longer and the cooperation can become much more intense. I wouldn’t say Jan and I became friends but our relationship was very constructive. I could ask all I wanted and Jan would take the time to reply. In the beginning, creating the big picture, we remained on the surface, but later we also spoke about personal as well as emotional elements. The conversation could get sad or gloomy but Jan would not avoid issues we touched upon, and he answered to the best of his ability. He is the most cooperative respondent I ever met in my 30-year career as a qualitative researcher.

For half a year, we met nearly every Friday morning. Not only would I interview him, but I could also hear and see what was going on in his life from day to day. I could hear Jan complain about telephone bills, and he would talk about his visits to friends or his attempts to start running on a regular basis. When we reached saturation point in the interviews, we decided to go to the cities where he had lived. I would pick him up in my car, or we agreed to meet somewhere, and afterwards we walked through particular streets of Haarlem, Amsterdam, Utrecht, Baarn, and Nijmegen. I had heard about these places but now Jan would describe again what had happened there, and the stories came to life. Not only had I heard him talking about what was behind him but I could also see and to some extent experience the life he was living now and what kind of a man he had become. Interviews turned into participant observation and biography into ethnography (Van Gemert, 2012a).

The combination of interviews, observations, and written material allowed me to triangulate, and if certain things were still unclear, I could call Jan and listen to his opinion or ask for some extra information. The data in this research are extremely rich, and because of trust and transparent collaboration, the validity is very high. The books on Stanley (Shaw, 1930) and on Sam Goodman (Steffensmeier & Ulmer, 2005) are among the very few academic authorized biographies that have such rich and varied data and they can, in this sense, be compared to this study on Jan Hoolwerf.

Shortly after we put an end to gathering data, Jan committed the attempted murder. Since his arrest, I have stayed in contact with him. I have visited him in prison in Utrecht, and I was present when his case came to court. Afterwards, I met him several times in Veenhuizen while he was in prison, and I continued to visit him when he was entrusted to a mental hospital in Eindhoven. I wrote dozens of letters to him but he didn’t answer often, because he did not have enough money for stamps. Incidentally, we still have contact over the telephone.

For writing this text, I used the interviews and research notes but the attempted murder was committed after these data were gathered. Jan and I talked about this last offence a number of times when he was incarcerated. I made notes of these conversations afterwards, as I was not allowed to record them. Apart from that, in letters...
I have asked him specific questions about this offence. He took the time to write two long letters to me in response. After receiving the first one, I wrote to him again and elaborated on what I wanted him to explain to me because I was interested in what he thought and felt while committing the offence. I stressed what I hoped he would do for me. “Very important: I am not asking how you look back on this now but rather what you thought and felt at that time. That difference is very important. What emotions did you have then? Ask yourself …. How did you feel? Were you angry, uneasy, confused, …? Or did you feel nothing?” Before presenting what he answered, his life history will be described first of all.

6 Life History of Jan Hoolwerf

Jan Hoolwerf was born in 1956, in the city of Haarlem. He is the eldest of four and from the beginning, his father, a professional marine, was keen that this son would follow in his footsteps and pursue a military career. As a parent, the man was very strict and the stories Jan tells about harsh punishments in these early years are full of domestic violence. The marriage was not stable, and Jan’s parents divorced. The two youngest children stayed with their mother but Jan and his brother were sent to an orphanage. Jan has bad memories of those times. He felt lonely, and looking back he cannot remember he and his brother ever being visited. Jan was unhappy and on reaching puberty he became rebellious and refused to accept the frequent beatings he received in the orphanage. When he started hitting back, the authorities decided to send him to a foster home. In this new environment, Jan again resisted authority. Subsequently, he was hired to work on a boat that sailed the River Rhine. In an argument with the captain, Jan attacked a much bigger man with a knife. Immediately the boat was stopped and Jan was set ashore in Germany.

At the age of 16, Jan was left alone, homeless and off the radar for all Dutch institutions. In the summer of 1972, after smoking pot and camping for free in the Amsterdam Vondelpark, he was noticed by a few youngsters, who introduced him to a new world of crime. Jan learned about stealing, street robbery, and extortion. The boy that was once a victim of violence grew into a man, 2 metres tall, who used violence instrumentally.

Jan went on experimenting with hard drugs as he entered the Amsterdam drug scene. Local underworld figures paid him for protection or to intimidate others. This lifestyle of violence and drugs inevitably brought him into contact with the police and justice. Over the years, Jan served a number of short sentences but he coped easily with the prison situation.

