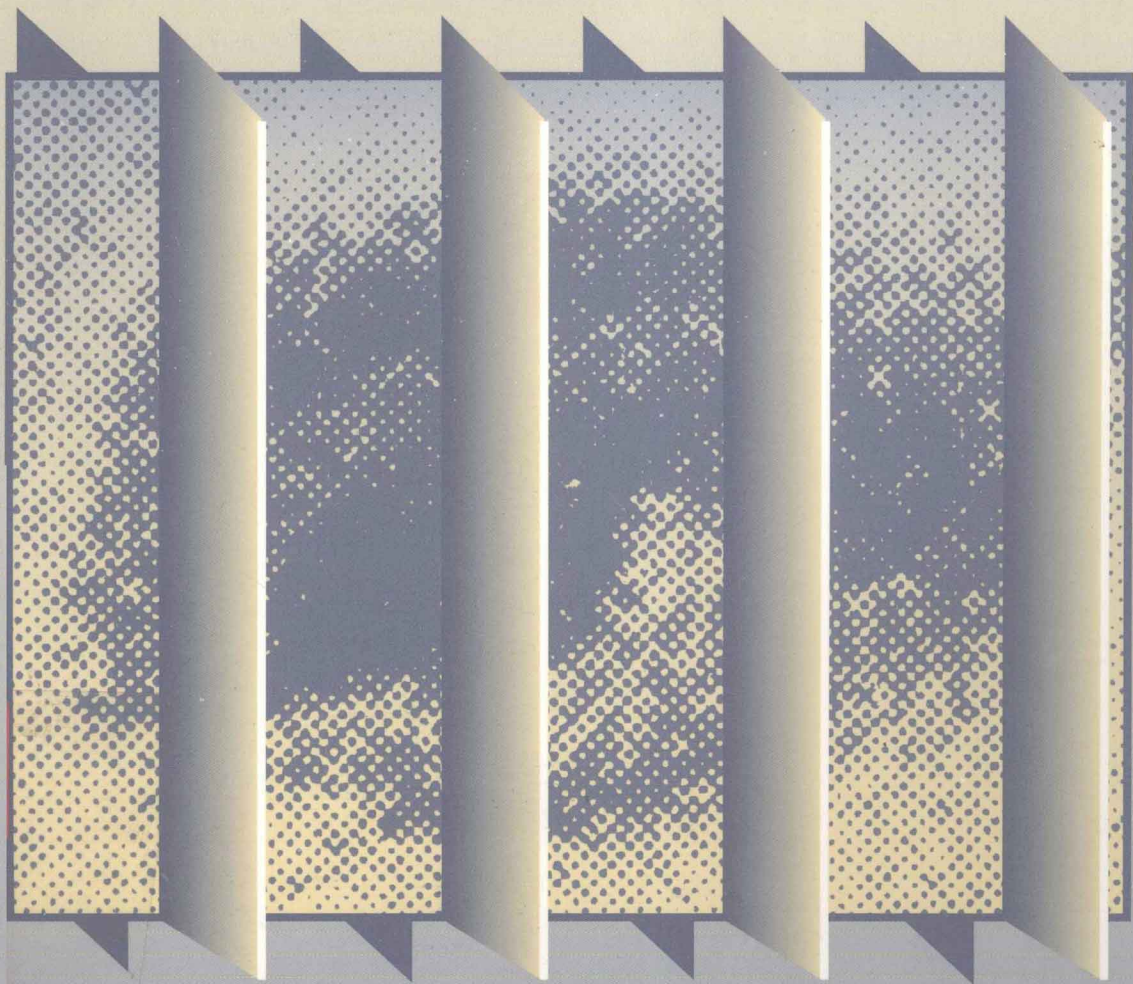

NEW PERSPECTIVES IN

CRIMINOLOGY

John E. Conklin

Editor



New Perspectives in Criminology

John E. Conklin, Editor
Tufts University

Allyn and Bacon

Boston • London • Toronto • Sydney • Tokyo • Singapore

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A Simon & Schuster Company
Needham Heights, Massachusetts 02194

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Library of Congress Cataloging-in-Publication Data

Conklin, John E.
New Perspectives in Criminology / Edited by John E. Conklin.
p. cm.
Includes bibliographical references (pp. 286-316).
ISBN 0-205-18388-3
1. Criminology. I. Title.
HV6025.C592 1996
364—dc20

95-24524
CIP

Printed in the United States of America

10 9 8 7 6 5 4 3 2 99 98 97

Preface

I have designed this reader for introductory courses in criminology. In choosing the selections, I kept several criteria in mind. I wanted recent articles that would supplement rather than repeat the material typically appearing in textbooks. All of the selections here have been published in the 1990s, but because the best of contemporary criminology builds on and alludes to prior work, these selections also incorporate traditional scholarship.

