

CHAPTER 2

Crimes and Harms: A Comparative Perspective

OVERVIEW

This chapter provides a conceptual comparison of what constitutes crime that problematizes its definition and measurement. Barak outlines the sources of information about crime -- UCR, NCVS, self-reports and archival research -- and what they tell us about patterns and demographic patterns (victimization by age, gender, race, etc.). While discussion of the limits and 'dark figure' of crime is part of positivist science, he extends this discussion into a critical and postmodern integrative critique. While noting that the dark figure includes unreported and undetected crimes, he also asks about other harms that are not included. The history of crime trends looks different when capitalist genocide of indigenous people is counted in with homicide rates.

Ultimately, both the definitions and measurements of crime are shown to be related to power. Acts that can be categorized as crimes of domination and control -- genocide, corporate and government crimes -- are less likely to be defined as crime, counted in victimization tallies, or be the subject of any counting at all. Crimes of resistance by those with the least power are what criminology is 'about', while the 'crimes of the public' are most likely to attract punishment when they threaten the accumulation of the more powerful.

OUTLINE

I Introduction

- A. Reasons for inaccuracy of crime statistics
 1. Disagreements on what constitutes crime
 - a. Something that should be counted and is not
 - b. Something should not be counted and is
 2. Undetected crimes, or 'the dark figure'

* The Instructor's Manual for *Integrating Criminologies* is available as a downloadable Adobe .pdf file by chapter or in complete form through <http://paulsjusticepage.com/IntegratingCrim/index.htm>. The author's website is <http://greggbarak.com>. The website for [Amazon.com](#) has additional information about the book, and the [publisher's website](#) accepts requests for academic desk copies.

3. Crimes detected but not reported
 4. Crimes reported to police but not recorded
- B. Crime statistics may tell us more about practices of criminal justice system than the 'true rates'; we can never know what the true rate is or how it is changing

II Official and Unofficial Crime

- A. FBI's Uniform Crime Reports
1. Voluntary national program involving 16,000 law enforcement agencies
 - a. Information about persons arrested
 - b. Information about offenses known to police
 - 1) Part 1 offenses: murder and non-negligent manslaughter, forcible rape, aggravated assault, robbery, burglary, motor vehicle theft, larceny theft and arson
 - 2) Part II offenses: 21 other less serious crimes and status offenses
 2. Excluded from (Part 1) 'Index' crimes
 - a. Part II offenses
 - b. Harms not recognized as crimes
 - c. Undetected crimes
 - d. Unreported crime
 - e. Crimes of control (genocide, price fixing)
 - f. Crimes of the public (cheating on income tax or insurance)
- B. National Crime Victimization Survey
1. Census Bureau interviews sample of households
 2. Shows 40 - 50% more crime than UCR
- C. Self-Reports
1. Asks groups (esp. youth) about own law-breaking
 2. Finds high volume of trivial crimes (rather than serious, dramatic type found in media)
- D. Archival Research
1. Produced by historians and anthropologists and historians (etc.), often overlooked as a source
 2. Reveals information about changing nature and production of crime
- E. Contradictions
1. UCR showed crime on the increase until the early 1990s, while NCVS showed a decline

III Homicide and Genocide

- A. Definitions
1. Homicide: killing that may be criminal depending on circumstances
 2. Genocide: deliberate mass murder (term not found in law dictionary or criminology textbooks)

3. Genocides are homicides, so all historical discussions about crime and violence require caveat
- B. Homicide in the U.S.
 1. Rate of 9/100,000 in cross cultural context
 2. This century, rate has varied between 5 and 10/100,000
 3. Rates of black homicide higher
 - a. 6 to 7 times the white rate during the last 50 years
 - b. Rate for black males 15 to 19 is 11 times the white rate
- C. General history of homicide trends
 1. Rates high in Middle Ages (before city and crowding)
 2. 19th century US rates higher than 20th century rates
 3. Downward trend explained by
 - a. 'Civilizing process'
 - b. Increase in coercive power of the state, concentration of mercantile property and formation of private militia
 4. Downward trend ignores millions of indigenous victims of capitalist genocide (1500-1750)
 - a. Slave trade
 - b. Spanish killed 95-99% of natives in some South American cities; 60 - 80 million deaths by 17th Century
 - c. Deaths from capitalist crimes of control subsided because of need for cheap labor