In 1981, at the age of 25, Jan got married and left Amsterdam. The young couple moved to Haarlem and Jan got a steady job in a factory. A son was born but their family life was doomed to failure because Jan followed in the footsteps of his father. He insisted that he never beat his wife, but nevertheless his extreme egocentric and dominant attitude resulted in a divorce. Jan’s reaction was violent and dramatic as he shot himself in the stomach. After a short stay in a mental hospital, he returned to a life of drugs and crime.

A change presented itself in 1998. On his son’s 16th birthday, he phoned his ex-wife. At first, she was shocked to hear from him again, but she was very unhappy and physically worn out in her current marriage and hoped Jan could help change her situation. The family was reunited, and Jan stopped using drugs and managed to find a job as a gardener.

Jan felt important as a caring husband, and his ex-wife became well again. In his new job, he worked hard and received compliments from satisfied customers. His son, however, was being confronted with the very masculine, dominant father he had never known and confrontations were inevitable. The mother sided with her son, and Jan was told to leave again. At the same time, his relationship with his boss turned sour, and he was fired. Only a few years after the reunion with his family, he was back to where he was. Almost simultaneously he was rejected in two situations and again Jan reacted with dramatic violence. He threatened his wife with a knife and in the same violent outburst, he turned on his boss with an axe. The man was unharmed but later Jan ran into the man’s son and stabbed him.

He was sentenced for attempted murder and sent to prison for two years. He calmed down in prison, but within half a year of being released in 2004, with no income and no home, he was back to a life of crime. He accepted an offer to transport drugs but was caught going through customs in New York City with 5 kilos of cocaine and sentenced to four years’ prison in the United States.

Jan was used to being in prison but the situation in the US was different from what he knew in the Netherlands. In federal prison, he at first decided not to be a part of the gangs, but after one particular incident, he thought being a member could make his life easier. Now in his fifties, Jan joined the Sureños, a Latino prison gang. Even though his fellow Sureños were Mexican and Catholic, while Jan was white, Muslim, twice as old, and
much bigger than most of them, he was soon considered a member. His overall prison experience had been noted but the key to his acceptance was his ability to use violence. After his initiation of being beaten up for 13 seconds, he was assigned to several missions where he had to stab enemy gang members. Jan carried out these tasks without a single complaint, and furthermore, he was very brave and again violent during a raid in the prison yard, where the Sureños were outnumbered but attacked a rival gang. In the US prisons, Jan experienced a period where his deeds were valued and he was appreciated by his fellow gang members.

In September 2008, Jan was set free again and put on a flight to the Netherlands. He found himself in the same situation four years earlier but now he was determined to make a serious attempt to try and change his life. With the help of Dutch probation, he managed to rent an apartment and he started working as a volunteer. He helped out in a home for elderly people and he gave lectures for a foundation to young people in schools, clubs, and community centers throughout the country. Every Friday, he visited the nearby mosque. Later, he decided to work with me on his biography.

In spring 2010, Jan met a divorced woman. The two became friends but when the romance was about to take off, Jan stopped. At her birthday party, her children had a surprise. While she sat and enjoyed the feast with Jan at her side, suddenly a handsome man walked into the room and started to strip right in front of her. Jan was very uncomfortable with this. He sat and waited for it to end, as he didn’t want to ruin the party, but that same day he ended the relationship. If he was to be her man, how could they put him in this situation? The woman and her son tried to reconcile the relationship but Jan would not relent.

After a while, things turned sour. Jan had very little income, and he had a hard time making ends meet. Since April 2010, Jan had owned a dog, and he was very fond of the animal. They took long walks, and Jan made sure the dog was well fed, but this meant very little money was left and after a while, Jan himself started losing weight. He talked about phone calls he had to make and how he got standard answers that fed his contempt for bureaucratic organizations. The reimbursements of his travel expenses when he gave lectures were insufficient and the foundation received complaints because people felt Jan was too positive about his time in the prison gang. After some discussion with the coordinator of the foundation, Jan was no longer asked to give lectures. Around the same time, Jan interfered with certain policies in the home for the elderly because he felt some patients were not treated appropriately. As conflict arose, he was told not to come anymore.

This is where the interviews and observations for writing the biography stop.

7 Analysing Attempted Murder

Looking at the life history of a person, one is inclined to stress background factors. Indeed, when learning about Jan’s youth, the dominant father and domestic violence are the first steps into a world of violence and represent a prediction of the role that Jan would take on himself when he was older. His socialization developed in the orphanage where he learned to refuse to be disciplined and literally started to fight authority. When he was homeless and entered the drug scene and the underworld of Amsterdam, violence became an instrument that he handled almost without restraint. In short, the insecure attachment in his upbringing, his poor lower-class position, and the underworld connections are all good predictors of a criminal career that have been verified over and over again in criminological research.