I wanted readings that could be grasped by students in a first course in criminology. This meant excluding material that relied on statistical methods most of those students would not understand. In the few cases where such statistics are used, I have written footnotes to explain their meaning in simple terms.

I have written a brief introduction to each selection. To engage the reader and stimulate classroom discussion, I have also included several discussion questions at the end of each selection. These questions can be used for review and discussion, or as essay questions on examinations. I have also prepared a separate instructor's manual with multiple-choice questions. Numbered notes in the text appear after each selection. At the end of the book is a single bibliography that integrates the references used in all of the selections.

The following chart shows how instructors using different criminology textbooks might assign the readings in this book. In the few cases in which a reading did not fit with any particular chapter in a textbook, I have indicated this with a dash. Instructors may nonetheless want to assign those readings, especially because they cover material not dealt with in the assigned textbook. At the end of the chart is bibliographic information for the textbooks whose names are abbreviated in the chart with the names of the authors and the number of the most recent edition available at the time this reader went to press. Numbers at the top of columns (1–23) are for selections in the reader. Numbers in each row are for chapters in the textbook for which selections can best be assigned.

NUMBERS AT THE TOP OF COLUMNS (#1-23) ARE FOR SELECTIONS IN THE READER. NUMBERS IN EACH ROW ARE FOR CHAPTERS IN THE TEXTBOOK FOR WHICH SELECTIONS CAN BEST BE ASSIGNED.																							
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BIERNE & MESSERSCHMIDT 2E	1	1	14	13	4	15	3	3	15	3	13	13	13	4	5	6	6	6	7	7	5	—	—
BROWN, ESBENSEN, & GEIS 2E	1	3	6	6	11	10	4	4	2	14	8	8	8	11	11	13	13	13	12	12	5	2	2
CONKLIN 5E	1	2	5	5	7	17	4	8	13	17	8	6	6	5	8	9	9	10	10	11	14	16	16
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SACCO & KENNEDY 1E	6	6	3	4	8	11	2	3	8	11	3	3	3	3	3	—	—	4	10	10	4	11	11
SCHMALLEGGER 1E	12	12	5	6	6	7	7	7	8	8	7	7	7	6	6	10	10	10	9	9	6	13	13
SIEGEL 5E	1	3	6	10	4	7	3	3	15	15	7	7	7	11	11	14	14	14	13	13	12	18	18
SIEGEL 5E SHORTVERSION	1	3	6	10	4	7	3	3	15	15	7	7	7	11	11	14	14	14	13	13	12	—	—
SUTHERLAND, CRESSEY, & LUCKENBILL 11E	1	1	7	10	10	26	11	8	13	13	9	9	9	7	12	7	7	12	11	11	14	22	22
SYKES & CULLEN 2E	2	2	9	9	6	15	4	4	12	12	9	9	9	6	5	7	7	7	8	8	12	12	12
VITO & HOLMES 1E	1	2	5	6	13	18	8	12	10	18	8	8	8	13	12	16	16	16	17	17	14	18	18
YABLONSKY 4E	1	1	14	14	4	15	3	3	17	3	15	15	15	5	6	9	9	6	11	11	17	16	16

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Acknowledgments

I want to thank Karen L. Hanson, Executive Editor at Allyn & Bacon, for her support and for the opportunity to do this book. Her assistants, Jennifer Jacobson and Sarah Dunbar, provided me with prompt and useful advice when I needed it. I am grateful for Jennifer McGlashan's production assistance, Carol Anne Peschke's copyediting, and Regina Shelley's proofreading. I also wish to thank Jim Ennis for his advice and Peg Bruno for her help in preparing the chart on pages x and xi.

John E. Conklin

*New Perspectives
in Criminology*

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P a r t I

Conceptualizing Crime

Chapter 1

The Social Construction of Serial Homicide

Philip Jenkins

Only some of the many crimes that occur receive intense attention from the news media, law-enforcement agencies, and the public. White-collar crime gets less attention than its enormous costs warrant, and arson is rarely the basis of news stories, official investigation, and public fear. In recent years, two relatively uncommon forms of crime—serial homicide and the murder of children abducted by strangers—have dominated press reports on crime, television documentaries, police investigations, and popular attention.