IV Criminal Victimization in the US (1970-2005)

- A. In 1992, 6.6 million violent victimizations (NCVS)
 1. 5% of households experienced violence
 2. Lowest since 1975, but not decreasing for all groups
- B. Youth
 1. Since late 1980s, disproportionate number of killers and victims
 2. Increasing violence at a time of smaller 15-19 year old cohort
- C. Persons and Property
 1. Violent crime stable
 2. Theft down
- D. Gender
 1. Women more likely to be killed by family or intimate
 2. Women more likely to kill family or intimate
- E. Children
 1. 3 million cases of abuse and neglect
 2. 1,300 deaths, mostly children under 4
- F. Crimes against women
 1. 2.5 million women experience violence annually
 2. One-third of victims injured
 3. Half reported to police
 4. Murder and rape most likely in small and medium-sized towns

5. Does not count sexual harassment, discrimination and molestation
6. Sexual crimes worse in places like the Middle East and South Asia
 - a. Molesting of women on crowded busses
 - b. Reluctance of women to report crimes because of taboos and further victimizations from criminal justice officials
- G. Victimization in the workplace
 1. One million violent victimizations, 160,000 injuries
 2. Two million personal thefts

V White Collar Crime

- A. Few statistics available, but seems to be growing and acceptable
- B. Types of offenders
 1. Individuals who act against individuals
 2. Insiders who act against their organization
 3. External criminals
- C. Classification (federal system)
 1. Counterfeiting
 2. Embezzlement
 3. Forgery
 4. Fraud
 5. Regulatory offenses
- D. Statistics
 1. Severely undercounted (tax fraud and pilfering from work done by millions)
 2. In 1985, 28,000 crimes; 10,733 persons convicted, mostly for fraud
 3. Slightly higher conviction rate for WCC offenders, but smaller percentage sentenced to incarceration and for shorter sentences
 4. WCC defendants more likely to include women, nonwhites and college educated
- E. Counterfeit goods
 1. 'Knockoff' designer clothing, bootleg music and video, and copyright violations
 2. Part of 'hidden economy' that's accepted because 'everyone does it'
- F. Computer crime
 1. Wide range of harms constitutes fastest-growing type of wrongdoing
 2. Law and police force has not caught up with technology
 3. Problem of computer viruses, illegal copying of computer programs, time theft, unauthorized erasure of data, unauthorized access (hacking), espionage, fraud and vandalism

VI Corporate and State Crime

- A. Crimes of control or domination: committed by powerful groups on behalf of the accumulation of capital
 1. Victims are consumers, workers, public and environment

2. Account for largest portion of losses, but no sources of information
 3. Culture of denial
- B. Corporate crime
1. Injurious acts undertaken to facilitate capital accumulation
 - a. Reduce production costs (violate safety requirements, break unions)
 - b. Increase price or volume (monopoly, false advertising, price fixing, bribes)
 2. Examples include: Dalkon Shield, Pinto gas tank, E.F. Hutton's check kiting scheme, Exxon Valdez spill, Savings and Loan fraud and BCCI
- C. State crime
1. Acts or omissions for personal gain or to support the prevailing political and economic arrangements
 - a. Acts include surveillance, harassment, imprisonment, drug and arms trading
 - b. Omissions include policies that result in victimization through the denial of basic needs (food, clothing and shelter)
 - c. Robs citizens of effective representation, undermines democratic processes and equal protection of the laws
 2. Examples include: Watergate, Iran/Contragate, Iraqgate

VII Summary

- A. Crime can be found anywhere in the US
- B. Not good or bad people, but related to organization of political, economic and social resources
- C. Problems with data make it hard to say if crime is increasing or decreasing; even less can be concluded about corporate and state crime

LEARNING OBJECTIVES

- 1] Acquaint students with the tools criminologists use to study crime and review the picture these methods suggest.
- 2] Have students appreciate the (methodological and definitional) flaws that contribute to the dark or hidden figure of crime.
- 3] Introduce idea that a discussion of 'crime trends' is based on a specific, but not objective, definition that excludes genocide and crimes of control; definition and measurement (and thus discourse and the 'reality' about crime) are related to power(/knowledge).