In Jan’s biography, four poses are discussed. “Violence” is the pose he takes on when he wants to be seen as someone others should not try to stop. In other situations, he wants to be seen as “caring” because he can work very hard doing something for the other. He believes he deserves recognition for that. “Mutiny” is the third pose of opposition to the systems in society by a man who wants to show his autonomy. In the fourth pose of “dramatic violence”, Jan uses violence as a last resort. He intentionally draws attention to a violent act in order to turn things around. He shot himself, threatened his boss with an axe, and stabbed the man’s son, and all were attempts to change the situation he was in, and to reclaim his manhood.

The last attempted murder again bears the pose of dramatic violence. This becomes clear when we unravel what happened leading up to and during this last violent act. When Jan returned from the US, he rented an apartment in Utrecht. This seemed like a good beginning but the house felt empty. He was used to being surrounded by fellow inmates but now he was alone, back in the situation where he failed before. “What is a house with nothing in it, without people? I have met many people but I won’t let them get close. I cannot let them know I care about them or maybe even love them. Just imagine, loving people, that means you are just one step away from hurting them.”

The short relationship with the woman that he met in spring 2010 came to an end. At about the same time, he lost both volunteer jobs. This was hard to accept because he was trying to care for others. He felt hurt and
rejected, and that was a sharp contrast to the acceptance and respect he felt as a gang member. "I didn’t care anymore. I longed for my homies in prison in America.” He knew life in the gang was not about love or even sympathy but he understood prison life and his role was valued by others. “The gang was my only family.”

Increasingly Jan was getting frustrated and depressed. He was contemplating doing something that would get him sent back to prison. In the last interviews, he hinted at this: “One way or another, I function better in prison. […] Normal life doesn’t please me one bit. All I have is shit. […] When we have finished the book, and I don’t have to pay attention to that anymore, then I’ll see if I can get back to prison.” Later he writes: “I am going back to prison. I cope better with crooks and the structure inside.”

His mind was riven with confusion about what he was about to do. He knew that there were still a few people who supported him and cared for him, especially the befriended couple that stayed in touch with him while he was incarcerated in the US. There was a sharp contrast between the sympathy he felt and the crime he was anticipating. He dealt with this controversy by making himself disappear from this social setting. “There is only one solution: taking myself out. But in Sureño style. A victim is easy to find, he is unimportant in this play, he simply is the means to an end.”

Jan was not really angry at the victim. The man was a necessary attribute for Jan’s goal of getting back to prison. When Jan told him about the Sureños during a previous contact, the man used a tone of contempt Jan did not like. At the time, he did not react, but when he was creating his plan, it came back to him. Jan chose this man because of this remark and because his esteem for this drug user was very low. “He lies in his bed all day, doing nothing. That fat pig.” When describing what he did that evening when he went over to the man’s house, he used degrading words: “boy scout”, “idiot”, “sucker”, “dog”, “dirty, filthy, cowardly dog”, “pig”, and “bitch”.

After he had stabbed the man, Jan left the house and walked over to the nearby police station to turn himself in. As he was doing so, police cars raced by with loud sirens. He found the police station deserted, so Jan decided to sit down on a nearby bench and wait. “I put down my bag and lit a joint. I relaxed and thought, ‘Now you are really in deep shit’. Not a satisfying feeling but a relaxed one. I had not felt like that for a very long time.”

8 Encounter with a Criminal Mind

The actor, Jan, found himself in a situation where he became increasingly frustrated and depressed. With no volunteer work, very little income, and few meaningful relationships with other people, he lost grip on his life. He tried but it seems he was not able to function as a regular citizen in society. At this stage, he saw himself as a failure but he wanted to be seen as an autonomous man who cared for others and made his own decisions in life. The legitimate routes he tried in normal life were not successful but he knew that in prison he was respected and for him, life inside was much easier.

How could he once more become an autonomous man? Through his last violent act, he put himself in a position where he was in charge again. The attempted murder was committed by stabbing someone with a knife, Sureño style, just like what he was used to doing in the US prisons. He knew this would get him back in prison and in his view, this was the best place for him. With the pose of dramatic violence of this final act, he erased the picture of failure. Others may disapprove but this was his choice.