In this selection, Philip Jenkins shows how serial murder—a pattern of several homicides by an offender over a period of time—is a socially constructed problem whose cultural meaning has been influenced by the efforts of the FBI. Claims-makers such as the FBI stake out ownership of an issue, present statistics and interpretations of the problem, and shape the way the problem is interpreted by the mass media and the public. The media and the public, in turn, place limits on the kind of official interpretation of the issue that will be accepted, and so the cultural image of serial murder is shaped through an ongoing social process.

During the 1980s, the issue of serial murder was established as a major social problem, and the stereotypical serial killer became one of the best-known and most widely feared social enemies. For research in problem construction, the process raises three fundamental questions: Why did the problem arise at the time it did? Why did it take the particular form that

Source: Reprinted with permission from: Jenkins, Philip. *Using Murder: The Social Construction of Serial Homicide*, pp. 211–225. (New York: Aldine de Gruyter) Copyright © 1994 Walter de Gruyter, Inc., New York.

it acquired in these years? And why did the diverse claims enjoy such outstanding and quite rapid success?

In each case, particular attention should be directed toward the identification of claims-makers, those individuals and groups who attempt to present an issue in a particular way. The study of such claims-makers is central to the constructionist approach to social problems, in which "the theoretical task is to study how members define, lodge and press claims; how they publicize their concerns, redefine the issue in question in the face of political obstacles, indifference or opposition; how they enter into alliances with other claims-makers" (Kitsuse and Schneider, 1989:xii-xiii). This chapter will describe the development of the claims that shaped public perceptions of the serial murder problem, and the means by which claims came to be established as authoritative. It will be suggested that such an exploration has important implications both for the framing of social problems, and for the study of the mass media.

Our first question is one of chronology: Why did the problem arise when it did? The answer may seem obvious, in that from the mid-1970s onwards, there appeared to be a significant increase in both the number of sensational cases and the scale of victimization in the separate incidents. This marked a genuine departure from conditions in the 1950s and 1960s. Every few years brought a case that broke previous records for the total number of known victims, while several of the major instances lasted for months or years before arrests were made, permitting far-reaching speculation by pressure groups and the media. It was therefore likely that concern would peak by about 1980–1981 and that some endeavor would be made to provide a context that incorporated the diverse cases in a general social problem.

On the other hand, there have been many other years in American history when there was a similar concatenation of nationally publicized multiple-murder cases. To take only the most spectacular periods, this was true of the mid-1870s, the years between 1910 and 1915, the mid-1920s, and the late 1930s. Yet neither in 1915, 1928, nor 1939 was there a national murder panic on anything like the model observed in 1983.

Equally, it is by no means inevitable that a multiple homicide problem would be constructed in the particular way that has recently occurred in the United States. In midcentury, it was the psychiatric and therapeutic experts who had exercised ownership of an earlier manifestation of the problem, when it had been understood as part of the general issue of sex crime and mental illness. It was not then typified as a criminal justice issue, and the political context determining the appropriate responses was generally liberal. The experience of offenders like Charles Whitman, Richard Speck, or Lee Harvey Oswald could be cited to support more enlightened policies of child rearing and community mental health, or extending the scope of psychiatric detection and intervention (see, for example, Menninger, 1968). Moreover, such individual-oriented and psychodynamic theories might have led to multiple murder continuing to be viewed through the medium of discrete case studies, rather than in terms of a general problem.

By 1980–1981, moreover, there were several other competing groups of claims-makers, each with its distinctive interpretation of the murder issue: black groups who viewed it as part of systematic racial exploitation; feminists who saw the offense as serial femicide, a component of the larger problem of violence against women; children's rights activists concerned with missing and exploited children; as well as religious and other advocates of a ritual murder threat. That such activism could promote an alternative

construction is suggested by the experience of contemporary England, in which the Yorkshire Ripper case of the late 1970s secured the dominance of an essentially feminist analysis of serial murder. This gave the femicide theory an authoritative position, which profoundly influenced the mass media and academic criminology and also shaped law enforcement practice (Jenkins, 1992). Moreover, this occurred in a conservative political environment quite reminiscent of Reagan's America.

The Role of Federal Law Enforcement

In any event, the interpretation that prevailed in the 1980s defined the new problem in terms of interjurisdictional cooperation, intelligence gathering, and overcoming linkage blindness [the failure to see connections among crimes committed in different jurisdictions]—in short, as a problem of law enforcement and federal power rather than one of mental health or social dysfunction. This construction does much to illuminate the composition of the groups most active in developing or pressing claims, as well as their motives and interests. The serial murder problem was defined according to the specifications of the U.S. Justice Department, and above all the FBI's behavioral science experts at Quantico. This recognition goes far toward explaining why the problem was defined in the manner it was, while the timing should be seen as at least in part a response to the bureaucratic needs of an expanding agency.