IDEAS FOR LECTURES & DISCUSSION

Many students who study criminology know what the UCR or NCVS is, but have never used these reports. One useful exercise is a worksheet that requires them to go through these volumes to find certain statistics. The result is relatively easy to grade and the questions can be keyed to larger issues in the lecture (race, gender, reasons for not reporting to police, etc.). Worksheets or class lessons can also contrast the great detail of data available on street crime with white collar crime in general and crimes of domination in particular. Indeed, no single government agency collects data on the cost and extent either of white collar or corporate crime. (Ask the class to find and review an article on the aggregate costs of corporate crime.) The 1993 redesign of the NCVS – different screening questions and the expanded use of computer based interviewing – greatly expanded the volume of crime reported. This disjuncture could be used to help make the point that the result depends on how hard we look and our methodology as much as what's happening 'out there'.

There is a relationship between power, knowledge and labeling: Harms by the most powerful against the less powerful are least likely to be defined as crimes or counted in any way. Although there is some information about 'white collar crime', it tends to be from insurance companies or other industries reporting how they are ripped off by individuals (many of whom are middle or upper class). Less information is available about the industry's behavior, be it price fixing, fraud, problems with less than universal health coverage, etc. The chart in Chapter 3 of Reiman (1997) starts to tally up the financial cost of all such crimes, but underrepresents the cost of harms done by the most powerful.

For some more thoughts on genocide that raise the issue of African Americans in the United States, see Anderson (1995); Johnson and Leighton (1997)*.

Michael Moore (the creator of the movie *Roger & Me*) opens his book with a picture of the bombed out Federal Building in Oklahoma City and factory in Flint, Michigan, that GM demolished after closing. He asks, What is terrorism? Although GM moved everyone out of the building first, the company's plan to close plants destroyed the lives of thousands of lives: some will kill themselves, others (mostly women) will die in domestic disputes over, say, the lack of money. Others will "be killed more slowly through drugs and alcohol, the substances of choice when one needs to ease the pain of his or her life being upside down and shoved into an empty, dark hole" (1996:15).

Many students (and others) see this action as acceptable and justify it in terms of profit. A later section of his book explores this reasoning: "If profit is supreme, why doesn't a company like General Motors sell crack?" (1996:254). Well, it is illegal because we as a society have determined that it destroys people's lives and communities. "If we wouldn't let GM sell crack because it destroys our

communities, then why do we let them close factories? That, too, destroys our communities" (1996:255). There are many acts -- from distributing child pornography to manufacturing chemical weapons for the free market -- that we don't allow, so why do we allow downsizing (in a time of record profits)?

Moore writes in a direct and humorous way that can be good for classroom use. Many students will know his movie *Roger & Me*, which could also be used in class. His television series, *TV Nation*, introduced a corporate crime fighting chicken (as a counterpoint to the McGruff dog 'take a bite out of crime' campaign). Many of these episodes [and/or his corporate crooks trading cards (1996: 108)] would be engaging ways to raise the topic of crime in the suites and crime in the suites.

Reiman's discussion in [Chapter 2 of *The Rich Get Richer and the Poor Get Prison*](#) (1997) is also a good overview of how the social reality of crime is created, and he answers some objections from 'Defenders of the Present Legal Order' about intentionality, directness, etc in corporate and street crimes. He also has a chart that compares how the FBI says Americans are killed with one that includes occupational hazards, inadequate health care, etc.

REFERENCES

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Johnson, Robert and Paul Leighton. 1997. "American Genocide?: The Case of the Black Underclass" in Craig Summers and Erik Markusen (eds) *Collective Violence: Harmful Behavior in Groups and the Government*. Totowa: Roman & Littlefield, 1999. A shorter version of this chapter is available through <http://paulsjusticepage.com/reality-of-justice/blackgenocide.htm>.

Moore, Michael. 1996. *Downsize This! Random Threats from an Unarmed American*. New York: Crown.

Reiman, Jeff. 1997. *The Rich Get Richer and the Poor Get Prison*, 5th ed. Boston: Allyn & Bacon. The companion website for Reiman's book is available through <http://paulsjusticepage.com/reiman.htm>.