Stabbing someone because of a minor altercation and then turning yourself in, knowing that you will be convicted of a serious crime, doesn’t seem to make sense. One needs to know Jan and the life he lived to stand why and how he did this. Authorized biographies, like the ones on Jan Hoolwerf (Van Gemert, 2011) and Said Bensellam (Van Gemert, 2015b), present criminological encounters with obvious relevance for the discipline as they provide an excellent opportunity to study what goes on inside the criminal mind, during criminal careers and while committing criminal acts. One obvious reason for this is the amount and the quality of data that is gathered on the single person; another is the opportunity to combine perspectives. While it is common to use an approach with an emphasis on structure and stress background factors, an interaction perspective is added to include what happens in the foreground.

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Frank van Gemert PhD (1958) is assistant professor at the criminology department of VU University in Amsterdam. He was a student in cultural anthropology at the University of Amsterdam. Over the years Frank has conducted qualitative research on various criminological themes such as drug dealing, murder, squatting and gangs. His dissertation (1998) has the subtitle ‘Chances, Culture and Crime of Moroccan Boys’. In 2011 and 2015 he has written two criminological biographies. Frank has an interest in cultural criminology and narrative criminology and currently he is involved in research on kickboxing.

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An Nuytiens* and An-Sofie Vanhoucke**

* Vrije Universiteit Brussel, Belgium; an.nuytiens@vub.be
** Vrije Universiteit Brussel, Belgium; avhouche@vub.ac.be

As prisons throughout the world are mainly populated by men, female prisoners have long been in the shadow of their male counterparts. Yet, the rise of the number of women in prison in several countries (Aebi & Delgrande, 2014; Frost, Greene & Pranis, 2006; Walmsley, 2015) has resulted in a growing body of criminological research and a mounting number of publications on female imprisonment. This has also raised the awareness of international policymakers. For example, the United Nations has recognized the importance of reducing unnecessary imprisonment of women, and the need for improvements in female prisoners’ detention conditions. This need was formalized in the United Nations’ “Bangkok Rules”, which focus on the specific characteristics and needs of female prisoners.¹⁴ This growing awareness is also tangible beyond criminology and policy, for example in popular media. One of the most obvious examples here may be the immense success of the Netflix series *Orange is the New Black*. While the series is categorised as comedy/drama (*dramedy*), it is originally based on the autobiographical book of Piper Kerman (Piper Chapman in the series). In her book, Kerman vividly describes her stay in a US women’s prison after being sentenced to 15 months for a decade-old crime of transporting money to her drug-dealing girlfriend. Although the book was first published in 2010, it mainly came to the attention of a larger audience after the Netflix series was launched in 2013.

Over the past decade the body of scholarship on popular representations of punishment in the age of mass incarceration in the United States has increased substantially. In line with this trend, the series *Orange is the New Black* is discussed in several publications by scholars with different backgrounds (e.g. criminology, literature, communications), and apparently conferences are being organized using the title of the series (Artt & Schwan, 2016).¹⁵ Far fewer publications have focused on the book on which the series is based. With the release of Season 5 last summer, we believed this to be a good time to review Kerman’s original work. As we are both scholars who mainly conduct research from a constructionist stance, we are interested in the experiences and perceptions of those people embroiled in the criminal justice system. In that sense (auto)biographies may be highly informative about criminological topics. While there are plenty of (prison) biographies, they are not often picked up by criminological researchers (see, however, Smoyer 2013, 2014, for example, on the role of food in women’s prisons). Drawing on Kerman (2010), we discuss the value of (auto)biographies for criminology. We illustrate how these publications may provide meaningful insights for researchers and may extend or deepen our knowledge and understanding of prisoners’ experiences.

Kerman does a great job in describing in depth how she experienced her time in prison. One of the main strengths of her work is how her descriptions of prisoners as people of flesh and blood challenge images of offenders as heartless people. For example, the description of the moment her grandmother passes away may

¹⁵ See, for example, the conference *Orange Is the New Black and New Perspectives on the Women in Prison Genre* held at Edinburgh Napier University in June 2015.
invoke the reader’s compassion and empathy with prisoners, while the harsh and cold prison system preventing her from attending the funeral may provoke irritation and disagreement with the authorities. Kerman reminds us that prisoners are human beings with a lot more in common with the average citizen than expected, and that not all prisoners are necessarily dangerous and violent offenders. In reality, a considerable number of women serving time with Kerman ended up there as a result of the War on Drugs, which also targets minor and non-violent drug offenders. In that sense the book may be important for contesting stereotypes citizens may have about prisoners and putting a hold on the othering of prisoners.