The dominance of the FBI's experts can be observed throughout the process of construction. They successfully presented themselves as the best (or only) authorities on the topic, and they assisted journalists and writers who reciprocated with favorable depictions of the agency. It was the FBI that originated and popularized the high statistics about the scale of the crime, and once disseminated, these figures shaped the public perception that serial murder represented a grave social threat. The same group at Quantico also guided the debate in other ways, above all in drawing attention to the "roaming" killers who operated in several states.

In terms of their underlying interests in making these claims, the federal officials stood to gain substantially in terms of their bureaucratic position because establishing the reality of a problem provided added justification for the BSU [Behavioral Sciences Unit], a new and rather unorthodox agency seeking to validate its skills in areas such as profiling and crime scene analysis. In terms of the agency as a whole, focusing on a social menace of this sort was likely to erode public opposition to the enhancement of FBI powers and resources, at a time when such a development was politically opportune. The successful creation of the serial murder problem marked a critical expansion of what both public and legislators felt to be the appropriate scope of federal police powers.

Moreover, this could easily be seen as the thin end of the wedge: Once it was established that the FBI could and should have jurisdiction over this type of crime, it was not difficult to seek similar involvement in other offenses that could plausibly be mapped together with serial homicide. In 1986, it was proposed that the NCAVC [National Center for the Analysis of Violent Crime] might soon expand its powers over other serial crimes, including "rape, child molestation, arson and bombing" (Jenkins, 1988). This represents an ingenious form of verbal sleight-of-hand, by which the simple adjective *serial* has come to mean much more than merely *repeated*, and implies sinister characteristics such as irra-

tionality, compulsiveness, extreme violence, highly transient offenders, and so on. Serial offenses of any kind are thus framed as ipso facto both federal in nature, and the peculiar responsibility of the mind-hunters.

In terms of the FBI's broad interests in defining the problem, it is necessary to see this incident as part of a long bureaucratic tradition. Historically, federal law enforcement was virtually non-existent in the United States before the present century, and agencies only established themselves gradually during the Progressive era and afterwards. In the case of the FBI, the agency was founded in 1908, but made virtually no impact before the early 1930s, when it was regarded as the essential antidote to a perceived wave of kidnapping (Powers, 1983). The *New York Times* described this as "a rising menace to the nation" (quoted in Schechter, 1990:101). The media presented the offense as the work of ruthless and itinerant predators assaulting American children in their homes, and the official response was to declare the action a federal crime (Alix, 1978). The law was to be enforced by an enhanced FBI under its director J. Edgar Hoover, who presented himself as the head of a national super-police agency leading a "war on crime" (Powers, 1983, 1987; Summers, 1993).

This was only the first of several successive panics through which the unit developed immense prestige and widespread jurisdiction (Kessler, 1993). Respectively, these supposed public enemies included gangsters and bank robbers like John Dillinger, Nazi fifth columnists, and Communist spies. The bureau suggested that each problem in turn was a severe public threat and was moreover interjurisdictional in nature, so that on both counts federal action was required. The FBI was presented as the appropriate agency because of its superior professionalism and forensic skills, exactly the sort of technocratic arguments that were employed in the 1980s demands for federal war against serial killers (Ungar, 1976). These ideas were often portrayed in the mass media, for example, in the 1959 James Stewart film *The FBI Story*, which was made under the close supervision of the bureau. Federal law enforcement thus had a long record of benefiting from public panics about itinerant predatory criminals, especially where children were said to be involved.

The FBI also had vast resources in making its claims, and were par excellence insider claims-makers with an unchallenged right to present their views before legislative and policymaking bodies. They had much to offer journalists or investigators that might encourage them to accept their view of an emerging problem. J. Edgar Hoover had cultivated the closest possible links with the media, and there was thus a long tradition of regarding the FBI as an authoritative source on law enforcement matters. In the specific instance of serial murder, the agency benefited from being literally the only group offering a systematic overview of the phenomenon, an unchallenged position suggested by the absence of skepticism about its early quantitative claims, either from law enforcement agencies or academics.

On a personal basis, BSU agents could also claim immense authority due to their extensive personal contacts with the imprisoned killers, who were an unparalleled resource. Agents like Robert Ressler and John Douglas were articulate speakers who could be relied on to provide interesting and lively accounts of the crimes they had investigated, and their views were substantiated by their wide and somewhat perilous experiences in border crossing—attempting to enter the minds of heinous offenders. This offered the potential for vicarious excitement for a news audience, while the empirical nature of their research confirmed the *prima facie* likelihood that these officials were, in fact, the best