Kerman also describes several pleasant moments and hilarious events. In addition, she recounts several warm and friendly encounters with fellow inmates, like the time she helped one of her fellow inmates, Pennsatucky:

When Pennsatucky came to me to ask for help writing a letter to her judge, I was relieved. She had a relatively short sentence of a couple of years but was trying to get an earlier release… (…) Pennsatucky and I met in the converted closet that served as a Camp law library, where there was an old beat-up typewriter. ‘Tell me again what you think this letter needs to say, Pennsatucky?’ I asked. She explained the facts of her cooperation, and then said, ‘And throw some other stuff in there, about how I’ve learned my lesson and shit. You know what to say, Piper!’ (p. 244)

At times she leaves the reader with the impression that her time in prison was not all that bad. This impression may also be fuelled by her humoristic writing style full of self-mockery. However, it appears from the literature that joking in prison may be part of a “survival strategy” (see, for example, Terry, 1997). While the same style is picked up in the series, it goes a step further by sometimes portraying events differently from how they are described in the book. For the sake of entertainment, typical characteristics of protagonists and humorous events are more emphasized or exaggerated, and some events (e.g. the relationship between a correctional officer (CO) and an inmate) are romanticized (see also Cecil, 2015). Notwithstanding the popularisation of prison life, the overemphasis on sex behind bars, and the fact that some critical details of prison life are left out, the series does a better job than most documentaries, series, or films in representing prison reality (Cecil, 2015).

Another reason for potentially considering her prison experience as “not that bad after all” is carefully explained by Kerman herself. Throughout the book she explains that, in contrast to many other women serving time with her, she thinks of herself as “the lucky one”.

First, she was only sentenced to a short-term prison sentence. Second, she did not spend her time in a maximum security facility. Third, she does not have children. As meticulously illustrated in the book, one of the most difficult pains of imprisonment (Sykes, 1958, see also below) to bear for women is related to motherhood (see, for example, Crewe, Hulley & Wright, 2017). Fourth, as she is highly educated and White, she is an atypical prisoner. It appears from her story that Whites may be excluded by other prisoners, who are mainly Blacks or Hispanics. However, as prison staff tend to consider Whites as higher in the informal prison hierarchy, being White may result in a more helpful attitude from prison staff. Research has indeed shown that white, middle-class females without a drug addiction receive more help from prison staff as they are perceived as “different” (Rowe, 2011).

One afternoon alone in a pickup truck, another officer turned to me intensely and said, ‘I just don’t understand it, Piper. What is a woman like you doing here? This is crazy.’ (p. 269)

Fifth, unlike many other women, she has a solid social network that continues to support her throughout her imprisonment.

While the story of Kerman is probably not representative of how the majority of female inmates experience imprisonment in the US, the book definitely adds to criminology as it brings a lot of well-known penitentiary phenomena and criminological concepts to life.

First, the book corroborates the importance of prison hierarchies as revealed in criminological research (see, for example, Crewe, 2009). It appears from the book that in prison, people need to reckon with formal (prisoners vs. prison guards) and informal (subgroups amongst prisoners) hierarchies when navigating through prison life. When describing the first days of her incarceration, she focuses on the chow hall. She explains how her bunkie (prison slang for roommate) warned her not to engage with the “wrong” prisoners.

When describing the first days of her incarceration, she focuses on the chow hall. She explains how her bunkie (prison slang for roommate) warned her not to engage with the “wrong” prisoners. This illustrates more generally the difficulties prisoners face when searching for their place in the inmate social system. The lack of protection from COs when making the wrong friends makes these kinds of choices for newcomers a hard and extremely important task. Kerman explains how lucky she was that her bunkie supported and advised her on this matter. Nevertheless, at times she still made mistakes, for example
when she complained about the meals in the presence of Pop, the prison chef. Being in charge of cooking, Pop received privileges from prisoners as well as officers: “‘Piper, Pop gets whatever Bunkie wants.’ I was stunned by this revelation that a prisoner could get what she wanted. Of course, if that inmate is the prime reason that your institutional kitchen runs in an orderly fashion…” (p. 117). Offending a prisoner who had such a high position in the prison hierarchy was one of the biggest mistakes Kerman could make.

The book also contains plenty of anecdotes illustrating the pains of imprisonment, as described for the first time in Sykes’ seminal work The Society of Captives (1958). One of these pains shaping prison experiences is the deprivation of autonomy. Kerman illustrates that while imprisonment itself is the punishment, in practice prisons do add additional layers of suffering. Prisoners’ deprivation of autonomy and the hostility it generates is a key topic in prison research. Kerman provides us with meaningful and vivid examples of how she experienced this. The example used here refers to her grandmother, who becomes ill and dies while Kerman is imprisoned:

In the last ten months I had found ways to carve out some sense of control of my world, seize some personal power within a setting in which I was supposed to have none. But my grandmother’s illness sent that sense spinning away, showed me how much my choices eleven years earlier [committing the offence] and their consequences had put me in the power of a system that would be relentless in its efforts to take things away (p. 265).

This example reflects how imprisonment engenders the loss of agency and feelings of powerlessness. In the same vein, the humiliating “pat downs” after visits are an example of these feelings. Kerman recounts that some male guards inappropriately touched women during these searches: “The CO asked me loudly and repeatedly: ‘Where are the weapons of mass destruction?’ while he fondled my ass and I gritted my teeth” (p. 269). Despite feelings of disgust and astonishment she lets this happen and does not react.

The loss of her grandmother brings us to another deprivation, the loss of, or difficulty of maintaining, family contacts. Kerman states that “prison is so much about the people who are missing from your life and who fill your imagination” (p. 122). Her description concerning the struggles she went through to meet family and friends in the visiting room illustrates the difficulties of maintaining social contacts. There was the stress that her counsellor might not have added her friends and relatives to the visitors’ list, meaning they could not visit and had to drive all the way back home. Criminological research has recurrently shown that contacts with family members during, but also after, imprisonment are crucial for a successful reintegration process (see, for example, Cobbina, Huebner & Berg 2012). Kerman’s description provides us with an inside view on how penitentiary institutions should (not) handle family visits in order to stimulate the reintegration process.

Reintegration and life after release is a prominent subject of discussion between the protagonists in Kerman’s book. The deficiencies with regard to the reintegration process, such as the lack of useful help in preparing for life after prison, are laid bare:

I had been pretty curious about what the reentry classes would convey to us. The first one I was required to attend was on health (…). A CO who worked in food services was there to lead it. (…). He told us that it is important to eat right, exercise, and treat your body as a temple. But he didn’t tell us how to get health care services that people with no money could afford. He didn’t tell us how we could quickly obtain birth control and other reproductive health services. He didn’t recommend any solutions for behavioral or psychiatric care, and for sure some of those broads needed it (…). Next we heard about housing. He talked about what he knew – which was insolation, and aluminum siding, and the best kind of roof to put on your house (…). One woman raised her hand. “Um, Mr. Green, that’s cool and all, but I need an apartment to rent. Can you talk a bit about how to get an apartment, and if there are any programs we could qualify for” (…). “Yeah, well, I don’t know too much about that…” (pp. 283–285).

In this extract, Kerman sharply illustrates the kind of help prison authorities do and do not provide in the process of reintegrating prisoners.

The central role of food in a prison environment is another topic that is well described in Kerman’s book. The importance of food, the poor quality of institutional meals and the consequences for inmates’ weight, the joy of contraband food, the position of those in charge of cooking in the prison hierarchy… all these topics provide a detailed insight into how daily prison life is led and negotiated. Interestingly, these mundane events, which are all too often neglected in research, explain to the reader that life in penitentiary institutions is not only about mediatised events such as violent outbursts and collapses of order. For example, prisoners may engage in prison cookery. Kerman explains that contraband food was irresistible but that she rarely cooked herself. She learned how to make certain popular prison dishes, such as cheesecake, often prepared for parties. These kinds of parties, held for birthdays, holidays, or when a fellow inmate was about to be released, illustrate how the women try to create an enjoyable atmosphere on days when imprisonment is particularly hard to bear. Self-made dishes
also appear to be very important for prisoners with different cultural cooking habits, partly because they remind these women of home. According to Kerman, some women (mainly “homesick Spanish and Indian women”) in prison cook on a daily basis.

The book reveals that women with similar food habits stick together in prison. Kerman explains that there are several female “tribes” – “Whites”, “Blacks”, “Latinos”, and “others” – each with different food habits. These female tribes strongly shape prison life and the prisoner community. Her descriptions concerning these tribes provide us with detailed information about the crucial role of ethnicity in a prison environment. As criminological research has shown that a lack of knowledge about the ethnic component has prevented scholars from fully grasping prisoners’ experiences in the past (see, for example, Philips, 2012), this aspect of prison life is of particular importance.

As illustrated in this review, Kerman’s biographical work has great merit for criminological research. The detailed description of her experiences in a women’s prison can be connected with several criminological frameworks and concepts, some of which are illustrated here. From a constructionist viewpoint, prison biographies may also be useful for increasing prison authorities’ and policymakers’ understanding of how people experience their sentence and how to improve prison regimes and reintegration practices. In that sense, these kinds of books should be required reading, not only for prison researchers, but also for prison staff and criminal justice policymakers.

References


An Nuytiens is a postdoctoral researcher and a research professor at the Crime & Society research group (CRISt) of the Vrije Universiteit Brussel. She conducted studies on restorative youth justice, transfer of juvenile offenders to Adult Court and youth offenders’ profiles and delinquent pathways. In recent years her research interests are in the area of female offenders. Her work currently focuses on life histories and criminal careers of female prisoners, delinquent pathways of girls in the juvenile justice system, gendered pathways to crime and prison, motherhood in prison and on Romani girls in the youth / criminal justice system.

An-Sofie Vanhoucke is a Doctor in Criminology and Law. She currently works as a teaching assistant at the Crime and Society Research Group at Vrije Universiteit Brussel where she runs a program in which prisoners and university students learn alongside another. She conducted studies on imprisonment in Belgium, the Netherlands and Denmark. In her work she focuses on the lived experiences of prisoners and prison staff.

1 Introduction

Criminological Encounters considers criminology as a discipline of numerous encounters between social sciences, humanities, and both exact and natural sciences. This diversity certainly also applies to the professional careers of scholars in the field of criminology.

Criminological Encounters includes a “The encounters of …” section to provide the reader with a road map of the professional careers of leading scholars in the field of criminology demonstrating the numerous encounters and related challenges, pitfalls, and joys they encountered along the way.

We start with Sonja Snacken, Professor of Criminology, Penology, and Sociology of Law at the Vrije Universiteit Brussel (Belgium). She currently also acts as Vice-Rector for International Relations at the same university.

2 A Career Full of Encounters

2.1 From Reality to Law Studies

Starting as a law student with the ambition “to change the world” by going into politics, Sonja’s life at the university started with what she calls the encounter between law and reality. The idea was that many things in life are regulated by rules, regulations, and laws and studying them would enable her to get a grip on reality and change it for the better. This encounter immediately confronted Sonja with the limits of law as an instrument for social change: “During my law studies there wasn’t that much input about that reality and about changing reality; it was very much about the rules, the normative aspect, and that was something I was missing in this legal training.”

2.2 Criminology as a Rescue?

The switch to criminology gave Sonja a way out of these limitations and filled the empty space between the normative regulation of society and the reality she was eager to grasp and change. Although her legal
Sonja’s career didn’t solely develop by trying to bridge different disciplines in her research. She recalls the terrible prison conditions she observed back in 1975 during a visit to the psychiatric institution/prison of Tournai for mentally ill offenders and patients in the southern part of Belgium. As mentioned during the award ceremony at the ESC conference in Porto (2015) where Sonja received the ESC Criminology award, this visit really encouraged her to do research on those who live and work in prison while striving for human rights and human dignity, less use of imprisonment, and better prison conditions in general. She was supported and inspired in this perspective by Prof. dr. Christian Eliaerts, whose own PhD had focused on prisoners’ rights. Striving for these humanitarian values also created a particular challenge: coping with and questioning your own values and making sure they are not perverting your research. Therefore, Sonja tried to assess her own activist perspective through a more scholarly approach to human rights.

2.3 Balancing Between Science and Values

However, one particular challenge that all criminologists face according to Sonja is that the different disciplines they try to include in their studies (psychology, social psychology, sociology, law, political sciences, history, among many others) are situated on three different levels: macro, meso, and micro. While we need these three levels to understand the phenomena we study as criminologists, it is very difficult – not to say impossible – to combine them all in one project, particularly considering how research projects are currently financed. Sonja included these three different levels in her application for a prestigious ERC advanced grant on “Human Rights and Penal Power: A Challenge for Criminology, Comparative Penology, and Prison Studies”. She proposed a comparative analysis of the human rights consciousness of prisoners in different countries with a different history in the legal enforcement of prisoners’ rights and different levels of punitiveness, and how this influences power relations and quality of life in prisons. Although she was not rewarded for her attempt, Sonja stands firm: “I still think that is what criminology should do: in order to understand these phenomena, we should aim at understanding the interactions between all these levels.”

2.4 Different Disciplines, Different Levels

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2.5 Making Policy, Drafting Legislation… Changing Reality?

Being involved in the process of preparing and drafting the new national prison and early release legislation and policy is something that “has been both enriching and frustrating”. For Sonja, this period in her career brought together her scholarly approach and her activist stance. After all, it always remained a question as to whether the draft legislation would pass through parliament without losing too much of its coherence and value in terms of prisoners’ human rights and dignity. At the same time, it made her reflect on the role this new body of legislation could play and what its impact would be. From a criminological perspective, Sonja knew of course that legislation doesn’t change reality or solve a problem in itself. As a sociologist of law, she knew that
legislation is only one (and not necessarily the most important) instrument in a social field where many different actors try to achieve many different goals: “[If there is no legislation then of course social actors can’t use it; creating legislation doesn’t offer a solution in itself, but it can become one of the instruments that some of those actors can use to achieve some of those goals.” But “the encounter with politics and policy – especially with the early release legislation – […] made me think ‘well it’s time to go back to science’” (laughs). In the aftermath of this period of active involvement in national law and policy development, Sonja obtained a research fellowship for ten years (2006–2016) from the Vrije Universiteit Brussel, based on an international selection. This gave her the opportunity to really focus on research again.

2.6 At Ease at the European Level

She remained active, though, in standard setting and policymaking at the level of the Council of Europe. This further increased her fascination with the similarities and diversity within Europe. The encounters with the Central and Eastern European and Baltic systems were particularly enriching. It also made her realize what her own stance regarding Europe was: “I am very European in the way I think. So I felt at ease within that European context – even if it was with 47 countries.” This diversity, of course, raised particular challenges in trying to find compromises and a consensus between these 47 countries, each with their own particular penal history, traditions, political ideas, and programmes. Overall, this process was highly rewarding, creating common standards and monitoring their implementation – though their impact on reality remains, again, a constant challenge.

2.7 As Frank Sinatra Would Sing, “If I Can Make It There, I’ll Make It Anywhere, It’s Up to You, New York, New York”

In 2009, Sonja was invited to join New York University as a visiting scholar for one year (2010–2011) by Prof. dr. Jim Jacobs and Prof. dr. David Garland. Living in New York and personally experiencing how American people often think differently about society and many aspects of their daily lives compared to European people helped her to better understand the differences in both criminal justice systems. This experience is very much in accordance with the reasoning of David Nelken, whose work on comparative research inspires Sonja. At the same time, spending one year in New York raised a significant existential awareness: “Going to New York for one year made me realize even more how European I am” (laughs).

3 Conclusion

The encounters that emerged throughout Sonja’s career go far beyond what one would expect considering the multidisciplinary character of criminology, including encounters with social sciences, law, psychology, medicine, etc. Her career path is also impacted by internationalization, European decision-making, and policymaking. Most of all, it has been a continuous reality check with strong personal values and questioning of what it takes or what it’s like to be a legal scholar and a social scientist. In this regard, the numerous encounters have been enriching for both the scientist and the person Sonja is.

4 Who is Sonja Snacken?

Sonja Snacken is an expert on penality in Belgium and Europe, focusing on sentencing and the implementation of custodial and non-custodial sanctions and measures. She has been involved in over 40 European, national, and local research projects. These projects immediately reveal a very prominent encounter in her career: the integration of an empirical social scientist approach with human rights concerns. More recently, she broadened her scope towards forms of (extreme) dependency in non-penal institutions such as health-care and asylum centres.

Sonja Snacken has acted since 1994 as an expert to the European Committee for the Prevention of Torture (CPT). She was a member (2001–2012) and President (2006-2012) of the Council for Penological Cooperation of the Council of Europe, which has drafted recommendations such as the European Prison Rules (2006) and the Council of Europe Probation Rules (2010). In Belgium, she was actively involved in drafting the Prison Act (2005) and the Act on the External Legal Position of Prisoners and the Rights of Victims (2006).

She was awarded the Belgian Francqui Chair at the Université Catholique de Louvain (2008–2009) and the Ernest-John Solvay Prize for Scientific Excellence in the Human and Social Sciences by the Flemish Science
Foundation (FWO, 2010). At the European Society of Criminology conference in Porto (2015), she was awarded the ESC European Criminology Award for her lifetime contribution to European criminology.

Steven De Ridder is Director Policy Development and Quality Control in a local Belgium police force and former postdoctoral researcher and teaching assistant at the Vrije Universiteit Brussel (Belgium), Faculty of Law & Criminology, Criminology Department. He is currently a voluntary collaborator of the research group Crime and Society (CRiS), research line Penalty and Society. In July 2009 he graduated as Master in Criminology with a master thesis entitled: ‘Right on the run? The reception of unaccompanied minors in Belgium’. In February 2016 he defended his doctoral dissertation entitled: ‘foreign national prisoners facing expulsion. The percolation of migration law enforcement into sentence implementation decision-making on release in Belgium’.

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